



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN KNUDSEN called the meeting to order at 10:00 a.m.

PRESENT: COUNCILMEMBERS KNUDSEN and SEAMAN and MAYOR GOODMAN (for Councilwoman Allen-Palenske)

ALSO PRESENT: DEPUTY CITY MANAGER STEVE FORD, CHIEF DEPUTY CITY ATTORNEY VAL STEED, CITY CLERK LUANN D. HOLMES, and DEPUTY CITY CLERK BRIAN CARROLL

2. Announcement Regarding: Compliance with Open Meeting Law

Minutes:

ANNOUNCEMENT MADE: *This meeting has been properly noticed and posted at the following locations in accordance with the noticing standards as outlined in NRS 241.020: City Hall, 495 South Main Street, 1st Floor; the City of Las Vegas website – www.lasvegasnevada.gov; and the Nevada Public Notice website – notice.nv.gov.*

3. Public Comment: Comment during this portion of the agenda must be limited to matters on the agenda for action. If you wish to be heard, come forward and give your name for the record. The amount of discussion, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:

None.

4. For possible action to approve the Final Minutes by reference of the November 13, 2023 Recommending Committee Meeting

Motion made by Victoria Seaman to Approve

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

For-Victoria Seaman, Brian Knudsen, Carolyn Goodman;

5. Bill No. 2023-28 - For possible action - Amends LVMC Title 6 to add a new chapter pertaining to the licensing and regulation of sidewalk vendors, as authorized and directed by State law. Sponsored by: Councilwoman Olivia Diaz

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

SETH FLOYD, Community Development Director, advised that a First Amendment to the bill was requested, and he introduced DARCY ADELBAI-HURD, Business Licensing Manager, to provide information on the bill as it was written. MS. ADELBAI-HURD explained that the Nevada Legislature passed Senate Bill (SB) 92, which

created the Task Force on Safe Sidewalk Vending (Task Force) and requires local governments to create a licensing path for sidewalk vending by January 1, 2024. Regarding enforcement, vendors will be subject to civil citations if they vend in prohibited residential areas or are unlicensed; otherwise, vendors are subject to criminal citations. She provided a timeline of public outreach events, noting that two online outreach sessions, two in-person outreach sessions, including one provided in Spanish at the East Las Vegas Community Center, and a live stream event in City Council Chambers were held. Further, MS. ADELBAI-HURD said a webpage on the City website was dedicated specifically to sidewalk vending. She stated that a business impact solicitation was open from October 4th to November 2nd to collect comments from businesses, and the City participated in the Task Force meeting on October 24th. The bill was introduced at the November 15th City Council Meeting and may be eligible for adoption at the December 20th City Council Meeting.

MS. ADELBAI-HURD advised that the proposed bill requires sidewalk vendors to complete an application for a business license and pay the \$150 annual license fee, and a health card is required per the Health Department (Southern Nevada Health District). She listed distance prohibitions from the bill, which included a 150-foot separation from any food establishment during their operating hours, a 500-foot separation from an operating farmers market or special event, 1,000-foot separations from a non-restricted gaming license, the Fremont Street Experience Pedestrian Mall, the Downtown Entertainment Overlay District, the outside perimeter of schools one hour before and after they are in session, and City-owned swimming pools, community centers, and recreational centers, and a 1,500-foot separation from resort hotels. Further restrictions limit consumption of alcoholic beverages while vending, vending at locations adjacent to City parks, stationary vending, and vending during quiet hours between 11:00 p.m. to 7:00 a.m. Signs, devices, and tables will not be permitted on the public sidewalk, and vendors must operate in accordance with all applicable traffic laws and not impede pedestrian traffic. Lastly, MS. ADELBAI-HURD stated that concerns were expressed from the public regarding distance separations and matching the quiet hours with other jurisdictions.

COUNCILMAN KNUDSEN questioned how the proposed bill matched with other jurisdictions. MS. ADELBAI-HURD clarified that Clark County, the City of Henderson, and the City of North Las Vegas were drafting bill language. She advised that a First Amendment was proposed to match language with other jurisdictions, which included creating a multi-jurisdictional license that would allow applicants to receive a single license for all jurisdictions, limiting vendors to 30 minutes in one location, and requiring a set distance between other vendors. She said Clark County believed their ordinance would be passed in February. In response to the Councilman, MS. ADELBAI-HURD confirmed that multi-jurisdictional licenses were possible since the Code has mobile business categories, and she stated that they would need an MOU (Memorandum of Understanding) between the other jurisdictions. Further, COUNCILWOMAN SEAMAN stated that the State has a multi-license process.

COUNCILMAN KNUDSEN asked if the First Amendment was requested by COUNCILWOMAN OLIVIA DIAZ, and MS. ADELBAI-HURD responded that the Councilwoman was briefed. She clarified that the Councilwoman wanted a two-phased approach to the bill by prioritizing the distance separations and working on licensing requirements later. COUNCILWOMAN SEAMAN wondered if COUNCILWOMAN DIAZ wanted the Committee to pass the bill and later work on amendments. MS. ADELBAI-HURD confirmed that the Councilwoman desired to remove the licensing component from this bill and retain the distance separations based on SB92. MR. FLOYD stated that the State prescribed distance separations that went into effect in October, which would be memorialized by the first part of the bill. He said the second part of the bill allows the City to create a licensing path for sidewalk vendors. He believed that COUNCILWOMAN DIAZ wanted to only adopt the distance separations with this bill and handle the licensing path as an amendment or a new bill. CHIEF DEPUTY CITY ATTORNEY VAL STEED opined that community feedback was received that made COUNCILWOMAN DIAZ want to take more time on licensing and other requirements in the bill. In response to COUNCILMAN KNUDSEN, MR. STEED provided options to pass the bill, noting that a new bill would not require a separate business impact solicitation. The Councilman asked if there would be implications to pass the bill in line with Clark County. MR. STEED advised that SB92 has several different effective dates, and there were disagreements if the licensing portion needed to be passed by January 1st.

MAYOR GOODMAN stated that truck vendors have a lottery system and need to be a certain distance away from restaurants, and she believed street vendors should be allowed outside of schools and parks. She expressed concerns regarding public health and vendors displaying their health permit and license. She wanted to ensure that the City heard from vendors to guarantee the bill was fair.

ROBERT GARCIA, Lead Organizer at Make the Road Nevada, assisted in translating for EDUARDO

MORENO, street vendor. MR. MORENO said he is 73 years old and has lived in Las Vegas for 23 years. He makes around \$20,000 and works between three and five days per week to provide for his family. He hoped regulations and licensing fees do not impede his business, and he stated that foodborne illnesses were not an issue since he takes care of the food he sells. In response to COUNCILMAN KNUDSEN, MR. MORENO displayed an image of his four-by-six food cart on the overhead and clarified that he sells between Cheyenne Avenue and Nellis Boulevard. The Councilman asked if he is mobile and has a health permit. MR. MORENO advised that he moves the cart by attaching it to his vehicle and does not have a health permit.

RAMIRO REYES, Diversity Outreach Officer, assisted in translating for ELIZABETH VELASQUEZ, Community Organizer for Make the Road Nevada. MS. VELASQUEZ said street vendors were excited for the opportunity to participate in community events, and she expressed concern regarding fees and regulations limiting vending in public areas. She believed an \$800 fee is inaccessible for some street vendors, and she hoped the City would be flexible and accommodating towards entrepreneurial street vendors.

MR. GARCIA stated that street vendors work hard for their families and have a large cultural impact on the community. He said they are small businesses that work tirelessly, regardless of the season, to contribute to the Nevada economy. He wanted to ensure that permits and licenses were affordable.

MAYOR GOODMAN reiterated her concern regarding public health and noted that food trucks are required to acquire permits from the Health Department. She said this process needed to be figured out for street vendors, and she wondered if they were willing to acquire a health permit. MR. STEED clarified that health related to sales and service of food is delegated to the Health Department by State law, and he did not believe the Health Department had regulations particular to street vendors. He said the Health Department represented that they would use something in the interim until formal regulations are in place, and he confirmed that the proposed bill requires the City to follow those regulations. MS. ADELBAI-HURD advised that the Health Department has until December 2025 to create those regulations, and street vendors have to follow the same requirements as truck vendors in the interim. She believed the Health Department charges \$900 for the permit and first year's inspections and around \$300 for renewal fees. COUNCILWOMAN SEAMAN agreed with MAYOR GOODMAN that public safety is a priority, and she confirmed with MS. ADELBAI-HURD that the City's proposed licensing fee is \$150 with a \$50 processing fee.

COUNCILMAN KNUDSEN advised that he serves on the Health Department's board, and he said the Task Force was established to develop standards by 2025 for the Health Department to follow. He stated that vendors have to acquire a permit from the Health Department and receive a license from a jurisdiction in order to vend. He questioned if the multi-jurisdictional license was possible and felt that consistency was important for vendors. MAYOR GOODMAN did not want the high costs to put vendors out of business, and she opined that the Health Department needed to create their regulations before municipalities rule. COUNCILMAN KNUDSEN said the Task Force will take one year to create new regulations, and the City is required to pass a bill without established regulations from the State or the Health Department. He suggested abeying this item and noted that would take them outside the NRS (Nevada Revised Statutes) deadline. MR. STEED thought that was fine and reiterated there were disagreements about the effective dates. He stated that the Nevada Legislature decided municipalities should create their rules first and allow additional time for the Health Department.

Discussion was held regarding abeying this item and requesting a presentation by the Health Department at a future City Council meeting. COUNCILMAN KNUDSEN summarized the discussion by saying a request would be made during the emerging issues portion of the December 6, 2023 City Council Meeting to have the Health Department present at the December 20, 2023 City Council Meeting and possibly the January 16, 2023 Recommending Committee Meeting.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Brian Knudsen to Hold in Abeyance to 1/16/2024

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

For-Victoria Seaman, Brian Knudsen, Carolyn Goodman;

6. 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:

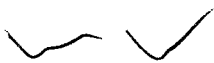
ROBERT GARCIA, Lead Organizer at Make the Road Nevada, assisted in translating for EDUARDO MORENO, street vendor. MR. MORENO appreciated the discussion and the opportunity to have more street vendors provide feedback. He understood having to acquire permits and pay taxes, but he believed they should be more accessible to the community and not make it harder to be a street vendor.

7. Adjournment

Minutes:

The meeting was adjourned at 10:54 a.m.

Respectfully submitted:



Brian Carroll, Deputy City Clerk

THIS MEETING WAS PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS
IN ACCORDANCE WITH THE NOTICING STANDARDS AS OUTLINED IN NRS 241.020:

The City of Las Vegas website – www.lasvegasnevada.gov

The Nevada Public Notice website – notice.nv.gov

City Hall, 495 South Main Street, 1st Floor