



DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2013-58 - For Possible Action - Declares a moratorium on certain land use entitlement applications and business license applications which permit the sale of sealed or closed containers of alcohol on the pedestrian mall located on Fremont Street between Main Street and Las Vegas Boulevard for a period of 180 days. Sponsored by: Mayor Carolyn G. Goodman

Fiscal Impact

☐

No Impact

☐ Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This Ordinance acts to enact a moratorium upon, and to direct the City Manager not to accept, nor consider, any land use entitlement application or business license application for certain specified types of land use entitlements and alcoholic beverage license applications on, upon or adjacent to the Pedestrian Mall located on Fremont Street between Main Street and Las Vegas Boulevard for a period of 180 days from the date this Ordinance is enacted.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2013-58
2. Submitted at Meeting - Copy of R-76-2013 by Staff

Motion made by BOB COFFIN to Approve as Do Pass

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

BOB COFFIN, RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC explained that in September, 2013, he attended a Planning Commission meeting where four new packaged liquor applications were considered for different

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license categories. At said meeting, representatives of the Fremont Street Experience brought to the attention of the Planning Commission that there is a saturation of alcohol on Fremont Street. The applicants agreed to hold their applications to allow time to consider the issue. Since then, meetings have been held with stakeholders, which resulted in a moratorium resolution, R-76-2013, a copy of which was submitted as backup documentation, being adopted by the City Council. This ordinance makes R-76-2013 effective until April, 2014.

He indicated that after the resolution was adopted, representatives from the Fremont Street Experience videotaped issues and found consumers having packaged liquor opened inside liquor establishments, carrying the containers outside street performers enticing young women with liquor and directing consumers to what they referred to as liquor stores, but these were retail stores or gift shops. The Las Vegas Metropolitan Police Department (Metro) counted and found in one night approximately 700 consumers opening liquor containers and consuming the liquor. Based on this evidence, he agreed with CAPTAIN SEAN ANDERSON of Metro that this and related crimes are rising issues in the downtown area. For these reasons, no more licenses should be issued until a solution is found.

COUNCILMAN BARLOW asked for a clarification of the boundaries, to which CITY ATTORNEY JERBIC answered that the boundaries encompass the Pedestrian Mall. COUNCILMAN BARLOW suggested expanding the boundaries because alcohol could be purchased from establishments outside the boundaries and brought into the Mall. CITY ATTORNEY JERBIC recommended addressing the subject boundaries in this bill, and then addressing possible expansion of the boundaries through the introduction of another bill after thorough study, as he was certain others would be interested in speaking on a possible expansion who are only aware of the boundaries in this bill.

COUNCILMAN BARLOW thought it would be better to handle the issues at once. CITY ATTORNEY JERBIC explained that this bill puts a moratorium on new licenses and for establishments inside the boundaries. COUNCILMAN BARLOW asserted that special use permits are granted by the Council, who has the discretion to prohibit sale of packaged liquor anywhere in the downtown area.

CITY ATTORNEY JERBIC reiterated that the area cannot be broadened under this bill. COUNCILMAN BARLOW disagreed, stating that the City has the full discretion. CITY ATTORNEY JERBIC agreed, but pointed out that it cannot be done arbitrarily or capriciously. A study of the concerning areas is needed in order to find supporting evidence.

COUNCILMAN BARLOW noted that he is not in opposition to this bill, but wants to consider expanding the boundaries in the interest of protecting the development efforts made in the downtown area to date.

TERRY MURPHY, 516 South 6th Street, representing the Downtown Alliance, and ATTORNEY RUSSELL ROWE, on behalf of Boyd Gaming, expressed their support. ATTORNEY ROWE said that this is critically important to the future of downtown and will

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allow the City time to determine how to proceed. He noted that the boundaries need to be broadened, but this bill is a start to look at solutions. MS. MURPHY added that as the downtown area grows, more issues will arise relative to alcohol sales and consumption, of which an important factor is delivery.

COUNCILMAN BARLOW commented that he recently attended a conference in Seattle, Washington, and observed that in downtown Seattle, which is bigger than downtown Las Vegas, there was only one liquor store. All other liquor sold was tied to a restaurant or merchant. This made him realize that it is time for the City to start looking at how to put a hold on liquor sales and impose distance separations for sale of packaged liquor.

Regarding Section I, COUNCILMAN COFFIN felt the language needs to be changed to state that there is an abuse and the reason for the moratorium. CITY ATTORNEY JERBIC agreed that it should be a part of the record, but not a part of the ordinance, as there has already been significant testimony.

COUNCILMAN COFFIN discussed with CITY ATTORNEY JERBIC that this moratorium will put a hold on new license applications. COUNCILMAN COFFIN then asked if the Las Vegas Club could apply and sell packaged liquor. CITY ATTORNEY JERBIC thought that it would fall under the moratorium. KAREN DUDDESTEN, Business Licensing Manager, clarified that under a tavern license, hotels/casinos are allowed to sell packaged liquor in their own gift shops. COUNCILMAN COFFIN noted that those venues are very small.

COUNCILMAN COFFIN said he toured downtown and observed there are a lot of sweetened alcoholic beverages for sale, which really concerns him, because he regards it as an attraction for youth.

COUNCILMAN ANTHONY commented that the downtown area is becoming more popular, which is the reason these issues are coming up. He supported the bill, but felt it is necessary to address many of the other issues he witnessed on Fremont Street, such as vagrants and performers. He wondered if staff is doing anything to address these issues. CITY ATTORNEY JERBIC replied that the individual establishments will be observed more closely for violations. He hopes that an agreement or resolution will result from this moratorium, such as removing signage advertising liquor from windows and not displaying liquor close to the windows. If the issues persist because the owners are not cooperating, harsher regulations will have to be imposed.

COUNCILMAN ANTHONY noted that staff needs to address all the issues, not just packaged liquor. CITY ATTORNEY JERBIC stated he hopes to craft an ordinance similar to one in Santa Monica, California, for street performers.

COUNCILMAN BARLOW declared the Public Hearing closed.