



## Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN ANTHONY called the meeting to order at 10:00 a.m.

PRESENT: COUNCILMEMBERS ANTHONY, FIORE and KNUDSEN

ALSO PRESENT: EXECUTIVE DIRECTOR OF COMMUNITY DEVELOPMENT TOM PERRIGO, DEPUTY CITY ATTORNEY JEFF DOROCK, CITY CLERK LUANN D. HOLMES and DEPUTY CITY CLERK GABRIELA PORTILLO-BRENNER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations in accordance with the State of Nevada Executive Department Declaration of Emergency Directive 006: The City of Las Vegas website – [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov) and The Nevada Public Notice Website – [notice.nv.gov](http://notice.nv.gov).

3. Bill No. 2020-36 - For possible action - Updates LVMC Chapter 19.09, relating to Form-Based Code, and related provisions to adjust or establish standards pertaining to the Historic Westside District. Proposed by: Robert Summerfield, Director of Planning

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, commented that the proposed bill entails updates to the Form-Based Code (FBC) to establish zoning standards regarding the Historic Westside District. It also includes housekeeping updates that resulted from when the FBC was adopted to use the Medical District as a pilot. At that time, staff committed to continuously making updates as they heard from developers and property owners. He said the bill is in order and recommended for approval.

COUNCILMAN ANTHONY declared the Public Hearing closed and announced after the vote that this bill was eligible for adoption at the City Council meeting of December 2, 2020.

Motion made by Brian Knudsen to Approve as Do Pass

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

4. Bill No. 2020-37 - For possible action - Amends LVMC Chapter 6.69, relating to the regulation of reflexology, to update and clarify a number of provisions so as to be consistent with State law, and to establish new recordkeeping and operational requirements for reflexology establishments. Proposed by: Robert Summerfield, Director of Planning

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, reported that the proposed bill would bring the City's Las Vegas Municipal Code (LVMC) into compliance with State law. It addresses who can practice reflexology or own such an establishment. Additionally, it amends requirements for an employee register for reflexologists. He stated the bill is in order and recommended for approval.

COUNCILMAN ANTHONY declared the Public Hearing closed and announced after the vote that this bill was eligible for adoption at the City Council meeting of December 16, 2020.

Motion made by Brian Knudsen to Approve as Do Pass

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

5. Bill No. 2020-38 - For possible action - Amends various provisions of LVMC Chapter 6.52 to clarify licensing requirements for massage therapists, and establish new recordkeeping and operational requirements for massage establishments. Proposed by: Robert Summerfield, Director of Planning

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, stated that the proposed bill cleans up language regarding massage therapists and establishments and addresses changes made to State law. He indicated the bill is in order and recommended for approval.

CITY CLERK LUANN D. HOLMES read an E-comment submitted for the record, in which an amendment was recommended to the definition of a licensed medical professional. MR. SUMMERFIELD stated that the section of the code referred to is not a part of the proposed bill. He deferred to DEPUTY CITY ATTORNEY JEFF DOROCAK, who indicated he would prefer more time to look at the E-comment language, as he understood that it referred to physical therapists. He suggested moving the bill forward to the City Council, and he would look at any possible amendment in the interim for adoption at the City Council meeting. COUNCILMAN KNUDSEN said he would prefer to forward the bill with no recommendation, pending a possible amendment.

COUNCILMAN ANTHONY declared the Public Hearing closed and announced after the vote that this bill was eligible for adoption at the City Council meeting of December 16, 2020.

Motion made by Brian Knudsen to Forward with no recommendation to the Full Council of 12/16/2020

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

6. Bill No. 2020-39 - For possible action - Amends LVMC Chapter 6.50 to establish a new alcohol delivery support service alcoholic beverage license category, together with associated requirements and limitations, and expand the categories under which a business can exercise an ancillary alcoholic beverage license. Sponsored by: Councilman Stavros S. Anthony

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, reported that this bill authorizes the delivery of alcohol through a third party, provided that the alcohol remains in the original sealed containers when purchased by a consumer from an establishment that offers off-premise alcohol sales by means of a telephone or internet, etc. The licensee will have to submit a delivery plan to the Planning Department for the director's approval. The plan must include the following: 1) that the drivers are at least 21 years of age; 2) that drivers have undergone alcohol awareness training; 3) the delivery address is in a jurisdiction approved to receive delivery of alcohol, given that the City of Las Vegas is the first jurisdictions allowing this; 4) provide procedures for background checks for drivers and 5) procedures for how information will be gathered and maintained for auditing purposes.

Additionally, each licensee must maintain a list of stores and restaurants they are delivering for, and the third-party vendor is going to be responsible for any violations of the alcoholic beverage license. This new license for Alcohol Delivery Support Services will have an origination fee of \$4,000 and carry a semi-annual fee of \$500.

MR. SUMMERFIELD said the bill is in order and recommended for approval.

COUNCILMAN ANTHONY asked if under present regulations, an off-premise alcohol licensee could deliver alcohol without the use of a third party. MR. SUMMERFIELD replied that the COVID-19 Emergency requirements allow it, but it has to be done by the storeowner or an employee. The delivery option is only available for warehouses or large grocery stores. This bill would allow a third-party delivery via, for example, Uber Eats, which could hire drivers and offer the service. A business, such as Total Wine and More, would no longer have to be the delivery agent to a customer who makes a purchase of alcohol.

ATTORNEY RYAN SAXE, Saltzman, Muga and Dushoff Law Firm, appeared on behalf of clients Amazon, Instacart and Shipped, which is a Target affiliate. He indicated that his clients are in support of this bill, and they greatly appreciate staff working through the details of this bill, with the leadership of COUNCILMAN ANTHONY. For over one year, COVID-19 has created issues for the sale of alcohol, and his clients are looking for a less expensive way to offer alcohol to customers.

He sought language clarification. Page 6, Line 6 has language requiring each licensee to maintain records of the type of identification used to prove the age of alcohol buyers and recipients. However, after discussions with City staff members, he understood that an age verification gateway asking an online customer for their birth date to verify legal age to purchase alcohol would be appropriate. Of course, the person making the delivery will have to verify the age of the recipient.

Moreover, they had discussed removal of the requirement to obtain a signature from the recipient; however, that requirement is still included on Page 2.

Lastly, MR. SAXE asked for clarification on the delivery policy on Page 2, Line 18 regarding inclusion of procedures to document how delivery data will help ensure compliance, which is confusing, and he wants to make sure they understand it to ensure they are able to comply. He emphasized that his clients are interested in providing the same services that grocery stores can provide.

COUNCILMAN KNUDSEN asked MR. SUMMERFIELD if he felt making the requested adjustments is appropriate. MR. SUMMERFIELD replied that the signature language reference could be removed, as it was part of the discussion during the business solicitation process. Regarding documentation, MR. SUMMERFIELD reiterated that the delivery plan must include how the information will be documented, whether it be from electronic records or receipts.

COUNCILMAN KNUDSEN asked if the changes could be made at this meeting. MR. SUMMERFIELD said the signature is a technical fix and the language could be removed by amendment, but that would not hold up the bill. Regarding the data, it may require a language change.

COUNCILWOMAN FIORE said she received a lot of opposition. Providing a scenario, she asked how it could be assured that a minor would not make a copy of a parent's identification and order alcohol online. She asked if the person making the delivery would verify the identification. MR. SUMMERFIELD explained that the documentation process would have to include how the legal age of the person placing the order will be verified, as well as how that record of proof will be maintained in case the Las Vegas Metropolitan Police Department (Metro) should need the information. To ensure the same level of understanding, alcohol awareness training is being required for persons making delivery.

COUNCILWOMAN FIORE asked how deliveries would be handled for tourists ordering from hotels outside of the City's jurisdiction. MR. SUMMERFIELD explained that the delivery plan would have to demonstrate awareness that delivery is only allowed in the City's jurisdiction and how they intend to ensure compliance with that restriction. However, he is aware that discussions are taking place with other local jurisdictions to allow the same types of deliveries. Therefore, the language in this bill is open to include such a change.

Regarding deliveries to commercial sites, MR. SUMMERFIELD commented that that is a pending discussion, given that COUNCILMAN ANTHONY had brought up a concern, because there may be some gaming properties that have a problem with allowing alcohol deliveries.

COUNCILWOMAN FIORE asked for the difference between delivery of alcohol and marijuana. After doing some research, MR. SUMMERFIELD explained that the difference is that marijuana deliveries are governed by separate State requirements and must be done from a dispensary and not a third party.

COUNCILWOMAN FIORE asked if liquor stores were given consideration, and MR. SUMMERFIELD indicated that a 30-day business solicitation period was conducted and notification was provided to all off-premise alcohol establishments. The majority of the comments received were favorable as this provides another mechanism for delivery of alcohol given that under present COVID-19 emergency allowances, the storeowner has to hire additional staff or have an employee take time from their regular schedule.

COUNCILWOMAN FIORE discussed with MR. SAXE that Amazon does not make alcohol deliveries and that only their Whole Foods stores can make such deliveries. The Councilwoman then asked if Amazon would have to obtain and pay for all required licenses should it start delivering alcohol under the provisions of this bill. MR. SUMMERFIELD was not certain, but advised her that Whole Foods has to be licensed because they sell alcohol.

COUNCILWOMAN FIORE expressed a true concern for the brick and mortar stores because they are really struggling, and she would not want to hinder their business.

MATT WALKER, representing 7-Eleven, appreciated the concerns but also appreciated the City allowing this type of delivery because having access to a third party will help smaller businesses who cannot afford to hire a delivery fleet. He expressed his full support. COUNCILWOMAN FIORE asked how this would help a 7-Eleven owner. MR. SUMMERFIELD said that under COVID-19 rules, 7-Eleven can make deliveries but it must be done through the owner or an employee. This bill would allow 7-Eleven to contract with a third party, such as Uber Eats, just as McDonald's uses Uber Eats to deliver food. He further advised the Councilwoman that the drivers would have to have alcohol awareness training; whereas, liquor stores require that the key employee, manager and owner have a TAM card.

ERIN McMULLEN, representing Boyd Gaming, expressed concerns with portions of the proposed bill, just as they expressed when the COVID-19 Emergency Ordinance was proposed regarding liquor delivery. She assured the Committee that they are not opposed, as long as deliveries are prohibited to non-restricted gaming establishments and hotel/casinos. They are more concerned with the liability piece as it pertains to the delivery plan. However, as a privileged licensee, Boyd Gaming is prohibited from selling to minors or intoxicated individuals, so they are concerned about the challenges posed by this bill, because they could be put at risk of losing their privileged license. She reiterated her request to exempt non-restricted gaming licensees from delivery to address some of their liability concerns.

ATTORNEY KRISTINA KLEIST, with the Law Firm of Brownstein Hyatt Farber Schreck, appeared for NEAL TOMLINSON. She indicated they represent Lee's Liquor and requested additional time to consider a possible amendment, as they are concerned with language regarding third-party deliveries.

ATTORNEY JENNIFER LAZOVICH, 1980 Festival Plaza Drive, representing Albertsons, commented that prior to the COVID-19 Emergency Ordinance, Albertsons was the only store allowed to deliver alcohol, as long as it was with a grocery item. Therefore, she asked if that requirement would be removed with the passage of this bill. MR. SUMMERFIELD said that this bill would allow a grocery store approved for package liquor to sell package liquor without a grocery item. MS. LAZOVICH said that Albertsons uses third parties, and has done so for a long time, but they would like to maintain that flexibility. She expressed support.

RYAN ARNOLD appeared representing DEREK STEVENS, owner of The Golden Gate, The D Hotel and Casino, Circa Resort and Casino, as well as Station Casinos Properties. MR. ARNOLD said they just want additional time to discuss some of their concerns with staff regarding the downtown area. He pointed out that the City hired a consultant to review and possibly rewrite some of the elements of the liquor code, and this bill should be included in that process.

After some research, MR. SAXE indicated that enactment of this bill would not allow Amazon to apply for any license for them to deliver alcohol from their warehouse. His clients are only interested in the ability to deliver alcohol to customers from their licensed stores. He has worked extensively with staff and understands the concerns for brick and mortar stores, but he did not feel this would create competition. On the contrary, he felt that allowing this type of service would make it more efficient and drive costs down.

CITY CLERK LUANN D. HOLMES read an E-comment submitted for the record.

COUNCILMAN ANTHONY said that he supports the bill to help businesses survive in the situation created by the COVID-19 pandemic by allowing them to make deliveries through a third party. However, because the non-restricted gaming license never came into discussion, he preferred allowing more time for discussions.

COUNCILWOMAN FIORE said the City brought in a consultant to look into some of the issues with liquor, such as distance separation and who can and cannot make deliveries. Therefore, she was in favor of holding this bill to confer with the consultant about this matter and see if they could look into it as well.

COUNCILMAN KNUDSEN said that with the City being the first jurisdiction to do this, he wants to make sure it is done right and that there is collaboration. He asked staff to schedule a briefing with the consultant and see if this process can be incorporated.

COUNCILWOMAN FIORE asked that this be held in abeyance for 30 days.

COUNCILMAN ANTHONY discussed with MR. SUMMERFIELD that staff would work with the City Attorney on an amendment regarding the gaming establishments, and he would contact the consultant on scheduling a briefing.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Michele Fiore to Hold in Abeyance to 1/4/2021

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

7. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Committee. No subject may be acted upon by the Committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name and correct spelling for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

8. Adjournment

Minutes:

The meeting was adjourned at 10:48 a.m.

Respectfully submitted:

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Gabriela Portillo-Brenner, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS  
IN ACCORDANCE WITH THE STATE OF NEVADA EXECUTIVE DEPARTMENT  
DECLARATION OF EMERGENCY DIRECTIVE 006

The City of Las Vegas website – [www.lasvegasnevada.gov](http://www.lasvegasnevada.gov)  
and  
The Nevada Public Notice Website – [notice.nv.gov](http://notice.nv.gov)