



Las Vegas

Agenda Item No.: 4.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: FEBRUARY 16, 2010

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2010-10 Authorizes the City Manager or a designee, rather than the City Council, to waive ordinance requirements pertaining to the undergrounding of electrical and similar distribution lines. Proposed by: Jorge Cervantes, Director of Public Works

Fiscal Impact

☐ No Impact

☐ Augmentation Required

☐ Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under current ordinance provisions, requirements pertaining to the undergrounding of electrical and similar distribution lines may be waived by the City Council. This bill will give the City Manager or a designee the option to waive such requirements where deemed appropriate, such as waiver requests that are minor or routine in nature.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2010-10
2. Business Impact Statement
3. Submitted at Meeting Written Comments of Charleston Neighborhood Preservation by Juanita Clark for Items 4 and 5

Motion made by STAVROS S. ANTHONY to Approve as Do Pass as a First Amendment

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

RICKI Y. BARLOW, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

JORGE CERVANTES, Director of Public Works, stated this bill involves an amendment to Title 13.52.170, to allow the City Manager or a designee to waive ordinance requirements pertaining to undergrounding in cases where only maintenance is necessary, which would facilitate the process. Any work requiring additional capacity or involving any controversy would be forwarded to the Council for consideration.

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COUNCILMAN BARLOW confirmed with MR. CERVANTES that the waiver only pertains to undergrounding where maintenance is required. However, the Councilman wondered what would happen in cases where the property owner is unable to pay, to which MR. CERVANTES replied that such matters would be between the owner and NV Energy.

COUNCILMAN BARLOW noted that he is concerned about constituents that may contact him about decisions made at the administrative level. MR. CERVANTES assured the Councilman that the manager would only handle cases with a strong likelihood of being approved. Anything controversial would be scheduled before the Council. COUNCILMAN BARLOW insisted on adding language requiring matters with opposition from constituents to be forwarded to the Council for consideration. MR. CERVANTES assured the Councilman that he would work with the City Attorney's Office on adding language.

JUANITA CLARK, Charleston Neighborhood Preservation, submitted and read a written document. She asked if the Recommending body is considered a legislative body. COUNCILMAN BARLOW answered that the Councilmembers are appointed to the Recommending Committee to consider proposed bills and make recommendations to the Council, and they are considered legislators.

EDGAR PATINO and PRISCILLA RAUDENBUSH of NV Energy were present. MR. PATINO supported the amendment because he believes it will help residents, especially when only maintenance is involved because residents will not be inconvenienced, adding that approving a waiver does not mean residents or businesses will incur any costs.

MS. RAUDENBUSH interjected that NV Energy is also granting verbiage indicating that should the City Manager or a designee want undergrounding consideration by the Council would be required. COUNCILMAN BARLOW was amenable to that, and MR. CERVANTES indicated that a provision for appeals would be added.

CHIEF DEPUTY CITY ATTORNEY STEED suggested that rather than having a provision for an appeal, Subsections B and C be re-written to require that any cases wherein the City Manager or a designee is considering denial or are of any concerns be automatically forwarded to the Council. This would not give the City Manager or a designee any authority to deny. MR. PATINO agreed with this suggestion. MR. CERVANTES added that this makes sense because only denials incur additional costs to the residents, not approvals.

COUNCILMAN BARLOW declared the Public Hearing closed.