



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN COFFIN called the meeting to order at 10:10 a.m.

PRESENT: COUNCILMEMBERS COFFIN and FIORE

EXCUSED: COUNCILMAN ANTHONY

ALSO PRESENT: EXECUTIVE DIRECTOR OF COMMUNITY DEVELOPMENT TOM PERRIGO, DEPUTY CITY ATTORNEY JEFF DOROCAK, CITY CLERK LUANN D. HOLMES and DEPUTY CITY CLERK ASHLEY FOSTER

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: This meeting has been properly noticed and posted at the following locations: City Hall, 495 South Main Street, 1st Floor; Clark County Government Center, 500 South Grand Central Parkway; Grant Sawyer Building, 555 East Washington Avenue; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Bill No. 2018-61 - ABEYANCE ITEM - For possible action - Amends LVMC Titles 6 and 19 to adopt provisions establishing a business license category and land use regulations for social use venues (marijuana), together with accompanying requirements and limitations. Sponsored by: Councilman Bob Coffin

Minutes:

COUNCILMAN COFFIN declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, offered to read the proposed amendments but indicated that staff had not had an opportunity to review the amendments. However, he believed the characterization of the amendments was to remove the portions of the Bill relating to alcohol in the specified land uses.

ASSISTANT CITY ATTORNEY BRYAN SCOTT stated that he had received these amendments from the industry moments ago. In reviewing them, it seemed to him to pertain to more than just removing the alcohol portion of the Bill noting there were some references to outdoor activities which staff was not prepared to address with this iteration of the bill. He was leery about trying to adopt the changes given the fact that staff has not had an opportunity to review the changes nor to comment on them. He confirmed the draft presented was not prepared by City legal staff.

COUNCILWOMAN FIORE wished to hold the item in abeyance as the draft was not reviewed by the City's legal team.

SCOTT RUTLEDGE, Argentum Partners, spoke of meeting with a number of stakeholders as well as the Sheriff and CHUCK CALLAWAY, Police Director of the Las Vegas Metropolitan Police Department (LVMPD or Metro),

to discuss the alcohol issue at the request of COUNCILMAN COFFIN. Additionally, MR. RUTLEDGE, LUCY STEWART and several other members of the public who are representing interests reviewed the Bill and removed references to alcohol as well as other items they believed to be onerous.

COUNCILMAN COFFIN felt he had misrepresented the Bill to the Committee and concurred they had agreed to remove all mentions of alcohol at Metro's request. He wondered what else had been edited.

MS. STEWART asserted the proposed ordinance was the same but included comments from the industry.

COUNCILWOMAN FIORE restated her wish to abey the item until the City's legal team had an opportunity to review the amendments. COUNCILMAN COFFIN agreed as he was under the impression the individuals had met with the other Councilmembers.

MR. RUTLEDGE thought a copy of the amendments had been provided to legal counsel for review and apologized for the confusion. MR. SCOTT agreed there was some miscommunication but everything could be worked out quickly.

VIRGINIA VALENTINE appeared on behalf of the Nevada Resort Association asked that any future drafts of the Bill address their concerns which is in proximity to the resort corridor downtown.

COUNCILMAN COFFIN acknowledged he was also awaiting a response from Metro as he had requested the toxicology reports of fatal accidents to determine how much content there was of marijuana or THC (tetrahydrocannabinol) versus alcohol.

OFFICER SAM DIAZ, Las Vegas Metropolitan Police Department, reported for 2018, there were 51 known DUI (driving under the influence) fatalities and out of those, 15 of them involved alcohol and marijuana.

COUNCILMAN COFFIN thanked OFFICER DIAZ for the data. He wished to have the full toxicology reports, with decimal content, of those individuals determined to have THC in their bloodstream and the BAC (blood alcohol content) of those who are deceased. OFFICER DIAZ was happy to request the information from the laboratory.

COUNCILWOMAN FIORE believed marijuana to stay present in the body for 30 days and wished for the data to clarify if the person was high at the time of the accident or if they had consumed marijuana several weeks prior to the incident. COUNCILMAN COFFIN confirmed this was why he desired the toxicology numbers.

OFFICER DIAZ stated that he would obtain further information which would determine the reason for the arrest.

RYAN ARNOLD appeared representing Fremont Street Experience and echoed MS. VALENTINE'S comments. He expressed concerns regarding this use around the resort corridor and wondered about the idea of adding some sort of buffer zone. He was happy to meet with staff or the Councilmembers.

COUNCILWOMAN FIORE asked MR. SCOTT to meet with MR. ARNOLD.

COUNCILMAN COFFIN asserted no one has presented to him a theoretical buffer of any kind acknowledging the effort it would take to create one within two weeks. MR. ARNOLD restated he was happy to work with staff noting his clients would have a strong objection to the Bill if something could not be worked out.

Hypothetically speaking, COUNCILWOMAN FIORE asked MR. ARNOLD if a smoking lounge east of Las Vegas Boulevard would be okay. MR. ARNOLD could not answer specifically but said typically they like to buffer a block on all directions from the Fremont Street Experience.

MR. SCOTT believed, given the discussion, more than two weeks was needed. COUNCILMAN COFFIN did not believe a longer time frame was necessary. He did not wish to add a buffer as he believed marijuana would still be consumed in the Fremont Street Experience as well as other locations anyway.

COUNCILWOMAN FIORE believed a block radius around the Fremont Street Experience would be satisfactory in order to move the process along.

DEPUTY CITY ATTORNEY JEFF DOROCAK verified with COUNCILMAN COFFIN his desire to review the proposed first amendment to eliminate the alcohol sections to appear before the Committee on 3/4/2019 subsequent to the abeyance being passed. It was decided among MR. SCOTT and the Councilman to address concerns regarding outdoor activities in a future amendment.

By way of calling for a vote, COUNCILMAN COFFIN declared the Public Hearing closed.

Motion made by Michele Fiore to Hold in Abeyance to 3/4/2019

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Bob Coffin, Michele Fiore; Excused-Stavros Anthony;

4. Bill No. 2019-3 - For possible action - Annexation No. ANX-74811 - Property location: generally located at the southeast corner of Jensen Street and Centennial Parkway; Petitioned by: Ferrario Family Trust, Acreage: 2.55 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilwoman Michele Fiore

Minutes:

COUNCILMAN COFFIN declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, stated that the Bill was an owner initiated annexation request. Everything was in order and staff recommended approval.

COUNCILMAN COFFIN declared the Public Hearing closed.

Motion by Michele Fiore to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Bob Coffin, Michele Fiore; Excused-Stavros Anthony;

5. Bill No. 2019-4 - For possible action - Annexation No. ANX-75175 - Property location: generally located north of Ann Road, approximately 390 feet west of its intersection with Shaumber Road; Petitioned by: Saman Ebrahimi, Acreage: 5.16 acres; Zoned: R-U (County zoning), R-E (City equivalent). Sponsored by: Councilwoman Michele Fiore

Minutes:

COUNCILMAN COFFIN declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, stated that the Bill was an owner initiated annexation request. Everything was in order and staff recommended approval.

COUNCILMAN COFFIN declared the Public Hearing closed.

Motion by Michele Fiore to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Bob Coffin, Michele Fiore; Excused-Stavros Anthony;

6. Bill No. 2019-5 - For possible action - Amends LVMC 2.60.070 to adopt the most recent versions of the Nevada Local Government Records Management Program Manual and related Local Government Records Retention Schedules. Proposed by: LuAnn D, Holmes, City Clerk

Minutes:

COUNCILMAN COFFIN declared the Public Hearing open.

LUANN D. HOLMES, City Clerk, explained that in the past the City has always gone by the State Records Retention Schedule and the records management program produced by the State; however, this has never been adopted into the Las Vegas Municipal Code. This Bill would adopt and document the City's compliance with the State's record-retention requirements.

COUNCILMAN COFFIN wondered about the City adopting something the Legislature does not and asked if the Bill addresses the Open Records Act as he expressed particular concern with regards to an incident in Lyon County regarding the Comstock Residents Association. MS. HOLMES could not speak to the Lyon County incident but stated that the Bill adopts the retention schedules and indicates how long the City must maintain its business records and when it must dispose of them. If a department creates a retention schedule that is different than the one defined by the State, that retention schedule can be presented to the State at that time for approval and the City Council for adoption.

COUNCILMAN COFFIN stated that around the state there was a lot of disagreement about the overreach of the Comstock decision and how it affects the private actions of public officials. He wondered if that was something included within the Bill. DEPUTY CITY ATTORNEY JEFF DOROCAK believed this bill, with regard to the Comstock decision, gives the City the retention schedule based upon the State. As it pertains to COUNCILMAN COFFIN'S query, if a record request is made beyond the retention schedule, the City would not be obligated to still produce the records. The record retention schedule allows the City to dispose of records at the appropriate time so that the City is not keeping in perpetuity records that need to be produced with a records request. The Bill helps to streamline what needs to be produced public records requests are made.

COUNCILMAN COFFIN acknowledged Lines 23 and 24 of the Bill which he believed contained operative language which would require the City to adopt whatever the Nevada State Library, Archives and Public Records Division requires in relation to private context between citizens and their elected officials. He wondered if they have taken or would take into consideration the Comstock decision.

COUNCILWOMAN FIORE wondered what the difference was between the State's and the City's retention schedules. MS. HOLMES stated there was no difference between the two as City already abides by their retention schedules. She believed when it comes to the Comstock decision, the City was looking to develop policies that give clear direction to the Councilmembers and other elected officials in regards to text messaging, e-mail and social media use. Retention schedules provide information in regards to records created in those types of media and the timeframe in which those records must be retained and when they can be disposed of. Currently, the City has over 1,100 different retention schedules.

COUNCILMAN COFFIN did not wish to adopt anything that does not clearly allow private conversations between constituents and their elected officials on issues that could create a public safety problem.

MR. SCOTT advised that any conversations held between the Councilmembers and their constituents that may influence how the Councilmember votes are discoverable because they are part of the Councilmembers decision-making process.

COUNCILMAN COFFIN did not wish move on the Bill until he had an opportunity review the retention schedule at the Nevada State Library, Archives and Public Records Division and if it discusses or permits a move forward in adherence to the Comstock decision beyond what the Councilmembers have been told by legal counsel.

COUNCILWOMAN FIORE understood the Councilman's concerns but believed this to be a cleanup bill.

MR. DOROCAK offered to look into what he thought the Councilman was interested in regarding his e-mails, that under the Comstock decision would become public records, and how they would be affected by the proposed retention schedule. COUNCILMAN COFFIN agreed this was correct and asked MS. HOLMES to allow time to discover any other unintended consequences.

By way of calling for a vote, COUNCILMAN COFFIN declared the Public Hearing closed.

Motion made by Michele Fiore to Hold in Abeyance to 3/4/2019

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 1

For-Bob Coffin, Michele Fiore; Excused-Stavros Anthony;

7. 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.

Minutes:

None.

8. Adjournment

Minutes:

The meeting was adjourned at 10:44 a.m.

Respectfully submitted:

Ashley Foster, Deputy City Clerk

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive