

City of Las Vegas

**RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
AUGUST 2, 2011
9:00 A.M.**

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.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE. ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME FORWARD AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED
4. Bill No. 2011-28 - ABEYANCE ITEM - For Possible Action - Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors. Proposed by: Flinn Fagg, Director of Planning
5. Bill No. 2011-31 - For Possible Action - Removes the term limitations applicable to members of the Planning Commission. Sponsored by: Councilman Ricki Y. Barlow
6. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
7. ADJOURNMENT

City of Las Vegas

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Thursday, 7:00 A.M. to 5:30 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 Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

SUBJECT:

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2011-28 - ABEYANCE ITEM - For Possible Action - Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors. Proposed by: Flinn Fagg, Director of Planning

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the City's regulations pertaining to mobile food vendors to conform to other applicable regulations, including the City's zoning regulations and the regulations of the Southern Nevada Health District. This item was held in Abeyance from the 7/19/2011 Recommending Committee meeting.

RECOMMENDATION:

ABEYANCE to 8/2/2011 Recommending Committee meeting by the 7/19/2011 Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No. 2011-28
2. Business Impact Statement

1 **BILL NO. 2011-28**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S REGULATIONS PERTAINING TO MOBILE FOOD
4 VENDORS TO CONFORM TO OTHER APPLICABLE REGULATIONS REGARDING THE
5 OPERATIONAL LIMITATIONS FOR SUCH VENDORS, AND TO PROVIDE FOR OTHER
6 RELATED MATTERS.

7 Proposed by: Flinn Fagg, Director of Planning

Summary: Updates the City's regulations
pertaining to mobile food vendors to conform to
other applicable regulations regarding the
operational limitations for such vendors.

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

11 SECTION 1: Title 6, Chapter 55, Section 10, of the Municipal Code of the City of
12 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

13 **6.55.010:** As used in this Chapter, unless the context otherwise requires, the following terms shall
14 have the meanings which are ascribed to them, as follows:

15 [(A)] "Employee" means a person who works for or under the direction of, on behalf of, or
16 as an agent of a licensee.

17 [(B)] "Health District" means the Southern Nevada Health District.

18 [(C)] "Mobile food vendor" means a person who offers for sale or sells food items by means
19 of a vehicle.

20 [(D)] "Licensee" means the holder of an mobile food vendor business license issued by the
21 Department.

22 [(E)] "Metro" means the Las Vegas Metropolitan Police Department.

23 [(F)] "Vehicle" means a motorized [or non-motorized vehicle, including a push cart or other
24 similar] vehicle.

25 [(G)] "Vend" means to sell or offer to sell food products from a vehicle.

26 SECTION 2: Title 6, Chapter 55, Section 40, of the Municipal Code of the City of
27 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

28 **6.55.040:** (A) An application for a mobile food vendor license must be made upon forms

provided by the Department. In addition to the information required under LVMC Chapter 6.02, the applicant shall provide the following:

(1) A description of the selling methods to be used and the nature of the products or services to be offered;

(2) Proof of filing with the State of Nevada Department of Taxation;

(3) A health permit for each vehicle, documentation that the vehicle is eligible for such permit, and a health card for each operator (all issued by the Health District);

(4) A copy of a valid, unexpired Nevada vehicle registration, if applicable, for each vehicle; and

(5) Such other information or documentation as the Department may require in order to establish the applicant's suitability and fitness for approval.

(B) In order to obtain a mobile food vendor license, each principal of the business must apply for and obtain approval for suitability in accordance with LVMC Chapter 6.06, subject to the payment of [an investigative fee of fifty dollars.] the applicable fees.

SECTION 3: Title 6, Chapter 55, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

6.55.070: (A) Except as otherwise provided in Subsection (B) of this Section, no mobile food vendor shall:

(1) Have any exclusive right to any location upon the streets, sidewalks, alleys, or public grounds of the City; or

(2) [Vend at any location for a period greater than thirty minutes; or

(3)] Vend in any congested area where the operation will impede pedestrian or vehicle traffic.

(B) The provisions of Subsection (A) of this Section do not apply to the operation of a mobile food vendor at a particular location if and to the extent the vendor is operating at that location pursuant to a contractual arrangement with the City.

(C) Mobile food vendors shall comply with all applicable Health District regulations.

1 SECTION 4: Title 6, Chapter 55, Section 130, of the Municipal Code of the City of
2 Las Vegas, Nevada, 1983 Edition, is hereby repealed in its entirety.

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

11 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
12 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
13 required or the failure to do any act is made or declared to be unlawful or an offense or a
14 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
15 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
16 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
17 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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SECTION 7: All ordinances or parts of ordinances or sections, subsections, 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 _____, 2011.

APPROVED:

By CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-20-11
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2011, 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 _____, 2011, 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 _____
CAROLYN G. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, MMC
City Clerk

BUSINESS IMPACT STATEMENT

BILL NO. 2011-28

(Updates the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-28, that would update the City's regulations pertaining to mobile food vendors to conform to other applicable regulations regarding the operational limitations for such vendors.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments were solicited. The ordinance is clarifying in nature and should have no different impact on vendors than existing provisions

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None identified

Beneficial effects:

Conforms language to other regulations and to existing practice

Direct effects:

None identified

Indirect effects:

None identified

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: June 20, 2011

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2011-31 - For Possible Action - Removes the term limitations applicable to members of the Planning Commission. Sponsored by: Councilman Ricki Y. Barlow

Fiscal Impact

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No Impact

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Augmentation Required

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Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Under current ordinance provisions, members of the Planning Commission may not be reappointed so as to continue uninterrupted service after they have served two consecutive full four-year terms. This bill will repeal that limitation.

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. 2011-31
2. Business Impact Statement

1 **BILL NO. 2011-31**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REMOVE THE TERM LIMITATIONS APPLICABLE TO MEMBERS OF
4 THE PLANNING COMMISSION, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Ricki Y. Barlow

Summary: Removes the term limitations
applicable to members of the Planning
Commission.

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

9 SECTION 1: Title 2, Chapter 44, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **2.44.020:** (A) Except as otherwise provided in Subsection (B) of this Section, the term of each
12 appointed member shall be four years or until his successor takes office, and any vacancy occurring
13 otherwise than through the expiration of term must be filled for the unexpired term.

14 (B) Each member of the City Council shall be entitled to recommend one person
15 for appointment to the Planning Commission, subject to the approval of the Council.
16 Recommendations shall be on a rotating basis, in the order agreed upon by the Council. If in a
17 particular case the Council does not vote to appoint the recommended person, the member of the
18 Council who made the recommendation shall be entitled to make successive recommendations until
19 a recommended person is appointed by the Council. Beginning with appointments which are to
20 become effective on or after the effective date of the ordinance codified in this Section, the term of
21 each member of the Planning Commission is coterminous with the term of the member of the Council
22 who recommended the appointment. If the recommending Council member resigns from office before
23 the expiration of his or her term, the corresponding member of the Planning Commission may
24 continue to serve until the office is next filled by election. If the office of the recommending Council
25 member becomes vacant before the expiration of the term for any other reason, the corresponding
26 member of the Planning Commission may continue to serve for the duration of the original term.

27 (C) [No incumbent member or former member who has served at least two
28 consecutive full four-year terms shall be eligible for appointment to a further term until at least two

1 years have elapsed since the expiration of his or current term or most recent term, as the case may be.

2 (D)] Members may be removed after a public hearing, by a majority vote of the City
3 Council, for inefficiency, neglect of duty or malfeasance in office.

4 SECTION 2: This Ordinance shall become effective the day following its publication,
5 but shall be deemed effective as of August 1, 2011.

6 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
15 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
16 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____, 2011.

18 APPROVED:

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20 By _____
21 CAROLYN G. GOODMAN, Mayor

22 ATTEST:

23 _____
24 BEVERLY K. BRIDGES, MMC
City Clerk

25 APPROVED AS TO FORM:

26 Val Steed 6-30-11
27 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 _____, 2011, 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 _____, 2011, 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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12 APPROVED:

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14 By _____
CAROLYN G. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, MMC
City Clerk
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BUSINESS IMPACT STATEMENT

BILL NO. 2011-31

(Removes the term limitations applicable to members of the Planning Commission)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2011-31, that would remove the term limitations applicable to members of the Planning Commission.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

Not applicable

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

None

Direct effects:

None

Indirect effects:

None

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: June 30, 2011

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 2, 2011

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

☐ Consent ☒ Discussion

SUBJECT:

ADJOURNMENT

