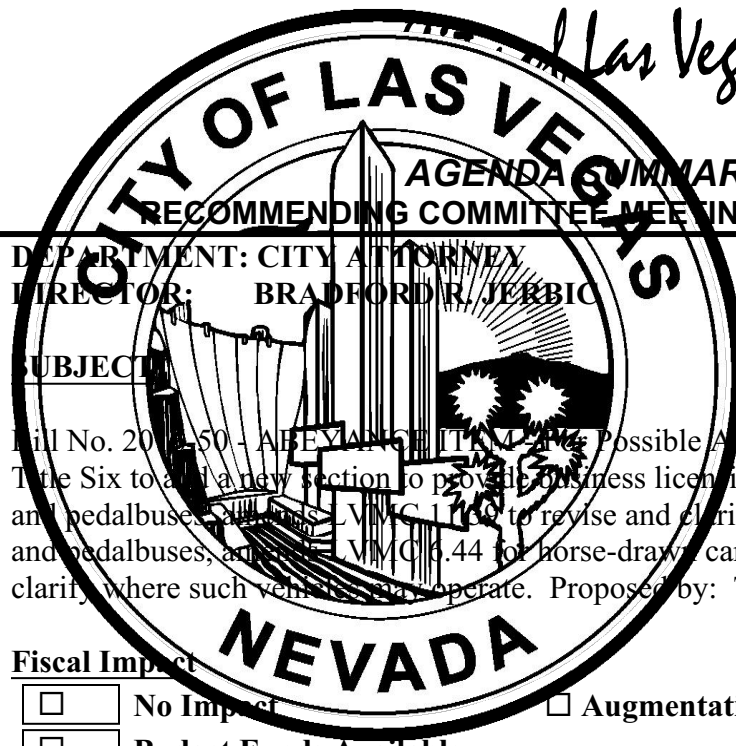




Las Vegas

Agenda Item No.: 3.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 17, 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; At the September 19, 2016 Recommending Committee Meeting held in abeyance to the October 17, 2016 Recommending Committee Meeting

BACKUP DOCUMENTATION:

1. Bill No. 2016-50
2. Backup Submitted from the 8/1/2016 Recommending Committee Meeting
3. Submitted at Meeting - Protest Letter by Jana Wright

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

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

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

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

TOM PERRIGO, Director of Planning, reported that City staff has worked with people who are interested in operating pedicabs and pedalbuses as well as business operators in the downtown

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 17, 2016

area regarding this proposed ordinance. He believed that everyone was now in agreement. Regarding licensing, there are provisions regarding definitions of pedicabs and pedalbuses and making sure that the operations of the pedicabs and pedalbuses will be consistent with State law relating to items such as turn signals and lights. No more than 24 pedicabs or six pedalbuses can be operating at one time. There are requirements of the operator and vehicles themselves, and if the people do not operate according to the rules, the Director can suspend their license for a third or subsequent violation within any 24-month period. A restrictions map identifies areas where they can operate and areas that are restricted. He believed that most issues have been worked out with people in the industry, City staff and business owners.

MAYOR GOODMAN inquired about the insurance requirements, and MR. PERRIGO replied that pedalbuses must carry \$1 million in liability insurance with a \$5 million umbrella policy; pedicabs must carry \$1 million in liability insurance with a \$2 million umbrella policy.

RUSSELL ROWE appeared on behalf of Boyd Gaming Corporation. He thanked staff for their collaboration and work on this ordinance. He was in agreement with the ordinance but pointed out that the pedicabs were going to be prohibited on Main Street from Charleston Boulevard to Stewart Avenue; the map did not show the area from Ogden to Stewart Avenue blacked out as was intended. MR. PERRIGO indicated that corrections would be made.

RYAN ARNOLD appeared on behalf of the Fremont Street Experience along with DEREK and GREG STEVENS. He appreciated staff work and that the Recommending Committee held this bill so everything could be worked out. He was in agreement with the proposed ordinance.

RUSSELL DAVIS appeared representing Bicycle Pub, and requested that the pedalbuses be allowed to travel on 3rd Street from Colorado Avenue going south so they could access the Bastille Bar. COUNCILMAN BARLOW asked if that adjustment could be made prior to the City Council meeting, and DAVID BOWERS, Director of Public Works, replied that it could as long as there was no pushback from the business industry.

MR. DAVIS referenced Section 63.100 regarding the insurance requirements. He requested that the \$5 million umbrella policy requirement be removed. His insurance company indicated that other cities do not require a \$5 million coverage; that would be for a company that hauls hazardous waste on the roadways.

COUNCILMAN BARLOW thought that \$5 million seemed to be an aggressive policy amount.

VINCE ZAMORA, Human Resources Manager, stated that Aon Risk Services and staff have had conversations regarding the conditions under which the bus would be traveling in the areas. The reason for the higher limits is because there will likely be a high concentration of people who are inebriated and drinking in and around the area and in their vehicles.

COUNCILMAN BARLOW asked what the highest requirement was, and MR. DAVIS replied that it is typically \$1 to 2 million. MR. ZAMORA stated that was the amount for the pedicabs; the patrons will be sitting on a bench seat, and they are somewhat contained. The pedalbus requirement is higher because there is no seat belt or seat back, and there is a concern that patrons may fall off or be exposed to vehicles on the streets.

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 17, 2016

MAYOR GOODMAN pointed out that if there was an accident with an RTC (Regional Transportation Commission) bus, the City would be liable beyond the limitations of the insurance policy. She asked how the \$5 million amount was established, and MR. ZAMORA replied that it was a recommendation from Aon. Taken into consideration were the individuals within the area of travel, individuals who may be drinking in their vehicles and the most recent event on Las Vegas Boulevard where a person ran into a number of pedestrians.

MAYOR GOODMAN asked how much the insurance premium would cost, and MR. DAVIS indicated it would double and cost thousands of dollars. He confirmed for COUNCILMAN ANTHONY that if they did not carry the umbrella insurance, they would still have the typical insurance that is required.

COUNCILMAN ANTHONY thought \$5 million was excessive if other cities had that requirement. MAYOR GOODMAN also thought it seemed high, but she did not think that \$1 to 2 million would cover an accident with people riding a bus.

During the meeting, MR. PERRIGO received research from staff that showed insurance levels in other communities were more consistent with \$1 to 2 million. MAYOR GOODMAN asked if MR. PERRIGO was comfortable with those limits, he responded that he was sharing information from other cities, but he was not an insurance liability expert.

DEPUTY CITY ATTORNEY JAMES R. DAVIS claimed that the proposed ordinance requires a \$1 million combined single-limit policy plus a \$2 million umbrella policy for pedicabs. For the pedalbuses, the requirements are a \$1 million combined single-limit policy plus a \$5 million umbrella policy. He understood MR. DAVIS to say that other cities require a \$1 million combined single-limit policy plus a \$2 million umbrella policy. He thought the request was to lower the umbrella amount, not to strike it. MR. DAVIS did not believe that any of the other cities required an umbrella policy; all that was required was a \$1 to 2 million liability coverage policy.

MR. PERRIGO reviewed coverages for other cities, and per COUNCILMAN BARLOW'S request, he read New York City's requirements.

COUNCILMAN ANTHONY thought a compromise could be to lower the umbrella policy requirement from \$5 million to \$2 million for both pedicabs and pedalbuses. MAYOR GOODMAN stated that would be the recommendation.

A motion was made to approve with changes to the map as well as reducing the umbrella policy amount from \$5 million to \$2 million for pedicabs and pedalbuses.

This bill will be eligible for adoption at the November 2, 2016 City Council meeting.

COUNCILMAN BARLOW declared the Public Hearing closed.