



Las Vegas

Agenda Item No.: 3.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: SEPTEMBER 19, 2016

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ Consent ☒ Discussion

SUBJECT:

Bill No. 2016-50 - ABEYANCE ITEM 4: Possible Action - This ordinance amends LVMC Title Six to add a new section to provide business licensing regulations for the use of pedicabs and pedalbuses, amends LVMC 11.39 to revise and clarify the rules and regulations for pedicabs and pedalbuses, amends LVMC 6.44 for horse-drawn carriages and amends LVMC 11.02 to clarify where such vehicles may operate. Proposed by: Tom Perrigo, Director of Planning

Fiscal Impact:

☐

No Impact

☐ Augmentation Required

☐

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend LVMC Title Six to add a new section to provide business licensing regulations for the use of pedicabs and pedalbuses, amends LVMC 11.39 to revise and clarify the rules and regulations for pedicabs and pedalbuses, amends LVMC 6.44 for horse-drawn carriages and amends LVMC 11.02 to clarify where such vehicles may operate.

RECOMMENDATION:

ABEYANCE to the September 6, 2016 Recommending Committee Meeting; At the September 6, 2016 Recommending Committee Meeting held in abeyance to the September 19, 2016 Recommending Committee Meeting

BACKUP DOCUMENTATION:

1. Bill No. 2016-50
2. Backup Submitted from the 8/1/2016 Recommending Committee Meeting

Motion made by BOB BEERS to Hold in abeyance to 10/17/2016

Passed For: 3; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

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

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

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TOM PERRIGO, Planning Director, stated that staff had asked that this item be abeyed at the August 1, 2016 Recommending Committee meeting. Since then, there had been a series of meetings of all interested parties, some of which were present that would like to provide some input. To gain a better understanding, COUNCILMAN BARLOW asked staff to explain what transpired at these meetings.

DAVID BOWERS, Director of Public Works, stated that the primary concern expressed was the potential congestion the pedicabs and pedalbuses would cause to the businesses. During the initial meetings with the pedalbus businesses and a subsequent meeting with the pedicab businesses, there seemed to be good agreement as to which streets would and would not be allowed and how the pickup and drop off would be handled. However, because neither party had had enough time to review the language closely, they would like to request that the item be abeyed.

MR. PERRIGO reiterated that at a meeting that took place earlier in the morning, the interested parties had represented that they would like to request a 30-day abeyance in order to study the latest language more thoroughly. COUNCILMAN BARLOW asked what staff's perspective was. With regard to the provision in the bill that addressed the Licensing, MR. PERRIGO stated that staff was fine with the current language, but MR. BOWERS pointed out, there were still issues on the Public Works side as it related to routes, picking up and dropping off. MR. BOWERS stated that staff understood the concerns the business owners had and may not have anticipated some of these concerns when setting up the map and restrictions. There did seem to be a willingness to compromise on both sides and with the recent meetings, an agreement was close.

RYAN ARNOLD, representing the Fremont Street Experience, the D and their properties, stated that he appreciated staff taking the time to work with them, but there were some remaining concerns with the language, and they would like an opportunity to work through them. He stated that the challenge for them was that these were two different types of operations. There were not as many concerns with the pedalbus, because this involved reservations being made on the internet with a specified spot where individuals would be picked up and a designated route. With pedicabs, individuals were out hailing rides, which was one of the concerns. Thirty days would allow them time to set up some meetings and properly brief their clients and come back with some possible language changes.

MIKE NOLAN, representing the Fremont East Entertainment District and the El Cortez, reiterated that the pedicab and the pedalbus were two different operations. He noted that the pedalbus had been in operation for some time, and they had no problem with it continuing. With regard to pedicabs, he has used them in other cities, and the biggest concerns were the loading zone, staging area and the pullouts on Fremont Street. He mentioned a private/public project several years ago where the City and the Fremont East Entertainment District put up money for pullouts on each side of the street per block between Las Vegas Boulevard and 6th Street, 6th Street and 7th Street and 7th Street and 8th Street. The problem experienced with the loading zone pullouts was that with Fremont Street, 6th Street, 7th Street and Ogden Avenue being reduced to only one lane, ambulances and the Las Vegas Metropolitan Police Department had to

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park in the middle of the street if someone was in the loading zone, thus blocking the street, and park on the sidewalk if someone was in the street which would block pedestrian traffic. MR. NOLAN noted that there were approximately 30 ambulance runs to the El Cortez a month, and if the pedicabs were allowed to park in the loading zone, it would exacerbate this problem. This was discussed at the Fremont East Entertainment District Board meeting on September 13th; everyone supported the pedalbus and liked the possible idea of a pedicab, but the concern was the loading zone. From his experience, if this ordinance allowed pedicabs in the loading zone, they would not move and would end up blocking all of the loading zones that the Fremont East Entertainment District and the City paid for. They would like there to be a staging area and for the loading zones to remain open for public use and continual movement.

ATTORNEY RUSSELL ROWE, Boyd Gaming Corporation, stated that to ensure something like this could operate properly in the downtown area without causing significant problems, one had to really delve into the details, which was one of the reasons so much time was being spent on this. He agreed that the bicycle pub operated by RUSSELL DAVIS and pedicabs were a different business model. He mentioned that MR. DAVIS had an agreement with property owners, as to where he stopped, and he named them as an additional insured on his policy. As such, the property owners had a way to control access and the operator operated on their property, which was an important distinction between a pedicab and pedicabs. He wondered about the possibility of an ordinance that created more control between two private parties rather than trying to over regulate it. Another significant concern from the gaming industry, particularly Boyd Gaming, was putting pedicabs on Main Street, which has become a main thoroughfare for employees going to and from work and for the millions of tourists. With Main Street being reduced with the widening of the sidewalks, there was no place for pedicabs to ride. One of the other provisions in the language was a grandfathering privilege, so if there were safety and traffic issues, the reduction of pedicab licenses would not apply to the existing operator; leaving attrition as the only way for elimination. He stressed the need to get the ordinance right the first time. ATTORNEY ROWE used the analogy of the problems with package liquor on Fremont Street and how difficult it was to undo something that was already in place. He pointed out that although Las Vegas Boulevard was a different animal than downtown, Clark County had this same conversation a few years ago and decided to prohibit pedicabs. The main thoroughfares downtown were the lifeblood and arteries to their properties, and he thought care needed to be taken not to clog them up, as there were smaller streets that could be utilized by the pedicabs to get around downtown. He asked the Committee to consider all these factors and stated that 30 days was needed to review all the details.

MR. DAVIS, Cycle Pub, stated that working with the City, staff and other partners, had been a good process, and he would continue to do so. He described his two pedalbuses as 15-passenger bicycles with four wheels and confirmed for COUNCILMAN ANTHONY that currently he was the only pedalbus operator. Tours are offered five times a day, seven days per week, but the pedalbus only operated when there was a reservation. He also acknowledged for the Councilman that the route varied depending on the other activities taking place downtown and that the pedalbuses utilized a travel lane but did not impede traffic because they only traveled approximately a block and a half.

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COUNCILMAN ANTHONY asked if anyone else was authorized to operate a pedalbus. MR. PERRIGO explained that currently only MR. DAVIS was allowed to operate under a limited scope, but the proposed bill would allow up to 10 pedalbuses. MARY McELHONE, Business Licensing Manager, stated that the proposed ordinance would allow up to 30 pedalbuses and pedicabs on the road, but each operator would be limited to 10. When asked if Cycle Pub was exclusive to downtown, MS. McELHONE explained for the Councilman that MR. DAVIS originally was licensed under a Special Event permit because the City was not sure it wanted to accommodate a pedalbus in the downtown area, but he currently held a tour operator and rental equipment license with an approved route through the Department of Public Works. DEPUTY CITY ATTORNEY JAMES LEWIS clarified that the proposed draft allowed another operator to apply for a license, as long as the combined number of pedalbuses and pedicabs did not exceed 30, with each operator allowed up to 10 pedalbuses or pedicabs.

COUNCILMAN BEERS asked if someone could start a pedalbus company under current licensing regulations. DEPUTY CITY ATTORNEY LEWIS indicated there was a current license to accommodate both pedicabs and pedicab applicants with no limit on the number allowed. Since there was already a license to accommodate pedalbuses, COUNCILMAN BEERS wondered about the necessity of the proposed ordinance. DEPUTY CITY ATTORNEY LEWIS explained that the way pedalbuses were being allowed right now was through a permitting process not specific to pedalbuses, and staff would like for there to be one specific to pedalbuses. MS. McELHONE stated that the City did not currently have an ordinance that regulated this operation in the downtown area, so there were no insurance requirements or requirements regarding operating as a bicycle with turn signals. DEPUTY CITY ATTORNEY LEWIS clarified that the proposed ordinance would provide a regulatory environment for this type of operation. COUNCILMAN BEERS commented that he had a hard time treating non-specific location-based pedicabs the same as route-operated pedalbuses, as there was a significant difference in the level of impact on the downtown infrastructure. At some point, separate consideration might want to be given since everyone seemed to be in agreement that pedalbuses and pedicabs were two different operations. COUNCILMAN ANTHONY agreed, wondering why there was not a separate ordinance for each.

MR. BOWERS noted that a commonality was the geographic area, both had similar restrictions, and there were few differentials in the language. DEPUTY CITY ATTORNEY LEWIS provided the option to the Committee of forwarding only the pedalbus language if they thought that part was ready.

COUNCILMAN ANTHONY had many questions as to what the pedicabs looked like, if they could utilize the bike lane instead of the travel lane, where they would be staged and what roads they could utilize, and thought that might be a discussion for a different day. MR. BOWERS stated that the meeting with the pedicab and pedalbus parties went very well, the concerns of the casino industry were identified and staff wanted to ensure those concerns were addressed. Language was crafted earlier in the day that seemed to address these concerns, but it had not yet been properly vetted, which was the reason for the request to abey this item for 30 days. If an agreement could not be reached in that timeframe, the Committee could consider moving forward with the pedalbus language.

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Noting the language in the proposed ordinance relating to horse-drawn carriages, COUNCILMAN ANTHONY expressed his opposition to horse-drawn carriages and wondered how they fit in.

KYLE FELLEMAN, Las Vegas Rickshaw, thought there were a lot of unanswered questions regarding the differences between Cycle Pub, pedicabs and horse-drawn carriages. He indicated that he and his partner built the pedicabs specifically to fit within the limits of the bike lanes downtown; their desire was not to go anywhere else. They were built to safely hold three people and were intended to transport people late at night who had been drinking and individuals to and from work downtown, as taxicabs would not travel less than one mile. The intent was not necessarily to travel on Main Street, but to get people safely to where they wanted to go, and this would be a fun way to do that. He mentioned their willingness to make an arrangement with the casinos to transport their employees to and from their cars at no charge. He pointed out that advertising was their main source of income, not the travel itself.

JOSE SOLORIO, Las Vegas Rickshaw, stated that the pedicab was an effort to get everyone downtown and mobile; they would not impede traffic, as their runs were short and quick. He acknowledged agreement with the restrictions outlined with regard to traveling on certain roads at certain times. As far as picking people up, they would set up stations on private property, and if they were in front of a business, they would have a contract that included advertising. MS. McELHONE clarified for MR. SOLORIO the language regarding the combined number of pedicabs and pedibuses allowed. COUNCILMAN BARLOW made the analogy to taxi cab medallions. MS. McELHONE acknowledged that was the concept; however, she noted that Business Licensing would monitor these businesses closely. The cycle pubs were very expensive units so if an operator applied for 10 business licenses, staff would expect them to operate all 10, or they would go through the process of reducing that number to allow someone else the opportunity to operate.

MR. DAVIS stated that he looked forward to working with staff and the stakeholders over the next 30 days, but because these were two different types of business models, if there was no agreement in that timeframe, he suggested separating the two and moving forward with the pedalbus language.

COUNCILMAN ANTHONY commented that the concept of each operator being able to apply for 10 pedalbuses or 10 pedicabs did not make sense to him. He thought they should decide as a group the capacity for pedicabs and pedalbuses downtown and consider them as separate issues.

COUNCILMAN BARLOW commented that a lot of great information had been shared, but in listening to all parties, it sounded as though there was more work to be done from a policy standpoint and thought consideration should be given that Las Vegas downtown was not as large as other downtown areas. As such, he supported the 30-day abeyance request.

COUNCILMAN BARLOW declared the Public Hearing closed.