



Las Vegas

Agenda Item No.: 6.

**AGENDA SUMMARY PAGE**  
**SPECIAL CITY COUNCIL MEETING OF: APRIL 9, 2007**

**DEPARTMENT: ADMINISTRATIVE SERVICES**  
**DIRECTOR: CHRISTOPHER KNIGHT**

Consent  Discussion

**SUBJECT:**  
Discussion and possible action regarding billboards affecting the city of Las Vegas - All Wards

**Fiscal Impact:**  
 No Impact  Augmentation Required  
 Budget Funds Available

**Amount:**  
**Funding Source:**  
**Dept./Division:**

**PURPOSE/BACKGROUND:**

On December 20, 2006, the City Council enacted a 40-day moratorium over the review and/or approval of transactions related to off-site outdoor advertising (billboards) with the purpose of obtaining consensus on City legislative actions. This moratorium ended on April 4, 2007. The City Council and Executive Team will discuss possible extension of the moratorium and potential ordinance.

**RECOMMENDATION:**

Receive presentations and direct staff accordingly.

**BACKUP DOCUMENTATION:**

1. April 4, 2007 Council transcript
2. Submitted at meeting Billboard discussion points by Chris Knight and hardcopy of PowerPoint presentation by Margo Wheeler

Motion made by GARY REESE to Approve accepting the report and directing staff to continue to monitor pending legislation as well as work with the billboard industry to resolve the matter on a local level

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
BRENDA J. WILLIAMS, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,  
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

**Minutes:**

DEPUTY CITY MANAGER HOUCHENS summarized the efforts of the City to create a more acceptable billboard ordinance. A series of compromises were put forward, beginning in May 2006 and ending in December 2006 with a 120-day moratorium. The code update would look at freeway projects that have impacted light and billboard placement as well as allowing billboard height increases along freeway sound walls. He introduced the panel before the Council

## CITY COUNCIL MEETING OF: APRIL 9, 2007

consisting of PAUL WILKINS, Director of Building and Safety, CHRIS KNIGHT, Director of Administrative Services, and MARGO WHEELER, Director of Planning and Development. MS. WHEELER displayed a brief PowerPoint demonstrating problematic billboards in the City and the focus of discussion for the review process. The Planning staff presents its finding of whether a billboard is maintained and in compliance with City standards before the Planning Commission as the first body to hear a required review. Then the matter is brought before Council for the final decision on the required review. During negotiations in 2005 to amend the code, the City agreed to compromise on a five year required review period. However, the billboard industry was unwilling to compromise and negotiations discontinued. During the review process it was commonly found that many billboards did not obtain the necessary Final Inspection as well as having business licensing issues. In such instances staff must recommend denial.

MS. WHEELER gave a breakdown of billboards by ward. Of the 374 billboards in the City, 144 do not require a review. Pursuant to her research, 89 required reviews have been approved and only 4 billboards were required to be removed during their review. ASSISTANT CITY ATTORNEY SCOTT confirmed that there is ongoing litigation on only two billboards in the City, one in Ward 1 and another in Ward 3. COUNCILMAN REESE expressed concern with signs which predate the need for a required review.

COUNCILMAN ROSS stated that all billboards should be required to follow through with their commitments, including inspections. PAUL WILKINS agreed that compliance to all requirements is ideal. His department will accept documentation from a structural engineer in lieu of the final inspection.

MR. KNIGHT reported on the activity at the State Legislature on a very contentious bill submitted by the billboard industry. In the City's favor is the fact that the billboard industry previously agreed to the review process contained in the City's existing code. MAYOR GOODMAN noted that he signed a letter to the legislators. DEPUTY CITY MANAGER FRETWELL assured him that the letter was delivered. MR. KNIGHT respectfully requested that the Council assist by supporting the lobbying efforts. This bill, if passed, would limit the Council's ability to make land use decisions in the community. He stated that the City has maintained fair standings in that all conditions imposed were agreed upon by the billboard companies and/or their respective representatives.

In response to COUNCILMAN REESE'S inquiry, MR. KNIGHT verified that there is no federal involvement with billboard standards. Currently, the more contentious issue is the land use entitlements attached to billboards exempted as non-conforming outdoor structures. Other municipalities have a cap on billboards and are less impacted by the pending bill.

ASSISTANT CITY ATTORNEY SCOTT clarified for COUNCILMAN ROSS that billboards are allowed to be relocated in other jurisdictions and under State statute. He discussed that in a relocation situation a special use permit might not be necessary, but permits and fees would be required. In addition, the proposed bill would change the method of sign measurement.

COUNCILMAN ROSS expressed concern about using taxpayer money to pay fair market value

## CITY COUNCIL MEETING OF: APRIL 9, 2007

for relocation of billboards. He emphasized that the legislature should not take away the Council's discretion to decide upon such local matters.

COUNCILMAN WOLFSON stated he was amazed at the power and support for the billboard industry. He urged greater public outreach and that the public then contact their state representatives. Billboards affect everyone as people drive throughout the community, even beyond City limits.

COUNCILMAN REESE inquired about proper enforcement for billboard compliance, especially regarding illegal embellishments. ASSISTANT CITY ATTORNEY SCOTT stated that the City recently completed a survey of billboards to be evaluated regarding their conforming status. Non-complying signs will be addressed by Code Enforcement with fines and perhaps even civil penalties. COUNCILMAN REESE recommended that information be provided to the legislature to demonstrate the industry's deliberate non-compliance.

COUNCILWOMAN WILLIAMS concurred that the public must be made aware of this matter which would potentially strip the City's authority, and she encouraged constituents to become proactive by notifying their State elected officials. A public information handout would be helpful.

COUNCILWOMAN TARKANIAN shared her experiences in dealing with abatements of billboards in Ward 1. No other business compensated in this manner. She also encouraged the press to continue with additional newspaper articles. COUNCILMAN BOSS commended the City's efforts with regard to the pending legislation. He noted that he has contacted the Committee Chairwoman and it appears that the legislators are prepared to listen with an open mind. He encouraged the entire Council to remain active on this issue.

COUNCILMAN BROWN discussed with MR. KNIGHT an amendment regarding the way in which billboards are measured. The amendment was rejected and it is uncertain whether the industry has another alternative. The proposed legislation does not address embellishments or other issues other than the review removal. Those issues remain in local legislation.

COUNCILMAN BROWN urged staff and the City's lobbyists to work to clear up the misinformation being given in Carson City. He discussed with DEPUTY CITY MANAGER FRETWELL the bullet-point fact sheet and contact list to be provided to each member of the Council. It is essential that everyone stay on the same point, especially given the critical time factor involved.

MAYOR GOODMAN requested ATTORNEY JENNIFER LAZOVICH, 3800 Howard Hughes Parkway, come forward to assist the Council. ATTORNEY LAZOVICH was asked if the City has been unreasonable during billboard reviews. She answered that they have not, but there are subtle differences that have not been resolved with City staff. She summarized compromising language from the past which included 10-year reviews. Since then reviews have been substantially reduced with significant impact. A second major impact has been the installation of sound walls which block existing billboards. Many of the billboards affected existed prior to the time when reviews were required. In order to increase the height of these billboards, the signs

## CITY COUNCIL MEETING OF: APRIL 9, 2007

will become subject to the review process. This would affect more than half of the Lamar signs and staff has been unwilling to consider any alternative.

ATTORNEY LAZOVICH emphasized that the billboard industry should be respected the same as any other business operating in the City but is often subjected to more scrutiny than necessary. Although the state law already provides for relocation of a billboard and the language in the proposed bill would provide for compensation for any billboard removed, it is more beneficial for a billboard to be relocated. Her client's first preference would be to relocate a sign.

COUNCILMAN ROSS rebutted that the existing state language involves relocation of a sign as opposed to a sign under review being required to be removed. Regardless, this issue should be resolved within the City and not in Carson City. MAYOR GOODMAN agreed that the billboards are located in the City.

COUNCILMAN BROWN pointed out that more than a year's work went into the resolution of all issues with the exception of this one. He agreed that this is a local issue, expressed hope that some common ground could be found and recognized that his situation could have escalated due to miscommunication, as the City's process involves several departments.

COUNCILWOMAN TARKANIAN aligned with COUNCILMAN BROWN, although the process actually took more than eight months, and asked for specifics about how the industry suffered as a result of reviews by the City. She emphasized MARGO WHEELER'S report that only 4 billboards have ever been required to be removed and 89 were approved. There are 344 billboards in the City, 144 which do not require reviews. ATTORNEY LAZOVICH indicated that certainly some impacts could be clearly identified, staffing and materials, while others would be more difficult to demonstrate. COUNCILWOMAN TARKANIAN questioned the amount of compensation sought and the manner in which it would be determined. ASSISTANT CITY ATTORNEY SCOTT read the definition of just compensation and explained the compensation would apply to both the sign company and property owner.

MAYOR GOODMAN asked if ATTORNEY LAZOVICH would agree to act as a messenger to the industry, requesting that the bill be withdrawn and that the industry work with the City to reach a resolution of the issue. ATTORNEY LAZOVICH indicated that she would be willing to convey the message.

DEPUTY CITY MANAGER HOUCHENS indicated that staff was seeking direction on the discussion bullet points submitted to the Council. DEPUTY CITY MANAGER FRETWELL suggested that the conversation could be deferred until an answer is received to the message ATTORNEY LAZOVICH agreed to carry to the industry. MAYOR GOODMAN agreed it would be wise for the City to first completely understand what is pending before the Legislature before definite plans are made to address the matter further. He commended ATTORNEY LAZOVICH for her ability to address the Council in such an impromptu manner while maintaining a high degree of professionalism.

**CITY COUNCIL MEETING OF: APRIL 9, 2007**

COUNCILMAN REESE stated he would put forth every effort to address the industry himself on behalf of the residents of Ward 3.

