



Recommending Committee Minutes

1. Call to Order

Minutes:

COUNCILMAN KNUDSEN called the meeting to order at 10:03 a.m.

PRESENT: COUNCILMEMBERS KNUDSEN, SEAMAN and ALLEN-PALENSKE

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

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:

COUNCILMAN KNUDSEN announced that Item 7 would be pulled forward.

4. For possible action to approve the Final Minutes by reference of the June 17, 2024 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, Francis Allen-Palenske;

5. Bill No. 2023-28 - ABEYANCE ITEM - 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. Proposed by: Seth Floyd, Director of Community Development [NOTE: This bill is now being proposed by Seth T. Floyd, Director of Community Development, as stated at the June 17, 2024 Recommending Committee meeting]

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

SETH FLOYD, Community Development Director, advised that this bill had been before the Committee several

times, noting that a new business impact solicitation had been issued after the City made amendments matching the County's (Clark County) bill.

DARCY ADELBAI-HURD, Business Licensing Manager, reported that the bill had proposed changes matching ordinances passed by the County and the Cities of Henderson and North Las Vegas. She confirmed that the business impact solicitation was issued on June 7th and closed on July 18th, stating that over 3,400 notices had been sent out and only two e-mails and five survey responses were received. She listed the proposed amendments as reducing the distance separation from schools, churches, and community centers to 500 feet; adding a 150-foot distance separation from vehicle entrances to emergency response structures or other sidewalk vendors; removing the allowance of merchandise sales; stopping vending hours from 9:00 p.m. to 8:00 a.m.; restricting vending for non-stationary vendors to no more than 30 minutes; including cleanup requirements; making the maximum conveyance size 25 square feet; and requiring liability insurance.

COUNCILMAN KNUDSEN confirmed with MR. FLOYD that this bill originated with SB (Senate Bill) 92, which allows the City to develop an ordinance regarding sidewalk vending and included target dates. MR. FLOYD noted they began working with other jurisdictions last year to construct an ordinance, and he clarified that the City does not have to pass a law and State law went into effect on July 1st. CHIEF DEPUTY CITY ATTORNEY VAL STEED added that the City could not prohibit certain activities without an ordinance. He noted that some deadlines were effective dates, and he opined that the City would not be in violation unless they cited people in ways contrary to SB 92. In response to COUNCILMAN KNUDSEN, MS. ADELBAI-HURD advised that the County had issued three permits since passing their ordinance, noting that every jurisdiction was charging \$150 for the annual license fee. The Councilman said the Southern Nevada Health District also required vendors to pay around \$800 for their permit.

ATTORNEY DAVID BROWN appeared representing a company that owns multiple fast-food franchises, and he asked for the 150-foot distance separation from restaurants to be increased to 500 or 1,000 feet. He stated that the company made substantial investments for a brick-and-mortar locations, noting they often negotiate with property owners to ensure there are no nearby competitors.

COUNCILWOMAN SEAMAN was unsure how 150 feet was selected, stating that this type of business was most impacted. She believed it should be increased to 1,000 feet.

COUNCILMAN KNUDSEN understood there was a request to make the bill consistent across jurisdictions. MR. FLOYD clarified that 150 feet was adopted by the other jurisdictions and matches City requirements for food trucks. Further, he noted conversations with Metro (Las Vegas Metropolitan Police Department) that involved keeping the ordinance consistent with other jurisdictions.

COUNCILWOMAN ALLEN-PALENSKE advised she owns a brick-and-mortar restaurant and did not believe 150 feet would protect businesses. She understood the importance of consistency and hoped the County would change their 150-foot requirement. She had observed an illegal food vendor selling food within 200 feet of a similar restaurant, and she heard from the restaurant industry that similar food vendors decrease restaurant sales by 25 percent. The Councilwoman believed there were enforcement difficulties, noting that the food vendor she referenced had received multiple complaints and was still operating.

MR. FLOYD stated there is a 150-foot distance separation from the primary entrance, and he clarified that a subsection of the bill prohibits vending on a public sidewalk that abuts the parcel where a food establishment operates. He noted that large food vendor operations with propane tanks are not allowed by code or contemplated by SB 92. He said this bill covers sidewalk vendors.

COUNCILWOMAN SEAMAN said brick-and-mortar businesses have to pay for rent and employees. She was willing to support changing the requirement to 500 feet but could not support 150 feet. MR. STEED advised that the business impact solicitation went out with 150 feet, and he opined that the bill could be challenged by approving a larger distance. He suggested passing the bill and coming back with an amendment or holding the item and sending out a solicitation at 500 to 1,000 feet. COUNCILMAN KNUDSEN expressed concern going against legal advice, and COUNCILWOMAN ALLEN-PALENSKE was willing to re-notice the item. MR. FLOYD confirmed that the business impact solicitation would take between 30-45 days to complete.

Subsequent to a failed motion by COUNCILWOMAN SEAMAN and further discussion between the

Councilmembers, MR. STEED, and CITY CLERK LUANN D. HOLMES, MR. FLOYD asked if a motion to Approve as Do Pass as a Second Amendment needed a date certain to be heard by the City Council. MR. STEED stated that the bill would be on future City Council agendas under bills eligible for adoption at a later meeting until being moved to bills eligible for adoption at this meeting after the business impact solicitation process was completed.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Francis Allen-Palenske to Approve as Do Pass as a revised version of the Proposed First Amendment adjusting the distance separation from food establishments to 500 feet, noting that the bill would not be eligible for adoption by the City Council until after the business impact solicitation process is complete

NOTE: After discussions among the Committee, legal counsel and the Clerk's Office, it was determined to designate the revised version recommended to approve as Do Pass as a Second Amendment. Additionally, an initial motion by Councilwoman Seaman to approve as Do Pass as a revised version of the Proposed First Amendment adjusting the distance separation from food establishments to 500 feet failed with Councilmembers Knudsen and Allen-Palenske voting No.

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

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

6. Bill No. 2024-21 - For possible action - Amends various provisions of LVMC Title 19 (Unified Development Code) to amend regulations governing commercial and industrial uses, including the consolidation of uses and other adjustments. Sponsored by: Councilwoman Olivia Díaz

Minutes:

COUNCILMAN KNUDSEN declared the Public Hearing open.

SETH FLOYD, Community Development Director, reported that the EUD (Economic and Urban Development) Department noticed the Industrial Uses code had not been substantively changed in 30 years. He advised that industrial uses had modernized, and the bill would update the code to help recruit businesses to the city's limited commercial district. He stated that the bill would consolidate some uses, particularly in the automotive area, and add categories for Data Center in Research and Development and Commissary Use. Further, the bill would increase allowable wall heights to 10 feet and allow battery-operated and electrified fences on industrial properties, which is allowed under State law through SB (Senate Bill) 80.

COUNCILMAN KNUDSEN declared the Public Hearing closed and announced that this bill would be eligible for adoption at the City Council meeting of August 21, 2024.

Motion made by Victoria Seaman to Approve as Do Pass

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

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

7. Bill No. 2024-22 - For possible action - Adopts prohibitions and limitations regarding the purchase of scrap metal, consistent with and supplementary to State law on the subject. Sponsored by: Councilman Brian Knudsen

Minutes:

This item was heard subsequent to Item 4.

COUNCILMAN KNUDSEN declared the Public Hearing open.

The Councilman noted there were amendments to the bill proposed by staff and ISAAC (sic) HARDY, and he advised he would request that the Committee abey this item for two weeks to review the amendments. He asked DEPUTY CITY MANAGER STEVE FORD to have the Public Works and Public Safety Departments present on the bill, to which MR. FORD responded in the affirmative.

SETH FLOYD, Community Development Director, stated that the bill would create a misdemeanor for the purchase and sale of scrap metal and set a civil fine.

MO DENNIS appeared representing Las Vegas Recycling and acknowledged that copper theft was a problem. He understood the bill's intent was to deal with the sale of seven-strand utility wire, which he supported, but he could not support the bill as written and appreciated the Committee for offering amendments. He noted that the bill affected all scrap metals and that would create a competitive disadvantage with other municipalities. Further, MR. DENNIS opined that business-to-business transactions should be exempt. He explained that Las Vegas Recycling updated their intake process to track how much seven-strand utility wire is purchased. He said Metro (Las Vegas Metropolitan Police Department) should be given resources to pursue organized copper wire thieves, and he offered to work with the City on a legislative solution.

ISAAC HARDY appeared representing SA Recycling and Champion Recycling and agreed that utility-grade copper wire theft was an issue. He advised that his clients adjusted their procedures for copper wire, noting that employees are trained to identify suspicious material and to contact Metro with information as required by State law. He stated that copper thieves jeopardize the industry, and he expressed appreciation towards the Committee for considering his concerns. Lastly, MR. HARDY noted that he sent COUNCILMAN KNUDSEN a copy of his proposal, and he looked forward to working with the Committee.

KYLE SUTHERLAND, Fisher Brothers, advised that Fisher Brothers owns around 80 acres, including AREA15, which he said brings major employment and economic activities to the city of Las Vegas. He said his business had experienced copper theft and they are working with Metro. He offered to provide photos and contacts with Metro to highlight the challenges they faced, and he was willing to work with the recycling industry. MR. SUTHERLAND appreciated the Committee for dealing with copper theft and public safety concerns, and he believed these measures would enhance quality of life.

COUNCILMAN KNUDSEN said the bill was prompted after he observed people pushing carts with copper wire to a recycling plant. He read amendments from the proposed First Amendment, which was submitted for the record, that included updated language for written documentation ensuring wire is lawfully acquired and updating the definition of scrap metal. He advised that the City intended to develop an affidavit to document wire sales, and he clarified the intent of the bill was to address public safety and not hurt businesses. The Councilman summarized an e-mail he received from MR. HARDY, which was not submitted for the record, that asked for a clear definition of wire and to ensure the bill does not apply to business-to-business transactions. He believed the requests were reasonable and planned to work with the Public Safety Department, City Attorney's Office, and Metro to make those corrections.

COUNCILWOMAN ALLEN-PALENSKE expressed concern that the bill language includes metallic wire of any nature, and she believed their intent was to focus on copper wire. She noted there were three recyclers in the city of Las Vegas, and she opined that the legislature needed to take action to ensure safe neighborhoods.

COUNCILWOMAN SEAMAN opined that the addition was vague and the language needed to be adjusted.

COUNCILMAN KNUDSEN advised that he was working with County (Clark County), North Las Vegas, and Henderson (City of Henderson) representatives, and he believed the County had introduced similar language. Further, he said Metro requested any changes to be made are valley-wide.

See Item 3 for related discussion.

COUNCILMAN KNUDSEN declared the Public Hearing closed.

Motion made by Brian Knudsen to Hold in Abeyance to 8/19/2024

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

For-Victoria Seaman, Brian Knudsen, Francis Allen-Palenske;

8. Citizens Participation: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the Recommending Committee. No subject may be acted upon by the Recommending 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.

9. Adjournment

Minutes:
The meeting was adjourned at 10:53 a.m.

Respectfully submitted:



Brian Carroll, Senior 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