

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

1 **Discussion and possible action to extend the four (4) month moratorium on the acceptance**
2 **of any and all new applications for Special Use Permits (SUP) for Off-Premise Outdoor**
3 **Advertising (Billboard) signs for ninety (90) days – All Wards**

4

5 **Appearance List:**

6 OSCAR GOODMAN, Mayor

7 BRAD JERBIC, City Attorney

8 GARY REESE, Councilman

9 LARRY BROWN, Councilman

10 ELIZABETH FRETWELL, Deputy City Manager

11 TOM McGOWAN, Las Vegas resident

12 LOIS TARKANIAN, Councilwoman

13 BEVERLY BRIDGES, Acting City Clerk

14

15 9 minutes

16

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CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

19 **MAYOR GOODMAN**

20 Item Number 50 is discussion and possible action to extend the four-month moratorium on the
21 acceptance of any and all new applications for Special Use Permits for Off-Premise Outdoor
22 Advertising Billboard signs for 90 days. This pertains to all Wards.

23

24 **BRAD JERBIC**

25 Mayor, I'll handle this one. The moratorium that the City Council put in place a few months ago
26 is due to expire before the next Council meeting. During the last several months, there's been a
27 lot of staff discussion about what a new billboard ordinance might look like and, as you heard
28 earlier today, quite unexpectedly the State Legislature jumped in with proposed legislation that
29 might preempt everything that we've been talking about. Because of that, we don't think it's
30 prudent to put anything on paper right now, pending what happens at the State. So what we'd
31 ask is for a three-month extension of the current moratorium, that'll take us about to the end of
32 the legislative session and by then we should have some proposed legislation for you.

33

34 **MAYOR GOODMAN**

35 All right. It was off the, Mayor Pro Tem.

36

37 **COUNCILMAN REESE**

38 Yes. Would it be possible for us just make it state we're not going to have anymore billboards in
39 the City of Las Vegas?

40

41 **BRAD JERBIC**

42 We think that that's certainly an option is to have a cap on billboards in Las Vegas, absolutely.

43

44 **COUNCILMAN REESE**

45 Councilman Brown.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

46 **MAYOR GOODMAN**

47 Councilman Brown.

48

49 **COUNCILMAN BROWN**

50 Thank you, Your Honor. Where's Brad?

51

52 **COUNCILMAN REESE**

53 Down there.

54

55 **MAYOR GOODMAN**

56 Brad's down there, to the left.

57

58 **COUNCILMAN BROWN**

59 Oh, Mr. Jerbic. It's, it has a four-month extension.

60

61 **BRAD JERBIC**

62 We asked for a 90 day extension.

63

64 **COUNCILMAN BROWN**

65 Oh, I'm sorry. Does that preclude us from bringing it back earlier?

66

67 **BRAD JERBIC**

68 No. In fact, I'm – glad that you mentioned that. After Mayor Pro Tem Reese made his
69 comments, if – it's the Council's desire to at least put something short term in place, pending the
70 outcome of legislation, we could put together a cap and have that on your next agenda even. So
71 we could do things incrementally and in shorter time than 90 days.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

72 **MAYOR GOODMAN**

73 Well, I – would certainly hope that at our workshop that we’re having this coming Monday,
74 we’ll be able to come to some kind of consensus as far as our position on billboards and
75 hopefully Ms. Fretwell will be able to get the Legislature to hold off, based on the fact that we
76 are working on this and that we plan to come to them with a proposal and that they do not take
77 action until we arrive at some kind of a conclusion this coming Monday.

78

79 **COUNCILMAN REESE**

80 What’s Miss –

81

82 **MAYOR GOODMAN**

83 Would you be able to do that?

84

85 **COUNCILMAN REESE**

86 What’s Ms. Fretwell’s name again?

87

88 **MAYOR GOODMAN**

89 Oh –

90

91 **ELIZABETH FRETWELL**

92 Don’t –

93

94 **MAYOR GOODMAN**

95 Shall we do it publicly?

96

97 **COUNCILMAN REESE**

98 Yeah.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

99 **ELIZABETH FRETWELL**

100 Oh, please.

101

102 **MAYOR GOODMAN**

103 Well, Spuds. Named after that famous dog, Spuds MacKenzie. If you look closely at Ms.

104 Fretwell, you will see a remarkable resemblance. Yes.

105

106 **ELIZABETH FRETWELL**

107 I will do my very best to try and convince them to hold off action until after Monday's meeting.

108

109 **MAYOR GOODMAN**

110 All right. Thank you. Did you wanna be heard?

111

112 **TOM McGOWAN**

113 Just briefly.

114

115 **COUNCILWOMAN TARKANIAN**

116 Could I just say something before?

117

118 **MAYOR GOODMAN**

119 Yes. Go ahead, please.

120

121 **COUNCILWOMAN TARKANIAN**

122 In this, that when Betsy is going back, could we have her, maybe from a letter from you, but you

123 don't think you should send a letter now, is my understanding, before we had discussed that

124 yesterday?

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

125 **MAYOR GOODMAN**

126 No, I, a letter would be appropriate, anything to get them to delay action until after we come to
127 some resolution.

128

129 **COUNCILWOMAN TARKANIAN**

130 Well, if it did come from you, as was suggested in yesterday's meeting as I recall, could you
131 emphasize, could you mention in there that for two years we've been working and for two years,
132 that we have not had any really agreement for them to work with us and, as Councilman Brown
133 had stated. This is, I, I'm, I was concerned from what I heard yesterday that there was an
134 impression in the Legislative committee that perhaps we hadn't been doing anything and I think
135 they should know that it wasn't that the billboard industry just did something. We ourselves had
136 been working on it, had worked a long time. It was that they would not budge on anything.

137

138 **MAYOR GOODMAN**

139 Right. That – should be included in the letter as well.

140

141 **ELIZABETH FRETWELL**

142 We'll make sure it is.

143

144 **MAYOR GOODMAN**

145 Very good. Yes, sir.

146

147 **TOM MCGOWAN**

148 Tom McGowan, Las Vegas resident. It's an interesting to note, in this discussion, the crux issue
149 actually pointed out by City Attorney Brad Jerbic was the jurisdiction of the City, the authority
150 of the City, some call it home rule, but the actual essence of the that, is the City being
151 disenfranchised by the State. Quite possibly they are. Now there's the Ninth and Tenth
152 Amendment in the Constitution, you can take a few minutes, go ahead and read it. It will tell

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

153 you that the power is not delegated to the middle government or delegated, reserved to the States
154 or

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

155 to the people. So in your – dealings with the State, consider how you feel about that. Now, put
156 it the other way around and figure out how the public feels in their dealings with you. Because if
157 you disenfranchise the public on any matters, where do you get the right to complain to the State
158 that they're disenfranchising you. Now by way of recommendation, I insist as you stand your
159 ground, that you defend, protect, according to your oath what the absolute rights are of this City
160 because it isn't made up of you, it's made up of the people. Remember them. And that's who
161 you're supposed to be protecting and representing. And I'd say the more power to you, if you
162 stand up and demand your rights in behalf of the people. Okay. What's that, you've got a State
163 government after all. Perhaps an Attorney General that may know as much about the law as the
164 City Attorney does. Brad Jerbic, he knows quite awhile. Thank you.

165

166 **MAYOR GOODMAN**

167 All right. Thank you.

168

169 **COUNCILWOMAN TARKANIAN**

170 Mr. Mayor.

171

172 **MAYOR GOODMAN**

173 Yes.

174

175 **COUNCILWOMAN TARKANIAN**

176 Could I ask one more question?

177

178 **MAYOR GOODMAN**

179 Yes.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

180 **COUNCILWOMAN TARKANIAN**

181 Item 50 states that the moratorium on the acceptance of any and all new applications for Special
182 Use Permits. Is it possible for us to continue our reviews that are coming up? I mean, this just
183 states new applications for SUPs –

184

185 **MAYOR GOODMAN**

186 Sure.

187

188 **COUNCILWOMAN TARKANIAN**

189 How about those that are coming up for reviews? Can we still review them?

190

191 **MAYOR GOODMAN**

192 Mr. Jerbic.

193

194 **BRAD JERBIC**

195 I can handle that too. When we, when the first moratorium was put in place, we added reviews
196 to that as well, figuring that nobody would lose anything as a result. In fact, you might gain
197 extra time that you wouldn't be entitled to, if we put off the reviews and the applications. If you
198 wish to just extend the moratorium to applications only and continue the reviews, you may do so.

199

200 **COUNCILWOMAN TARKANIAN**

201 Well, that's what it, that's what it states and that's what I would feel would be the right way to
202 go so that's, I just wanted to clarify.

203

204 **MAYOR GOODMAN**

205 All right. Thank you. Mayor Pro Tem.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

206 **COUNCILMAN REESE**

207 **I would move to follow staff's recommendation with the correction that Mrs. Tarkanian**
208 **put on record, please.**

209

210 **MAYOR GOODMAN**

211 Let's vote, please.

212

213 **BEVERLY BRIDGES**

214 Excuse me, Mayor. That would be July 3rd, would be 90 days.

215

216 **MAYOR GOODMAN**

217 July 3rd, okay. Very good. But in the meantime, we'll – write the letter and try to get it the
218 Legislature to listen to us. Very good. Let's vote. Post.

219

220 **COUNCILMAN BROWN**

221 Your Honor, let me, if I may, just get a clarification with the Attorney.

222

223 **MAYOR GOODMAN**

224 Go ahead.

225

226 **COUNCILMAN BROWN**

227 So would that, with Councilwoman's comments, those with reviews coming before us, we're
228 going to allow them to come.

229

230 **BRAD JERBIC**

231 That's correct. Any Use Permit that is scheduled for a three, four, five year review that we've
232 been holding, those will now come loose and they'll come before you and any currently that
233 would come up in the meantime will also come to you.

CITY COUNCIL MEETING OF
April 4, 2007
VERBATIM TRANSCRIPT – ITEM 50

234 **COUNCILMAN BROWN**

235 Thank you.

236

237 **MAYOR GOODMAN**

238 All right. Please vote. Post. **(Motion carried unanimously.)** Motion carries. Thank you.

239

240 **(END OF DISCUSSION)**

241 /cv; yy