



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILWOMAN FIORE called the meeting to order at 10:04 a.m.

PRESENT: COUNCILMEMBERS FIORE and KNUDSEN

EXCUSED: COUNCILMAN ANTHONY

ALSO PRESENT: EXECUTIVE DIRECTOR OF COMMUNITY DEVELOPMENT TOM PERRIGO, DEPUTY CITY ATTORNEY JEFF DOROCOK, 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; City of Las Vegas Development Services Center, 333 North Rancho Drive.

3. Bill No. 2019-44 - For possible action - Amends LVMC Chapter 13.04 to add a new section to authorize the Department of Operations and Maintenance to determine and designate hours of cleaning for public sidewalks. Sponsored by: Mayor Carolyn G. Goodman

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

DEPUTY CITY ATTORNEY JEFF DOROCOK stated that this bill would create a new Section 90 which would read as follows: "The Director of the Department of Operations and Maintenance is authorized to determine and to designate hours of cleaning for public sidewalks. During such designated and noticed hours of cleaning, no person shall sit, lie, sleep, camp, or otherwise obstruct the cleaning of the designated public sidewalks by the Department of Operations and Maintenance". He also noted that JERRY WALKER, Director of Operations and Maintenance, was present and available for questioning.

MARIA TERESA LIEBERMANN expressed that she was in opposition of this bill because this should not be something that the City does in response to homelessness. Instead of fining and jailing citizens, the City should be finding housing-first options. She encouraged the Committee to open their minds and seek other options and work together to ensure that the homeless have the resources they need to get on their feet.

EMILY PAULSEN stated her opposition and believed this to be another bill that would criminalize homelessness. She wanted to share how HUD (United States Department of Housing and Urban Development) defines the criminalization of homelessness.

COUNCILWOMAN FIORE clarified that this is about cleaning the sidewalks and not about the homeless ordinance. To date, nobody has been arrested and there is still plenty of room at the Corridor of Hope.

MS. PAULSON explained that the way this bill is written does criminalize homelessness. She then read how HUD defines the criminalization of homelessness and thought that the language of this bill fits into that

definition. She understood that the intention is to clean the streets, but there needs to be parameters in the language of the bill that specify when these laws could be enforced. If approved, she asked the Committee to amend the bill in a way that would not criminalize homelessness.

JONAS RAND was also opposed to this bill, and stated this is a ban on camping therefore it is an attempt to criminalize homelessness. He found it to be despicable to put people who do not have housing in jail without talking about housing first. It is irrational to talk about jailing people who are victims of a societal problem and the City has failed to adequately provide for the needs of the homeless. Saying that the homeless are mentally-ill and that they cannot integrate into society is dehumanizing. This proves that the discussion about the homeless ordinance and the attempt to get people into the Courtyard was not a good-faith, truthful premise. This is just another way to say that homeless people should be in jail.

JOEY LANCOWSKI echoed the previous statements about how this bill is criminalizing poverty. There are no limitations or specifications in the bill, and if the shelters are full, people can be arrested under the guidelines of this bill. He explained that he partakes in homeless outreach every week, and has spoken to individuals that believe the Courtyard is an unsafe environment. Forcing people into unsafe environments is not the solution, and if they would like to sleep on the streets, whoever is doing the cleaning could politely ask the individual to move instead of threatening imprisonment and fines.

COUNCILWOMAN FIORE again explained that this ordinance is about cleaning the streets, and the homeless would be addressed in a polite manner. She encouraged people to report law enforcement if they witness the homeless being treated in a poor fashion.

NATHANIEL PHILLIPS, Organizing Manager, Make It Work Nevada, strongly discouraged this ordinance. He was concerned that COUNCILMAN KNUDSEN is sponsoring the ordinance (the actual sponsor is MAYOR GOODMAN) and wanted to highlight that ordinances like this are unconstitutional and carry a race and class impact. It will target people who are poor and of color. Rather, the Committee should be looking at public policy and how the Council neglects the homeless.

COUNCILWOMAN FIORE reiterated that the City has not jailed a single homeless person since the ordinance was adopted and anybody who has proof showing otherwise should submit it.

COUNCILMAN KNUDSEN asked MR. DOROCAK if he would clarify the purpose and intent of the Recommending Committee and he replied that this Committee considers and provides recommendations to the City Council on all bills, or report no recommendation. He added that any type of recommendation is allowed but generally, this Committee is not used to kill bills.

COUNCILMAN KNUDSEN stated that although he and COUNCILWOMAN FIORE agree on most things, there are several things on this agenda that they do not agree on.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Subsequent to the motion and vote, COUNCILWOMAN FIORE announced that this bill would be eligible for adoption at the December 18, 2019 City Council meeting.

Motion made by Brian Knudsen to Approve sending to the Full Council with no recommendation

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

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

4. Bill No. 2019-45 - For possible action - Amends LVMC Chapter 6.50 to provide an exception to certain work card requirements for convenience stores that sell alcoholic beverages, and clarify work card requirements for persons providing security in certain alcoholic beverage establishments. Sponsored by: Councilman Stavros S. Anthony

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

MARY McELHONE, Deputy Planning Director, reported that the current ordinance states that anybody over the age of 21 must have a valid work card on site when a convenience store is open and operating. The proposed language removes that requirement and states that as long as a qualified person is made immediately available,

they do not need someone on site all times. A qualified person is defined as an owner, principle, or key employee. The other component of this ordinance includes a cleanup section which clarifies the intent. In 2014, a change was made that had a typographical error which made the intent unclear. The intent is now clear which states that a security officer that has a state-issued card pursuant to NRS 648.080, does not need a work card when working in a liquor establishment and performing security duties.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Subsequent to the motion and vote, COUNCILWOMAN FIORE announced that this bill would be eligible for adoption at the December 18, 2019 City Council meeting.

Motion made by Brian Knudsen to Approve as Do Pass

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

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

5. Bill No. 2019-46 - For possible action - Amends the Minimum Special Use Permit requirements applicable to marijuana dispensaries, as found in LVMC 19.12.070, to require a 1000-foot minimum distance separation between marijuana dispensaries, and to incorporate distance separation requirements between marijuana dispensaries and nonrestricted gaming establishments, as found in State law. Sponsored by: Councilman Brian Knudsen

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

ROBERT SUMMERFIELD, Planning Director, announced that this bill will add an additional 1,500-foot distance separation between the use and nonrestricted gaming establishments and also adds a requirement for a 1,000-foot distance separation between marijuana establishment uses. Further, it will clarify that the distance separation from another marijuana dispensary applies to all marijuana dispensaries without regard to jurisdiction in which the use is located. It would also require a survey that is signed and sealed by a licensed surveyor to be submitted as part of the Special Use Permit application.

COUNCILWOMAN FIORE stated that she would like to propose an amendment to the distance separation because this bill would make a brush on all wards and asked if this was already included. MR. SUMMERFIELD clarified that this is as-introduced, so the proposed amendment would need to be put in before condition number two, which would strike the asterisk, making it a waivable condition.

DAWN CHRISTENSEN, Nevada Resort Association, thanked COUNCILMAN KNUDSEN for this ordinance as it has been an important topic for them, and they appreciated the work that has gone into it.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Subsequent to the motion and vote, COUNCILWOMAN FIORE announced that this bill would be eligible for adoption at the December 18, 2019 City Council meeting.

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

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

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

6. Bill No. 2019-47 - For possible action - Amends LVMC Chapter 13.36 to expand the prohibition of smoking in City parks so as to 1) include the use of electronic smoking devices and 2) generally apply throughout all park areas instead of specified areas. Sponsored by: Councilman Brian Knudsen

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

GREG WEITZEL, Director of Parks and Recreation, reported that this amendment expands the prohibition of smoking in public parks to include the use of electronic smoking devices that create an aerosol or vapor in any matter or form and the use of any oral smoking device. The definition of smoking is clarified to include inhaling, exhaling, burning or carrying any liquid or heated cigar, cigarette or pipe. The amendment also includes language

in which the Director may permit the use of tobacco as part of a Native American spiritual or cultural ceremony. For informational purposes, he noted that State law prohibits the smoking and consumption of marijuana, cannabis or related products in public places.

DR. MICHAEL JOHNSON, Director of Community Health, Southern Nevada Health District (SNHD), thanked COUNCILMAN KNUDSEN for bringing this forward. This ordinance is an important first step in creating a healthier and safer Nevada. One of the most important steps a community can take to improve the health of its residents is to reduce exposure to secondhand smoke. The United States Surgeon General determined that there is no safe level of secondhand smoke, and many non-smokers who are exposed to outdoor tobacco smoke suffer immediate symptoms such as breathing difficulties and asthma attacks. When this ordinance is implemented, Las Vegas will become one of 1,500 other municipalities to have implemented a CDC (Center for Disease Control) Best Practice in tobacco-free parks and policies. He noted that Henderson, Washoe County, Reno, North Las Vegas, Carson City and Incline Village have already adopted a similar ordinance. Evidence supporting smoke-free parks policies generally falls into three broad categories: individual health impact to nonsmokers, environmental impact of tobacco litter and public health impact of reinforcing smoke-free as a social norm. SNHD has received complaints from park goers who are exposed to secondhand smoke while visiting parks. They have also complained about cigarette butt litter, which can be a major cause of fires and possibly pollute the environment either by being directly discarded into a local water source, or indirectly by washing into drains that flow into rivers, lakes, or oceans. According to the 2019 Nevada Adult Tobacco Survey, 74.3 percent of survey respondents would support a law that prohibits smoking in outdoor public places. MR. JOHNSON submitted a copy of his remarks for the record, which were attached as backup.

DR. JIMENA HABOUSH-DELOYE, Nevada Institute for Children's Research and Policy, explained that she has a neutral stance on this, but it is important to consider how policies and regulations impact the youth in our community. Research shows that the habits that are developed early in life often stay with an individual throughout their adulthood. Tobacco-free environments promote healthy role modeling, and research shows that when youth see others using tobacco, they see it as acceptable behavior. By limiting exposure to this behavior, it will hopefully limit their desire to participate.

WILL RUCKER, American Lung Association, voiced that the American Lung Association is dedicated to fighting lung disease through education, research and public policy. He thanked the Committee for their consideration and urged strong support. The City of North Las Vegas recently adopted a similar ordinance and they are asking Las Vegas do the same. Tobacco remains Nevada's largest public health threat. Secondhand smoke causes heart and lung disease, and breathing secondhand smoke is known to cause ear infections and trigger asthma attacks. Additionally, they support the inclusion of vapor and e-cigarette products, as they contain harmful chemicals in secondhand exposures as well. MR. RUCKER submitted a copy of his remarks for the record, which were attached as backup.

COUNCILMAN KNUDSEN noted that he had two support letters from the Nevada Public Health Association and the Nevada Tobacco Prevention Coalition, which were submitted and attached as backup. He believed there are many reasons for him to support this bill, but they may be at a stalemate.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Subsequent to the motion and vote, COUNCILWOMAN FIORE announced that this bill would be eligible for adoption at the December 18, 2019 City Council meeting.

Motion made by Brian Knudsen to Approve sending to the Full Council with no recommendation

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

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

7. Bill No. 2019-48 - For possible action - Repeals LVMC 19.16.105, pertaining to the repurposing of certain golf courses and open spaces. Sponsored by: Councilwoman Victoria Seaman

Minutes:

COUNCILWOMAN FIORE declared the Public Hearing open.

ROBERT SUMMERFIELD, Director of Planning, iterated that this will repeal the code section in its entirety. The definition of open space will be left alone and pointed out that although not a part of this action, there was a bill that

COUNCILWOMAN SEAMAN asked to be put forth which was heard by the Planning Commission the week prior and then recommended to the City Council, that will reintroduce the requirement for a neighborhood meeting to occur before a Public Hearing when there is a repurposing application.

RON IVERSEN expressed that he is opposed to the repeal for several reasons. First, he believed the timing of this meeting was suspect because it was in close proximity to family holidays when people are travelling or entertaining family and friends. Second, he claimed that nobody in the Queensridge Owners Association was given notice of this meeting and wished more time had been given for residents to understand the facts and respond. Third, adequate time to review the newly proposed ordinance was not given. While COUNCILWOMAN SEAMAN indicates she wants to ensure public engagement in the redevelopment process, the new ordinance does not put timelines on when public engagement meetings are to be held, giving developers the opportunity to hold meetings the day before a City Council meeting. MR. IVERSEN believed that these are all ways to curtail public comment. In addition, the new ordinance moves impact statements from required to discretionary, leaving potential room to hide pertinent facts. He stated that the current open space ordinance does not stifle development, but promotes responsible development and urged the Committee to postpone their decision and try to amend the current ordinance rather than repeal it. MR. IVERSEN submitted a copy of his remarks for the record, which were attached as backup.

TOM DOUGLASS appreciated all the work that was done by City Council last year in approving this ordinance. He felt it was important for all involved and opposed the repealing of this ordinance.

JAMES BURDELL spoke in opposition and noted that he has two recommendations for this issue. He went looking for nationally recognized experts, and recommended the City seek one to plan for open spaces. One nationally recognized expert he found was The Trust for Public Land, and he used their geographic information system to look at the Badlands area, which they rated as a moderate area for open space. The Council needs to look at who they can engage with that is outside the City, and go with someone who is less bias. The second recommendation is to have Council engage with the Clark County Assessor's Office and look at the impact this has on property values.

BOB PECCOLE expressed that he was appalled when he heard that this might be repealed because there is no reason to do it. He pointed out that the ordinance currently in effect requires the continued operation of the open space or golf course, or the developer must find other land. There must also be pre-admission for emergency services, schools, and utility infrastructure and traffic services, and a good developer will ensure these things up-front. Schools have expressed their opposition at meetings because of overcrowding. Doing these things up front before applications are submitted gives transparency. His family has developed in this city since the 1930's, and he wanted to point out that his uncle developed Queensridge.

TERRY HOLDEN echoed MR. PECCOLE'S comments and stated that he does not understand the logic. The existing bill gave rights to homeowners, and this is more about giving rights to the developers. Another big issue is that the transparency is not there. This is a big ticket item for the community and should not be looked upon half-heartedly. This impacts everyone in Las Vegas and it is too big to be fast tracked.

ELAINE WENGER-ROESENER echoed the comments made prior to her. As President of the Queensridge Owners Association, she stated that the Board urges opposition and would like to schedule a minimum of two town hall meetings with COUNCILWOMAN SEAMAN and follow-up with a community survey. They want their input noted and their questions answered, and meeting with COUNCILWOMAN SEAMAN would accomplish this. Several residents have written to the Council, and COUNCILWOMAN SEAMAN'S office did respond and stated that during her campaign she tried to find a fair solution, and she is committed to that resolution in a matter that involves all parties. MS. WENGER-ROESENER repeated that nobody has reached out to them and a town hall meeting has not been held, yet COUNCILWOMAN SEAMAN held a marijuana dispensary town hall and heard from her constituents, and they want the same opportunity.

COUNCILWOMAN FIORE declared the Public Hearing closed.

Subsequent to the motion and vote, COUNCILWOMAN FIORE announced that this bill would be eligible for adoption at the December 18, 2019 City Council meeting.

Motion made by Michele Fiore to Approve as Do Pass

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

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

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 10:53 a.m.

Respectfully submitted:

Cheyenne LaRance, Deputy City Clerk

THIS MEETING WAS 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