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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: www.lasvegasnevada.gov
JUNE 30, 2009
9:00 A.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 2009-26 – Provides alternative minimum on-site parking requirements for certain mixed-use developments and other qualifying uses Sponsored by Mayor Oscar B Goodman
- 4 Bill No 2009-27 – Updates the Municipal Code provision pertaining to the meeting schedule of the Traffic and Parking Commission Proposed by Jorge Cervantes, Director of Public Works
- 5 Bill No 2009-28 – Readopts LVMC 10 02 010 to make State misdemeanors City misdemeanors if committed within the City Proposed by Bradford R Jerbic, City Attorney
- 6 CITIZENS PARTICIPATION Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action If you wish to be heard, come to the podium and give your name for the record The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
- 7 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

28 ✓

AFFIDAVIT OF MAILING
(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

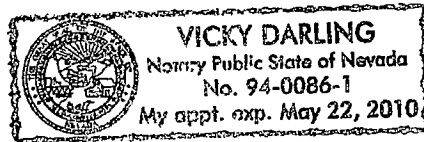
Stacey Campbell, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the **23rd** day of **June, 2009**, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting Agenda**, said meeting to be held on the **30th** day of **June, 2009**, at **9:00 AM**, in Las Vegas, Nevada, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Stacey Campbell
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this
23rd day of June, 2009

Vicky Darling
NOTARY PUBLIC in and for said County and State



**AFFIDAVIT OF POSTING
(Posting required under the provisions of NRS Chapter 241)**

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

Robert Hussey, an employee of the City of Las Vegas, Nevada, being first duly sworn, deposes and says that on the **23rd** day of **June, 2009** at the hour of **3:30 P.M.** there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **Recommending Committee Meeting Agenda**, said meeting to be held on the **30th** day of **June, 2009**, at **8:00 A.M.**, in Las Vegas, Nevada, on Public Bulletin Boards at the following locations

1. City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge (in the walkway area next to the entrance of the Human Resources Department)
2. Bulletin Board, City Hall Plaza, 400 Stewart Avenue (next door to Metro Records)
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 E. Washington Avenue




SIGNATURE

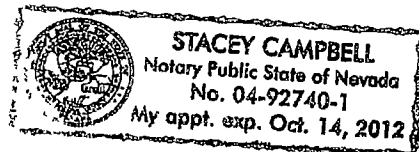
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

23rd day of June, 2009



NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

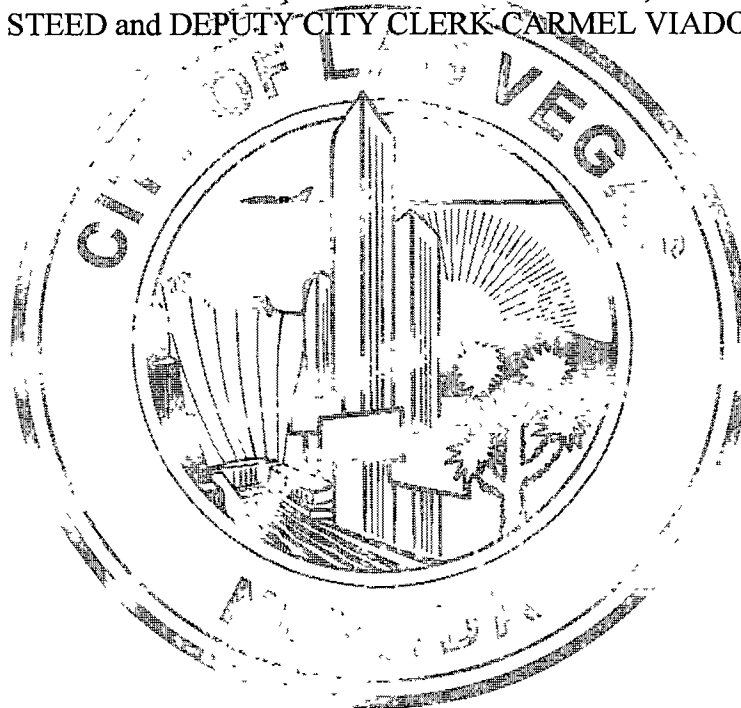
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes:
COUNCILWOMAN TARKANIAN called the meeting to order at 9:05 a.m.

PRESENT: COUNCILMEMBERS TARKANIAN and ANTHONY

Also Present: DEPUTY CITY MANAGER ORLANDO SANCHEZ, CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK CARMEL VIADO

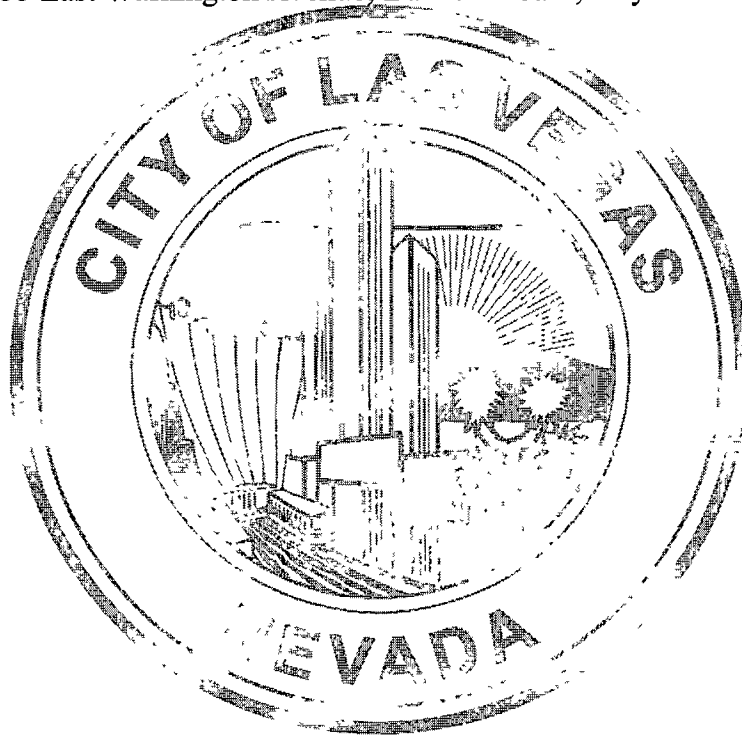


AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

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; Clark County Government Center, 500 South Grand Central Parkway; Las Vegas Library, 833 Las Vegas Boulevard North; Grant Sawyer Building, 555 East Washington Avenue; Bulletin Board, City Hall Plaza (next to Metro Records)



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-26 – Provides alternative minimum on-site parking requirements for certain mixed-use developments and other qualifying uses. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will provide alternative minimum on-site parking requirements for certain mixed-use developments. The alternative requirements take into account varying parking demands during different time periods for the various types of uses in mixed-use developments. In addition, the bill will allow the establishment of alternative parking standards for certain types of uses with lesser parking demands if in each case the alternate standard is adequately supported by a parking demand analysis conducted by a professional traffic engineer.

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. 2009-26

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

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

LOIS TARKANIAN, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

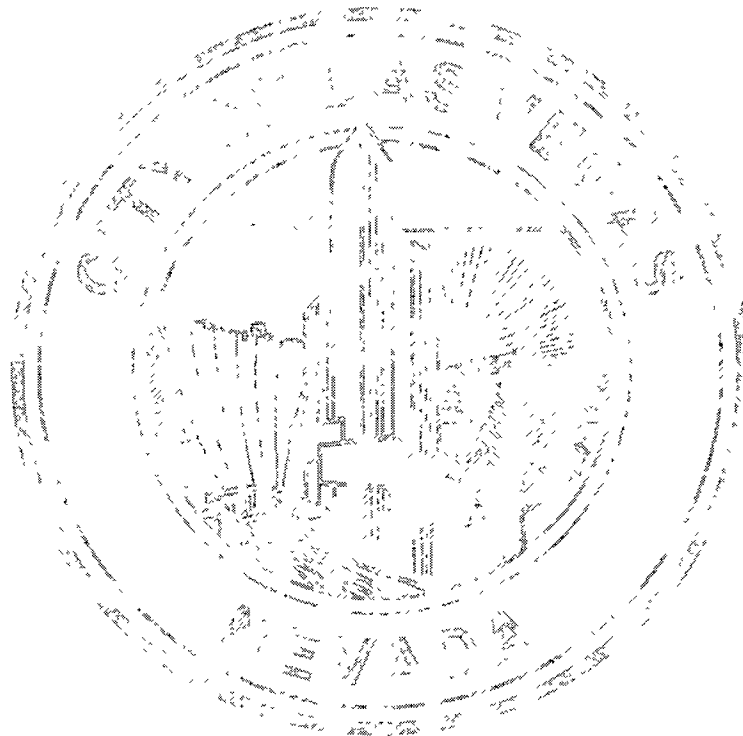
Minutes:

FLINN FAGG, Planning and Development Department, explained that this bill would add a new parking standard to the Code for mixed use developments and was very similar to the parking requirements in Clark County. It also included an alternative parking standard subject to a parking demand analysis approved by a traffic engineer. If a particular use shows a parking demand less than the Code's parking requirements, an alternate parking standard could be approved by the City Council through the Special Use Permit process.

RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

COUNCILWOMAN TARKANIAN expressed her support, noting this bill would offer more flexibility regarding parking requirements

TOM AMICK, 3800 Howard Hughes Parkway, Kummer Kaempfer Bonner Renshaw & Ferrario, thanked staff for their hard work on this ordinance, noting it would make the parking requirements much more reasonable. He expressed concern that this bill could create some parking issues on upcoming projects. MR. FAGG stated staff would work with developers on projects with unique parking arrangements.



1 BILL NO. 2009-26

2 ORDINANCE NO. _____

3 AN ORDINANCE TO PROVIDE ALTERNATIVE MINIMUM ON-SITE PARKING
4 REQUIREMENTS FOR CERTAIN MIXED-USE DEVELOPMENTS AND OTHER QUALIFYING
USES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Mayor Oscar B. Goodman

Summary: Provides alternative minimum on-
site parking requirements for certain mixed-use
developments and other qualifying uses.

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

9 SECTION 1: Title 19, Chapter 10, Section 10, Subsection (H), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 (H) Parking Alternatives. The Director is authorized to allow parking requirements to be met by
12 [either one or a combination of the methods described in this section.] any method described in this
13 Subsection (H), or any combination of such methods.

14 (1) Off-Site Parking. The parking requirements may be met by locating the required
15 parking spaces on a separate parcel from the lot on which the principal use is located. Off-site parking
16 may be approved only if:

17 (a) The parcels containing the use and the off-site parking are under common
18 ownership;

19 (b) The parcel to be used for parking is located not more than three hundred feet
20 from the building or use it is intended to serve;

21 (c) The parcel to be used for parking is not separated or divided from the building
22 or use it is intended to serve by a freeway, expressway, highway or primary thoroughfare;

23 (d) The applicant satisfies the Director that the use of the off-site parcel for parking
24 will not be detrimental to public safety; and

25 (e) The owner of the parcels executes an agreement or similar document,
26 satisfactory to the City Attorney, which outlines the terms and conditions of the off-site parking use.

27 The document must contain the legal description of both the off-site parcel and the parcel where the
28 principal use is located and must be of sufficient duration to ensure the continued use of the off-site

1 parcel for parking. In order to provide record notice of the existence of the off-site parking
2 arrangement, the City may record the document in the office of the County Recorder, or require the
3 applicant to do so.

4 (2) Shared Parking. The parking requirements may also be met by securing the consent
5 to share parking facilities on another parcel and under another ownership. Shared parking may only
6 be approved if:

7 (a) The shared facilities are located on a parcel zoned for such use;

8 (b) The shared facilities are not more than three hundred feet from the building or
9 use they are intended to serve;

10 (c) The shared facilities are not separated or divided from the building or use they
11 are intended to serve by a freeway, expressway, highway or primary thoroughfare;

12 (d) The owners of the parcels cooperatively establish and operate the facilities;

13 (e) The uses separately generate parking demands, primarily during hours when
14 the remaining uses are not in operation;

15 (f) A minimum number of spaces are provided to meet the requirements of the use
16 with the single greatest parking demand;

17 (g) Satisfactory evidence, as deemed by the Director, has been submitted describing
18 the nature of the uses and the times when the uses operate so as to demonstrate the lack of potential
19 conflict; and

20 (h) The owners of the parcels execute an agreement, satisfactory to the City
21 Attorney, which outlines the terms and conditions of the shared parking arrangement. The agreement
22 must contain the legal description of both parcels and must be of sufficient duration to ensure the
23 continued use of the shared parking facilities. In order to provide record notice of the existence of the
24 shared parking arrangement, the City may record the agreement in the office of the County Recorder,
25 or require the applicant to do so.

26 (3) Mixed-Use Development-Alternative Parking Requirements. Mixed-use developments
27 that are approved pursuant to Chapter 19.04 may utilize Table 3 below for determining parking
28 requirements as an alternative to those otherwise applicable under this Section and Chapter 19.04.

1 A hotel/casino mixed-use development may choose the alternative determination available under this
 2 Paragraph (3) or the administrative reduction available under Subsection (I) of this Section, but may
 3 not take advantage of both alternatives or any combination thereof.

4 **Table 3 Mixed-Use Developments--Alternative Parking Requirements**

<u>General Land Use Classification</u>	<u>Weekdays</u>			<u>Weekends</u>		
	<u>Mid - 7 am</u>	<u>7 am - 6 pm</u>	<u>6 pm - Mid</u>	<u>Mid - 7 am</u>	<u>7 am - 6 pm</u>	<u>6 pm - Mid</u>
<u>Office & Professional</u>	<u>5%</u>	<u>100%</u>	<u>5%</u>	<u>0%</u>	<u>60%</u>	<u>10%</u>
<u>Retail & Personal Services</u>	<u>0%</u>	<u>100%</u>	<u>80%</u>	<u>0%</u>	<u>100%</u>	<u>60%</u>
<u>Residential</u>	<u>100%</u>	<u>55%</u>	<u>85%</u>	<u>100%</u>	<u>65%</u>	<u>75%</u>
<u>Restaurant</u>	<u>50%</u>	<u>70%</u>	<u>100%</u>	<u>45%</u>	<u>70%</u>	<u>100%</u>
<u>Hotel</u>	<u>100%</u>	<u>65%</u>	<u>90%</u>	<u>100%</u>	<u>65%</u>	<u>80%</u>
<u>Theaters/Entertainment & Amusement</u>	<u>0%</u>	<u>70%</u>	<u>100%</u>	<u>5%</u>	<u>70%</u>	<u>100%</u>

12 (a) Calculation of Parking Requirement. Calculate the number of spaces required
 13 for each use based on the applicable parking requirements calculated under this Section and Section
 14 19.04. Applying the general land use category listed above to each proposed use, utilize the
 15 percentages to calculate the number of parking spaces required for each time period (six time periods
 16 per use). Add the number of spaces required for all applicable land uses to obtain a total parking
 17 requirement for each time period. Select the time period with the highest total parking requirement,
 18 and utilize that total as the mixed-use parking requirement.

19 (b) Changes in Use. Any proposed changes in the commercial uses for an existing
 20 approved mixed-use development shall be submitted to the Planning and Development Department
 21 for review and a determination of consistency with the parking requirements set forth in Table 3.
 22 Where a change in use will increase the number of parking spaces required, the additional spaces shall
 23 be provided.

24 (4) Alternative Parking Standard--Parking Demand Analysis. Where the unique operation
 25 of a particular use creates a lesser parking demand than the parking requirements otherwise applicable
 26 under this Section and Section 19 04, an alternative parking standard for the use may be established
 27 in conjunction with the submittal of a Parking Demand Analysis. In order to qualify for consideration,
 28 a Parking Demand Analysis must be signed and sealed by a professional traffic engineer, must

1 document the weekday and weekend peak parking demand for the proposed use(s) for the site, and
2 must provide justification for the alternative parking standard. The request for an alternative parking
3 standard pursuant to this Paragraph (4):

4 (a) Shall follow the process for a Special Use Permit application under Section 19.18.060,
5 to the extent the process can be made applicable.

6 (b) May be approved as requested, or as modified, and may be made subject to conditions
7 if the Planning Commission or City Council, as the case may be, determines that approval of the
8 alternative parking standard is warranted.

9 SECTION 2: Title 19, Chapter 10, Section 10, Subsection (J), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by:

11 (A) Renumbering Table 3 that appears therein as Table 4, and changing the
12 preceding textual reference to read "Table 4" accordingly; and

13 (B) Renumbering Table 4 that appears therein as Table 5, and changing the
14 preceding textual reference to read "Table 5" accordingly.

15 SECTION 3: Title 19, Chapter 10, Section 20, Subsection (C), Paragraph (2), of the
16 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by renumbering
17 Table 5 that appears therein as Table 6, and changing the preceding textual reference to read "Table
18 6" accordingly.

19 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.10.010
20 and 19.10.020 are deemed to be subchapters rather than sections.

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

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SECTION 6: 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 _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 6-2-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, 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 _____, 2009, 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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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-27 – Updates the Municipal Code provision pertaining to the meeting schedule of the Traffic and Parking Commission. Proposed by: Jorge Cervantes, Director of Public Works

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Municipal Code presently provides that regular meetings of the Traffic and Parking Commission will be held on the fourth Thursday of each month at the hour of 2:00 pm. In order to avoid scheduling conflicts and provide more flexibility regarding the scheduling of meetings, it is proposed to allow the Commission to establish a meeting schedule as part of its rules and regulations, a procedure that is in place for other similar City boards. This bill will accomplish that change.

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. 2009-27
2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

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

LOIS TARKANIAN, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

JORGE CERVANTES, Director of Public Works, explained that this would modify the Municipal Code that addresses the Traffic and Parking Commission’s meeting time. The meeting time would be changed from 2 o’clock to 1 o’clock. This time change will allow adequate time for the City Clerk’s Office to set up for the Planning Commission meeting.

1 **BILL NO. 2009-27**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO UPDATE THE MUNICIPAL CODE PROVISION PERTAINING TO THE
4 MEETING SCHEDULE OF THE TRAFFIC AND PARKING COMMISSION, AND TO PROVIDE
FOR OTHER RELATED MATTERS.

5 Proposed by: Jorge Cervantes, Director of Public Works
6 Summary: Updates the Municipal Code provision pertaining to the meeting schedule of the Traffic and Parking Commission.

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

9 SECTION 1: Title 2, Chapter 48, Section 80, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **2.48.080:** [When items need to be considered, the Commission shall routinely meet on the fourth
12 Thursday of each month at two p.m.] The Commission shall hold regular meetings in accordance with
13 a meeting schedule adopted as part of its rules and regulations pursuant to Section 2.48.050.

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

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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 _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:
Val Steel 6-2-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, 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 _____, 2009, 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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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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**BUSINESS IMPACT STATEMENT
BILL NO. 2009-27**

**(Updates the Municipal Code provision pertaining to the meeting schedule of the
Traffic and Parking Commission)**

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2009-27, that would update the Municipal Code provision pertaining to the meeting schedule of the Traffic and Parking Commission.

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.

Not applicable

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:

None

Direct effects:

None

Indirect effects:

None

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: June 2, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-28 – Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

Pursuant to LVMC 10.02.010, any offense that constitutes a misdemeanor under State law is also a misdemeanor under City law if it is committed within the corporate boundaries of the City. This permits prosecution of such an offense in Municipal Court. In order to assure that LVMC 10.02.010 is interpreted to incorporate State law changes made during the 75th Session of the Nevada Legislature, LVMC 10.02.010 should be readopted. This bill will accomplish that objective.

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. 2009-28
- 2. Business Impact Statement

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
LOIS TARKANIAN, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

See Item 6 for comments related to Citizens' Participation made under this item.

CHIEF DEPUTY CITY ATTORNEY VAL STEED explained that this ordinance is brought forward every two years to include new State crimes and misdemeanors enacted during the previous Legislative Session. He recommended approval.

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BILL NO. 2009-28

ORDINANCE NO. _____

AN ORDINANCE TO READOPT THE MUNICIPAL CODE PROVISION MAKING STATE-LAW MISDEMEANORS CITY MISDEMEANORS IF COMMITTED WITHIN THE CITY.

Proposed by: Bradford R. Jerbic, City Attorney Summary: Readopts LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City.

WHEREAS, the Charter of the City of Las Vegas declares that any offense made a misdemeanor by the laws of the State of Nevada shall also be a misdemeanor in the City of Las Vegas whenever such offense is committed within the boundaries of the City; and

WHEREAS, the City Council has reaffirmed that declaration by means of the adoption of LVMC 10.02.010; and

WHEREAS, a number of criminal laws were enacted or amended by the Nevada Legislature during its 75th Session, some of which became effective upon passage and approval, and others of which become effective upon October 1, 2009, or upon some other date specified within those laws; and

WHEREAS, the City Council desires by this Ordinance to readopt LVMC 10.02.010 to include within its purview, to the extent affirmative action to do so is necessary, all the State misdemeanor laws which have been enacted by the Nevada State Legislature.

NOW, THEREFORE, BASED UPON THE FOREGOING, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN AS FOLLOWS:

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SECTION 1: Title 10, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby readopted.

PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:
Val Steed 6-2-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, 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 _____, 2009, 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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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

BUSINESS IMPACT STATEMENT
BILL NO. 2009-28
(Readopts LVMC 10.02.010 to make State misdemeanors
City misdemeanors if committed within the City)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2007-28, that would readopt LVMC 10.02.010 to make State misdemeanors City misdemeanors if committed within the City.

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.

Not applicable

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:

None

Direct effects:

None

Indirect effects:

None

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: June 2, 2009

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

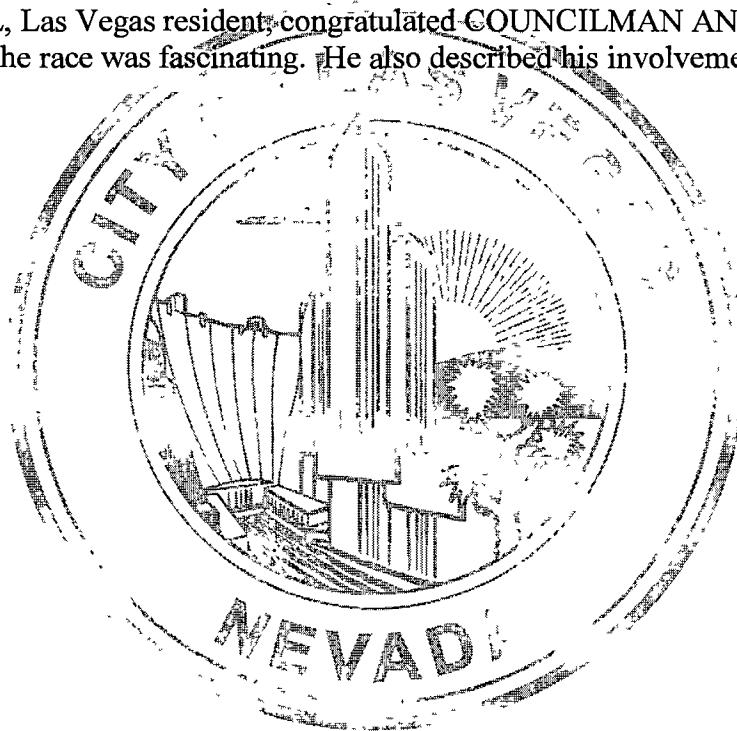
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

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:

TEDDY RUSSELL, Las Vegas resident, congratulated COUNCILMAN ANTHONY on his election and noted the race was fascinating. He also described his involvement in federal and local politics.



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: JUNE 30, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes:
Meeting adjourned at 9:15 a.m.

Respectfully submitted,

Carmel Viado

Carmel Viado, Deputy City Clerk II
July 2, 2009

