RESOLUTION NO. R-17-2010

A RESOLUTION APPROVING THE FORM OF A COOPERATIVE AGREEMENT BETWEEN THE CITY AND THE STATE OF NEVADA DEPARTMENT OF TAXATION, AND PROVIDING REPEALER AND SEVERABILITY CLAUSES.

WHEREAS, on February 4, 2009, the City Council (the "City Council") of the City of Las Vegas, Nevada (the "City") adopted Resolution No. R-6-2009, which called a hearing for the purposes of considering (i) making the findings specified in Subsections 2, 3 and 6 of Nevada Revised Statutes ("NRS") 271A.080, and (ii) approving the use of monies pursuant to paragraph (a) of Subsection 3 of NRS 360.855; and

WHEREAS, prior to adoption of Resolution No. R-6-2009, the following information was filed with the City Clerk of the City (the "City Clerk"):

(a) A report entitled "*Proposed Tourism Improvement District, An Analysis of Selected Regulatory Requirements*" prepared by Applied Analysis, dated November 30, 2008 which is a report of an independent consultant addressing the fiscal effect of the project proposed for the District (as defined below) and the financing thereof under Chapter 271A of NRS on the provision of local governmental as required in Subsection 3 of NRS 271A.080;

(b) A letter from CIM/LL Manager, LLC (the "Developer") dated January 16, 2009 relating to the Developer's ability and desire to proceed with certain projects, including retail projects in the District;

(c) A memorandum from Keyser Marston Associates dated January 27, 2009 concerning the Developer's financial ability to proceed with the projects described in (b) above; and

(d) A memorandum from the City's Office of Business Development, dated January 22, 2009 concerning certain real estate matters relating to the District and a Disposition and Development Agreement between the City and the Developer dated July 2, 2008.

(collectively, the "Filed Information"); and

WHEREAS, the Filed Information and the amendment dated February 27, 2009 to the report referenced in (a) above were provided to the Clark County School District and the Board of County Commissioners of Clark County; and

WHEREAS, the Board of Trustees of the Clark County School District (the "School Board") and the Board of County Commissioners of Clark County (the "Board of County Commissioners") conducted public hearings and the School Board and the Board of County Commissioners have provided comments to the City Council; and

WHEREAS, on May 6, 2009, the City Council held a public hearing and adopted Resolution No. R-30-2009, wherein the City Council made certain written findings and determinations pursuant to NRS 271A.080(2), (3) and (6) (the "Fiscal Effect Finding") and NRS 360.855(3) relating to the proposed "City of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue)" (the "District"); and

WHEREAS, in making the Fiscal Effect Finding, the City Council considered the comments received from the School Board and the Board of County Commissioners; and

WHEREAS, the City staff provided notice and materials required by NRS 271A.080(7) and (8) and NRS 360.855(3) to the Nevada Commission on Tourism and the Governor of the State of Nevada; and

WHEREAS, pursuant to a resolution adopted on June 16, 2009, the Nevada Commission on Tourism made the determination pursuant to NRS 271A.080(7) with respect to the District and the proposed project (the "Project") to be located in the District as further described in the report entitled "*Proposed Tourism Improvement District, An Analysis of Selected Regulatory Requirements*" prepared by Applied Analysis, dated November 30, 2008, as amended on February 27, 2009, which is on file with the City Clerk; and

WHEREAS, pursuant to letters dated July 6 and July 10, 2009, the Governor of the State of Nevada made the determination with respect to the Project pursuant to NRS 271A.080(8); and

WHEREAS, having met all of the prerequisites to creation of the District pursuant to NRS 271A.080, the City Council adopted Ordinance No. 6058 on September 2, 2009 creating the District (the "Creation Ordinance"); and

WHEREAS, the City has negotiated with the State of Nevada Department of Taxation the terms of an agreement specifying the dates and procedure for distribution to the City of any money pledged pursuant to Section 6 of the Creation Ordinance;

WHEREAS, the proposed form of a City of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue) Cooperative Agreement (the "Cooperative Agreement") by and between the City and the State of Nevada Department of Taxation is attached hereto as Exhibit I.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA AS FOLLOWS:

Section 1. The form, terms and provisions of the Cooperative Agreement are hereby approved, and the City shall enter into and perform its obligations under the Cooperative Agreement in substantially the form attached hereto as Exhibit I, with only such changes therein as are required by the circumstances and which are not inconsistent herewith. The officers of the City are hereby authorized and directed to execute and deliver the Cooperative Agreement as required hereby.

Section 2. All resolutions, or parts thereof, in conflict with the provisions of this resolution are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, or part thereof, previously repealed.

Section 3. If any section, paragraph, clause or other provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this resolution.

PASSED AND ADOPTED this March 17, 2010.

(SEAL)

Mayor

Attest:

Vicky Skilbred

~~City Clerk~~ By: Vicky Skilbred, CMC
Acting City Clerk

Approved as to form:

V. Ponticello 3/1/10

Chief Deputy City Attorney

EXHIBIT I

(Attach Agreement with Department of Taxation)

CITY OF LAS VEGAS, NEVADA TOURISM IMPROVEMENT DISTRICT
(FOURTH STREET AND STEWART AVENUE)
COOPERATIVE AGREEMENT

THIS AGREEMENT is made and entered into this ____ day of _______, 2010, by and between the City of Las Vegas, a municipal corporation of the State of Nevada, the "City," and the State of Nevada Department of Taxation, the "Department," collectively the "Parties."

RECITALS

WHEREAS, the City, through its City Council, and consistent with NRS 271A.070 as enacted by Las Vegas City Council Bill No. 2009-36, Ordinance No. 6058, "City Of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue) Creation Ordinance" (the "Ordinance") has created a tourism improvement district (the "District") and pledged 75% of the taxes described therein as permitted by Chapter 271A of NRS (the "Taxes") for the purposes of carrying out the acquisition, improvement, equipment, operation and maintenance of the Project within the District as more specifically described in the Ordinance, and the financing of the Project; and

WHEREAS, NRS 271A.100 further provides that any such ordinance must include a provision requiring the City to enter into a contract with the Department to perform all functions incident to the administration or operation of the tax in the City, and the Parties intend that this Agreement serve as the required contract; and

WHEREAS, the City has adopted the Ordinance creating the tourism improvement district effective September 6, 2009.

NOW, THEREFORE, in consideration of the mutual covenants and promises hereinafter set forth, the City and the Department agree as follows:

1. The Department shall administer and enforce all provisions of the Ordinance pertaining to the collection of all Taxes provided for in said Ordinance.

2. The City shall notify the Department, substantially in the form attached hereto as Exhibit A, (i) of each business that is located within and collects Taxes generated within the District; and (ii) that such Taxes shall be administered in accordance with this Agreement. The City shall further notify the Department any time such a business closes.

3. The City shall reimburse the Department for the costs of collecting the Taxes. The amount of collection costs to be reimbursed by the City hereunder shall be computed in the manner provided by NRS 271A.070 (1)(c), (1) and (2). Before

distributing any revenue to the City pursuant to paragraph 4 below, the Department shall deduct said collection costs from the amount to be distributed.

4. Subject to paragraph 3, above, the Department shall distribute to the City, on a monthly basis, the Taxes described in this Agreement. With each distribution, the Department shall provide the City Finance Director with a monthly statement setting forth the amount collected and any collection costs deducted by the Department. Distribution shall cease at the end of the fiscal year in which the 20th anniversary of the adoption of the ordinance creating the District occurs, i.e., June 30, 2030.

5. The City agrees that the Department shall have the power to make all necessary rules and regulations and prescribe all necessary forms or other requirements for the purpose of making the administration of the Ordinance effective.

6. The Department shall have all the powers, duties, and responsibilities as provided by the Ordinance and Chapter 374 of the Nevada Revised Statutes and all amendments thereto, and all other State laws pertaining to the collection of sales and use taxes.

7. If any term or provision of this Agreement is deemed to be invalid or unenforceable to any extent, the remainder of this Agreement will not be affected thereby, and each remaining term and provision of this Agreement will be valid and be enforced to the fullest extent permitted by law.

8. No waiver of any breach of any covenant or provision contained herein will be deemed a waiver of any preceding or succeeding breach thereof or of any other covenant or provision contained herein. No extension of time for performance of any obligation or act will be deemed an extension of the time for performance of any other obligation or act except those of the waiving party, which will be extended by a period of time equal to the period of the delay.

9. This Agreement is binding upon and inures to the benefit of the permitted successors and assigns of the parties hereto. None of these parties shall assign any of the rights or delegate any of the duties of this Agreement without the express written consent of the other party.

10. Except as otherwise expressly provided, this Agreement (including all Exhibits attached hereto) constitutes the entire contract between the Parties hereto and may not be modified except by an instrument in writing signed by the party to be charged.

11. The Parties hereto expressly agree that this Agreement will be governed by, interpreted under, and construed and enforced in accordance with the laws of the State of Nevada.

[Remainder of Page Intentionally Left Blank. Signature Page Follows.]

IN WITNESS WHEREOF, each of the Parties has caused this Agreement to be duly executed on its behalf by and authorized representative.

THE CITY OF LAS VEGAS

Dated this ____ day of ______, 2010.

By: ______________________________
Oscar B. Goodman, Mayor

ATTEST:

____
Beverly Bridges, MMC, City Clerk

Approved as to form:

By: ______________________________
Deputy City Attorney

DEPARTMENT OF TAXATION

By: ______________________________
Executive Director
Nevada Department of Taxation

Dated this ____ day of ______, 2010.

Approved as to form:

By: ______________________________
[Name and Title]

<u>EXHIBIT A</u>

NOTICE TO DEPARTMENT OF TAXATION

Name of Business: ____ (the "Business")

Business Address: ____

Department of Taxation Identification Number for Business: __________________

The City of Las Vegas hereby notifies the Department of Taxation that the Business is located within the City Of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue) (the "District"). The Business collects tax revenues generated within the District and such revenues shall be administered in accordance with the City Of Las Vegas, Nevada Tourism Improvement District (Fourth Street and Stewart Avenue) Cooperative Agreement dated as of ______ __, 2010.

CITY OF LAS VEGAS, NEVADA

By:____

_______________________________________	________________________
Printed Name and Title	**Date**

STATE OF NEVADA)
)
CITY OF LAS VEGAS)

I am the duly chosen and qualified City Clerk of City of Las Vegas (the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (the "Council") at a meeting held on March 17, 2010.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of Council as follows:

Those Voting Aye:		
	Mayor:	Oscar Goodman
	Council members:	Gary Reese
		Steve Wolfson
		Lois Tarkanian
		Steven D. Ross
		Ricki Y. Barlow
		Stavros S. Anthony
Those Voting Nay:		______________
Those Absent:		______________

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to Nevada Revised Statues ("NRS") 241.020, written notice of the meeting was given not later than 9:00 a.m. on the third working days before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting on the City's website, at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada;

(ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada;

(iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada;

(iv) Clark County Government Center
500 S. Grand Central Parkway
Las Vegas, Nevada; and

(v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada.

and

(b) Prior to 9:00 a.m. at least 3 working days before such meeting, such notice was mailed to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

5. Upon request, the Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the Council for an item on the agenda, except for certain confidential materials and materials pertaining to closed meetings, as provided by law.

6. A copy of such notice so given of the meeting of the Council on March 17, 2010 is attached to this certificate as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand on this March 17, 2010.

(SEAL)

____
City Clerk

EXHIBIT A

(Attach copy of Posted Agenda)

City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
COUNCIL MEMBERS: OSCAR B. GOODMAN, MAYOR (At-Large)
COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)
STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6)
RICKI Y. BARLOW (Ward 5), STAVROS S. ANTHONY (Ward 4)

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. 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. The City's TDD number is 386-9108.

March 17, 2010

Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CD'S AND DUPLICATE AUDIO/VIDEO DVD'S MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION – PASTOR KOZ ALIGHCHI FROM THE PERSIAN CHURCH OF LAS VEGAS
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE EMPLOYEE OF THE MONTH
6. RECOGNITION OF PERSIAN HERITAGE MONTH
7. RECOGNITION OF THE CENTENNIAL HIGH SCHOOL JUNIOR NAVY ROTC CADETS
8. RECOGNITION OF THE U.S. AIR FORCE CIVIL AIR PATROL
9. RECOGNITION OF THE WINNERS OF THE ANNUAL C.J. WATSON ESSAY CONTEST
10. RECOGNITION OF THE SUN CITY SUMMERLIN IRISH CLUB

BUSINESS ITEMS - MORNING

11. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

12. Approval of the Final Minutes by reference of the City Council meeting of February 17, 2010

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FIELD OPERATIONS - CONSENT

13. Approval of a Lease Agreement between the City of Las Vegas and the State of Nevada, Department of Administration, Division of Building and Grounds for and on behalf of the Department of Health and Human Services, Division of Welfare and Supportive Services for the lease of approximately 30,840 square feet of City owned office space located at 1040 West Owens - Ward 5 (Barlow)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

14. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

15. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Lillian Salazar, Location: El Charrito Lindo, 3790 East Owens Avenue, Suite 120, Date: April 3, 2010, Type: Special Event General, Event: Quinceanera, Responsible Person in Charge: Lillian Salazar - Ward 3 (Reese)

16. Approval of a Change of Business Name and Change of Ownership for a Package License, From: Lucky Stores LLC, dba Lucky #6030, To: Cardenas Markets, Inc., dba Cardenas, 2400 East Bonanza Road, Jesus Cardenas Sr., CEO, Dir, 47%, Luz Cardenas, Sr VP, Dir, 47%, Jose Cardenas, Secy, Dir, 2%, Guadalupe Cardenas, CFO, Dir, 2%, Jesus Cardenas Jr., Sr VP Marketing, Dir, 2% and George Cardenas, VP IT, Dir - Ward 3 (Reese)

17. Approval of an extension of a new Temporary Beer/Wine/Cooler On-sale License, MDC Restaurants, LLC, dba Coco's 6057, 2411 West Sahara Avenue, Vincent Eupierre, Managing Mmbr, 100% - Ward 1 (Tarkanian)

18. Approval of an extension of a new Temporary Beer/Wine/Cooler On-sale License, MDC Restaurants, LLC, dba Coco's 6058, 4949 North Rancho Drive, Vincent Eupierre, Managing Mmbr, 100% - Ward 6 (Ross)

19. Approval of an extension of a new Temporary Alcoholic Beverage Caterer License, Firefly Downtown, LLC, dba Firefly Kitchen & Bar, 1 South Main Street, John Simmons, Mgr, 100% - Ward 5 (Barlow)

20. Approval of a Change of Business Name for a Beer/Wine/Cooler On-sale License, Saved by the Grill, LLC, dba From: Famous Uncle Al's Hot Dogs & Grill, To: Great Links Hot Dogs & Grill, 6010 West Craig Road, Suite 110, Guy Shields and Catherine Shields, 100% jointly with spouse - Ward 6 (Ross)

21. Approval of a Change of Business Name for a Tavern License subject to Health Dept. regulations, Sun City Summerlin Comm Assoc, dba From: Palm Valley Golf Course/Vista, To: Vista Grille, 9201 Del Webb Boulevard, Joseph Kelly, Operations Mgr and Ron Winkel, Exec Dir - Ward 4 (Anthony)

22. Approval of a new Massage Establishment License, Renaissance Health Centre LLC, dba Renaissance Health Centre LLC, 2820 West Charleston Boulevard, Suites A6, Terry G. Pfau, Mmbr, Mgr, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business - Renaissance Health Centre LLC]

23. Approval of an extension of a new Temporary Massage Establishment License, Shape Within, Inc., dba Shape Within, Inc., 7720 West Sahara Avenue, Suite 104, Sharen Black, Pres, 100% - Ward 1 (Tarkanian) [NOTE: This is an ancillary license to an existing chiropractic business – Family Care Chiropractic]

24. Approval of an extension of a Temporary Class II Secondhand Dealer License, Nicole Sorrentino, dba Chique, 9691 Trailwood Drive, Suite 101, Nicole Sorrentino, Owner, 100% - Ward 2 (Wolfson)

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

25. Approval of Purchase Agreement No. 100025-TM, Scour Filtration System for the Water Pollution Control Facility located at 6005 Vegas Valley Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: ROBERTS SERVICES, INC. ($2,826,944 - Sanitation Enterprise Fund) - County

26. Approval of award of Agreement No. 100170-TF, Prime Design Services Agreement for Oakey Storm Drain - Cahlan to Barnard - Department of Public Works - Award recommended to: PB AMERICAS, INC. ($260,000 - Road and Flood Capital Projects Fund and Sanitation Enterprise Fund) - Ward 1 (Tarkanian)

27. Approval of revision to Purchase Order No. 260854, Downtown Connector Bus Rapid Transit - Casino Center and Third Street Realignment located on Paradise Road, Convention Center Drive, St. Louis Avenue, Main Street, Third Street, Charleston Boulevard, Ogden Avenue, Grand Central Parkway and the I-15 Ramp - Department of Public Works - Award recommended to: SOUTHERN NEVADA PAVING, INC. ($1,000,000 - Road and Flood Capital Projects Fund) - Wards 3 and 5 (Reese and Barlow)

28. Approval of award of Amendment No. 1 to Agreement No. 07-24458, Engineering Design Services Agreement for the Sheep Mountain Parkway Environmental Impact Statement located on Sheep Mountain Parkway between CC 215 and I-15 - Department of Public Works - Award recommended to: PB AMERICAS, INC. ($700,000 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)

29. Approval of award of First Amendment to Agreement No. 080319-DC, Blanket Services Agreement for Professional Engineering Services located at the Water Pollution Control Facility, 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: BLACK AND VEATCH CORPORATION ($250,000 - Sanitation Enterprise Fund) - County

30. Approval of award of Modification No. 3 to Contract No. 040250-LW, Large Case Management and Utilization Review Services - Department of Human Resources - Award recommended to: MEDICAL MANAGEMENT SPECIALISTS, LLC ($72,000 - Employee Benefits Internal Service Fund)

31. Approval of award of Contract No. 100103-LD, F Street Public Outreach and Communications Services - Department of Public Works - Award recommended to: PURDUE MARION & ASSOCIATES ($150,000 - Public Works Capital Projects Fund) – Ward 5 (Barlow)

32. Approval of award of Agreement No. 100168-LD, Prime Design Services Agreement for F Street Reopening Design located at the intersection of F Street and I-15 - Department of Public Works - Award recommended to: PBS&J CORPORATION ($502,033 - Public Works Capital Projects Fund) - Ward 5 (Barlow)

PUBLIC WORKS - CONSENT

33. Approval of an Encroachment Request from JHR Associates, Ltd, on behalf of Rebel Oil Company, Inc., owner (landscaping on the southeast corner of Washington Avenue and Pecos Road) - Ward 3 (Reese)

34. Approval of a First Amendment to the Facilities Relocation Agreement between the City of Las Vegas and Nevada Energy for the relocation of power facilities for the Charleston Bus Turnout Project FY 2005 located along Charleston Boulevard from Nellis Boulevard to Fremont Street ($258,039 - Regional Transportation Commission (RTC) of Southern Nevada) - Ward 3 (Reese) and Clark County

35. Approval of Amendment Number 1 of Cooperative (Local Public Agency) Agreement P184-09-063 with the State of Nevada Department of Transportation (NDOT) to decrease funding in the amount of $166,457.63 for the Durango Drive Repaving project located on North Durango Drive between Cheyenne Avenue and Alexander Road - Ward 4 (Anthony)

36. Approval of a Dedication for Right-of-Way on the west side of Main Street at Clark Avenue from the City of Las Vegas, being a portion of the Southwest Quarter of the Northwest Quarter of Section 34, Township 20 South, Range 61 East, Mount Diablo Meridian - APN 139-34-201-023 - Ward 3 (Reese)

37. Approval of Amendment Number 1 of Cooperative (Local Public Agency) Agreement P187-09-063 with the State of Nevada Department of Transportation (NDOT) to decrease funding in the amount of $143,829.04 for the Alexander Road Repaving project located on West Alexander Road between North Cimarron Road and US-95 - Ward 4 (Anthony)

38. Approval of the Second Amendment to Interlocal Agreement between the City of Las Vegas and the Regional Transportation Commission (RTC) of Southern Nevada to increase project funding in the amount of $1,800,000 for the design and construction of the Downtown Connector project located along Grand Central Parkway, Casino Center Boulevard, 3rd Street, Main Street, St. Louis Avenue and Paradise Road ($46,800,000 - RTC) - Wards 3 and 5 (Reese and Barlow)

39. Approval of Amendment Number 1 of Cooperative (Local Public Agency) Agreement P185-09-063 with the State of Nevada Department of Transportation (NDOT) to decrease funding in the amount of $141,588.72 for the Hills Center Drive Repaving project located on Hills Center Drive and Village Center Circle from Summerlin Parkway to Lake Mead Boulevard - Wards 2 and 4 (Wolfson and Anthony)

40. Approval of Amendment Number 1 of Cooperative (Local Public Agency) Agreement P186-09-063 with the State of Nevada Department of Transportation (NDOT) to decrease funding in the amount of $989,449.81 for the Lamb Boulevard Repaving project located on North Lamb Boulevard between East Charleston Boulevard and East Owens Avenue - Ward 3 (Reese)

41. Approval of a Line Extension Agreement between the City of Las Vegas and NV Energy to provide electrical services for irrigation purposes for the North and South Environmental Enhancement Areas within Floyd Lamb Park located at 9200 Tule Springs Road ($27,327 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Ross)

42. Approval of a Non Refundable Contribution in Aid of Construction (CIAC) Agreement with Nevada Power Company d/b/a NV Energy for relocation of power facilities for the Symphony Park Feeder line aka Union Park Phase 1 Offsite Conduit System project located at Main Street and 1st Street from Coolidge Avenue to Clark Avenue ($131,565 - General Capital Projects Fund) - Ward 3 (Reese)

RESOLUTIONS - CONSENT

43. R-14-2010 - Approval of a Resolution Determining the Cost and Directing the City Engineer to prepare the Final Assessment Roll for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

44. R-15-2010 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the Final Assessment Roll will be heard for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) ($252,402 - Capital Projects Fund - Special Assessments) - Ward 5 (Barlow)

45. R-16-2010 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) ($76,002.20 - Capital Projects Fund - Special Assessments) - Ward 6 (Ross)

46. R-17-2010 – Approval of a Resolution approving the form of a Cooperative Agreement between the City of Las Vegas and the State of Nevada Department of Taxation, and providing repealer and severability clauses for the City of Las Vegas Nevada Tourism Improvement District composed of parcels at Fourth Street and Stewart Avenue (APNs 139-34-501-004 and 007, 139-34-504-008, 139-27-899-042 and 139-34-599-009) - Ward 5 (Barlow)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

47. Discussion and possible action on the ratification of Howard Daniel Tarwater as the Director of Human Resources effective July 3, 2010 ($110,000 annual salary plus benefits - General Fund)

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

48. ABEYANCE ITEM - Discussion and possible action regarding a Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Thamer Jarjees, To: Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Haitham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

49. ABEYANCE ITEM - Discussion and possible action regarding a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Bidi, Inc., dba Vegas Market 3, 6711 West Alexander Road, Suites 103 & 104, Haitham Bidi, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)

50. Discussion and possible action regarding a Ninety Day Review of a Tavern License, Dominic L. Laino, dba Club 2100, 2100 Fremont Street, Dominic L. Laino, Owner, 100% - Ward 3 (Reese)

51. Discussion and possible action regarding an Appeal of Work Card Denial for Dustin Hill, db at Foothills Ranch, 3377 North Rancho Drive - Ward 6 (Ross)

NEIGHBORHOOD SERVICES - DISCUSSION

52. Discussion and possible action on an estimated allocation of $5,133,572 in FY 2010-2011 Community Development Block Grant (CDBG) funds to the City of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

53. Discussion and possible action on an estimated allocation of $225,677 in FY 2010-2011 Emergency Shelter Grant (ESG) funds to the City of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

54. Discussion and possible action on an estimated allocation of $1,002,015 in FY 2010-2011 Housing Opportunities for Persons with AIDS (HOPWA) grant funds to the City of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

PUBLIC WORKS - DISCUSSION

55. Discussion and possible action on a request to install speed humps on Scholl Drive between Bristol Way and Burgundy Way ($7,000 - Neighborhood Traffic Management Program) - Ward 1 (Tarkanian)

56. Discussion and possible action regarding a Transit Vehicle Operating Procedure Agreement between the City of Las Vegas the Regional Transportation Commission (RTC) and the Fremont Street Experience (FSE) LLC to establish a Standard Operating Procedure for the new RTC Ace Gold Line that will cross Fremont Street during FSE Light Shows - Ward 5 (Barlow)

RESOLUTIONS - DISCUSSION

57. R-18-2010 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Vast Holdings, Inc., dba Peter Pan Motel, located at 110 North 13th Street (APN 139-35-310-028) to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Reese) [NOTE: This item is related to RDA Item 4 (RA-4-2010)]

58. R-19-2010 - Discussion and possible action regarding a Resolution consenting to the lease of real property described as APN 139-21-313-017 by the City of Las Vegas and the City of Las Vegas Redevelopment Agency for the Las Vegas Business Center located at 1951 Stella Lake Street - Ward 5 (Barlow) [NOTE: This item is related to RDA Item 5 (RA-5-2010)]

BOARDS & COMMISSIONS - DISCUSSION

59. PARK & RECREATION ADVISORY COMMISSION – Lisa B. Sherman, Term Expires 4/1/2010, and Malcolm D. White, Term Expires 4/7/2010

NEW BILLS - DISCUSSION

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

60. Bill No. 2010-13 – Revises and updates provisions governing 1) master sign plans, and 2) general plan amendment and rezoning decisions. (TXT-36168, TXT-36325 and TXT-36494) Proposed by: M. Margo Wheeler, Director of Planning and Development

61. Bill No. 2010-14 – Clarifies the authority of the City Traffic Engineer regarding residential parking permit zones. Sponsored by: Councilwoman Lois Tarkanian

CLOSED SESSION

62. Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

63. Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

HEARINGS - DISCUSSION

64. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 4312 Fulton Place in the amount of $1,553 (General Fund) and assess a maximum of $44,050 in daily civil penalties. PROPERTY OWNER: JAMIE GERSTENBERGER - Ward 1 (Tarkanian)

65. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1309 North 22nd Street in the amount of $6,973.30 (General Fund) and assess a maximum of $105,700 in daily civil penalties. PROPERTY OWNER: SARO MELIKYAN - Ward 3 (Reese)

66. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 1321 North 23rd Street in the amount of $5,445.50 (General Fund) and assess a maximum of $78,550 in daily civil penalties. PROPERTY OWNERS: JESUS MARIA AND RAQUEL MORALES - Ward 3 (Reese)

67. Public Hearing to consider the report of expenses to recover costs for abatement of nuisance located at 604 Kasper Avenue in the amount of $1,755.35 (General Fund) and assess a maximum of $40,350 in daily civil penalties. PROPERTY OWNERS: FLORA J. REED AND LEON TURNER - Ward 5 (Barlow)

68. Public Hearing to consider a request for a waiver and/or reduction of fees for the property located at 4901 Donald Road in the amount of $318,661.26. PROPERTY OWNERS: PAY DIRT IRR BUSINESS TR ETAL - Ward 6 (Ross)

69. Public Hearing to consider a request for a waiver and/or reduction of fees for the property located at 4950 Dorrell Lane in the amount of $163,500.00. PROPERTY OWNERS: PAY DIRT IRR BUSINESS TR ETAL - Ward 6 (Ross)

70. Public Hearing to consider a request for a waiver and/or reduction of fees for the property located at 5724 Taj Mahal Drive in the amount of $40,000. PROPERTY OWNERS: US NATIONAL BANK ASSN TRS - Ward 6 (Ross)

71. Hearing and possible action on a 45-day review for the vacant or abandoned buildings located at 4152 Silver Dollar Avenue Units 2, 4, 5, 7-8, 4168 Silver Dollar Avenue Units 1-4, 6-8, 4186 Silver Dollar Avenue Units 1-7. PROPERTY OWNERS: RFH LA PAZ LLC - Ward 1 (Tarkanian)

PLANNING & DEVELOPMENT

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

PLANNING & DEVELOPMENT - CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED "FOR APPROVAL". ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

72. EOT-37321 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: BLOKHAUS CAPITAL CORPORATION - OWNERS: PARKHAUS, LLC AND VIDA ENT., LLC - Request for an Extension of Time of a previously approved Special Use Permit (SUP-9673) FOR A PROPOSED MIXED-USE DEVELOPMENT at 1001 North Main Street (APNs 139-27-602-003 and 004), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

73. EOT-37329 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: BLOKHAUS CAPITAL CORPORATION - OWNERS: PARKHAUS LLC AND VIDA ENT., LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-9672) FOR A MIXED-USE DEVELOPMENT CONSISTING OF 442 RESIDENTIAL UNITS AND 31,000 SQUARE FEET OF RETAIL SPACE AND A WAIVER FOR A REDUCTION OF PERIMETER LANDSCAPING at 1001 North Main Street (APNs 139-27-602-003 and 004), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

74. EOT-37340 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: HERITAGE-NEVADA VIII, LLC - OWNER: CITY PARKWAY V, INC. - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-25059) FOR A PROPOSED 57-STORY MIXED-USE DEVELOPMENT INCLUDING 1.12 MILLION SQUARE FEET OF COMMERCIAL SPACE AND 98 MULTI-FAMILY RESIDENTIAL UNITS WITH WAIVERS OF THE UNION PARK STREETSCAPE STANDARDS, BUILDING PLACEMENT AND FRONTAGE REQUIREMENTS, ARCHITECTURAL STANDARDS AND ACCESS STANDARDS on a portion of 53.6 acres at the southwest corner of Grand Central Parkway and City Parkway (APN 139-34-110-007), PD (Planned Development) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

75. EOT-37341 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT: HERITAGE-NEVADA VIII, LLC - OWNER: CITY PARKWAY V, INC. - Request for an Extension of Time of a previously approved Special Use Permit (SUP-25060) FOR A PROPOSED 800-FOOT HIGH MIXED-USE DEVELOPMENT IN THE AIRPORT OVERLAY DISTRICT at the southwest corner of Grand Central Parkway and City Parkway (APN 139-34-110-007), PD (Planned Development) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

PLANNING & DEVELOPMENT - ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE NON-PUBLIC AND PUBLIC HEARING ITEMS. ALL PUBLIC HEARINGS AND NON-PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PUBLIC OR A MEMBER OF THE CITY COUNCIL NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF, SHOULD REQUEST TO HAVE THAT ITEM REMOVED FROM THIS PART OF THE AGENDA.

76. VAC-36979 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CAROLINE'S COURT, L.L.C. - Petition to Vacate a 20-foot public sewer easement generally located at the northwest corner of El Capitan Way and Durango Drive, Ward 6 (Ross). The Planning Commission (6-0 vote) and staff recommend APPROVAL.

77. VAC-36980 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: CAROLINE'S COURT, L.L.C. - Petition to Vacate 10-foot wide and 30-foot wide public drainage easements generally located at the northwest corner of El Capitan Way and Durango Drive, Ward 6 (Ross). The Planning Commission (6-0 vote) and staff recommend APPROVAL.

PLANNING & DEVELOPMENT - DISCUSSION

78. SUP-36588 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: VEGAS BAIL - OWNER: JACK E. CASON AND MAXINE CASON FAMILY TRUST – Appeal from the denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 3,288 SQUARE-FOOT BAILBOND SERVICE at 3325 West Sahara Avenue (APN 162-08-103-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian) The Planning Commission (7-0 vote) and staff recommend DENIAL.

79. SUP-36562 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HAIM GABAY - OWNER: FREMONT ASSOCIATES, INC. - Request for a Special Use Permit FOR A PACKAGE LIQUOR OFF-SALE ESTABLISHMENT WITHIN AN EXISTING 8,152 SQUARE-FOOT RETAIL ESTABLISHMENT at 300 Fremont Street (APN 139-34-510-023), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

80. SUP-37017 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CALVIN PETERSON - OWNER: KIMTARI FORTSON, ET AL – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR AN AUTO REPAIR GARAGE, MINOR, WITH SERVICE BAY DOORS FACING THE PUBLIC RIGHT-OF-WAY on .44 acres at 1501 West Carey Avenue (APN 139-21-102-004), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (6-0 vote) and staff recommend DENIAL.

SET DATE

81. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

CITIZENS PARTICIPATION

82. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL 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

COUNCIL MEMBER RECOGNITION

83. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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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