City of Las Vegas

# *RECOMMENDING COMMITTEE AGENDA*
## RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001

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

**MINUTES:**

PRESENT: COUNCILMAN WEEKLY and COUNCILWOMAN McDONALD

Also Present: DEPUTY CITY MANAGER DOUG SELBY, DEPUTY CITY ATTORNEY VAL STEED, ACTING DIRECTOR OF PLANNING AND DEVELOPMENT ROBERT GENZER, DIRECTOR OF FINANCE & BUSINESS SERVICES MARK VINCENT, MANAGER OF BUSINESS LICENSING JIM DiFIORE, DIRECTOR OF DETENTION AND ENFORCEMENT MICHAEL SHELDON and DEPUTY CITY CLERK ANGELA CROLLI

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations:
Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Pkwy
Court Clerk's Bulletin Board, City Hall
City Hall Plaza, Posting Board

(4:03)

City of Las Vegas

**Agenda Item No. 1**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-97** – Revises the initial terms of the City-appointed members of the Las Vegas Metropolitan Police Department Citizen Review Board. Proposed by: Virginia Valentine, City Manager

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

There are 12 City-appointed members of the Las Vegas Metropolitan Police Department Citizen Review Board. By ordinance, their terms are staggered. The initial term of four of the members was set to end in January 2000, with the term of four more to end in January 2001, and of the remaining four in January 2002. Because the Review Board's members were not appointed until September 2000, the ordinance provisions need to be updated accordingly. This bill will provide that the initial terms of Review Board members will expire in January 2001; January 2002; and January 2003, respectively.

**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. 2000-97

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-97 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED stated that this Bill is a housekeeping item because the original Bill took some time in being adopted, along with the County's version. The text

**MINUTES – Continued:**

states that the first review board's term will expire in January 2000 and since it is well passed that time, it was decided to make that expiration January 2001 and their successive terms go from there.

COUNCILWOMAN McDONALD noted that there are 13 members from the County appointed to this Board and 12 are from the City. She asked how the rotation occurs in order to maintain a balance. DEPUTY CITY ATTORNEY VAL STEED replied that the rotation would be the same as stated in the original Bill and he believes that it was taken into account to make sure that there would be balance between the County and the City appointees.

No one appeared in opposition.

There was no further discussion.

(4:04 – 4:06)

City of Las Vegas

**Agenda Item No. 2**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-93** – Annexation No. A-0029-98(A) – Property Located: Between Hualapai Way and Grand Canyon Drive and between Moccasin Road and Log Cabin Way; Petitioned By: The City of Las Vegas; Acreage: 5.26 acres; Zoned: R-E (County Zoning), U (PCD) (City Equivalent). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property located between Hualapai Way and Grand Canyon Drive and between Moccasin Road and Log Cabin Way. The annexation is at the request of the City, with the concurrence of the Bureau of Land Management as owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 26, 2001) 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. 2000-93 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-93 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED stated that the Bill is in order.

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF JANUARY 2, 2001
Item 2 – Bill No. 2000-93

**MINUTES – Continued:**

There was no discussion.

(4:06)

City of Las Vegas

**Agenda Item No. 3**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-94** – Annexation No. A-3-99(A) – Property Location: West of El Capitan Way and east of Grand Canyon Drive between Grand Teton Drive and Rome Boulevard. Petitioned By: Tighi Family Limited Partnership, et al.; Acreage: Approximately 619.46 acres; Zoned: R-E (County Zoning), U (DR), U (L), U (PF), U (PF-TC), U (EC-TC) and U (UC-TC) (City Equivalents). Sponsored by: Councilman Michael Mack

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property located west of El Capitan Way and east of Grand Canyon Drive between Grand Teton Drive and Rome Boulevard. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (January 12, 2001) 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. 2000-94 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-94 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED stated that the Bill is in order.

**MINUTES – Continued:**

COUNCILWOMAN McDONALD asked ROBERT GENZER, Acting Director, Planning Development and Department, if this large parcel should be a routine item. MR. GENZER replied that staff has been working on this particular annexation for about two years and it involves quite a number of parcels owned by various private parties. There have been three actions where the annexation petitions had to be changed because properties have been sold during this process and the new property owners have in each case signed petitions with the exception of two parcels, which have since been deleted from the application. This area is essentially the area west of the current Town Center that has been shown as the Town Center expansion area. Staff is very anxious to see this annexation completed.

No one appeared in opposition.

There was no further discussion.

(4:06 – 4:08))

**1-94**

City of Las Vegas

**Agenda Item No. 4**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-95** – Annexation No. A-0015-00(A) – Property Located: on the north side of Cheyenne Avenue approximately 330 feet east of Fort Apache Road; Petitioned By: Susan Zacharski; Acreage: 2.67 acres; Zoned: R-E (County Zoning), U (ML) (City Equivalent). Sponsored by: Councilman Larry Brown

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

The proposed ordinance annexes certain real property located on the north side of Cheyenne Avenue approximately 330 feet east of Fort Apache Road. 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 (January 26, 2001) 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. 2000-95 and Location Map

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-95 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED stated that the Bill is in order.

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF JANUARY 2, 2001
Item 4 – Bill No. 2000-95

**MINUTES – Continued:**

There was no discussion.

(4:08)

**1-153**

City of Las Vegas

**Agenda Item No. 5**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-96** – Allows auto dealer inventory storage in certain zoning districts by means of special use permit. Sponsored by: Councilman Michael Mack

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

In connection with auto dealerships, the Zoning Code presently does not specifically address the storage of automobiles other than for purposes of display or sale. Some dealerships carry a large inventory of automobiles which are not immediately subject to display and sale, but which will be displayed and sold eventually. This bill will allow this type of inventory storage by means of special use permit in the P-R, C-1, C-2, C-PB, C-M and M Zoning Districts, subject to specific standards designed to mitigate the impact on surrounding properties.

**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. 2000-96

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-96 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED explained that this Bill is designed to address a situation where some of the dealerships have an excess of inventory that they are unable to store in their immediate premises. This Bill would allow a use called Inventory Storage in certain commercial and industrial zoning districts and in each case a Special Use Permit would have to

**MINUTES – Continued:**

be granted giving the Council the discretion to deny an application if it finds that the use would not be compatible. Additionally, there are specific standards that must be met in order for a Special Use Permit to be approved. This item has been before the Planning Commission. DEPUTY CITY ATTORNEY STEED recommended that the Bill be forwarded to the City Council for adoption.

GREG BORGEL, 300 South 4th Street, appeared in favor of the ordinance and stated that this Bill would help resolve issues for some of the dealerships.

COUNCILWOMAN McDONALD verified for the record that this Bill requires a Special Use Permit and that although there are various zoning categories, it allows members of the City Council to look at applications on a case-by-case basis to see whether or not it is a compatible use on a particular parcel.

No one appeared in opposition.

There was no further discussion.

(4:08 –4:11))

**1-171**

City of Las Vegas

**Agenda Item No. 6**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**
**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**
NEW BILL:

**Bill No. 2000-98** – Updates the City's licensing regulations and fees for outdoor pay telephones.
Proposed by: Mark Vincent, Director of Finance and Business Services

**Fiscal Impact**

| | | |
|---|---|---|
| [ ] | **No Impact** | **Amount:** Undetermined* |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**
In 1997 the City Council adopted an ordinance to regulate outdoor pay telephones. Since that time, representatives of the industry and the City have met to discuss regulatory changes that would be beneficial to all. Those changes are included in this bill. In addition, industry representatives have suggested that the license fee adopted in 1997 (4% of gross revenue) is too high in relation to the benefits received by licensees and the regulatory costs to the City. Some operators have not paid the license fees, and the City agreed to revisit the license fee issue. This bill proposes to reduce the license fee to 2% of gross, payable quarterly. Some, but not all, local providers have agreed to the revised fee amount.

*Revenue reduction on paper, but possible increase in amounts collected.

**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. 2000-98

**COMMITTEE RECOMMENDATION:**
**COUNCILWOMAN McDONALD recommended Bill No. 2000-98 be forwarded to the Full Council as a First Amendment to Section 6.58.030 for 1.5% of the gross revenue. COUNCILMAN WEEKLY said that would be the order.**

RECOMMENDING COMMITTEE MEETING OF JANUARY 2, 2001
Item 6 – Bill No. 2000-98

**MINUTES:**

DEPUTY CITY ATTORNEY VAL STEED stated that in 1997 the City Council adopted an ordinance regulating outdoor pay telephones by imposing rules and regulations, including a 4% license fee on gross revenues. Since that time there have been discussions with representatives of the industry to address regulatory changes, which have been incorporated into this Bill. In addition, industry representatives suggested that the license fee adopted in 1997 be reduced to 2%. This Bill includes a revision downward to 2% of gross revenue. However, not everyone is happy with that amount and would like to see it be less. DEPUTY CITY ATTORNEY STEED recommended that this Bill be forward to the City Council as proposed.

COUNCILWOMAN McDONALD asked JIM DiFIORE, Manager of Business Services, to clarify the issue of some operators not paying their license fees. MR. DiFIORE replied that the City had an agreement with members of the industry that the City would put a stay on any collection of the fees and that they would be collected at the percentage rate adopted with this Bill. COUNCILWOMAN McDONALD asked what would be the enforcement action that would occur when someone does not pay their licensing fees and how would it be enforced. DEPUTY CITY ATTORNEY STEED replied that they could be cited or brought forward on a show-cause to revoke their business license. The same would be for any licensee who does not pay a fee.

ATTORNEY GARRY HAYES, 3777 Pecos-McLeod, appeared on behalf of Golden Tell and stated that this Ordinance originally started primarily to address some law enforcement issues relating to pay telephones; some pay telephones were not properly located and some were being used for drug activity. Therefore, COUNCILMEN McDONALD and REESE introduced this Ordinance and changes were made on where pay telephones could be located. At that time, the 4% charge of gross revenue was found to be appropriate. However, representatives from the pay telephone industry were not present. The pay telephone industry was notified of the Ordinance and a number of concerns arose regarding the operation; how a pay telephone would be removed and the type of notification the pay telephone operators would receive. The issue of the fees has always been an issue and remains an issue.

ATTORNEY HAYES added that upon researching the fees, he found that the City of Las Vegas' 4% fee, now being recommended at 2%, far exceeds what unincorporated Clark County and other cities are charging. The pay telephone business is becoming increasingly competitive. People opt to use cellular phones or pagers rather than a pay telephone. He talked to the City Attorney's Office about the Federal Telecommunications Act that basically says that one form of

**MINUTES - Continued:**

telecommunications cannot be favored over another. If pay telephone operators are charged a 4 or 2% charge fee on their gross revenues, then cellular providers should also be charged the same, including the pager providers to put everyone on an equal footing. He proposed that a 1.5% fee be considered. He also asked for some consideration on going back and trying to calculate those fees due on the gross revenue over the last couple of years, either on a per telephone basis or on the City's default gross revenue charges.

ATTORNEY HAYES provided COUNCILWOMAN McDONALD with a copy of the rate structure from other municipalities. COUNCILMAN WEEKLY asked that ATTORNEY HAYES provide additional copies for the City Council as well.

ATTORNEY MATTHEW CALLISTER thanked MR. DiFIORE and the City Attorney's Office for their patience and for coming to an agreement regarding the fee issue. The clients he represents have agreed that they prefer to see the 1.5% fee, for the same reasons ATTORNEY HAYES brought forward. In particular the issue about the rapidly evolving communication market place.

AL GALLEGO, Citizen of Las Vegas, asked who determines the location of the pay telephones. There is a restaurant on Fremont Street that he frequents where the pay telephone is next to the front door. There is always someone on it using vulgar language. Pay telephones should be moved away from the front doors and placed in an area that would not be a nuisance to patrons or the existing business.

COUNCILWOMAN McDONALD discussed with MR. DiFIORE that there are 11 companies licensed as a public-outdoor pay telephone. To date, even with the suspension of the collection of fees, these companies have paid the City of Las Vegas $1700. At the 2% rate it would be $8900, about a $400 increase in the fees that they paid before the Ordinance was adopted. This is kind of a skewed figure only because some of them have paid the fees and some have not.

ATTORNEY CALLISTER pointed out that this ordinance focuses on the outdoor telephone companies and not the indoor companies. It seems that it is focusing again on the poorest of the poor, which are small companies who might have 10 or 20 telephones.

COUNCILMAN WEEKLY asked MR. DiFIORE what impact the 1.5% fee would have on the City if it were considered. MR. DiFIORE and MARK VINCENT both concurred that there would not be a significant impact.

**MINUTES - Continued:**

COUNCILMAN WEEKLY asked if the location of the pay telephone is something that is discussed between the property owner and the telephone company. He is concerned about the location of some pay telephones especially in his Ward. DEPUTY CITY ATTORNEY VAL STEED replied that a telephone located in the right-of-way has to get approval from the City. Those located on private property, both the property owner and the operator decide. However, the ordinance does include provisions that would allow the City to ask these operators to relocate the pay telephone, if there are complaints about any criminal activity.

ATTORNEY CALLISTER commented that Section 7 of the proposed Bill talks about some of the actions the City can take to deter people from using a pay telephone, such as the ability of only making outgoing calls. If the City demonstrates that the telephone is being used for drug trafficking, loitering, street gangs and other illegal activities, the City could proceed to declare it a nuisance. The Bill provides for some good due process and procedures that allow those problems to be addressed.

There was no further discussion.

(4:11 –4:28)

City of Las Vegas

**Agenda Item No. 7**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**

NEW BILL:

**Bill No. 2000-99** – Adopts by ordinance certain regulations applicable to City parks. Proposed by: Michael Sheldon, Director of Detention and Enforcement

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**

Under Chapter 13.36 of the Municipal Code, the City is authorized to adopt regulations to govern the use of City parks, and to enforce those regulations to the extent they are posted within the parks. Most of those regulations have an independent basis in City ordinance. Among those that do not are prohibitions relating to weapons, fires, golfing, metal detectors, and unauthorized sales. In order to provide more formality to those prohibitions and facilitate enforcement, it is proposed to adopt them by ordinance. 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:**

Bill No. 2000-99

**COMMITTEE RECOMMENDATION:**

**COUNCILWOMAN McDONALD recommended Bill No. 2000-99 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**

MIKE SHELDON, Director, Detention and Enforcement Department, outlined the five regulations proposed in this Bill. He explained that making them their own individual Ordinance would allow the City to facilitate enforcement and ensure that these things are not occurring in City parks.

**MINUTES - Continued:**

COUNCILWOMAN McDONALD stated that there are certain parks that are golf courses and asked whether the definition of parks needs to be clarified. DEPUTY CITY ATTORNEY VAL STEED replied that this Bill requires that a sign with these rules be posted in parks. Therefore, a sign about golf balls would not be posted in a park that also happens to be a golf course.

No one appeared in opposition.

There was no further discussion.

(4:28 – 4:30)

**1-794**

City of Las Vegas

**Agenda Item No. 8**

## *AGENDA SUMMARY PAGE*

**RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001**

**DEPARTMENT: CITY ATTORNEY**
**DIRECTOR: BRADFORD R. JERBIC** [ ] **CONSENT** [X] **DISCUSSION**

**SUBJECT:**
NEW BILL:

**Bill No. 2000-100** – Amends the liquor and zoning regulations to make them consistent regarding the discontinuation of nonconforming uses. Sponsored by: Councilman Michael J. McDonald

**Fiscal Impact**

| | | |
|---|---|---|
| [X] | **No Impact** | **Amount:** |
| [ ] | **Budget Funds Available** | **Dept./Division:** |
| [ ] | **Augmentation Required** | **Funding Source:** |

**PURPOSE/BACKGROUND:**
The Zoning Code and the City's liquor regulations contain potentially inconsistent provisions regarding the discontinuation of nonconforming uses involving liquor licenses. This bill is intended to prevent any potential conflict by establishing a uniform discontinuation period of 180 days for all nonconforming uses of any type. Any nonconforming use that has been discontinued may be reestablished within 180 days. Beyond that period, the use will have to conform with current Zoning Code requirements.

**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. 2000-100

**COMMITTEE RECOMMENDATION:**
**COUNCILWOMAN McDONALD recommended Bill No. 2000-100 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY said that would be the order.**

**MINUTES:**
DEPUTY CITY ATTORNEY VAL STEED stated that in the past there has been a general rule having to do with termination of non-conforming uses discontinuance period and then a specific one that applies only to liquor license uses. In order to avoid any confusion or suggestion that

**MINUTES - Continued:**

those two are in conflicts, it has been discussed between the Planning and Development Department and Business Services to have one rule of 180 days for nonconforming uses of any type. Any nonconforming use that has been discontinued may be re-established within 180 days. Beyond that period, the use will have to conform to current zoning code requirements.

COUNCILWOMAN McDONALD asked at what point would the 180 days begin. DEPUTY CITY ATTORNEY STEED replied that it is difficult because it is typically based on some type of documentable fact.

JIM DiFIORE, Manager of Business Services, described for COUNCILWOMAN McDONALD three different scenarios related to the 180 days discontinuation. Typically business license fees are paid semi-annually and as long as the fees are paid, the license is active. Businesses have had their licenses automatically revoked when fees are not paid within 60 days of the due date. When that automatic revocation kicks in, that is one way of triggering the start date of the discontinuation of use. The second one would be where a business contacts Business Services and asks that they go on a non-operational status in an attempt to sell their license. By code, the City publishes a list of the businesses that are non-operational and provides that list to anybody that wants to buy a license. The date of that discontinuance of business would trigger the non-operational businesses. The third one would be somebody who closed the doors and for whatever reason did not notify the City. The City then discovers that the business is closed during a field inspection. At that point the City tries to find out from the owner why they closed and when they closed the doors. If that information is unattainable, an attempt is made to contact other agencies, such as the State Taxation Department or liquor distributors. The City would determine to the best of its ability what date that business closed, make it part of the record and contact the Planning Department to let them know that as of a specific date a business discontinued its operation. That will trigger the 180 days. The landlord and the licensee are then put on notice that if the discontinuance of the operation occurs for more than 180 days, they lose the use and they have to come before the Planning Department and eventually the City Council for a Special Use Permit for that particular location. This would clear up any inconsistencies between the two departments and the two different codes.

COUNCILWOMAN McDONALD asked if provisions are already in place where someone went through the licensing process and passed away. MR. DiFIORE replied that in Section 6.06 currently the Council determines the suitability of an applicant who manages or operates the business. There is a case where the wife, who is not on the license, assumed control of the

**MINUTES - Continued:**

business through the deceased estate. She was contacted by the City to come forward for business licensing and certainly had plenty of time to do that. When the business license fee renewal notice went out, she was given an opportunity to pay the fees at that point and to come forward for suitability. But she failed to do that and failure to pay the fees resulted in an automatic revocation of the license.

ROBERT GENZER, Acting Director, Planning & Development Department, added that there are areas that Planning is looking at clarifying, such as non-conforming uses that are made non-conforming because of protective businesses that move within the radius area. The Planning Department is working on a text amendment that would remedy that situation. The real conflict for this particular Bill is that under the current licensing provisions it actually allows two years to reinstate the license. Whereas, under Title 19A of the Zoning Code, it provides for 90 days to reinstate this continued use. Those two sections need to be cohesive and this Bill eliminates all of the timeframe from Title 6 and puts the 180-day requirement under Title 19A. Once the process is in place, Business Services notifies Planning as soon as they know that the business has gone out and Planning will be able to track them under that 180-day period.

MR. DiFIORE commented that gaming is another area of concern. There is a similar provision in that if a gaming operation is discontinued, there is a 24-month consecutive period in which to enact gaming at a location in order to retain grandfather rights. By State law and State policy, continuation of gaming only requires an eight-hour shift period for the operator to have gaming slots in place, open for business and continue for an eight-hour period. Then close it back down and at that point in time the operator has another two years. That is something that the City may want to look into, especially if the economics and aesthetics of the neighborhood have changed.

There was no further discussion.

(4:30 – 4:41)

**1-867**

City of Las Vegas

## *RECOMMENDING COMMITTEE AGENDA*
### RECOMMENDING COMMITTEE MEETING OF: JANUARY 2, 2001

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

NONE

(4:41 – 4:42)
**1-1253**

**MEETING ADJOURNED AT 4:42 P.M.**