



## Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN ANTHONY called the meeting to order at 10:01 a.m.

PRESENT: COUNCILMEMBERS ANTHONY, FIORE and KNUDSEN

ALSO PRESENT: CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO, ASSISTANT CITY ATTORNEY JEFF DOROCÁK, CITY CLERK LUANN D. HOLMES, and DEPUTY CITY CLERK CHEYENNE LARANCE

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; Howard Lieburn Senior Center, 6230 Garwood Avenue

3. Bill No. 2021-23 - ABEYANCE ITEM - For possible action - Amends LVMC 9.04.100 to update the nuisance abatement appeal and hearing procedures as they pertain to the waiver of costs and penalties. Sponsored by: Councilman Brian Knudsen and Councilwoman Victoria Seaman

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ASSISTANT CITY ATTORNEY JEFF DOROCÁK explained this bill would update the City's nuisance abatement appeal and hearing procedures in Chapter 9.04. Under the current City code, if a person wants to request a waiver of the hard costs or civil penalties related to abatements on their property, that waiver hearing can either go to the City Hearing Officer, or a Councilperson can inform the Planning Department that he/she would like the request to go in front of the entire City Council for a decision. These typically involve high civil penalty amounts along with hard costs assessed by Code Enforcement. COUNCILMAN ANTHONY interjected and inquired about the percentage of cases that are heard by the Council versus the Hearing Officer. VICKI OZUNA, Code Enforcement Section Manager, stated roughly 25 percent go to the City Council, and the remaining 75 percent go to the Hearing Officer. MR. DOROCÁK continued, and said this bill would first modify the hearing procedure by placing all hearings in front of the Hearing Officer, and they would no longer go in front of the City Council. Another part of the bill would create an alternative administrative process, which is called the Compliance Agreement Process, that would allow a property owner to go to the Planning Department, agree to come into compliance and then receive a waiver or reduction of fees.

COUNCILWOMAN FIORE requested clarification on whether a staff member will be making the decision to waive fines or not, and CHIEF OPERATIONS AND DEVELOPMENT OFFICER TOM PERRIGO said the point of this particular provision is to adopt a resolution so that the individual requesting the waiver will know in advance what they need to do in order to have a specific amount or percentage of fees waived or reduced. This will make the process more streamlined for individuals who want to make improvements and request waivers without having to go in front of the City Council or a Hearing Officer. COUNCILWOMAN FIORE said this

process would not include waiving all fines. There are people are beautifying properties and improving their communities, and the profit margins are slim to none. The City Council is then able to decide what fees can be waived, which may include all of the fees, but this provision removes that ability. MR. PERRIGO pointed out that the reduction in civil penalties within this provision would be based on the Council's reduction formula that they decide upon, which could be 100 percent. COUNCILWOMAN FIORE asked when that percentage comes in to play, and MR. PERRIGO said this was just one of the options. Some of the options for how this is structured could include leaving it the way it is today, Council adding provisions so they can be automatically known to the property owner upfront, or other options that will be outlined by MR. DOROCAK. He reiterated that the first option would be a more streamlined approach to help people get through the system faster, and it would come back to Council as a resolution. MR. DOROCAK clarified that this bill would set up two routes: the Hearing Officer and compliance agreement route or the City Council hearing route. COUNCILWOMAN FIORE asked if that was language in the original bill, and MR. DOROCAK confirmed and added all hearings would take place in front of the Hearing Officer and set up the compliance agreement process.

MR. DOROCAK then turned to various conceptual amendments he put together based on feedback from the last Recommending Committee meeting, a copy of which was submitted and attached as backup. He reiterated that the way the bill is currently written would mean all hearings would be held before the Hearing Officer. The first concept amendment would mean hearings would be held in front of the Hearing Officer unless the property's Councilmember wants to pull the request and bring it before the entire City Council. The second concept amendment would still require all hearings to go before a Hearing Officer, but if the property owner was still in disagreement, they could appeal the decision to the entire City Council. The third and final concept amendment would include a one-year sunset provision and the bill as-written would be revisited after one year.

COUNCILWOMAN FIORE said because there are only about 25 percent of cases coming to Council, it would be egregious to put an ordinance together to make it a more tedious process. Staff has been working on this bill for six or seven years, and now has the support of COUNCILMEMBERS KNUDSEN and SEAMAN. This would take away the authority of the City Council and it puts an egregious process on the property owner who is only trying to beautify their property. She said they are functionally home-ruled, but they are still able to make their constituents comfortable and help them. The Councilwoman reiterated this would take away the Council's power and this is not something she can support unless they have the option of coming directly to Council first without appearing before a Hearing Officer first.

COUNCILMAN KNUDSEN appreciated the opportunity to have this conversation, and he wanted to clarify why he asked MS. OZUNA to work on this bill. About eight months ago, he received a package from an individual who was going to come before the Council two weeks later and ask for a reduction in fines. After talking to MS. OZUNA and her staff, he learned that the owner typically does not make all of the required improvements, and he passes on the reduced fines to the next property owner. He wants to make sure that when people are coming forward to ask for waivers or fine reductions, they are making sure the property is up to code and it is a habitable environment. He recalled another instance when he declined to waive fees for an individual, but he agreed to come up with a system that helps the property owner understand how many fees or fines could be reduced every time when purchasing and rehabilitating a house. What the Council sees at the hearings is not always what is actually happening. The amendment allows for the individual to still come before the City Council after seeing the Hearing Officer, and it also allows for more information about the property to be shared with the City Council. He would be in support of a case coming to the Council as a whole if they wish to dispute the Hearing Officer's decision.

COUNCILWOMAN FIORE said at the last Recommending Committee meeting, MS. OZUNA said she had been working on this bill for six or seven years. She was not okay with requests going through a Hearing Officer before it goes to the City Council, and preferred for things to stay the way they are now.

COUNCILMAN ANTHONY confirmed through MR. DOROCAK that as the bill is written now, all abatements would go to a Hearing Officer first. MR. PERRIGO added that there are two options in the bill. One option would send the case to the Hearing Officer, and the second option allows the owner to sign an agreement that lays out what needs to be fixed and what waivers will subsequently be made, and that would use the formula that is decided on by the City Council. COUNCILMAN ANTHONY said he did not have any problem with those two options, and he looked forward to seeing the resolution that would be crafted out of this bill. He asked if an individual could appeal the decision to the City Council if they are unhappy with either of those processes. MR. DOROCAK said that is not an option in the bill as it is written now, but that could be either

conceptual amendments one or two. COUNCILWOMAN FIORE interjected and said in an e-mail she just received, staff can negotiate penalties and the City Manager can send the recommended reductions without this bill. MR. DOROCAK then clarified for the Councilman that the second conceptual amendment would allow an owner to appeal the Hearing Officer's decision or the terms of the administrative agreement to the City Council. He added that if the property owner did not hold up their side of the agreement, he or she can go the hearing route. COUNCILMAN ANTHONY felt that a constituent should always have the ability to reach out to their Councilperson and have the authority to have that hearing held in front of the entire City Council. He opined that most cases will be handled at an administrative level or with a Hearing Officer, but he requested to have his suggestion worked into the bill. MR. DOROCAK said another amendment could be crafted before the City Council meeting, and he reiterated COUNCILMAN ANTHONY'S request for clarification. The Councilman asserted that what is missing is the option for someone to call their Councilperson first and have their hearing held at a City Council meaning without having to go through any other process first, and he opined that the bill would be in good shape if that was added. He is worried about diluting the authority of a Councilperson to make those decisions.

COUNCILMAN KNUDSEN felt the benefit of going through the administrative route would be the checks conducted by various departments before the fees are waived. If either the Councilmember or land owner disagrees with the Hearing Officer, they can still appeal to the City Council, but more information would be available prior to the Council's decision. COUNCILMAN ANTHONY agreed, but felt the option should always be there for a Councilperson to bypass all processes and bring it directly to the City Council for review and decision. He added that if it does go to the City Council, that Councilperson will have to justify why it is before them and the rest of the Council without going through any other process first.

COUNCILWOMAN FIORE said staff does have the ability to negotiate fines and fees currently. Most people do not realize they can go to City Council, nor is it communicated to them. She suggested at the last Recommending Committee meeting that constituents have the option to come to the City Council first. The Councilwoman said she does not mind staff ordinances, but she does not like staff ordinances that try to undermine the authority of the City Council. MR. PERRIGO clarified that staff does not currently have the ability to negotiate a waiver of penalties, it is either the City Council or the designee. He also knew what MS. OZUNA meant in her comments at the last Recommending Committee meeting, in that this program has been in place for seven years, and she has not been working on this ordinance for that long.

COUNCILMAN ANTHONY requested MR. PERRIGO and MR. DOROCAK draft an amendment with his recommendations by the July 7<sup>th</sup> City Council meeting. MR. DOROCAK summarized his recommendations, and noted this would essentially be a combination of concept amendments one and two. It would also include COUNCILWOMAN FIORE'S recommendation of the ability for a Councilmember to bring a waiver request directly to Council.

COUNCILWOMAN FIORE wanted to make sure the amendment included verbiage advising constituents they can call their Councilmember, and MR. DOROCAK confirmed.

Subsequent to the motion and vote, COUNCILMAN ANTHONY announced this bill would move forward to the July 7, 2021 City Council Meeting for discussion.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Michele Fiore to Approve as Do Pass as a First Amendment

NOTE: A previous motion by Councilman Knudsen to forward to full Council with no recommendation failed with Councilmembers Anthony and Fiore voting no.

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

For-Michele Fiore, Stavros Anthony; Against-Brian Knudsen;

4. Bill No. 2021-24 - For possible action - Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City. Proposed by: Bryan K. Scott, City Attorney

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ASSISTANT CITY ATTORNEY JEFF DOROCAK explained this is a routine bill that the City Attorney's Office puts together bi-annually to ensure any State misdemeanors that may have been amended or adopted by the State Legislature are also City misdemeanors. Everything is in order and he recommended approval.

Subsequent to the motion and vote, COUNCILMAN ANTHONY announced this bill would move forward to the July 7, 2021 City Council Meeting for discussion.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Brian Knudsen to Approve as Do Pass

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

5. Bill No. 2021-25 - For possible action - Amends various provisions of LVMC Title 6 to update the license-related definition of "nightclub" and create a new license category of "general entertainment establishment," together with related regulations; and amends various provisions of LVMC Title 19 to make corresponding adjustments to land use regulations pertaining to those establishments and to delete the use "beer/wine/cooler cultural establishment." Sponsored by: Councilwoman Olivia Díaz

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

PETER LOWENSTEIN, Deputy Planning Director, explained the nightclub definition has been refined because there were a number of uses that were being captured that were not necessarily nightclub activities. This bill would also create the general entertainment establishment license, which would then capture all non-traditional nightclub activities. Title 19 was also impacted to match those definitions, as well as making nightclub conditional uses with all of the similar provisions that are existing in the code for distance separation, in which industries can ask for exemptions or waivers. In closing, he introduced DARCY ADELBAI-HURD, Business Licensing Manager, who was available to answer questions specific to Title 6.

Subsequent to the motion and vote, COUNCILMAN ANTHONY announced this bill would move forward to the July 7, 2021 City Council Meeting for discussion.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Brian Knudsen to Approve as Do Pass

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

6. Bill No. 2021-26 - For possible action - Adopts the City of Las Vegas 2050 Master Plan; repeals the Las Vegas 2020 Master Plan, as well as the elements of the 2020 Plan that have been added or amended since that Plan's adoption; and makes corresponding adjustments to various provisions of LVMC Title 19. Proposed by: Tom Perrigo, Chief Operations and Development Officer

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

PETER LOWENSTEIN, Deputy Planning Director, explained the City Council previously approved the 2050 Master Plan document, and this is the statutory requirement to be adopted in ordinance form.

Speaking to a technical clean-up, ASSISTANT CITY ATTORNEY JEFF DOROCAK said the placetype designation of approximately 3,000 parcels is being updated to match the 2050 Master Plan, and this would be included with the bill as an attachment.

Subsequent to the motion and vote, COUNCILMAN ANTHONY announced this bill would move forward to the July 21, 2021 City Council Meeting for discussion.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Brian Knudsen to Approve as Do Pass as a First Amendment

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

7. Bill No. 2021-27 - For possible action - Amends LVMC Chapter 2.26 to establish provisions regarding senior municipal court judges. Sponsored by: Mayor Carolyn G. Goodman

Minutes:

COUNCILMAN ANTHONY declared the Public Hearing open.

ASSISTANT CITY ATTORNEY JEFF DOROCÁK said this bill was requested by the Municipal Court and its judges, and the goal is to create senior judge positions. These judges will have at one point served at least four consecutive years as a Municipal Court judge, and they will substitute in for other judges or provide additional help when needed.

COUNCILMAN KNUDSEN asked how these judges will be paid, and MR. DOROCÁK said they are essentially paid their same hourly rate as the Municipal Court judges, which is calculated by the court. He added that the Court Administrator informed him this usually ends up being around \$100 for an afternoon session.

Subsequent to the motion and vote, COUNCILMAN ANTHONY announced this bill would move forward to the July 21, 2021 City Council Meeting for discussion.

COUNCILMAN ANTHONY declared the Public Hearing closed.

Motion made by Brian Knudsen to Approve as Do Pass

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

For-Michele Fiore, Stavros Anthony, Brian Knudsen;

8. 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 and correct spelling 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.

9. Adjournment

Minutes:

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

Respectfully submitted:

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Cheyenne LaRance, Deputy City Clerk

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. Reasonable efforts will be made to assist and accommodate persons with disabilities or impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 702-229-6311 and advise of your need at least 48 hours in advance of the meeting. Dial 7-1-1 for Relay Nevada.

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  
Howard Lieburn Senior Center, 6230 Garwood Avenue