

S. ✓

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
AUGUST 19, 2008
4:00 P.M.

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.

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5 00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. Bill No. 2008-37 – Annexation No. ANX-28046 – Property location At 4742 Balsam Street; Petitioned by: Verla M. Wilson Revocable Living Trust; Acreage 1.03 acres; Zoned. R-E County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown
4. Bill No 2008-38 – Annexation No. ANX-28048 – Property location: At and adjacent to 6991 West Red Coach Avenue; Petitioned by: Scott Ashjian, Acreage: 3.72 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown
5. Bill No. 2008-39 – Exempts from the City's noise regulations certain events within the Downtown Entertainment Overlay District. Proposed by: Scott D. Adams, Director of Business Development
6. Bill No 2008-40 – Updates the City's prohibitions and penalties regarding graffiti and graffiti implements. Sponsored by: Councilman Ricki Y. Barlow
7. Bill No. 2008-41 – Amends provisions of the Municipal Code pertaining to certain fingerprint checks to include more detailed references to State law in order to meet new requirements of the Federal Bureau of Investigation, and to expressly set forth the City's authority to require and process Federal fingerprint checks for business license applicants within certain license categories Proposed by: Bradford R. Jerbic, City Attorney
8. Bill No 2008-42 – Allows facilities that provide testing, treatment, or counseling for drug or alcohol abuse, including overnight care, by means of special use permit in the C-M and M Zoning Districts. Sponsored by: Councilman Ricki Y. Barlow
9. 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

53 ✓
SM ✓

City of Las Vegas

10. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND 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:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

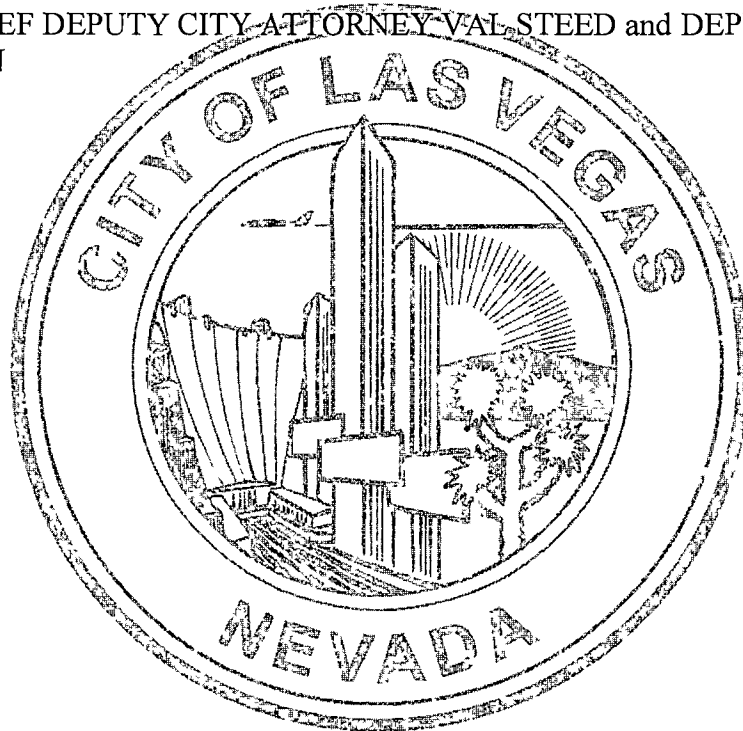
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes:
COUNCILWOMAN TARKANIAN called the meeting to order at 4:02 p.m.

PRESENT : COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK
LEAN COLEMAN



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

Minutes:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations: City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge Bulletin Board, City Hall Plaza (next door to Metro records), Las Vegas Library, 833 Las Vegas Boulevard North, Clark County Government Center at 500 S. Grand Central Parkway, Grant Sawyer Building, 555 E. Washington Avenue



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-37 – Annexation No. ANX-28046 – Property location: At 4742 Balsam Street; Petitioned by: Verla M. Wilson Revocable Living Trust; Acreage: 1.03 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located at 4742 Balsam Street. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (September 12, 2008) is set by this ordinance.

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. 2008-37 and Location Map

Motion made by RICKI Y. BARLOW to Approve as Do Pass

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

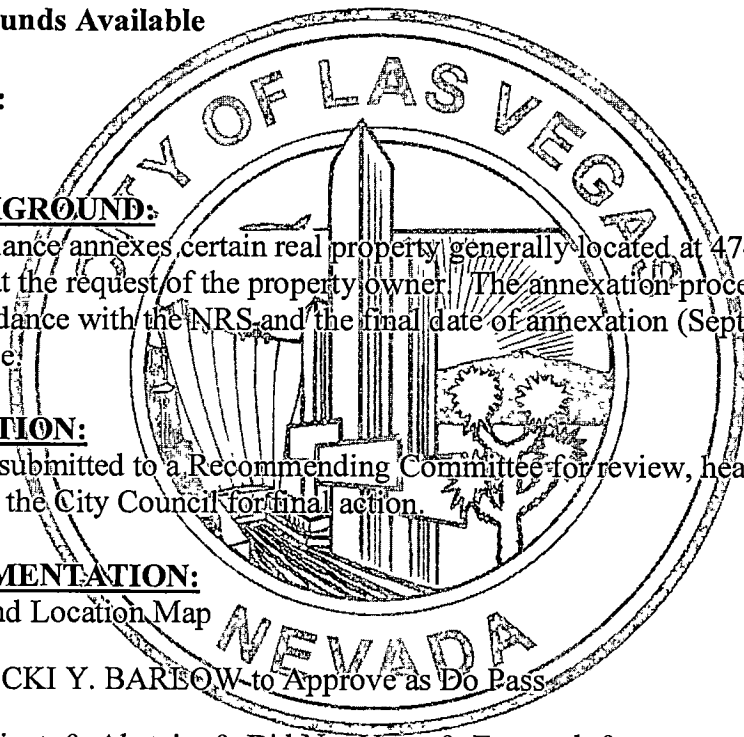
LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this is a routine single parcel request and recommended approval.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BILL NO. 2008-37

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-28046)

Sponsored by: Councilman Larry Brown Summary. Annexes property described generally as located at 4742 Balsam Street.

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

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

That portion of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being Lot 25 in Block 2 of BRIDLE PATH ESTATES recorded in Book 6 of Plats, Page 99 of Clark County, Nevada Records, including the adjacent east half street right of way of BALSAM STREET (30.00 feet wide as measured from centerline thereof) and the adjacent south half of the 20 foot east-west alley and the adjacent west half of the 20 foot north-south alley all as shown on said BRIDLE PATH ESTATES bounded as follows:

Bounded on the west by the centerline of said BALSAM STREET; bounded on the north by the centerline of said 20 foot east-west alley; bounded on the east by the centerline of said 20 foot north-south alley; and bounded on the south by the easterly and westerly prolongation of the south line of said Lot 25.

SECTION 2: The City Council hereby determines that the described territory

1 meets the requirements provided by law for annexation to the City for the following reasons:

- 2 A. The area to be annexed was contiguous to the City's boundaries at the
3 time the annexation proceedings were instituted;
- 4 B. More than one-eighth (1/8) of the aggregate external boundaries of
5 the area are contiguous to the City;
- 6 C. The territory proposed to be annexed is not included within the
7 boundaries of another incorporated city or within the boundaries of
8 any unincorporated town as those boundaries existed as of July 1,
9 1983;
- 10 D. The City is eligible to annex the described territory since the
11 landowners have signed a petition constituting one hundred percent
12 (100%) of the owners of record of individual lots or parcels of land
13 within the annexation area.

14 SECTION 3: The City will provide police protection through the Las Vegas
15 Metropolitan Police Department, fire protection, street maintenance, and library services
16 immediately upon annexation. Garbage collection by the company franchised by the City
17 will also be provided immediately. The City sanitary sewer system will serve the proposed
18 annexation area. Any connection to or extension of this sewer line to serve the annexation
19 area shall be at the expense of the landowners. Other services, such as participation in the
20 City's recreational programs, special education classes and programs, public works planning,
21 building inspections, and other City services will also be available immediately. Utilities
22 such as gas, electricity, telephone, and water are provided by private utility companies and
23 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
24 sidewalks and street lights which are not in place at the time of annexation will be installed
25 in the presently developed areas upon the request of the property owners and at their expense
26 by means of special assessment districts. Such improvements will be extended into the
27 undeveloped areas as development takes place and the need therefor arises, and will be
28 located according to the needs of the area at that time. Such installations will also be made

1 at the expense of the property owners, either by means of special assessment districts or as
2 prerequisites to the approval of subdivision plats, building permits or other land use or
3 development applications.

4 SECTION 4: The annexation of the described territory shall become
5 effective on the 12th day of September, 2008, and on that date the City will have the funds
6 appropriated in sufficient amount to finance the extension into the described territory of
7 police protection, fire protection, street maintenance, street sweeping, and street lighting
8 maintenance.

9 SECTION 5: The described territory, together with the inhabitants and
10 property thereof, shall, from and after the 12th day of September, 2008, be subject to all
11 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same
12 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
13 levied by the City.

14 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
15 an accurate map or plat of the described territory and to record the map or plat, together with
16 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
17 Nevada, which recording shall be done prior to the 12th day of September, 2008.

18 SECTION 7: The described territory, which previously has been zoned R-E
19 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
20 classification), which is deemed to be the City equivalent of the County classification.

21 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
22 clause or phrase in this ordinance or any part thereof, is for any reason held to be
23 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
24 decision shall not affect the validity or effectiveness of the remaining portions of this
25 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
26 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
27 phrase thereof irrespective of the fact that any one or more sections, subsections,
28 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid

1 or ineffective.

2 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
3 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

5 PASSED, ADOPTED and APPROVED this ____ day of _____,
6 2008.

7 APPROVED:

8
9 By OSCAR B. GOODMAN, Mayor

10 ATTEST:

11
12 BEVERLY K. BRIDGES, CMC
13 City Clerk

14 APPROVED AS TO FORM:
15 Jerry G. Bellis 7-24-08
16 Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 _____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2008, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

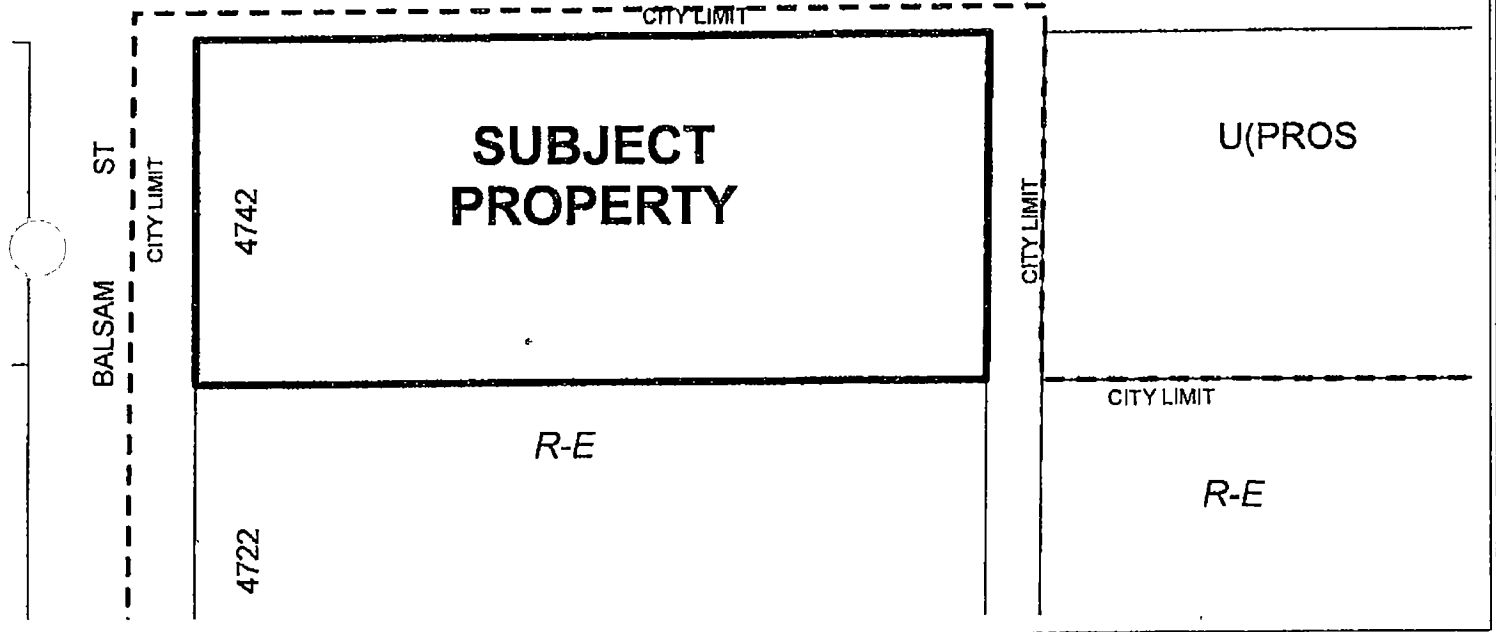
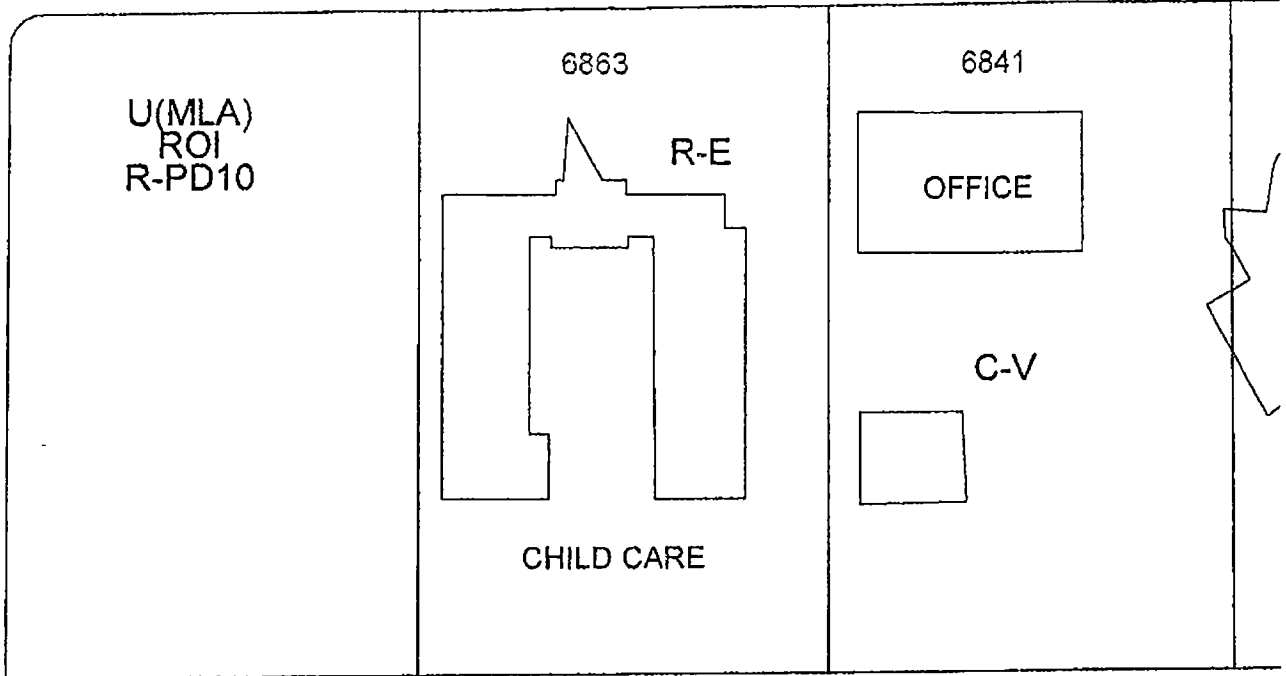
11 APPROVED:

12
13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BEVERLY K. BRIDGES, CMC
17 City Clerk
18
19
20
21
22
23
24
25
26
27
28

LONE MOUNTAIN RD



CASE: ANX-28046



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-38 – Annexation No. ANX-28048 – Property location: At and adjacent to 6991 West Red Coach Avenue; Petitioned by: Scott Ashjian; Acreage: 3.72 acres; Zoned. R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Larry Brown

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located at and adjacent to 6991 West Red Coach Avenue. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (September 12, 2008) is set by this ordinance.

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. 2008-38 and Location Map

Motion made by RICKI Y. BARLOW to Approve as Do Pass

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

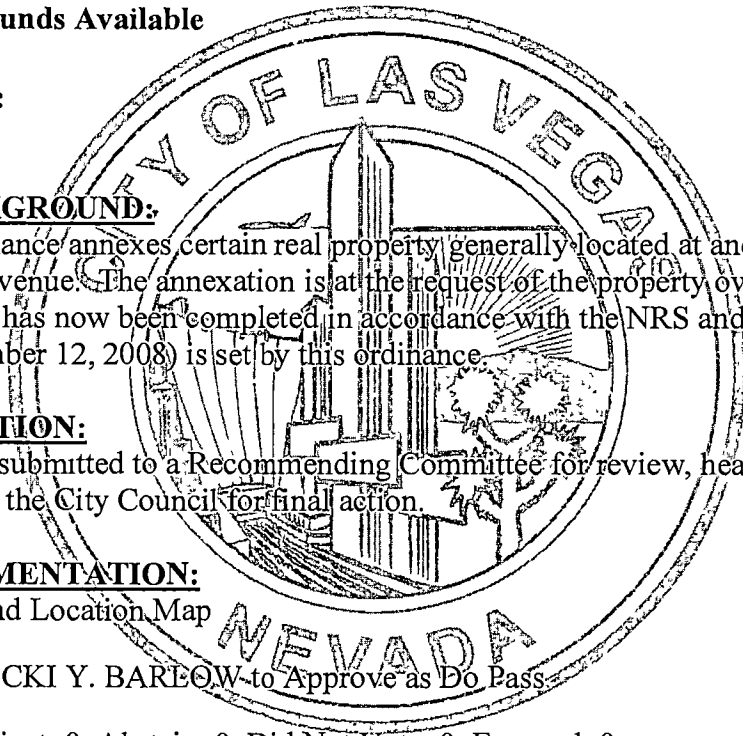
LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCIL WOMAN TARKANIAN declared the Public Hearing open

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this is a single parcel request, although it includes some right-of-way on US 95 that is part of an annexation. The matter is in order, and his recommendation was for approval.

COUNCIL WOMAN TARKANIAN declared the Public Hearing closed.



1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

BILL NO. 2008-38

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-28048)

Sponsored by: Councilman Larry Brown Summary: Annexes property described generally as located at and adjacent to 6991 West Red Coach Avenue.

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

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the following described real property:

That portion of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 3, Township 20 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being Lot 2 as shown in Parcel Map in File 55, Page 63 of Clark County, Nevada Records, together with the adjacent half street right of way of RED COACH AVENUE (width varies), and the half street right of way of US HIGHWAY 95 (width varies) described as follows:

BEGINNING at the northwest corner of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3; thence along the north line of said Northwest Quarter (NW 1/4), South 89°52'47" East 336.50 feet to the northwest corner of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3; thence along the west line of the Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section 3, South 00°38'37" West 30 00 feet to the south line

1 of said RED COACH AVENUE; thence continuing along said west line,
2 South 00°38'37" West 76.54 feet, thence departing said west line, North
3 89°52'47" West 20.00 feet; thence South 00°38'37" West 9.64 feet; thence
4 South 56°50'10" West 72.21 feet; thence South 13°01'41" East 279.82 feet;
5 thence South 89°45'49" East 95.50'; thence South 00°14'11" West 79.71 feet
6 to the north line of the South Half (S 1/2) of the South Half (S 1/2) of the
7 Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the
8 Northeast Quarter (NE 1/4) of said Section 3; thence along said north line,
9 North 89°42'49" West 130.02 feet to the east right of way of said US
10 HIGHWAY 95; thence continuing along said north line, North 89°42'49"
11 West 289.05 feet to the west line of the Northwest Quarter (NW 1/4) of the
12 Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of said Section
13 3; thence along said west line, North 00°41'09" East 507.00 feet to the
14 POINT OF BEGINNING.

15 BASIS OF BEARINGS: South 89°52'47" East being the north line of the
16 Southeast Quarter (SE 1/4) of the Northeast Quarter (NE 1/4) of Section 3,
17 Township 20 South, Range 60 East, M.D.M., as shown on Record of Survey
18 in File 90, Page 25 of Clark County, Nevada Records.

19 Prepared by:
20 Brian Yu, PLS
21 Public Works, City of Las Vegas,
22 731 S. Fourth Street,
23 Las Vegas, NV 89101
24 byu@lasvegasnevada.gov

25 SECTION 2: The City Council hereby determines that the described territory
26 meets the requirements provided by law for annexation to the City for the following reasons:

- 27 A. The area to be annexed was contiguous to the City's boundaries at the
28 time the annexation proceedings were instituted;
- 29 B. More than one-eighth (1/8) of the aggregate external boundaries of
30 the area are contiguous to the City;
- 31 C. The territory proposed to be annexed is not included within the
32 boundaries of another incorporated city or within the boundaries of
33 any unincorporated town as those boundaries existed as of July 1,
34 1983;
- 35 D. The City is eligible to annex the described territory since the
36 landowners have signed a petition constituting one hundred percent
37 (100%) of the owners of record of individual lots or parcels of land
38 within the annexation area.

1 SECTION 3: The City will provide police protection through the Las Vegas
2 Metropolitan Police Department, fire protection, street maintenance, and library services
3 immediately upon annexation. Garbage collection by the company franchised by the City
4 will also be provided immediately. The City sanitary sewer system will serve the proposed
5 annexation area. Any connection to or extension of this sewer line to serve the annexation
6 area shall be at the expense of the landowners. Other services, such as participation in the
7 City's recreational programs, special education classes and programs, public works planning,
8 building inspections, and other City services will also be available immediately. Utilities
9 such as gas, electricity, telephone, and water are provided by private utility companies and
10 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
11 sidewalks and street lights which are not in place at the time of annexation will be installed
12 in the presently developed areas upon the request of the property owners and at their expense
13 by means of special assessment districts. Such improvements will be extended into the
14 undeveloped areas as development takes place and the need therefor arises, and will be
15 located according to the needs of the area at that time. Such installations will also be made
16 at the expense of the property owners, either by means of special assessment districts or as
17 prerequisites to the approval of subdivision plats, building permits or other land use or
18 development applications.

19 SECTION 4: The annexation of the described territory shall become
20 effective on the 12th day of September, 2008, and on that date the City will have the funds
21 appropriated in sufficient amount to finance the extension into the described territory of
22 police protection, fire protection, street maintenance, street sweeping, and street lighting
23 maintenance.

24 SECTION 5: The described territory, together with the inhabitants and
25 property thereof, shall, from and after the 12th day of September, 2008, be subject to all
26 debts, laws, ordinances and regulations in force in the City and shall be entitled to the same
27 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
28 levied by the City.

1 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
2 an accurate map or plat of the described territory and to record the map or plat, together with
3 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
4 Nevada, which recording shall be done prior to the 12th day of September, 2008.

5 SECTION 7. The described territory, which previously has been zoned R-E
6 (County of Clark classification), is hereby classified as R-E (City of Las Vegas
7 classification), which is deemed to be the City equivalent of the County classification.

8 SECTION 8: If any section, subsection, subdivision, paragraph, sentence,
9 clause of phrase in this ordinance or any part thereof, is for any reason held to be
10 unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such
11 decision shall not affect the validity or effectiveness of the remaining portions of this
12 ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that
13 it would have passed each section, subsection, subdivision, paragraph, sentence, clause or
14 phrase thereof irrespective of the fact that any one or more sections, subsections,
15 subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid
16 or ineffective.

17 ...
18 ...
19 ...
20 ...
21 ...
22 ...
23 ...
24 ...
25 ..
26 ...
27 ..
28 ...

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 9: All ordinances or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Jany G. Bellis 7-24-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2008, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

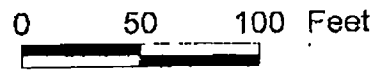
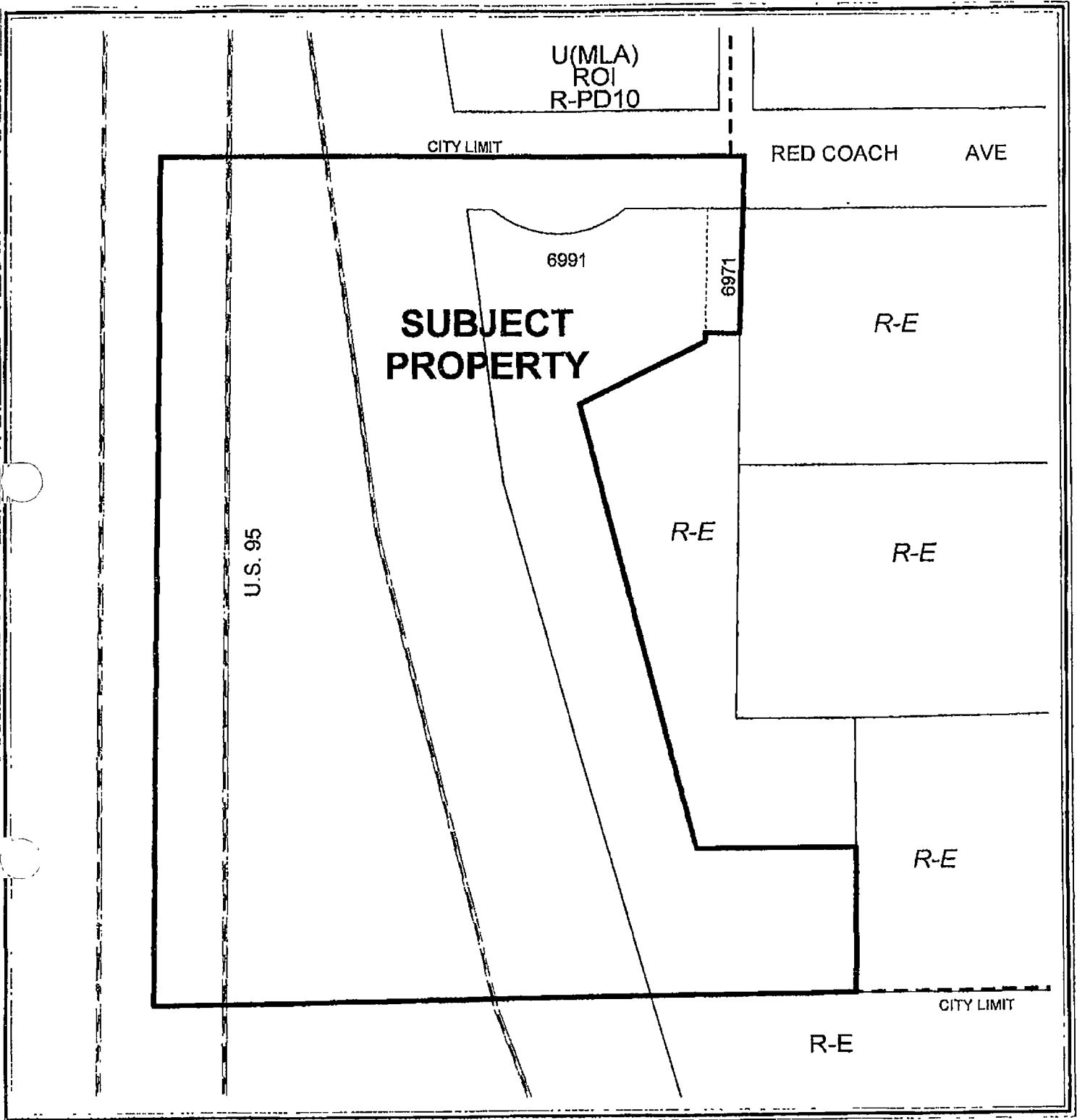
10 ABSENT: _____

11 APPROVED:

12
13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:

15
16 BEVERLY K. BRIDGES, CMC
17 City Clerk



CASE: ANX-28048



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-39 – Exempts from the City’s noise regulations certain events within the Downtown Entertainment Overlay District. Proposed by: Scott D. Adams, Director of Business Development

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Events that are authorized by a special event permit from the City are currently exempt from the City’s noise regulations. This bill will provide a similar exemption for events that take place at businesses within the Downtown Entertainment Overlay District that have an alcoholic beverage license. The logistics and limitations of the special event permit process do not lend themselves to the nature and frequency of the entertainment events that will occur in the District - and in fact are the reason for the District.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2008-39
2. Business Impact Statement

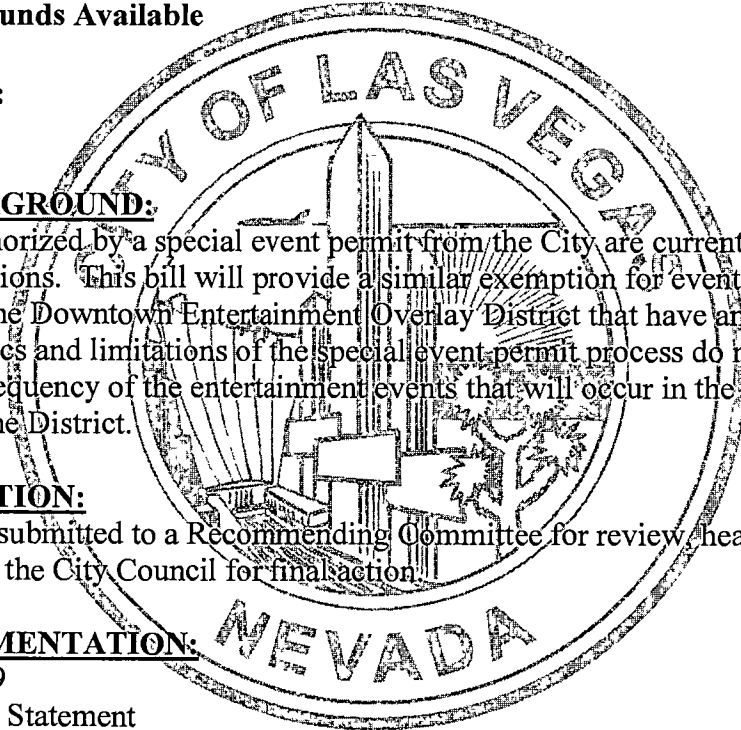
Motion made by RICKI Y. BARLOW to Approve as Do Pass

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

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

SCOTT ADAMS, Director of the Office of Business Development, stated that the proposed amendment to the City Noise Ordinance relates to situations that are currently exempt from the ordinance; specifically any business that is licensed in accordance with the liquor license ordinance and located within the downtown overlay district.



RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

He remarked that the entertainment district is a six-block area downtown and basically any business in that district would be exempt from the ordinance. At the present time, if a business located in this district wishes to organize an outdoor event, a special event permit must be requested anywhere from three to four months in advance.

MR. ADAMS attested to routine approvals of those types of permits, particularly citing the Beauty Bar. He indicated that the City has worked with the Fremont East District in perfecting the provision to make the Beauty Bar exempt. MR. ADAMS displayed a map indicating the various distances from the district, which in reality, does not significantly impact the noise situation that currently exists in the area.

MR. ADAMS commented that approval of the amendment will bring more live entertainment to downtown.

With regard to a recent complaint, COUNCILMAN BARLOW asked for the status of that conversation. DAVE BRATCHER, Redevelopment Officer, stated that the Beauty Bar held an event and as a result, an adjacent resident of the Johnny Carson Hotel filed a complaint with Business Services. BREE BLUMSTEIN, a representative of the Beauty Bar, met with the complainant and the issue was resolved. MR. BRATCHER added that since then no further complaints have been received.

BREE BLUMSTEIN, General Manager of the Beauty Bar Las Vegas, stated that she met with the individual who had complained about the noise and explained the circumstances of pulling permits for special events or foregoing the opportunity to provide live entertainment. MS. BLUMSTEIN apologized for any inconvenience and also offered to work with the manager of the Johnny Carson Hotel relative to future events. Additionally MS. BLUMSTEIN noted that the gentleman has since moved out of the apartments but had communicated with her expressing his regret that his complaint had caused undue harm to the reputation of the business.

COUNCILMAN BARLOW asked for an explanation of the exemption and how it works in regards to the residents and the surrounding businesses. MR. ADAMS explained that within the six-block area, any liquor licensee would be exempt from the provisions of the noise ordinance for a sponsored event. It means that they would not have to file for a special events permit. He listed additional items that would be exempt from the noise ordinance including: civic functions, without limitations, including parades, concerts, athletic events, group use of public facilities and other public gatherings, as well as sounds that are emitted in the performance of emergency work, such as ambulances.

COUNCILMAN BARLOW questioned whether new residents of high rise apartments would be made aware of the noise ordinance and exemptions. MR. ADAMS indicated the ordinance could be revisited for possible mitigations should a problem arise.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

1 BILL NO. 2008-39

2 ORDINANCE NO. _____

3 AN ORDINANCE TO EXEMPT FROM THE CITY'S NOISE REGULATIONS CERTAIN EVENTS
4 WITHIN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE
FOR OTHER RELATED MATTERS.

5 Proposed by: Scott D. Adams, Director of
6 Business Development

Summary. Exempts from the City's noise
regulations certain events within the Downtown
Entertainment Overlay District.

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

9 SECTION 1: Title 9, Chapter 16, Section 40, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **9.16.040:** None of the terms or prohibitions that are contained in this Chapter shall apply to or
12 be enforced against.

13 (A) Any vehicle that belongs to, or is used by, the City or its authorized garbage
14 collection contractor while it is engaged in any necessary public business;

15 (B) The excavation or repair, or both, of streets, highways or bridges that are made
16 during the night by or on behalf of the City, Clark County or the State, if the public welfare and
17 convenience renders it impracticable to perform such work during the day;

18 (C) The emission of sound to alert persons to the existence of an emergency;

19 (D) Sounds that are emitted in the performance of emergency work;

20 (E) [The holders of special event permits that have been issued by the City;] Any
21 event that:

22 (1) Is authorized by a special event permit issued by the City; or

23 (2) Takes place on the premises of a business that is licensed pursuant to

24 Chapter 6.50 and is located within the Downtown Entertainment Overlay District, as described in

25 LVMC 19.06.120;

26 (F) Civic functions, including without limitation parades, concerts, athletic events,
27 group use of public facilities and other public gatherings for which a license or permit has been issued
28 pursuant to any chapter of this Code.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:
Jany G. Bettis 7-24-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, 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: _____

11
12 APPROVED:

13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
18 City Clerk

19
20
21
22
23
24
25
26
27
28

BUSINESS IMPACT STATEMENT
BILL NO. 2008-39
(Exempts from the City's noise regulations certain events
within the Downtown Entertainment Overlay District)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-39, that would exempt from the City's noise regulations certain events within the Downtown Entertainment Overlay District.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments solicited

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

Potential savings to affected businesses no longer required to obtain a special event permit

Direct effects:

Potential savings to affected businesses no longer required to obtain a special event permit

Indirect effects:

Potential savings to affected businesses no longer required to obtain a special event permit

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date: July 24, 2008

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-40 – Updates the City’s prohibitions and penalties regarding graffiti and graffiti implements. Sponsored by: Councilman Ricki Y. Barlow

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will update the Municipal Code to conform to State law changes regarding graffiti and graffiti implements.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2008-40
2. Business Impact Statement

Motion made by RICKI Y. BARLOW, to Approve as-Do Pass

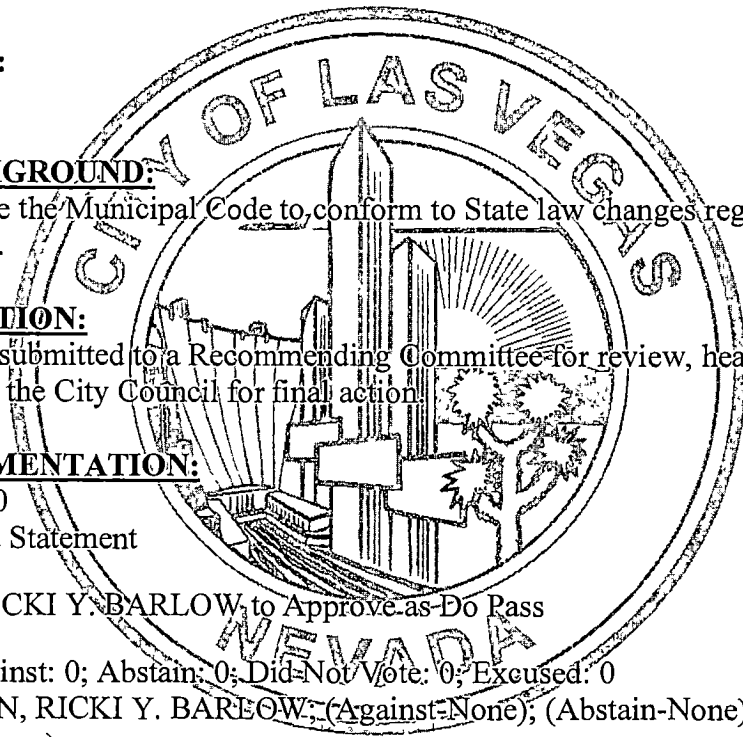
Passed For: 2; Against: 0; Abstain: 0; Did-Not-Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW: (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated this bill was requested by COUNCILMAN BARLOW, as his desire is to see this ordinance strengthened. In the mid 90’s, the legislature passed a graffiti law, which included a number of prohibitions and penalties in accordance with State law. As a result, the City adopted a corresponding ordinance. In recent legislative sessions, the penalties, definition of graffiti and graffiti implements have been updated. He recommended that the ordinance be adopted, as it is consistent with State law.



RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

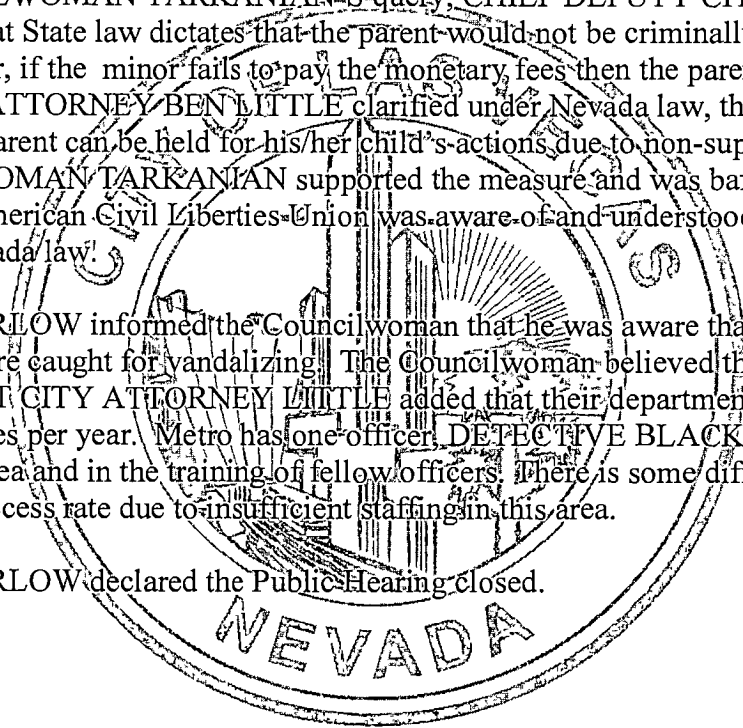
COUNCILMAN BARLOW emphasized that this ordinance was very important to him, as this graffiti issue has been a nuisance and is ongoing within our communities, Clark County as a whole and including personal vehicles. He noted that over 30 million dollars is used in taxpayer dollars to rid the Valley of graffiti and firmly believes that these dollars could and should be used towards more appropriate purposes, such as the City's budget.

COUNCILMAN BARLOW believed that with the additional measures in place, this should get the attention of those that vandalize. In addition, he opted for stronger measures but was instructed by counsel to ensure the City stays within the boundaries and not go above and beyond the law.

Relative to COUNCILWOMAN TARKANIAN'S query, CHIEF DEPUTY CITY ATTORNEY STEED responded that State law dictates that the parent would not be criminally liable and face a conviction; however, if the minor fails to pay the monetary fees then the parent is responsible. ASSISTANT CITY ATTORNEY BEN LITTLE clarified under Nevada law, there is an existing statute in which the parent can be held for his/her child's actions due to non-supervision of a minor. COUNCILWOMAN TARKANIAN supported the measure and was baffled as to whether or not the American Civil Liberties Union was aware of and understood this existing statute under the Nevada law.

COUNCILMAN BARLOW informed the Councilwoman that he was aware that last year close to 500 individuals were caught for vandalizing. The Councilwoman believed the number could be more; ASSISTANT CITY ATTORNEY LITTLE added that their department handles approximately 10 cases per year. Metro has one officer, DETECTIVE BLACK, who is responsible for this area and in the training of fellow officers. There is some difficulty in acquiring a higher success rate due to insufficient staffing in this area.

COUNCILMAN BARLOW declared the Public Hearing closed.



1 **BILL NO. 2008-40**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE CITY'S PROHIBITIONS AND PENALTIES REGARDING
4 GRAFFITI AND GRAFFITI IMPLEMENTS, AND TO PROVIDE FOR OTHER RELATED
MATTERS.

5 Sponsored by: Councilman Ricki Y. Barlow Summary: Updates the City's prohibitions and
6 penalties regarding graffiti and graffiti
implements.

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

9 SECTION 1: Title 10, Chapter 48, Section 60, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **10.48.060:** Except as is otherwise required by the context, as used in Sections 10.48.050 through
12 10.48.110 the following words and terms shall have the meanings ascribed to them as follows:

13 (A) "Broad tipped indelible marker" means any felt tipped marker or similar
14 implement which contains a fluid which is not soluble in water and has a flat or angled writing surface
15 of a width of one-half inch or greater.

16 (B) "Graffiti" means any unauthorized inscription, insignia, symbol, word, figure,
17 character or design that is marked, etched, scratched, drawn, sprayed or painted on a building, fence,
18 wall, rock, bridge, gate, tree or landscaping, or other structure.

19 (C) "Graffiti implement" means any broad tipped indelible marker or aerosol paint
20 container[.] or other item that may be used to propel or apply fluid that is not soluble in water.

21 (D) "Minor" means a person under eighteen years of age.

22 (E) "Responsible adult" means a parent or legal guardian of a minor.

23 SECTION 2: Title 10, Chapter 48, of the Municipal Code of the City of Las Vegas,
24 Nevada, 1983 Edition, is hereby amended by adding thereto a new section, designated as Section 97,
25 reading as follows:

26 **10.48.097:** Any person who carries on his person, while on public property, a graffiti implement
27 with the intent to:

28 (A) Place graffiti on public or private property, real or personal, of another;

1 (B) Aid in the placement of such graffiti; or

2 (C) Otherwise vandalize or deface such property,

3 ➡ is guilty of a misdemeanor unless he has first received valid authorization from the governmental
4 entity which has jurisdiction over the public area or other person who is designated to provide such
5 authorization.

6 SECTION 3: Title 10, Chapter 48, Section 100, of the Municipal Code of the City of
7 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

8 **10.48.100:** (A) Except as otherwise provided in this Section, [Any] any person who is
9 convicted of violating the provisions of this Chapter shall be punished by a fine of not less than five
10 hundred dollars nor more than one thousand dollars or by imprisonment for a term of not more than
11 six months, or by any combination of such fine and imprisonment.

12 (B) A person who violates Section 10.48.070 shall, in addition to any other fine or
13 penalty imposed:

14 (1) For the first offense, pay a fine of not less than four hundred dollars but
15 not more than one thousand dollars, and perform one hundred hours of community service.

16 (2) For the second offense, pay a fine of not less than seven hundred fifty
17 dollars but not more than one thousand dollars, and perform two hundred hours of community service.

18 (3) For the third and each subsequent offense, pay a fine of one thousand
19 dollars and perform two hundred hours of community service.

20 ➡ The community service assigned pursuant to this Subsection must, if possible, be related to the
21 abatement of graffiti.

22 (C) In addition to such punishment, the court may, in imposing sentence, order the
23 defendant to restore the property so defaced, damaged or destroyed.

24 (D) The parent or legal guardian of a person under the age of eighteen years who
25 violates Section 10.48.070 is liable for all fines and penalties imposed against the person. If the parent
26 or legal guardian is unable to pay the fine and penalties resulting from a violation because of financial
27 hardship, the court may require the parent or legal guardian to perform community service.

28 (E) If a person who is eighteen years of age or older is found guilty of violating

1 Section 10.48.070, the court shall, in addition to any other penalty imposed, issue an order suspending
2 the driver's license of the person for not less than six months but not more than two years. The court
3 shall require the person to surrender all driver's licenses then held by the person. If the person does
4 not possess a driver's license, the court shall issue an order prohibiting the person from applying for
5 a driver's license for not less than six months but not more than two years. The court shall, within five
6 days after issuing the order, forward to the Department of Motor Vehicles any licenses together with
7 a copy of the order.

8 (F) A criminal penalty imposed pursuant to this section is in addition to any civil
9 penalty or other remedy available pursuant to another ordinance or statute for the same conduct.

10 SECTION 4: Title 10, Chapter 48, Section 105, of the Municipal Code of the City of
11 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

12 **10.48.105:** (A) In the case of a violation of NRS 201.110 where the act or omission:

13 (1) Is the proximate cause of unlawful graffiti or property damage;

14 (2) Fails to abate, prohibit or avoid unlawful graffiti or property damage;

15 or

16 (3) Fails to protect any property from such unlawful graffiti or property

17 damage,

18 ➡ the offender's punishment shall include restitution for any property damage[;], community service
19 of [at least fifty, but not more than ninety-nine,] one hundred hours[;], or both. This punishment shall
20 be in addition to any other punishment for a misdemeanor that is deemed appropriate and is within
21 the municipal court's authority, but the aggregate punishment may not exceed that permissible for a
22 misdemeanor.

23 (B) The requirement for community service in Subsection (A) is satisfied where:

24 (1) A parent or legal guardian is the person convicted of a violation of
25 Subsection (A);

26 (2) The minor for whom the parent or legal guardian is responsible has been
27 ordered by a court of competent jurisdiction to perform community service; and

28 (3) The parent or legal guardian has been present during every hour of the

1 minor's performance of community service.

2 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
3 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
4 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
5 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
6 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
7 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
8 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
9 invalid or ineffective.

10 SECTION 6: Whenever in this ordinance any act is prohibited or is made or declared
11 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
12 required or the failure to do any act is made or declared to be unlawful or an offense or a
13 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
14 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
15 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
16 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

17 SECTION 7: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

20 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
26 BEVERLY K. BRIDGES, CMC
City Clerk

27 APPROVED AS TO FORM:
28 Jerry G. Bethis 7-24-08
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, 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 _____, 2008, 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: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

18
19
20
21
22
23
24
25
26
27
28

**BUSINESS IMPACT STATEMENT
BILL NO. 2008-40**

(Updates the City's prohibitions and penalties regarding graffiti and graffiti implements)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-40, that would update the City's prohibitions and penalties regarding graffiti and graffiti implements.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

No comments solicited

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

None

Beneficial effects:

Complies with State law

Direct effects:

Complies with State law

Indirect effects:

Complies with State law

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Not applicable

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. If the proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity, the following explains when such duplicative or more stringent provisions are necessary:

Not applicable

Date. July 24, 2008

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-41 – Amends provisions of the Municipal Code pertaining to certain fingerprint checks to include more detailed references to State law in order to meet new requirements of the Federal Bureau of Investigation, and to expressly set forth the City’s authority to require and process Federal fingerprint checks for business license applicants within certain license categories. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact ~~Augmentation Required~~
 Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The City Council recently adopted an ordinance setting forth the circumstances under which the City is authorized to require and process fingerprint checks through the Federal Bureau of Investigation (FBI). This bill will amend those provisions to 1) include more detailed references to State law in order to meet new FBI requirements, and 2) expressly set forth the City’s authority to require and process Federal fingerprint checks for business license applicants within certain license categories.

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. 2008-41

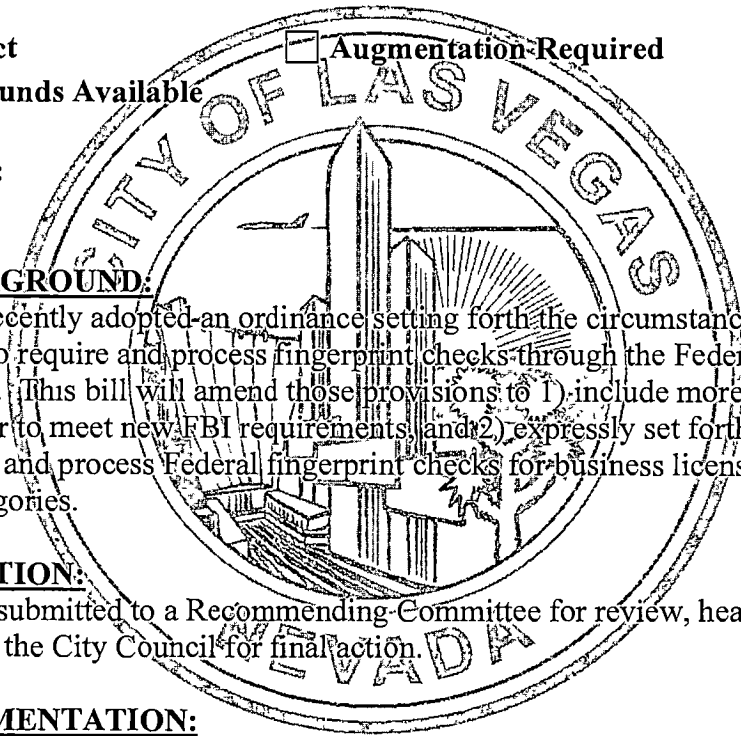
Motion made by RICKI Y. BARLOW to Approve as Do Pass as a First Amendment to include two additional business license categories (reflexology and wedding chapels)

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

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.



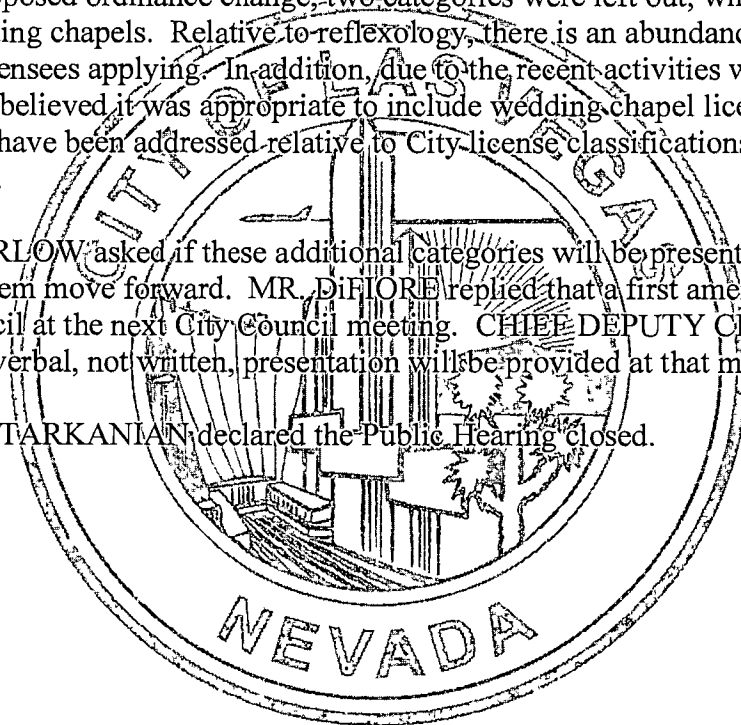
RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that the City was required to adopt an ordinance, which set forth the City's authority to require fingerprint checks through the Federal Bureau of Investigations (FBI) for employment applications and certain work card category employees. Unfortunately, the list of business license applicants was not included. As a result, the exact paragraph provisions have been added, per the FBI and state requirements, which allows for detailed language within the Code. He believes the City is in compliance now and noted that two additional categories will be added to this list pertaining to reflexology and wedding chapels.

JIM DiFIORE, Manager of Business Services, supports the additional types of licenses that will be required to have FBI fingerprinting and background checks on applicants/principals. During the drafting of the proposed ordinance change, two categories were left out, which were reflexology and wedding chapels. Relative to reflexology, there is an abundance of problems due to out-of-state licensees applying. In addition, due to the recent activities within the wedding industry, he believed it was appropriate to include wedding chapel licensees. Staff believes all concerns have been addressed relative to City license classifications for these types of privileged licenses.

COUNCILMAN BARLOW asked if these additional categories will be presented before the Council, should the item move forward. MR. DiFIORE replied that a first amendment will be provided to the Council at the next City Council meeting. CHIEF DEPUTY CITY ATTORNEY STEED added that a verbal, not written, presentation will be provided at that meeting.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



1 **BILL NO. 2008-41**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND PROVISIONS OF THE MUNICIPAL CODE PERTAINING TO
4 CERTAIN FINGERPRINT CHECKS TO INCLUDE MORE DETAILED REFERENCES TO STATE
5 LAW IN ORDER TO MEET NEW REQUIREMENTS OF THE FEDERAL BUREAU OF
6 INVESTIGATION, TO EXPRESSLY SET FORTH THE CITY'S AUTHORITY TO REQUIRE AND
PROCESS FEDERAL FINGERPRINT CHECKS FOR BUSINESS LICENSE APPLICANTS
WITHIN CERTAIN LICENSE CATEGORIES; AND TO PROVIDE FOR OTHER RELATED
MATTERS.

7 Proposed by: Bradford R. Jerbic, City Attorney

8 Summary: Amends provisions of the Municipal
Code pertaining to certain fingerprint checks to
include more detailed references to State law in
order to meet new requirements of the Federal
Bureau of Investigation, and to expressly set
forth the City's authority to require and process
Federal fingerprint checks for business license
applicants within certain license categories.

9
10
11
12 THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
13 AS FOLLOWS:

14 SECTION 1: Title 3, Chapter 24, Section 10, of the Municipal Code of the City of
15 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

16 **3.24.010:** (A) The City is authorized to require all applicants for employment with the City
17 to submit to a background investigation that will include the receipt of information from the Federal
18 Bureau of Investigation regarding the background and personal history of such applicants. In each
19 such case:

20 (1) The applicant is required to submit to fingerprinting.

21 (2) A complete set of fingerprints will be taken and will be forwarded to
22 the Central Repository for Nevada Records of Criminal History.

23 (3) The Central Repository for Nevada Records of Criminal History is
24 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and to
25 exchange fingerprint data with the FBI.

26 (4) The purpose for the submission of fingerprints is to allow for a State and
27 Federal criminal records investigation regarding the applicant to determine suitability for employment.

28 (B) This Section is adopted under the authority of, and consistent with, NRS

1 [239B.010] 239B.010(1)(b) and Public Law 92-544, and should be read and interpreted in connection
2 therewith.

3 SECTION 2: Title 6, Chapter 6, Section 80, of the Municipal Code of the City of Las
4 Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

5 **6.06.080:** (A) The application must be signed and verified by the applicant under oath.

6 (B) The applicant shall submit to fingerprinting and photographing, shall authorize
7 the City in writing to obtain information from the past and present employers, criminal justice
8 agencies, financial institutions, Federal, State and local governments and agencies, and other persons
9 and entities, and shall consent in writing to the release of such information to the City for use in
10 connection with the application for approval for suitability and other City business regulations. The
11 applicant shall also sign a release of claims and a hold harmless agreement to the City for its use of
12 the information provided by the applicant or discovered during any investigation thereof.

13 (C) Each applicant for a license within the following categories shall be subject
14 to the provisions of Subsection (D) of this Section:

15 (1) Adult nightclub establishment;

16 (2) Alcoholic beverage;

17 (3) Burglar alarm services;

18 (4) Child care facility;

19 (5) Erotic dance establishment;

20 (6) Gaming.

21 (7) Ice cream truck;

22 (8) Locksmith and safe mechanic;

23 (9) Martial arts instruction;

24 (10) Massage establishment;

25 (11) Mobile food vendor;

26 (12) Pawnbroker.

27 (13) Psychic arts and science.

28 (14) Secondhand dealer; and

1 (15) Teenage dancehall or teenage nightclub

2 (D) In the case of the license categories listed in Subsection (C) of this Section,
3 applicants are required to submit to fingerprinting for purposes of a fingerprint check through the
4 Federal Bureau of Investigation (FBI). In each such case:

5 (1) A complete set of fingerprints will be taken and will be forwarded to
6 the Central Repository for Nevada Records of Criminal History.

7 (2) The Central Repository for Nevada Records of Criminal History is
8 authorized to submit the fingerprints to the FBI for its report and to exchange fingerprint data with
9 the FBI.

10 (3) The purpose for the submission of fingerprints is to allow for a State
11 and Federal criminal records investigation regarding the applicant to determine suitability for
12 licensing relative to the specified type of business.

13 (E) The provisions of Subsections (C) and (D) of this Section are adopted under
14 the authority of, and consistent with, NRS 239B.010(1)(a) and Public Law 92-544, and should be
15 read and interpreted in connection therewith.

16 SECTION 3: Title 6, Chapter 86, Section 60, of the Municipal Code of the City of
17 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

18 **6.86.060:** (A) In the case of work card applications listed in Section 6.86.050, applicants
19 are required to submit to fingerprinting for purposes of a fingerprint check through the Federal
20 Bureau of Investigation. In each such case:

21 (1) A complete set of fingerprints will be taken and will be forwarded to
22 the Central Repository for Nevada Records of Criminal History.

23 (2) The Central Repository for Nevada Records of Criminal History is
24 authorized to submit the fingerprints to the Federal Bureau of Investigation (FBI) for its report and
25 to exchange fingerprint data with the FBI.

26 (3) The purpose for the submission of fingerprints is to allow for a State
27 and Federal criminal records investigation regarding the applicant to determine suitability for a
28 work card for employment within the specified type of business.

1 (B) This Section is adopted under the authority of, and consistent with, NRS
2 [239B.010] 239B.010(1)(a) and Public Law 92-544, and should be read and interpreted in
3 connection therewith.

4 SECTION 4: The provisions of Sections 1 and 3 of this Ordinance shall be
5 deemed to have gone into effect on April 6, 2008, the effective date of Ordinance No. 5979.

6 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause
7 or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or
8 invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the
9 validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City
10 Council of the City of Las Vegas hereby declares that it would have passed each section,
11 subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that
12 any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be
13 declared unconstitutional, invalid or ineffective.

14 SECTION 6: All ordinances or parts of ordinances or sections, subsections,
15 phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las
16 Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

17 PASSED, ADOPTED and APPROVED this ____ day of _____,
18 2008.

19 APPROVED:

20
21 By _____
OSCAR B. GOODMAN, Mayor

22 ATTEST

23 _____
24 BEVERLY K. BRIDGES, CMC
City Clerk

25 APPROVED AS TO FORM:
26 Val Steed 7-29-08
27 _____
Date
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, which was a _____ meeting of said Council; that at
6 said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

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

11
12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-42 – Allows facilities that provide testing, treatment, or counseling for drug or alcohol abuse, including overnight care, by means of special use permit in the C-M and M Zoning Districts. Sponsored by: Councilman Ricki Y. Barlow

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the City's zoning regulations to allow facilities that provide testing, treatment, or counseling for drug or alcohol abuse, including overnight care, by means of special use permit in the C-M and M Zoning Districts.

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. 2008-42

Motion made by RICKI Y. BARLOW to Strike

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

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

KIRBY BURGESS, Senior Vice President of Westcare, expressed appreciation for COUNCILMAN BARLOW and his staff's efforts in working with them on this matter. Westcare would like to use the facility as it was once previously used, which included overnight care. Their intention is to provide overnight stay/transitional living for adults, with the focus being on mental health care issues, and ultimately individuals reaching the goal of self-sufficiency.

RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

MR. BURGESS confirmed for COUNCILMAN BARLOW that the previous use was geared towards overnight stay for youths. Currently, the youth are being housed at the Rancho Drive campus, which is primarily for adult males.

The Councilman supported the drug/alcohol treatment and/or counseling but desired to withdraw his support of the overnight stay portion of the text amendment. His desire was to strike the item. COUNCILWOMAN TARKANIAN verified that MR. BURGESS understood that Westcare would be able to operate as they are currently; however, no overnight stay would be permitted.

CHIEF DEPUTY CITY ATTORNEY STEED clarified that this item will still be on the agenda for the next City Council meeting (August 20, 2008), even if the motion to strike goes forward. He further explained for the Councilwoman that the Council will hear the item but an adoption cannot take place unless the Committee's recommendation was for approval, denial or to move forward without a recommendation. In addition, COUNCILMAN BARLOW does have the option to strike from this Committee's agenda with a recommendation for Council to strike the item as well.

COUNCILMAN BARLOW expressed his desire was to strike the item with the recommendation for Council to strike the item at the next City Council meeting. MR. BURGESS confirmed his understanding of the Councilman's desire and today's action prohibiting Westcare to conduct overnight care at the facility. However, he respectfully requested an abeyance to allow additional time to meet with the Councilman and discuss his concern further. He added that if overnight care will not be allowed at the facility, it will severely limit them relative to providing services there. The Councilman reiterated his desire to allow outpatient services only and to strike the item, which the Councilwoman supported.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



BILL NO. 2008-42

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW FACILITIES THAT PROVIDE TESTING, TREATMENT, OR COUNSELING FOR DRUG OR ALCOHOL ABUSE, INCLUDING OVERNIGHT CARE, BY MEANS OF SPECIAL USE PERMIT IN THE C-M AND M ZONING DISTRICTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Ricki Y. Barlow

Summary: Allows facilities that provide testing, treatment, or counseling for drug or alcohol abuse, including overnight care, by means of special use permit in the C-M and M Zoning Districts.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to specify that the use "Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse" is a permitted use in the C-M and M Zoning Districts, and to clarify that the use does not permit overnight stays. In order to reflect the amendment, the entry for the use "Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse," as found in the "Institutional and Community Service" element of the Land Use Tables, is amended to read as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (<u>Non-Overnight</u>)																	S	S		ICP	ICP
	<p>Description: A facility that</p> <ol style="list-style-type: none"> Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides <u>non-overnight</u> care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency, or Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency <p>On-site Parking Requirement: One space for each 300 square feet of gross floor area</p>																				

SECTION 2: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use "Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse"

(Overnight)” by means of special use permit in the C-M and M Zoning Districts In order to reflect the amendment, the “Institutional and Community Service” element of Table 2 is amended to add a new entry for the use “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (Overnight),” reading as follows:

USE	RESIDENTIAL												COMMERCIAL					INDUSTRIAL			
	U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse (Overnight)																				S	S
	Description: A facility that 1 Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment, which may include overnight care, related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency, or 2 Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency																				
	On-site Parking Requirement: One and one-half spaces for each patient bed																				

SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” to read as follows: “Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse” means a facility that:

- (1) Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment, which may or may not include overnight care, related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or
- (2) Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010 and 19.20.020 are deemed to be subchapters rather than sections.

SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this ____ day of _____, 2008.

11 APPROVED:
12
13 By OSCAR B. GOODMAN, Mayor

14 ATTEST:
15 BEVERLY K. BRIDGES, CMC
16 City Clerk

17 APPROVED AS TO FORM:
18 Jamy G. Bellis 7-24-08
19 Date

20
21
22
23
24
25
26
27
28

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2008, 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 _____, 2008, 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: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

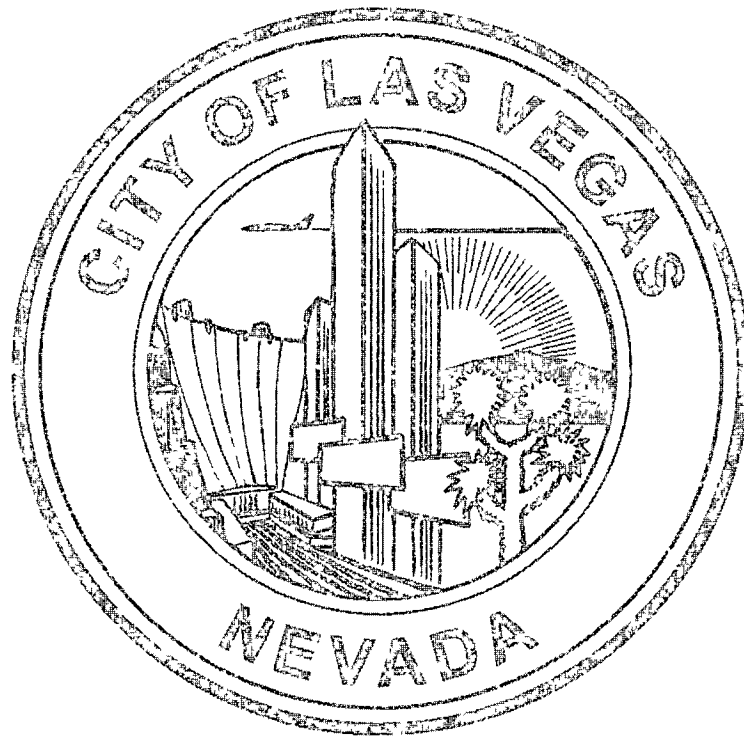
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

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:
None



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: AUGUST 19, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:
Meeting adjourned at 4:39 p.m.

Respectfully submitted,

Leah Coleman

Leah Coleman, Deputy City Clerk II
August 22, 2008

