



**AGENDA SUMMARY PAGE**  
**CITY COUNCIL MEETING OF DECEMBER 11, 2006**

DEPARTMENT: ADMINISTRATIVE SERVICES  
DIRECTOR: CHRISTOPHER KNIGHT

Consent  Discussion

**SUBJECT:**  
Discussion and possible action regarding legislative issues affecting the City of Las Vegas - All Wards

**Fiscal Impact:**

No Impact  Augmentation Required  
 Budget Funds Available

Amount:  
Funding Source:  
Dept./Division:

**PURPOSE/BACKGROUND:**

The City Council and Executive Team decided to conduct, during the 2006 fiscal term, three issue-specific strategic planning sessions. The first and second sessions held earlier this year, focused on the Key Performance Indicator initiative and on urban and suburban development concerns. This session will include a discussion of eminent domain, telecommunication franchise fees, affordable housing and homeland security and other general legislative matters.

**RECOMMENDATION:**

Receive presentations and direct staff accordingly

**BACKUP DOCUMENTATION:**

Submitted at meeting - PowerPoint presentation on 2007 Legislative Session; PowerPoint Presentations and Reports on Homeland Security, Affordable Housing, Telecommunication Franchise and Eminent Domain

Motion made by GARY REESE to Approve staff to move forward with all recommendations, staff to continue to follow up on the aforementioned bills both at the federal and state levels and any other bills pertinent to this Council, and staff to follow up on additional recommendations and requests made by Council

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

GARY REESE, LARRY BROWN, LAWRENCE WEEKLY, LOIS TARKANIAN, OSCAR B. GOODMAN, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

**Minutes:**

DOUG SELBY, City Manager, explained that these quarterly workshops give staff an opportunity to work with Council on specific issues. The topics discussed were state and federal legislative issues, particularly homeland security, affordable housing, eminent domain and

## SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

telecommunication franchises. In addition, communication issues entailed the review of findings from the consultant's report, suggestions from the City Manager's office, open discussion and Council's direction to staff. RON PORTARO, President, Total Quality Resource Corporation, facilitated the meeting.

MAYOR GOODMAN thanked City staff for taking the time to attend this important strategic meeting and welcomed those in attendance. He then introduced SHERIFF DOUG GILLESPIE.

MR. PORTARO expressed appreciation in having the opportunity to facilitate this workshop and introduced TED OLIVAS, Government and Community Affairs Director.

MR. OLIVAS introduced Leanne Lee, the new legislative officer, and Misty Grimmer, Astroksy and Associates, and noted that the legislative session begins on February 5th and ends June 4th, totaling 120 calendar days. He then gave a detailed PowerPoint presentation, which was made a part of the final minutes, pointing out key dates, Senate and Assembly leadership/committees, bills of interest and some of the legislative issues.

CHIEF DAVID WASHINGTON, Department of Fire and Rescue, along with SHERIFF DOUG GILLESPIE, Las Vegas Metropolitan Police Department, presented a PowerPoint overview which was made a part of the final minutes and was relative to homeland security concerns and the proposed fusion center. EUGENE CAMPBELL, Assistant Chief of Homeland Security, and TIM McANDREWS, Emergency Management, were also present and available to answer any questions. CHIEF WASHINGTON noted there are four strategic issues in which the city of Las Vegas is engaged to help local and neighboring communities mitigate and respond to disaster. Las Vegas/Clark County lack a 24-hour, seven days a week, emergency operations center for the area's multiple jurisdictions to perform collaborative counter-terrorism planning, training and general emergency management activities. The city, Clark County and the Las Vegas Metropolitan Police Department (Metro) are spearheading a regional initiative to design such a complex. The intended site for this complex is a 55-acre parcel of city land near the intersection of the 215 Beltway and Hualapai Way in Ward 6. A fact sheet is being prepared to address the residents' inquiries and concerns. SHERIFF GILLESPIE added that at the Council's direction, staff is working together with Metro, Clark County and their Fire Department to obtain funding, as support is favorable from the federal government when the effort is regional.

CHIEF WASHINGTON commended MR. McANDREWS and MR. OLIVAS for their efforts relative to Homeland Security grants, as 13 million dollars for equipment, exercises and training was received for Fiscal Years 2001-2006. Staff has been working with health experts in an effort to continue the ongoing planning and public education regarding a possible widespread of the Avian flu. CHIEF WASHINGTON concluded by stating bill, BDR-751, seeks the funding for the development of the fusion center and bill, BDR-19-489, seeks to provide representation for the city of Las Vegas on the Nevada State Homeland Security Commission.

COUNCILMAN ROSS questioned if there was any opposition to BDR-751 and BDR-19-489. MR. OLIVAS responded that staff does not anticipate any opposition. During the 2005 Session, there was a bill to change the membership which was passed; since then, they have the support of

**SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006**

DR. KERRISON, Chairperson-State Homeland Security Commission, SENATOR HECK and other members of the Commission, including CHIEF CAMPBELL.

COUNCILMAN WEEKLY noted that staff was instructed by DR. SELBY to work with various health administrators and wondered if DR. QUALICK, Southern Nevada Health District, had been contacted and would he or a representative be included as staff at the center. CHIEF WASHINGTON responded there is a line of communication and police, fire and health officials will all be a part of the fusion center.

MAYOR GOODMAN asked if the proposed fusion center would replace the existing center. BETSY FRETWELL, Deputy City Manager, replied that the main EOC center would remain for regional purposes and the proposed center is for backup. Staff has hired a local company to assist staff in identifying who would use the facility and how the center will be maintained.

MAYOR GOODMAN noted that the Las Vegas Visitors and Convention Authority is taking pride in that their facility will have its own police and fire stations. With regards to safety concerns for residents and visitors, he believed the facility could be a source of funding for the regional center and should be looked into. In addition, he suggested having an oversight committee to review on an annual basis what is taking place at the center, given the concerns for constitutional rights. SHERIFF GILLESPIE concurred.

COUNCILMAN WEEKLY questioned how the public would be alerted in the case of an emergency. MR. McANDREWS responded that notification happens with a public information officer on staff; a tickler, which is an emergency alert system that is ran across the bottom of the television screen; or a reverse telephone notification system.

STEPHEN HARSIN, Director of Neighborhood Services, introduced DEBORAH MARSH, Executive Director-Lied Institute, University of Nevada Las Vegas, then gave a PowerPoint presentation, which was made a part of the final minutes, detailing past and current programs and projects, new initiatives for providing affordable housing, and identifying approaches that are being initiated by other agencies, private industry and the legislature.

MAYOR GOODMAN mentioned that he and DR. SELBY visited investment bankers and companies in New York that loan developers billions of dollars for construction projects throughout the world. It was pointed out that Las Vegas' development market is different than other places throughout the United States, in that we are a victim of our success. Carpenters and tradesmen are scarce due to projects on the strip, which pays more money than other projects. In addition, raw materials, such as glass, steel and concrete, are more expensive in Las Vegas than in others parts of the country. To alleviate come of the construction and affordable housing issues, it was suggested to have the City get involved in purchasing the raw materials and selling them to the developers in the community and lock in at a better price by buying in mass quantities. The Mayor believed this could be revolutionary and wondered if the City could venture into this possibility. MARK VINCENT, Director of Finance and Business Services, responded that there have been some discussions regarding this concept and agreed that it is worth looking into. In response to MAYOR GOODMAN'S question regarding the median price

## SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

range of a resell home, MS. FRETWELL informed him that the median price range is \$290,000.

MS. MARSH commented that she recently attended a forum with the Urban Land Institute (ULI) in Washington, D.C. dealing with land use policy. Issues were identified that the ULI would be addressing in the coming years, which included affordable housing, sustainability, transportation energy and development patterns. In addition, mapping was done to discover where Las Vegas is growing as a community; it was discovered that Las Vegas' mega region is Southern Nevada, Northern Arizona and California. As people continue to move to Las Vegas, we need to educate the community and our elected officials so that difficult decisions can be made and NIMBYISM will not be a foreign subject. Although it can increase densities, another means to affordable housing is through inclusionary zoning; it is quality development with open space and enhances residents' quality of life.

COUNCILMAN WOLFSON was pleased to hear that 18 teachers will be accepted into the Home Ownership for Educators program, which previously had no participants. MR. HARSIN added that many of these teachers are already teaching; approximately 15 will be renting homes and the remaining three would like to purchase homes. COUNCILMAN WOLFSON questioned why the program was limited to teachers only, and ORLANDO SANCHEZ, Deputy City Manager, responded that due to restrictive funding, the salary cap is \$33,000, which is why the program was limited to teachers only. COUNCILMAN WOLFSON expressed interest in staff exploring other programs that offer similar types of incentives; MR. HARSIN indicated that there will probably be an opportunity for a similar type of program relative to income more so than career. Regarding affordable housing units, his staff is aware of other cities that require developers to offer a certain percentage of their developments for affordable housing prior to receiving entitlements. He understands inclusionary zoning but preferred to have more research into whether or not this would be appropriate for this community.

Relative to big builders cutting back in production, COUNCILMAN BROWN would like to see statistics for the calendar year 2006, as he believed the numbers could reflect as to where the efforts should be focused and, if in fact, the affordable housing issue has created more opportunity. MR. HARSIN concurred.

COUNCILMAN REESE commented that he has spoken with builders regarding affordable housing and spoke of samples of their huge concepts in designing. He realized there are ways to get around the high cost of these kinds of development and questioned if affordable housing dealt with what we can purchase or what we cannot even afford to rent. It was his opinion that discussions and issues will continue relative to all types of affordable housing. MS. MARSH added that the misconception deals with what affordable housing looks like. There are many ways to obtain affordable housing while keeping the development attractive. In addition, developers can be motivated via having accessory living quarters within a neighborhood of larger lot sizes or opting to have more apartments within a community.

COUNCILWOMAN TARKANIAN added that she has inquired and done research on the cubicle concept that COUNCILMAN REESE commented on previously, and she believed the cubicles look good when they are put together. MR. HARSIN informed her that preliminary

## SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006

research is being done and this concept may work well for Las Vegas. MAYOR GOODMAN referenced a downtown project, Live/Work, where the developers bring in prefabricated cubicles that are manufactured in China due to lower costs and shipped here in Las Vegas for their apartment complexes. In closing, he thanked MR. HARSIN and MS. MARSH for their presentation.

STEVE HOUCHENS, Deputy City Manager, gave a PowerPoint presentation which was made a part of the final minutes and entailed eminent domain and the impact of Question 2, Property Owner's Bill of Rights (POBR). He thanked CHARLES KAJKOWSKI, MARGO WHEELER, BRAD JERBIC and SCOTT ADAMS for their assistance with the report. He explained that eminent domain is the inherent power of the state to expropriate, or take, private property without the owner's consent. He pointed out that in October 2006, the City Council unanimously voted in favor of a resolution that mandates the City would not use eminent domain to take private property, without the consent of the owner, for purposes of transfer or lease to another for private commercial enterprise. Staff's recommendation is for the City to help with a community wide effort in educating the residents on the impacts of (POBR) initiative until the next election in 2008. In addition, staff would like the City to actively support the determination of the eminent domain issue at the legislature, so that it still works for the City and does not shut businesses down; and relative to the public, redevelopment can still take place.

Notwithstanding that there have been resolutions and public proclamations declaring that eminent domain would not take place, MAYOR GOODMAN pointed out the fact that there is still a basic distrust that elected officials will do what they say they will do. He believed to alleviate the public's concern and to keep this issue from reappearing in legislation, a law needs to be passed relative to this issue even more so than educating the public.

MARK VINCENT, Director of Finance and Business Services, used a PowerPoint presentation to discuss telecommunication industry issues. The communications services provided by telecommunications and cable television providers are defined and divided into three general categories: telecommunications (voice) service, cable (video) service, and information (Internet/data) service. Cities have almost no regulatory or taxing authority over information services. However, there are varying degrees of regulatory and taxing authority over telecommunications and cable services. While it is possible that some compromise will take place on issues of service, it is important that the city of Las Vegas fights to retain control of its right-of-way (ROW) and protect the revenues associated with the ROW.

COUNCILWOMAN TARKANIAN questioned if more airtime was given to the telecommunications companies and if they are experiencing financial woes or is the goal to profit. MR. VINCENT did not believe financial troubles was the root, as within the first six months of this year, a collective 110 million dollars was spent by these companies in lobbying. He added that the competition is good, and the City would like to stay in the forefront of technology. CHRIS WARE mentioned that the present plan is to eventually be rid of broadcast analog television, approximately February 2009, which will free up a lot of spectrum in which government would like to give to public safety entities and auction off for other uses. However, broadcast digital television would still remain.

**SPECIAL CITY COUNCIL MEETING OF: DECEMBER 11, 2006**

At MAYOR GOODMAN'S request, MS. FRETWELL briefed Council on previous discussions with congressional delegates that took place in Washington, D.C. MS. FRETWELL explained that there is a focus on reducing the regulatory oversight of the industry in an effort to stay globally competitive. There have been changes in both Houses relative to leadership, and there will probably be more opportunity during the dialogue for staff to continue to push for the principals Council continues to direct staff on, such as control of the right-of-way (ROW) and the reasonable fees for use of that ROW. Staff would also like to streamline what is done from a regulatory standpoint to avoid being overburden. There has been a franchise bill in Virginia, Texas and other states where a statewide franchise, rather than individual local franchise, has been adopted. This can create a unique situation for existing contracts and helps the industry have a more predictable regulatory environment. The recommendation is to meet with the telecommists and discuss our issues.

BRAD JERBIC, City Attorney, added that as a general rule, the United State Constitution prohibits the passage of any law that interferes with existing contracts. Staff could certainly assert should the law change and interfered with the City's existing franchising agreements.

COUNCILMAN REESE was concerned that revenues would be taken away as a result of both the Barton and Stevens bills. MR. VINCENT clarified for him that the two bills would not take away any revenues, although there could be an argument relative to future growth. Staff would like a standardized contract but have it managed at the local level. MS. FRETWELL added that local governments across the country have varying rates; however, the rates are in range to what the city's fee cap is, which is the statutory cap at five percent. In other states where the fee cap is much higher at seven to 12 percent where there is federal legislation, those states would probably see a decrease in the growth of their revenues as well as a decrease in the amount of revenues received from franchise fees.

MR. VINCENT clarified for COUNCILMAN ROSS that 60 percent of the general fund revenues goes toward public safety. If the funds are taken away, monies would be taken away from other general fund services, which is predominantly public safety. The Councilman agreed with COUNCILMAN REESE in not wanting to see a decrease in public safety revenues and understood MR. VINCENT'S point that state law prohibits having the rate higher than five percent. In addition, other states do not have the continued growth that Las Vegas is experiencing.

CITY ATTORNEY JERBIC verified for Council that a motion needed to be taken on each item should discussion take place on any legislation that has been recommended.

Meeting recessed at 2:37 p.m.