

City of Las Vegas

See

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, MARCH 3, 2003
4:00 P.M.

RECOMMENDING COMMITTEE. COUNCILMEN WEEKLY AND MACK

CALL TO ORDER

ANNOUNCEMENT RE. COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 3/19/2003 CITY COUNCIL MEETING

- 1 Bill No. 2003-21 – Clarifies that certain condominium-related conversions require site development plan review.
Sponsored by: Councilman Michael J. McDonald
2. Bill No. 2003-22 – Eliminates the requirement to file proof of permission to use private property for the operation of an outdoor pay telephone Sponsored by Councilman Michael J. McDonald

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

ALL INTERESTED PERSONS ARE INVITED TO ATTEND. A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P M

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

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

Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

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City of Las Vegas

RECOMMENDING COMMITTEE AGENDA **RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

PRESENT: COUNCILMEN WEEKLY and MACK

Also Present: DEPUTY CITY MANAGER STEVE HOUCHEMS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:
Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(4:06)

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-21 – Clarifies that certain condominium-related conversions require site development plan review. Sponsored by: Councilman Michael J. McDonald

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Over the past several years, a number of condominium projects in the City have been converted to multi-family rental projects, and a number of multi-family apartment projects have been converted to condominium developments—all without City review as to compatibility. These uses have different land use impacts and, to ensure continuing compatibility, this bill will clarify that any conversion requires a site development plan review.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-21

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-21 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the item was in order. The bill is designed such that when the use change is made, a site development plan will be required.

COUNCILMAN McDONALD discussed with CHIEF DEPUTY CITY ATTORNEY STEED that the applicants for such a change can be held to the requirement and the site development plan enforced.

RECOMMENDING COMMITTEE MEETING OF MARCH 3, 2003

City Attorney

Item 1 – Bill No. 2003-21

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, protested that there is a complex at Bruce and Fremont that is half apartment and half condominiums. CHIEF DEPUTY CITY ATTORNEY STEED replied that there is no prohibition against such a shared use. The site development plan review would allow the Council to review the situation and grant or deny it. MR. FARLOW explained that a man bought one-half of the condominiums and is renting them as apartments. COUNCILMAN McDONALD replied that the purpose of the bill is to address those types of problems. COUNCILMAN MACK added that there is a similar problem in his Ward.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:06 – 4:10)

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BILL NO. 2003-21

ORDINANCE NO. _____

AN ORDINANCE TO CLARIFY THAT CERTAIN CONDOMINIUM-RELATED CONVERSIONS REQUIRE SITE DEVELOPMENT PLAN REVIEW, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by Councilman Michael J McDonald Summary: Clarifies that certain condominium-related conversions require site development plan review.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Title 19, Chapter 18, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Applicability.

(1) Site Development Plans Required. Except as otherwise provided in this Subsection (B), a Site Development Plan is required for all development in the City.

(2) Exemptions. Except where the City Council or Planning Commission has specifically reserved the right of review through a prior action, the following activities and improvements do not require a Site Development Plan review:

- (a) Single-family or duplex dwelling units[;] except as provided in Paragraph (4) below;
- (b) Residential accessory buildings;
- (c) On-site signs, walls and fences;
- (d) Demolition of a structure;
- (e) Sculptures, fountains and other similar improvements;
- (f) Normal repairs and maintenance of an existing building or structure;
- (g) Activities and improvements undertaken in conjunction with a Temporary Commercial Permit; and
- (h) Alterations which do not affect the external dimensions of an existing building or structure, unless the alterations are made to change the use or type of occupancy

1 within part or all of the altered building or structure.

2 (3) Planned Developments. All Site Development Plans for a PD (Planned
3 Development) District shall conform to the approved Master Development Plan and Development
4 Standards for that District. The processing and review of Site Development Plans shall be in
5 accordance with Section 19.18.050(F).

6 (4) Certain Conversions. The conversion of any development from multi-
7 family or apartment development to condominium status, or the conversion of any condominium
8 development to a rental-only multi-family or apartment development, shall require a Site Development
9 Plan Review.

10 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19 18.050
11 is deemed to be a subchapter rather than a section.

12 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
13 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
14 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
15 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
16 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
17 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
18 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
19 invalid or ineffective.

20 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

4 APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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APPROVED AS TO FORM:

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Valsted 2-6-03
Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation,
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2003

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

CONSENT

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2003-22 – Eliminates the requirement to file proof of permission to use private property for the operation of an outdoor pay telephone. Sponsored by: Councilman Michael J. McDonald

Fiscal Impact

No Impact

Amount:

Budget Funds Available

Dept./Division:

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Municipal Code presently does not allow an outdoor pay telephone to be installed or operated on private property without the written permission of the property owner, and without first providing to the City documentation of that permission. This bill proposes to eliminate the requirement to provide the documentation to the City up front. However, the requirement to obtain the written permission before installation will remain.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2003-22

COMMITTEE RECOMMENDATION:

COUNCILMAN MACK recommended Bill 2003-22 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that the item was in order. Currently an operator must obtain the permission of the property owner and file with the City. This removes only the filing with the City. The operator must still obtain permission and provide proof thereof upon request.

RECOMMENDING COMMITTEE MEETING OF MARCH 3, 2003

City Attorney

Item 2 – Bill No. 2003-22

MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that the property owner may not require a permit, but the operators must file quarterly updates as to their locations. MR. FARLOW protested that Las Vegas Metropolitan Police Department has a problem with pay phones because they are used for drug dealing. That was the basis for requiring business licensing. He confirmed that that business license will still be required.

No one appeared in opposition and there was no further discussion.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:10 – 4:12)

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1 **BILL NO. 2003-22**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ELIMINATE THE REQUIREMENT TO FILE PROOF OF PERMISSION
4 TO USE PRIVATE PROPERTY FOR THE OPERATION OF AN OUTDOOR PAY TELEPHONE,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by:
6 Councilman Michael J. McDonald

Summary: Eliminates the requirement to file
proof of permission to use private property for
the operation of an outdoor pay telephone.

7 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

8 AS FOLLOWS:

9 SECTION 1: Title 6, Chapter 58, Section 40, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.58.040:** It is unlawful for any person to install, construct or maintain an outdoor pay telephone:

12 (A) On any private property without written permission that has been obtained from
13 the property owner; [and filed with the Department;]

14 (B) Within a public right-of-way or on any public property without obtaining from
15 the owner thereof, for that specific location, an appropriate encroachment permit or other approval in
16 the form of a permit, license, lease or similar arrangement;

17 (C) On any vacant property;

18 (D) On any property where there is an abandoned building;

19 (E) On residential property that is developed with fewer than eight dwelling units;

20 (F) At a location within one hundred feet of where the users of the telephone can
21 be heard from any single-family residential dwelling unit, unless the owner of the dwelling unit
22 consents in writing to the installation; or

23 (G) On any property or at any location which has been determined by Metro, the
24 Department of Finance and Business Services or the Department of Neighborhood Services to create
25 a nuisance under this Chapter based upon prior actual use.

26 SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or
27 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
28 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or

1 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
2 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
3 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
4 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
5 invalid or ineffective.

6 SECTION 3: Whenever in this ordinance any act is prohibited or is made or declared
7 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
8 required or the failure to do any act is made or declared to be unlawful or an offense or a
9 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
10 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
11 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
12 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

13 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
14 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
15 1983 Edition, in conflict herewith are hereby repealed.

16 PASSED, ADOPTED and APPROVED this ____ day of _____, 2003.

17 APPROVED:

18 By _____
19 OSCAR B. GOODMAN, Mayor

20 ATTEST:

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22 BARBARA JO RONEMUS, City Clerk

23 APPROVED AS TO FORM:

24 Val Stead 2-6-03
25 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2003, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2003, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
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17 BARBARA JO RONEMUS, City Clerk

City of Las Vegas

**RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: MARCH 3, 2003**

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

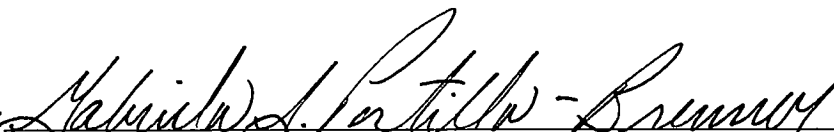
None.

(4:12)

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THE MEETING ADJOURNED AT 4:12 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

March 6, 2003