

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MONDAY, DECEMBER 15, 2003
4:00 P.M.

CORRECTED

RECOMMENDING COMMITTEE COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE **12/17/2003** CITY COUNCIL MEETING

- 1 Bill No 2003-106 – Permits internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser Sponsored by Councilman Larry Brown

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 1/7/2004 CITY COUNCIL MEETING

- 2 Bill No 2003-105 – Annexation No ANX-3026 – Property location On the north of Moccasin Road, west of Buffalo Drive, and east of Spin Ranch Road, Petitioned by City of Las Vegas, Approximate acreage 7,683 acres, Zoned R-U (County zoning), U (City equivalent) Sponsored by Councilman Michael Mack

CITIZENS PARTICIPATION ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00 A M to 5 00 P M

Facilities are provided throughout City Hall for the convenience of disabled persons Reasonable efforts will be made to assist and accommodate physically handicapped persons If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS

City Hall Plaza, Special Outside Posting Bulletin Board, Court Clerk's Office Bulletin Board, City Hall Plaza,
Las Vegas Library, 833 Las Vegas Boulevard North, Senior Citizens Center, 450 E Bonanza,
Clark County Government Center, 500 S Grand Central Parkway

26k

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MONDAY, DECEMBER 15, 2003
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE. COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL. ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 12/17/2004 CITY COUNCIL MEETING.

1. Bill No. 2003-106 – Permits internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser. Sponsored by: Councilman Larry Brown

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 1/7/2004 CITY COUNCIL MEETING.

2. Bill No. 2003-105 – Annexation No. ANX-3026 – Property location: On the north of Moccasin Road, west of Buffalo Drive, and east of Spin Ranch Road; Petitioned by: City of Las Vegas; Approximate acreage: 7,683 acres, Zoned: R-U (County zoning), U (City equivalent). Sponsored by: Councilman Michael Mack

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8.00 A.M. to 5:00 P.M.

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall Plaza, Special Outside Posting Bulletin Board; Court Clerk's Office Bulletin Board, City Hall Plaza;
Las Vegas Library, 833 Las Vegas Boulevard North, Senior Citizens Center, 450 E. Bonanza;
Clark County Government Center, 500 S Grand Central Parkway

City of Las Vegas

RECOMMENDING COMMITTEE AGENDA **RECOMMENDING COMMITTEE MEETING OF: DECEMBER 15, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK
GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

City Hall Plaza, Posting Board

Court Clerk's Bulletin Board, City Hall

Las Vegas Library, 833 Las Vegas Boulevard North

Senior Citizens Center, 450 E Bonanza Road

Clark County Government Center, 500 S Grand Central Pkwy

(4 05)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 15, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-106 – Permits Internet purchases of alcoholic beverages from grocery stores in conjunction with purchases of groceries for delivery to the premises of the purchaser. Sponsored by: Councilman Larry Brown

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will permit a person to request delivery of alcoholic beverages along with groceries through an internet purchase order placed with a grocery store. Only the person placing the internet purchase order may receive delivery of the alcoholic beverages, provided that he or she is of legal age. Grocery stores must have a grocery store internet sale license, which is established by this bill, before they can make sales and deliveries of alcoholic beverages pursuant to internet purchase orders. Grocery store internet sale licenses may only be issued to grocery stores in conjunction with package alcoholic beverage licenses.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2003-106

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-106 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

JIM DiFIORE, Business Services, advised that the bill would amend the current alcoholic beverage code and would allow the purchase of alcohol via the Internet. The bill would be limited or restricted to packaged licensees, which would typically mean top-of-the-line grocery stores. It would require the purchase in conjunction with groceries and proof of identification at the time of purchase.

RECOMMENDING COMMITTEE MEETING OF DECEMBER 15, 2003
Item 1 – Bill No. 2003-106

MINUTES – Continued:

and delivery would only be made to that purchaser. The business would be required to keep specific records of a purchase of alcohol, such as date, time, cost and other details for an audit trail for tracking purposes. This would be used to make sure sales were not made to those underage. The license would be added to the existing license categories with an initial license fee cost of \$2,500. Additional \$500 semi-annual license fees would be charged. The person making deliveries would be required to obtain a work card and alcohol awareness card, just as all others within the industry currently must have.

A representative of Kummer, Kaempfer, Bonner and Renshaw indicated that she was only present to answer any questions and had no additional comments.

COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF stated that they had each met with ATTORNEY ROBERT GRONAUER, who fully answered their questions.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:05 – 4:08)

1 **BILL NO. 2003-106**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE REGULATIONS GOVERNING THE SALE OF
4 ALCOHOLIC BEVERAGES TO PERMIT THEIR SALE THROUGH INTERNET PURCHASES
FROM GROCERY STORES, AND TO PROVIDE OTHER RELATED MATTERS.

5 Proposed by: Councilman Larry Brown

Summary: Permits internet purchases of
alcoholic beverages from grocery stores in
6 conjunction with purchases of groceries for
7 delivery to the premises of the purchaser.

8 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
9 AS FOLLOWS:

10 SECTION 1: Title 6, Chapter 50, Section 20, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be
13 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following
14 words shall have the meaning ascribed to them as follows:

15 "Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid
16 which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or
17 more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted,
18 mixed or combined with other substances. Any liquid or solid containing beer or wine in combination
19 with any other alcoholic beverage shall not be construed to be beer or wine.

20 "Art gallery or art studio" means a business establishment where the general public is invited
21 to view artistic exhibitions, presentations and performances.

22 "Banquet facility" means any business establishment which is rented by individuals or groups
23 to accommodate private functions such as banquets, weddings, anniversaries, and other similar
24 celebrations. Such establishment may or may not include:

25 (A) Kitchen facilities for the preparation or catering of food.

26 (B) Outdoor gardens or reception facilities.

27 "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or
28 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

1 “Commercial center” means a concentration of retail stores that:

2 (A) Contains at least eighty thousand square feet of retail space enclosed within a
3 building or buildings;

4 (B) Contains at least one anchor retail store of at least twenty thousand square feet;

5 (C) Includes a parking lot common to the retail stores; and

6 (D) Is situated on at least fifteen gross acres of land.

7 “Convenience store” means a retail establishment other than a drugstore, which:

8 (A) Offers for sale prepackaged food products, household items and other goods
9 commonly associated with those products and items, provided that not more than thirty percent of its
10 retail inventory is devoted to alcoholic beverages; and

11 (B) Contains not less than one thousand-two hundred square feet, nor more than
12 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and
13 office areas.

14 “Convention facility” means a structure which has at least 100,000 square feet of floor space
15 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,
16 whether the activity is open or closed to the general public. For purposes of this Chapter, the term
17 includes a stadium facility that is operated in conjunction with a convention facility

18 “Cooler” means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
19 obtained from the fermentation of the natural contents of fruits or other agricultural products
20 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

21 “Downtown entertainment overlay district” means that area of the City bounded by Ogden
22 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street
23 on the east.

24 “Drugstore” means a business establishment which occupies the entire business premises of
25 a building, or a portion of the business premises of a building which is segregated physically or
26 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
27 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
28 compounding and dispensing of drugs and medicines, and where a grill and fountain service is

1 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
2 items.

3 "Dues" means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
4 participate in the planning of activities and the utilization of services offered by a nonprofit
5 corporation, association or organization. The term "dues" does not include fees paid for the purchase
6 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

7 "Gift basket" means a receptacle or container that may be filled with food items or novelty
8 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
9 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
10 not greater than seven hundred fifty milliliters measured in the metric system of weights and
11 measures.

12 "Groceries" means staple food stuffs, dairy products, meats and produce meant for human
13 consumption; articles used in the preparation of food; and household supplies.

14 "Grocery store" means a business establishment which occupies all of the business premises
15 of a building or a portion of the business premises of a building which is segregated physically or
16 spatially from the rest of the business premises, and which contains more than five thousand square
17 feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

18 "Hotel lounge bar" means a bar located in a lounge area of a hotel where alcoholic beverages
19 are sold for consumption in the lounge area.

20 "Internet" means a global network of computers, connected to one another through the use of
21 common electronic communications protocols.

22 "Liquor caterer" means a person who dispenses, serves or sells alcoholic beverages only for
23 consumption on the premises where the same are dispensed, served or sold during the times, dates and
24 places specified by permit.

25 "Liquor store" means a specialty retail store which does not allow entry to minors and which
26 deals exclusively in alcoholic liquors and related items including magazines, newspapers and
27 packaged snack foods.

28 "Malt beverage" means beer, ale, porter, stout and other similar fermented beverages of any

1 name or description, brewed or produced from malt, wholly or in part.

2 "Meal" means an assortment of food listed on a menu or otherwise offered as entrees,
3 appetizers, side items and desserts available at various hours of the day. The term "meal" does not
4 include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both
5 sandwiches and salads.

6 "Nonprofit club" means any nonprofit corporation, association or organization which has been
7 in continual existence for at least two years prior to applying for a license under this Chapter, and:

- 8 (A) Is organized or qualified to do business and operate under the laws of the State;
- 9 (B) Has tax-exempt status granted by the United States Internal Revenue Service;
- 10 (C) Has a membership of at least one hundred members who are twenty-one years
11 of age or older and who pay dues to the nonprofit corporation, association, or organization; and
- 12 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
13 it owns or leases.

14 "Off-sale" means the sale of alcoholic beverages in original sealed or corked containers for
15 consumption off the premises where the same are sold.

16 "On-sale" means the sale of alcoholic beverages for consumption on the premises where the
17 same are sold.

18 "Restaurant" means a place which is regularly and in a bona fide manner used and kept open
19 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
20 therewith, containing conveniences for cooking an assortment of foods which may be required for
21 ordinary meals.

22 "Restaurant service bar" means a bar wherein alcoholic beverage drinks are prepared for
23 service only at tables in a restaurant for consumption only in connection with a meal on the premises
24 where the same is sold.

25 "Sale" means the act of selling and, in connection therewith, "sell" means, for compensation
26 or any other private or public business purpose at a commercial location, to sell, serve, give away, or
27 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
28 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,

1 serve, give away or distribute.

2 "Specialty merchandise store" means a retail store located within a commercial center that:

3 (A) Has at least eighteen thousand square feet of gross floor area;

4 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
5 to the sale and display of furniture, glassware, kitchenware and other household goods;

6 (C) Has at least three thousand six hundred square feet of floor space dedicated to
7 the sale and display of gourmet foods and nonalcoholic beverages; and

8 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
9 least twenty-five thousand dollars.

10 "Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the
11 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
12 by minors and the restaurant operation is the principal portion of the business.

13 "Wedding chapel" means a business establishment that is licensed to perform marriages in
14 accordance with State law.

15 "Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the
16 purposes of resale.

17 "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the
18 natural contents of fruits or other agricultural products containing natural or added sugar, which
19 contains not more than twenty-two percent of alcohol by volume.

20 SECTION 2: Title 6, Chapter 50, of the Municipal Code of the City of Las Vegas,
21 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 115,
22 to read as follows:

23 **6.50.115:** (A) A grocery store internet sale license authorizes the off-sale of alcoholic
24 beverages by a grocery store for delivery to the purchaser's premises pursuant to an internet purchase
25 order placed by the purchaser, subject to the following conditions:

26 (1) Delivery of the alcoholic beverages must be in conjunction with the
27 delivery of groceries also ordered in the same internet purchase order;

28 (2) Delivery of the alcoholic beverages may only be made to the person

1 placing the internet purchase order;

2 (3) The person placing the internet purchase order must be of legal age to
3 purchase alcoholic beverages; and

4 (4) Each internet sales transaction shall have written documentation of the
5 sale and delivery on forms acceptable by the Director, which shall include at a minimum:

6 (a) The business name and address of the grocery store;

7 (b) A detailed list of alcoholic beverages and groceries purchased
8 in each sales transaction;

9 (c) The name and address of the purchaser;

10 (d) The type of identification used to prove the age of the purchaser;

11 and

12 (e) The signature of the delivery person and purchaser involved in
13 the sales transaction.

14 (B) A grocery store internet sale license is available only if it is issued to a grocery
15 store in conjunction with a package alcoholic beverage license.

16 SECTION 3: Title 6, Chapter 50, Section 360, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follow:

18 **6.50.360:** Each license shall pay to the Department the license fees set forth in the following
19 schedule:

	Semiannual	Original New
20		
21 (A) Banquet facility	\$ 500	\$20,000
22 (B) Beer/wine/cooler art event on-sale	300	1,000
23 (C) Beer/wine/cooler on-sale	300	1,000
24 (D) Beer/wine cooler off-sale	300	1,000
25 (E) Beer/wine/cooler on-off-sale	600	2,000
26 (F) Brew/pub/tavern	1,200	60,000
27 (G) Convention facility	1,200	60,000
28 (H) Gift basket limited	300	1,000

1	(I)	Gift shop limited	500	2,500
2	(J)	<u>Grocery store internet sale</u>	<u>500</u>	<u>2,500</u>
3	[(J)] (K)	Hotel lounge bar	1,200	60,000
4	[(K)] (L)	Keg beer	500	2,500
5	[(L)] (M)	Liquor catèrer	500	2,500
6	[(M)] (N)	Nonprofit club general	200	1,000
7	[(N)] (O)	Nonprofit club restaurant service bar	100	500
8	[(O)] (P)	Package	750	20,000
9	[(P)] (Q)	Restaurant service bar	600	30,000
10	[(Q)] (R)	Supper club	800	40,000
11	[(R)] (S)	Tavern	1,200	60,000
12		Plus: fee for each additional bar	900	
13	[(S)] (T)	Tavern-limited	800	20,000
14	[(T)] (U)	Wholesale general	1,000	5,000
15	[(U)] (V)	Wine, beer, cordial, liqueur tasting	600	2,000

16 Each special event general licensee shall pay a license fee of seventy-five dollars per
17 day.

18 Each special event beer/wine/cooler licensee shall pay a license fee of fifty dollars per
19 day.

20 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
21 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
22 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
23 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
24 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
25 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
26 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
27 invalid or ineffective.

28 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared

1 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
2 required or the failure to do any act is made or declared to be unlawful or an offense or a
3 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
4 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
5 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
6 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

11 APPROVED:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk

18 APPROVED AS TO FORM:
19 Jerry G. Bellis 11-19-03
20 _____
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 15, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL.

Bill No. 2003-105 – Annexation No. ANX-3026 – Property location: On the north of Moccasin Road, west of Buffalo Drive, and east of Spin Ranch Road; Petitioned by: City of Las Vegas; Approximate acreage: 7,683 acres; Zoned: R-U (County zoning), U (City equivalent) Sponsored by: Councilman Michael Mack

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located north of Moccasin Road, west of Buffalo Drive, and east of Spin Ranch Road. The annexation is at the request of the City, with a statement of non-objection having been filed by the Bureau of Land Management as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 14, 2004) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2003-105 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2003-105 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED advised that the bill was in order.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed

(4:08 – 4:09)

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BILL NO. 2003-105

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3026)

Sponsored by: Councilman Michael Mack Summary: Annexes property described generally as located north of Moccasin Road, west of Buffalo Drive, and east of Spin Ranch Road.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

- Township 18 South, Range 59 East, Mount Diablo Meridian
Sections 22, 23, and 24.
- Township 18 South, Range 60 East, Mount Diablo Meridian
Sections 19, 20, and 21;
Sections 28, 29, 30, 31, 32, and 33.

SECTION 2: The City Council hereby determines that the described territory meets the requirements provided by law for annexation to the City for the following reasons:

- A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;

- 1 B. More than one-eighth (1/8) of the aggregate external boundaries of
2 the area are contiguous to the City;
- 3 C. The territory proposed to be annexed is not included within the
4 boundaries of another incorporated city or within the boundaries of
5 any unincorporated town as those boundaries existed as of July 1,
6 1983;
- 7 D. The City is eligible to annex the described territory because:
- 8 1. The territory is undeveloped land and is bounded on at least
9 75 percent of its aggregate external boundaries by the existing
10 corporate boundaries of the City; and
- 11 2. The City has received a written statement from a
12 governmental entity indicating that the governmental entity
13 owns the territory and does not object to its annexation by the
14 City.

15 SECTION 3: The City will provide police protection through the Las Vegas
16 Metropolitan Police Department, fire protection, street maintenance, and library services
17 immediately upon annexation. Garbage collection by the company franchised by the City
18 will also be provided immediately. The City sanitary sewer system will serve the proposed
19 annexation area. Any connection to or extension of this sewer line to serve the annexation
20 area shall be at the expense of the landowners. Other services, such as participation in the
21 City's recreational programs, special education classes and programs, public works planning,
22 building inspections, and other City services will also be available immediately. Utilities
23 such as gas, electricity, telephone, and water are provided by private utility companies and
24 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
25 sidewalks and street lights which are not in place at the time of annexation will be installed
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1 in the presently developed areas upon the request of the property owners and at their expense
2 by means of special assessment districts. Such improvements will be extended into the
3 undeveloped areas as development takes place and the need therefor arises, and will be
4 located according to the needs of the area at that time. Such installations will also be made
5 at the expense of the property owners, either by means of special assessment districts or as
6 prerequisites to the approval of subdivision plats, building permits or other land use or
7 development applications.
8

9
10 SECTION 4: The annexation of the described territory shall become
11 effective on the 16th day of January, 2004, and on that date the City will have the funds
12 appropriated in sufficient amount to finance the extension into the described territory of
13 police protection, fire protection, street maintenance, street sweeping, and street lighting
14 maintenance.
15

16 SECTION 5: The described territory, together with the inhabitants and
17 property thereof, shall, from and after the 16th day of January, 2004, be subject to all debts,
18 laws, ordinances and regulations in force in the City and shall be entitled to the same
19 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
20 levied by the City.
21

22 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
23 an accurate map or plat of the described territory and to record the map or plat, together with
24 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
25 Nevada, which recording shall be done prior to the 16th day of January, 2004.
26

27 SECTION 7: The described territory, which previously has been zoned R-U
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1 (County of Clark classification), is hereby classified as U (City of Las Vegas classification),
2 which is deemed to be the City equivalent of the County classification.
3

4 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
5 clause of phrase in this ordinance or any part thereof, is for any reason held to be
6 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
7 decision shall not affect the validity or effectiveness of the remaining portions of this
8 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares
9 that it would have passed each section, subsection, subdivision, paragraph, sentence, clause
10 or phrase thereof irrespective of the fact that any one or more sections, subsections,
11 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
12 or ineffective.
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15 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
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phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Valsted 11-18-03
Date

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The above and foregoing ordinance was first proposed and read by title to the Council on the _____ day of _____, 2003, and referred to the following committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _____, 2003, which was a _____ meeting of said Council; that at said _____ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": _____

VOTING "NAY": _____

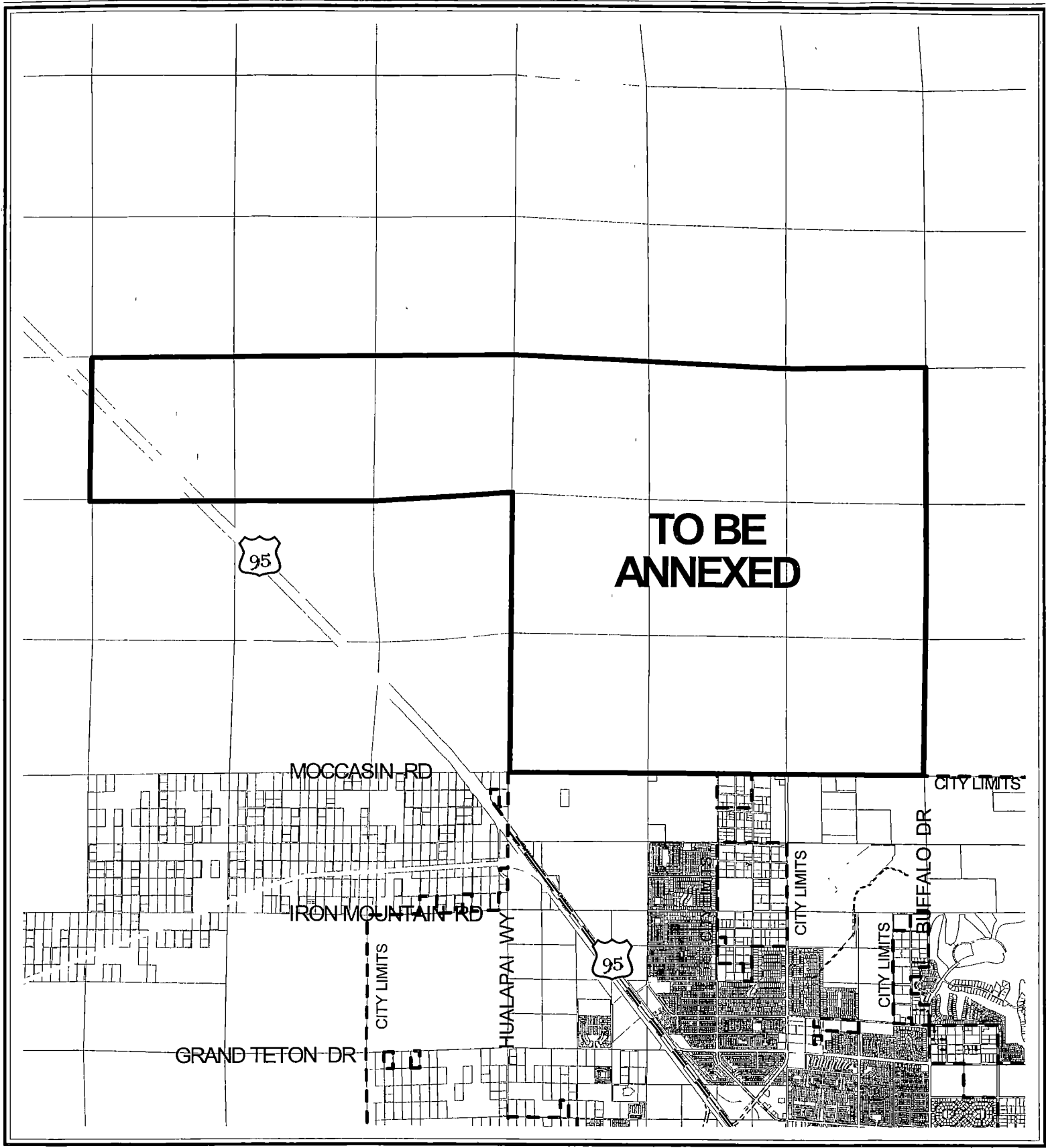
ABSENT: _____

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

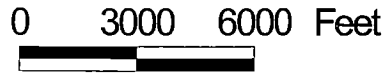
ATTEST:

BARBARA JO RONEMUS, City Clerk



**TO BE
ANNEXED**

CASE: ANX-3026



City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: DECEMBER 15, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None.

(4:09)

1-104

THE MEETING ADJOURNED AT 4:09 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

December 31, 2003