

AGENDA ITEM DEVELOPMENT REPORT

OFFICE OF THE COUNTY MANAGER
CLARK COUNTY, NEVADA

AIDR No.: 3373

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Date: 3/27/2012 Agenda Date: 4/3/2012

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**Issue: Resort Corridor Workgroup
Recommendations**

Subject/Title:

Resort Corridor Workgroup Recommendations

Recommended Action:

That the Board of County Commissioners receive a report on the recommendations made by the Resort Corridor Workgroup; and direct staff accordingly.

Background:

On August 2, 2011, the Board directed the County Manager to establish a workshop to examine issues relating to the area of Las Vegas Boulevard from Sahara Avenue to Russell Road commonly referred to as the "Resort Corridor" and to develop a set of recommendations for the Board to consider. The Resort Corridor Workgroup (Group) was then established by County Manager Don Burnette later in August of 2011.

The primary participants of the Group included: John Caparella, President and COO, Venetian & Palazzo; Brian Gullbrants, Executive Vice-President and General Manager, Wynn Las Vegas; Terry Jicinsky, Senior Vice-President of Operations, Las Vegas Convention and Visitors Authority; Rick Mazer, Regional President, Caesar's Entertainment; Mark Russell, Vice President General Counsel, The Mirage Casino-Hotel; Steve Thompson, Senior Vice-President, Boyd Gaming; and Captain Todd Fasulo (for Sheriff Doug Gillespie), Convention Center Area Command, Las Vegas Metropolitan Police Department. In addition to the primary participants, other individuals participated in the process including: Karlos LaSane, Regional Vice President, Government Relations, Caesar's Entertainment; Terry Murphy, President, Strategic Solutions, for Wynn Las Vegas; and Tony Tauebel, VP and GM, Orleans, Boyd Gaming; and Virginia Valentine, President, Nevada Resort Authority.

In addition, the following County staff provided information and assistance to the Group in fulfilling its charge: Randy Tarr, Assistant County Manager; David Roger, former District Attorney; Mary-Anne Miller, County Counsel; Denis Cederberg, Director, County Public Works; and Jacqueline Holloway, Director, County Business License.

The Group met twice a month beginning in September of 2011 with its last meeting taking place on March 1, 2012.

During these meetings, the Group received presentations and information on Resort Corridor issues from the following sources:

- Clark County Public Works Department with respect to: Strip Sidewalk Maintenance; Special Improvement Districts for Median Landscaping; Funding including room tax funds; Garbage Cans/Litter (Sidewalks, pedestrian bridges, bus shelters); Newsracks; Pedestrian Bridge Maintenance; Pedestrian Bridges – Solicitation restrictions; Graffiti; Summary of Strip Beautification Efforts; and Obstructive Use Ordinance and Obstructive Use Zones.
- Clark County Business License Department with respect to: Strip Compliance Activities and Strip Beautification Activities
- Clark County District Attorney's Office with respect to Court Decisions relating to First Amendment Rights and Public Forums – specifically decisions of the 9th Circuit Court of Appeals
- Clark County Administrative Services Department with respect to: Regulation of Handbillers and Street Performers outside the jurisdiction of the 9th Circuit Court of Appeals; Summary of Public Input; Information on Commercial Area Vitalization Districts; and Information on the "Nuisance Night Court" in Philadelphia
- Las Vegas Metropolitan Police Department (LVMPD) with respect to: State of the Strip 2011; Memorandum on Safe Strip Officers; and Safe Strip Camera Proposal
- Commissioner Steve Sisolak and Commissioner Chris Giunchigliani
- American Civil Liberties Union with respect to First Amendment Rights and Public Forums – specifically issues relating to handbillers and street performers
- Todd L. Bice, Pisanelli Bice, PLLC with respect to First Amendment Rights and Public Forums – specifically issues relating to the Fremont Street Experience

As the Group reviewed the presentations and written information, issues relating to the Resort Corridor were categorized into the following areas of concern:

- Litter and Cleanliness
- Graffiti/Unauthorized Advertising
- Newsracks
- Pedestrian Safety
- Public Safety
- Obstructions due to Congestion
- Commercial Activities
- First Amendment Issues

At the last five scheduled meetings, the Group discussed the various options for addressing issues within each of the areas of concern. As the options were discussed, recommendations were developed and agreed by the Group. At the March 1, 2012, meeting, the Group agreed to the list of recommendations that are set forth in the attached document.



DONALD G. BURNETTE
County Manager

Attachment

RESORT CORRIDOR WORKGROUP FINAL RECOMMENDATIONS

March 27, 2012

Below is a summary of the Resort Corridor Workgroup's recommendations, which encompass and reflect the information and discussion over the last six months. The consensus-based recommendations approved by the Workgroup were made following the presentation of information, the analysis of the issues, and the discussion of the various options for addressing the issues. The recommendations encourage a public-private approach to addressing the various issues arising in the Resort Corridor and include proposals for actions by the County, the Las Vegas Metropolitan Police Department, and the Resort Properties. Some of the recommendations can be implemented in a relatively short period of time while others require studies, additional legal research, or the adoption of ordinances that may take several months to complete.

Recommendation Area: Newsracks

1. The County should continue the periodic review of the number and location of newsracks along the Resort Corridor.
2. To provide for uniformity of newsracks, the County should replace the current system that provides for installation and maintenance of newsracks by permittees with a county-owned and maintained system of newsracks. The County should evaluate different newsrack styles (freestanding and modular) to determine the most appropriate style(s) for use along the Resort Corridor.
3. The County should also attempt to purchase newsracks that use an anti-graffiti or graffiti-resistant coating and/or material that would help with maintenance issues.
4. The County should continue to enforce code provisions on maintenance of and standards for newsracks installed by permittees through regular inspections in the resort corridor and to take corrective actions when necessary.
5. The County should provide a trash can at each newsrack location. (This recommendation also appears under Recommendation Area: Litter and Cleanliness.)

Recommendation Area: Litter and Cleanliness

Trash Cans

6. The County should continue to make sure that trash cans are the same style at specific county-maintained locations (each pedestrian bridge, Harmon intersection, etc.) The County will review the style of trash cans it uses to determine whether the style should be changed in an effort to maintain a cleaner appearance for the can and the sidewalk area surrounding it (i.e. should all cans be required to have some type of covering or should all cans be off the ground). The number of trash cans at pedestrian bridges and on sidewalks seems to be sufficient except that:
 - o County will install a trash can at each bank of newsracks; and
 - o County will install additional trash cans where the right-of-way exists at locations selected by the County.

7. The County should notify Resort Properties if it observes containers being used as trash cans on their properties especially vacant properties (example, 50 gallon drums being used as trash cans).

8. RTC of Southern Nevada should require that the franchisee for a bus stop shelter use the same style of can for a specific shelter (if shelter contains multiple cans) with the style chosen to blend with the shelter if desired. RTC of Southern Nevada should also ensure that the trash cans are emptied on a regularly scheduled basis.

9. Resort Properties, as well as other properties, should establish a regular schedule for the emptying of trash cans on those properties.

Sidewalks and Pedestrian Bridges (for which the County is responsible) – See also recommendation #17 under Graffiti/Unauthorized Advertising relating to "hotline" to the County for use outside of normal Public Works office hours

10. The County should maintain 24 hr. custodial service on the pedestrian bridges.

11. The County should modify its currently established Monday/Wednesday/Friday morning schedule for sidewalk cleaning and maintenance to a Tuesday/Thursday/Saturday/Sunday morning schedule (between the hours of 5 a.m. and 9 a.m.) and provide for an additional cleaning and maintenance, if warranted, on any Monday following a special event.

12. The County should modify the maintenance contract on the pedestrian bridges to provide for the pressure wash no earlier than 5:00 a.m. every Saturday morning and Sunday morning during the months of April-October.

Litter

13. The County should require handbillers to periodically clean up discarded handbills in a specific area around the location of the handbiller.

Recommendation Area: Graffiti/Unauthorized Advertising

14. The County should continue to provide for the cleaning of graffiti on public property in the Resort Corridor through its graffiti abatement contract.

15. The County should investigate the use of anti-graffiti or graffiti resistant coatings on public property within the Resort Corridor and consider a pilot program to determine the impact on graffiti removal costs. If determined appropriate, the County, with respect to bids relating to public property in the Resort Corridor, should include as a bid requirement, the use of anti-graffiti or graffiti resistant coatings.

16. The County, through Code Chapter 11.12, should enforce provisions on the covering and removal of graffiti on nonresidential property, especially vacant property, in the Resort Corridor and cooperate on the removal of graffiti on bus shelters maintained by RTC of Southern Nevada franchisees and above-ground utility features maintained by NV Energy and the Las Vegas Valley Water District.

17. Public Works should provide Resort Properties with a telephone "hotline" number (or other notification process) that can be used to directly notify Public Works of graffiti or other unauthorized advertising/materials on public property within the Resort Corridor outside of the normal Public Works office hours. Direct notification can speed up abatement in situations that warrant an immediate response.

18. LVMPD and the Resort Properties should establish a procedure for sharing graffiti information (photos of tags or signatures) to help identify and prosecute graffiti offenders.

Recommendation Area: Pedestrian Safety

19. County Public Works should continue to enforce its established policy that prohibits the storing of traffic cones or barricades on sidewalks, in gutters, or in the median when not in use.

20. County Public Works should evaluate the lighting along the Resort Corridor (specifically along vacant properties) to identify any "dark spots" and take measures with respect to county rights-of-way to address any identified "dark spots". Public Works should also notify owners of "dark spots" on non-public property.

21. The County should amend existing county code or adopt a new ordinance that restricts activities on the public sidewalks of the Resort Corridor that pose a potential risk to the safety of pedestrians. The ordinance might address the following issues, with exceptions for special events or permitted activities:

- The use of unicycles, bicycles and other types of cycles, skateboards, roller skates, in-line skates, hula hoops larger than 4 feet in diameter and shopping carts.
- The launching or throwing of projectiles or other objects into or through the air.
- The use of items or engaging in actions that pose a potential risk to pedestrians (to be more specifically defined in the ordinance).

Recommendation Area: Commercial Activities

22. The County should amend existing county code or adopt a new ordinance that clearly states that it is unlawful to engage in a commercial activity in the public right-of-way.

23. (a) The County should continue the program began in June 2011 that provided for the special handling of business license violations by a Deputy District Attorney and monitor the impact of the program. In addition, the County should continue to pursue special handling of business license violations by a single designated Las Vegas Justice of the Peace or JP pro temp.

(b) The County should examine the use of civil penalties as an alternative to the current method of enforcement of business license violations through criminal prosecutions.

24. The County should maintain the number of signs relating to commercial activities that are currently mounted at or near the pedestrian bridges. In addition, County Public Works should consult and cooperate with LVMPD in determining the need for additional signage.

25. The County and Resort Properties should consider ways to provide information to visitors concerning prohibited activities along the Resort Corridor (i.e., no business activity in the right-of-way, sales vs. solicitations for tips or donations).

Recommendation Area: Obstruction of Public Sidewalks & Pedestrian Bridges due to Congestion

26. In order to provide for pedestrian safety and to eliminate pedestrian congestion, each Resort Property is encouraged to work with the County to clarify the boundaries between public and private sidewalks.

27. With respect to the provisions of Clark County Code Chapter 16.11 on obstructive uses of public sidewalks, the County should:

(a) Revisit the criteria for the current designations of "no obstruction zones" and renew the enforcement of the "no obstruction zones" that still meet the criteria.

(b) Review the provisions of Chapter 16.11 including contracting for a new pedestrian study.

(c) Following the completion of the new pedestrian study, update the zones and amend provisions of Chapter 16.11 as necessary.

(d) Amend the relevant provisions of Chapter 16.11 to clarify that pedestrian bridges are for the prompt and safe movement of pedestrians and that, like crosswalks, stopping and standing on pedestrian bridges are prohibited.

28. The County is encouraged to adopt an ordinance that prohibits animals on Resort Corridor sidewalks and pedestrian bridges with exceptions (like service animals) but allows for household pets to be on sidewalks along the Resort Corridor between the hours of 5 a.m. and noon. **(NOTE: On March 6, 2012, the BCC adopted such an ordinance and asked for a one-year review.)**

Recommendation Area: First Amendment Activities

29. After the completion of the new pedestrian study provided for in the recommendation above, the County should consider adopting an ordinance that establishes time, place and manner restrictions on First Amendment activities on public sidewalks along the Resort Corridor that would promote public safety, welfare and other legally protected interests of the County.

Recommendation Area: Additional Public Safety Issues

30. The LVMPD is encouraged, subject to available funding, to proceed with a proposal to add a closed circuit television system along the Resort Corridor including the funding of the necessary resources to monitor the system.

31. The County should study the possibility of setting up a "Night Court" on specified nights to handle certain offenses that occur on the Resort Corridor. The purpose of the "Night Court" would be to expedite the adjudication of offenders in a prompt and consistent manner. The County District Attorney's Office and LVMPD are encouraged to send representatives to Philadelphia to observe the Night/Nuisance Court used there. **NOTE: Preliminary discussions have taken place with the Philadelphia Municipal Court on a trip sometime during the month of April or May 2012.**

32. The County, LVMPD, and the Resort Properties should further explore the possibility of additional law enforcement resources for the Resort Corridor.