Summary - a resolution authorizing installment-purchase agreements.

RESOLUTION NO. R-37-2010

A RESOLUTION AUTHORIZING INSTALLMENT-PURCHASE AGREEMENTS FOR THE PURPOSE OF FINANCING ENERGY CONSERVATION AND RENEWABLE ENERGY PROJECTS; AND PROVIDING OTHER MATTERS IN CONNECTION THEREWITH AND THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Las Vegas, Nevada (the "Council," the "City," and the "State," respectively) proposes to enter into one or more installment-purchase agreements in the maximum aggregate principal amount of $10,848,700 pursuant to NRS 350.087 to 350.095, inclusive (the "Agreement Act"), in order to finance all or a portion of the cost to acquire, improve and equip building projects as defined in NRS 268.676, including without limitation, energy retrofit and renewable energy projects to existing buildings, street projects as defined in NRS 268.722, qualified conservation purposes pursuant to Section 54D(f) of the Internal Revenue Code of 1986, as amended (the "Code") and qualified renewable energy facilities pursuant to Section 54C of the Code (collectively, the "Project"); and

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on such installment-purchase agreement; and

WHEREAS, a notice of intention to act upon a resolution authorizing the installment-purchase agreements has been duly published in a newspaper of general circulation in the City not less than 10 days prior to the date hereof pursuant to NRS 350.087, and an affidavit evidencing such publication is attached as Exhibit C to this resolution; and

WHEREAS, all comments made at the public hearing held on the date of this resolution have been duly considered by the Council and the minutes of such public hearing are attached as Exhibit B to this resolution; and

WHEREAS, the Council proposes to enter into one or more installment-purchase agreements with terms of more than 10 years and, pursuant to NRS 350.014, the Council has submitted to the Clark County Debt Management Commission (the "Commission") for its approval or disapproval the following proposal:

INSTALLMENT-PURCHASE AGREEMENT PROPOSAL: Shall the City Council of the City of Las Vegas in the State of Nevada, be authorized to incur an indebtedness on behalf of the City by the issuance at one time, or from time to time, of one or more installment-purchase agreements in the maximum aggregate principal amount of $10,848,700 for the purpose of financing, wholly or in part, the cost to acquire, improve and equip building projects as defined in NRS 268.676, street projects as defined in NRS 268.722, qualified conservation purposes pursuant to Section 54D(f) of the Internal Revenue Code of 1986, as amended (the "Code") and qualified renewable energy facilities pursuant to Section 54C of the Code, each one or more installment-purchase agreements to mature not less than 10 years and not greater than 20 years from the date each such agreement is entered into, to bear interest at a rate or rates not in excess of the statutory maximum rate in effect at the time the installment-purchase agreements are entered into, the installment-purchase agreements by their terms to be extinguished by failure of the Council to appropriate money for the ensuing fiscal year for payment of the amounts then due, to be payable from legally available funds of the City, to be secured by a security interest in property of the City as provided in NRS 350.800, and to be entered into upon such terms and conditions, and with such other detail as the Council may determine?

(the "Proposal"); and

WHEREAS, subsection 1 of NRS 350.014 provides, in relevant part, as follows:

"1. . . . before entering into an installment-purchase agreement with a term of more than 10 years, the proposed incurrence . . . must receive the favorable vote of two-thirds of the members of the [debt management] commission of each county in which the municipality is situated. . . ."; and

WHEREAS, subsection 1 of NRS 350.0145 provides, in relevant part, as follows:

> "1. The governing body of the municipality proposing to . . . enter into an installment-purchase agreement with a term of more than 10 years. . . shall notify the secretary of each appropriate commission, and shall submit a statement of its proposal in sufficient number of copies for each member of the commission";

and

WHEREAS, the Commission adopted, by at least two-thirds of its members, a resolution approving the Proposal.

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

Section 1. This resolution is hereby designated as the "2010 Installment-Purchase Agreement Authorization Resolution".

Section 2. The Council hereby finds and determines that the public interest requires the issuance of an installment-purchase agreement to finance the Project in an amount not to exceed $10,848,700.

Section 3. The facts upon which the finding stated in Section 2 above are:

(a) The Project will (i) promote the conservation of energy and reduce the use of fossil fuels by the City, (ii) promote the use of types of energy which are alternatives to fossil fuels, (iii) encourage the use of renewable energy facilities by the City and (iv) result in the reduction in the amount of money spent for energy used by the City.

(b) It is in the best interests of the City and its residents, and would best serve the public interest thereof, if the Project is now accomplished, thereby improving services to residents in the City without delay.

(c) It is not feasible to finance the Project from other funds of the City, among other reasons because of restraints on the City's budget for the current fiscal year and other demands on and needs for existing funds of the City.

Section 4. The City proposes to borrow a sum not to exceed $10,848,700 at an annual interest rate of approximately 3.06% (net of the federal subsidy expected to be received pursuant to the Code) to be repaid over a period of not less than 10 years nor more than 20 years. The installment-purchase agreements shall evidence transactions described in NRS 350.800 which is payable not later than 20 years after the date of issuance and contains a provision that the installment-purchase agreements by their terms are extinguished by failure of the Council to appropriate money for the ensuing fiscal year for payment of the amounts then due (collectively, the "Agreement"). The weighted average term of the Agreement shall not exceed the estimated weighted average useful life of the Project being financed with the Agreement and the interest rate shall in no event exceed by more than 3 percent the "Index of Revenue Bonds" which is most recently published before the City enters into the Agreement. The Agreement shall be issued as installment-purchase agreements as provided in the Agreement Act and NRS 350.800 (the "Act").

Section 5. In addition to or as a substitute for granting a security interest in the Project financed, the Agreement may be secured by a security interest in other property subject to the provision of NRS 350.800. The Director of Finance and Business Services of the City (the "Finance Director") is hereby authorized to arrange for a deed of trust on properties of the City, if any, subject to ratification and approval by the Council.

Section 6. The Agreement is not proposed to be repaid in whole or in part by the levy of a tax which is exempt from the limitations on taxes ad valorem. The Agreement is anticipated to be repaid from other legally available funds of the City, including, without limitation, monies in the City's General Fund in the estimated annual amount of $500,000 to $1,250,000 for a minimum period of 10 years and a maximum period of 20 years and other legally available monies, including ad valorem taxes levied within the limitations provided in chapter 354 of NRS.

Section 7. As set forth in the materials provided by NSB Public Finance (the "Financial Advisor"), attached as Exhibit D hereto, the City's cost of financing the Project with the Agreement is expected to be comparable to the cost of using other methods of financing. As set forth in Exhibit D, according to the Financial Advisor, the interest rates on general obligation bonds and revenue bonds may vary substantially from the interest rate on the Agreement.

Section 8. The Finance Director, or designee, is hereby authorized to arrange for the issuance and sale of the Agreement in an amount not to exceed $10,848,700, and to carry out the Project, subject to ratification by the Council, including but not limited to preparing and circulating a notice of sale or request for financing bids, specifying the method of sale, the terms of the Agreement, the date of its sale, the final principal amount of the Agreement, the terms and repayment and security therefore, and other details of the Agreement. The Agreement shall be issued on such other terms and conditions as the Council determines, all as provided in the Agreement Act, the Act and NRS 350.500 to 350.720, inclusive, and as authorized by the Finance Director at the time of sale of the Agreement and thereafter ratified by the Council as set forth in a resolution or ordinance (the "Financing Ordinance"), and any other necessary details including the execution and delivery of deeds of trust and possibly of an indenture of trust, if any.

Section 9. The Finance Director, or designee, is authorized to update or amend the City's plan for capital improvements if necessary to reflect the Project and the Agreement and to file the information as required by NRS 350.013 to the extent required to comply with NRS 350.013.

Section 10. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this resolution, including, without limitation: (a) assembling financial and other information concerning the City, the Project and the Agreement, (b) forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and (c) preparing and circulating a request for proposals, a notice of sale for the installment-purchase agreement, or both, in the forms specified by the Finance Director. The City represents that it is in compliance with the applicable provisions of law, including, without limitation, the provisions of chapter 354 of NRS.

Section 11. The officers of the City be and the same hereby are authorized and directed to forward a certified copy of this resolution to the Executive Director, Department of Taxation, Carson City, Nevada.

Section 12. The Finance Director, or designee, shall, after arranging for the sale of the Agreement and after approval of the financing evidenced by the Agreement by the Executive Director of the Department of Taxation of the State of Nevada, present the proposed final terms of the Agreement to the Council for its approval by adoption of the Financing Ordinance.

Section 13. 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 constructed to revive any resolution, or part thereof, heretofore repealed.

Section 14. 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.

Section 15. This resolution, except for Sections 8, 9, 10, 11, 12 and 15 hereof shall be effective upon the passage and approval hereof. All other sections of this resolution shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089.

PASSED AND ADOPTED BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, THIS MAY 19, 2010.

Mayor

Attest:

Vicky Skilbred

Clerk

By: Vicky Skilbred, CMC
Acting City Clerk

5/10/10

Approved as to Form Date

STATE OF NEVADA)
)
CITY OF LAS VEGAS)

I, Beverly K. Bridges, the duly chosen and qualified City Clerk of Las Vegas, Nevada (the "City"), do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council (the "Council") at a meeting held on May 19, 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 B. Goodman
Council members:	Gary Reese
	Lois Tarkanian
	Ricki Y. Barlow
	Stavros S. Anthony
Those Voting Nay:	None
Those Absent:	None
Those Not Voting:	Steve Wolfson
	Steven D. Ross

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 the agenda notice so given of the meeting of the Council on May 19, 2010 is attached to this certificate as Exhibit A.

7. The minutes of the public hearing held immediately before the adoption of the resolution are attached hereto as Exhibit B.

8. A copy of the affidavit of publication evidencing publication at least 10

days in advance of the public hearing of the notice of intent to authorize installment-purchase agreement is attached hereto as Exhibit C.

9. The comparison of financing methods prepared by NSB Public Finance and presented to the Council is attached hereto as Exhibit D.

IN WITNESS WHEREOF, I have hereunto set my hand this May 19, 2010.

Vicky Skilbred

City Clerk

By: Vicky Skilbred, CMC
Acting City Clerk

EXHIBIT A

(Attach Agenda Notice of Meeting)

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.

May 19, 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 BENNY JAQUES, VICTORY OUTREACH LAS VEGAS
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE EMPLOYEE OF THE MONTH
6. RECOGNITION OF HISTORIC PRESERVATION MONTH
7. RECOGNITION OF ASIAN/PACIFIC ISLANDER HERITAGE MONTH
8. RECOGNITION OF NATIONAL MISSING CHILDREN'S DAY
9. RECOGNITION OF THE NATIONAL TOXIC ENCEPHALOPATHY FOUNDATION

BUSINESS ITEMS - MORNING

10. 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

11. Approval of the Final Minutes by reference of the City Council meeting of April 21, 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.

BUSINESS DEVELOPMENT - CONSENT

12. Approval of Consent to Assignment of Ground Leases between Lockheed Federal Credit Union, ARPM Realty, Inc., and the City of Las Vegas regarding 2400 North Tenaya Way, located in the Las Vegas Technology Center (APN 138-15-810-009 and 138-15-810-010) - Ward 1 (Tarkanian)

FIELD OPERATIONS - CONSENT

13. Approval of a First Amendment to Third Amended and Restated Lease Agreement between the City of Las Vegas and the Museum of Natural History dba Las Vegas Natural History Museum for property located at 900 Las Vegas Boulevard North - Ward 5 (Barlow)

14. Approval of a Real Property Transfer Agreement between the City of Las Vegas and Catholic Charities of Southern Nevada for real property located at 531 North Mojave Road, APN 139-36-501-004 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

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

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

16. Approval of a Special Event Alcoholic Beverage License for Boricua Association of Las Vegas, Location: Sammy Davis Jr. Plaza, 720 Twin Lakes Drive, Date: May 30, 2010, Type: Special Event General, Event: 12th Annual Memorial Day Festival, Responsible Person in Charge: Luis Torres-Sierra - Ward 5 (Barlow)

17. Approval of a Special Event Alcoholic Beverage License for Lindo Michoacan/Mark Berry, Location: Centennial Gateway Shopping Center, 5765 Centennial Center Boulevard, Date: May 29, 2010, Type: Special Event General, Event: Taste of Centennial - Fundraiser for Rotary Club, Responsible Person in Charge: Mark Berry - Ward 6 (Ross)

18. Approval of a Change of Business Name, Change of Location, and Change of Ownership for a Supper Club License, From: Samcon Inc, dba Tomfoolery Irish Pub and Eatery, 4300 Meadows Lane, Suite 243, To: Boca Fashion Village Pizzeria Inc., dba Grimaldi's Pizzeria Boca Park, 750 South Rampart Boulevard, Suite 7, Joseph Ciolli, Pres, Secy, Treas, Dir, 100% - Ward 2 (Wolfson)

19. Approval of a Change of Business Name, Change of Location, and Change of Ownership for a Tavern License subject to Health Dept. regulations, From: Kostly the Dog, Inc., dba Pogos Tavern, 2103 North Decatur Boulevard, To: Gomil, Inc., dba Molly's Tavern, 1021 South Buffalo Drive, Randy C. Miller, Pres, Dir, 40%, Richard M. Gonzales, Treas, Secy, Dir, 40%, and Randy W. Miller, VP, Dir, 20% - Ward 1 (Tarkanian)

20. Approval of a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Haecke, LLC, dba Mr. D's Sports Bar & Grill, 1810 South Rainbow Boulevard, Kelly J. Cotton, Managing Mmbr, 100% - Ward 1 (Tarkanian)

21. Approval of a new Slot Route Operator for a Non-restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, RP Slots, LLC, dba RP Slots, LLC, 546 South Decatur Boulevard, Roger Szepelak, Mgr, 80% and Paul Halverson, Mmbr, 20% - Ward 1 (Tarkanian)

22. Approval of an extension of a new Temporary Locksmith License, Ace's High Lock & Key, LLC, dba Ace's High Lock & Key, LLC, 1137 Horizon Range Avenue, Andrew M. Vallejos, Owner, 100% - Henderson

23. Approval of a new Massage Establishment License subject to the provisions of the fire code, Aposseadesse III LLC, dba Massage Envy Spa, 5643 Centennial Center Boulevard, Suite 135, Franchesta Marbury-Hamonds, Managing Mmbr, 100% - Ward 6 (Ross)

24. Approval of a Change of Business Name for a Class II Secondhand Dealer License, a Pawn Broker License, and a Pistol Permit, BDL Investments, dba From: Metro Jewelry & Loan, To: Metro Pawn, 7960 West Sahara Avenue, Suite 120, CSN, Inc., Shareholder 90%, Mark D. Bell, Pres, and Millard N. Duxbury, VP and Guadalupe M. Limon, Managing Mmbr, 10% - Ward 2 (Wolfson)

25. Approval of a new Psychic Arts and Science License subject to the provisions of the planning and fire codes, Maria Christina Yulis, dba Divine Readings To You, 6848 West Charleston Boulevard, Maria C. Yulis, Owner, 100% - Ward 1 (Tarkanian) [NOTE: This license is located in an existing business – Psychic Eye Book Shop]

FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT

26. Approval of award of Contract No. 100187-CW, Merchant Services (including indemnification provision) - Department of Finance and Business Services - Award recommended to: BANC OF AMERICA MERCHANT SERVICES, LLC ($600,000 - General Fund)

27. Approval of award of Bid No. 10.1730.14-LED, Federal Project No. ARRA-0003(116), Traffic Package 7 located on Durango Drive between I-215 and Elkhorn Road, Washington Avenue and Comstock Drive, Rampart Boulevard and Hillpointe Road, Rancho Drive and Palomino Lane and Vegas Drive and Pueblo Vista Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: SOUTHERN NEVADA PAVING, INC. ($921,454.80 - Road and Flood Capital Projects Fund) - Wards 1, 4, 5 and 6 (Tarkanian, Anthony, Barlow and Ross)

28. Approval of award of Agreement No. 100207-DC, Blanket Services Agreement for Material Testing and Special Inspections - Department of Public Works - Award recommended to: KLEINFELDER WEST, INC. ($250,000 - Road and Flood Capital Projects Fund) - All Wards

29. Approval of award of Modification No. 4 to Contract No. 070370-DK, Environmental Management Consulting Services in connection with the Union Park (now Symphony Park) site construction activities, bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Railroad Rail Line - City Parkway V, Inc. - Award recommended to: KLEINFELDER WEST, INC. ($100,000 - General Capital Projects Fund - Ward 5 (Barlow)

FIRE & RESCUE - CONSENT

30. Approval of a Revocable License Agreement between the City of Las Vegas and Howard Hughes Properties, Inc., for the use of property located at the southeast corner of Griffith Peak Drive and South Pavilion Center Drive for Life Safety Training - County

PUBLIC WORKS - CONSENT

31. Approval of Traffic Signal Agreement between the City of Las Vegas and Decatur 215 LLC to reimburse the Decatur 215 LLC for Traffic Signal Impact Fees paid in connection with building permits and the issuance of credits for future development in the amount of $43,925.25 in return for the construction of a traffic signal at the intersection of Tropical Parkway and Decatur Boulevard ($10,493.15 - Traffic Improvements Capital Project Fund) - Ward 6 (Ross)

32. Approval of Supplemental Interlocal Contract 554d between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding in the amount of $2,000 for the Centennial Parkway/Grand Montecito Parkway Traffic Improvements project ($2,000 - RTC) - Ward 6 (Ross)

33. Approval of Interlocal Contract LAS05J10 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to provide construction funding in the amount of $10,250,000 for the Oakey Meadows Storm Drain Phase II project extending from Charleston Boulevard and Hinson Street intersection west to Decatur Boulevard ($10,250,000 - CCRFCD) - Ward 1 (Tarkanian)

34. Approval of Bonneville Clark Connector Agreement and Right of Entry Agreement between the City of Las Vegas and FC Vegas 39, LLC, FC Vegas 20, LLC and LiveWork, LLC in support of the Bonneville-Clark Connector Project - Ward 3 (Reese)

RESOLUTIONS - CONSENT

35. R-32-2010 - Approval of a Resolution amending Schedule 25-II, 35 MPH Speed Limits, and Schedule 25-IV, 45 MPH Speed Limits, to change the speed limit on Decatur Boulevard between Ann Road and Tropical Parkway from 35 MPH to 45 MPH - Ward 6 (Ross)

36. R-33-2010 - Approval of a Resolution amending Schedule 25-IV, 45 MPH Speed Limits, to add the speed limit of 45 MPH on Sky Pointe Drive between Tenaya Way and Azure Drive - Ward 6 (Ross)

37. R-34-2010 - Approval of a Resolution amending Schedule 25-I, 30 MPH Speed Limits, to change the speed limit on Casino Center Boulevard between Charleston Boulevard and Stewart Avenue from 30 MPH to 25 MPH - Wards 3 and 5 (Reese and Barlow)

38. R-35-2010 - Approval of a Resolution amending Schedule 25-II, 35 MPH Speed Limits, and Schedule 25-IV, 45 MPH Speed Limits, to change the speed limit on Martin Luther King Boulevard between Symphony Park Avenue and Bonanza Road from 35 MPH to 45 MPH - Ward 5 (Barlow)

39. R-36-2010 - Approval of a Resolution amending Schedule 25-II, 35 MPH Speed Limits, to change the speed limit on Meadows Lane from Banjo Street to 1300 feet west of Decatur Boulevard from 35 MPH to 25 MPH - Ward 1 (Tarkanian)

DISCUSSION/ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

40. Report from staff regarding nuisance abatement lien process and vacant/abandoned building enforcement - All Wards

BUSINESS DEVELOPMENT - DISCUSSION

41. ABEYANCE ITEM - Discussion and possible action regarding a Real Estate Lease Agreement between 601 Fremont, LLC, and the City of Las Vegas for the property located at 601 Fremont Street within the Fremont East Entertainment District, APN 139-34-611-018 - Ward 5 (Barlow) [NOTE: This item is related to Council Item 43 (R-25-2010)]

FINANCE & BUSINESS SERVICES - BUSINESS SERVICES DISCUSSION

42. Discussion and possible action regarding an extension of a Temporary Package License for a Change of Business Name, Change of Location, and Change of Ownership, From: The Vons Companies, Inc., dba Vons 2398, 1061 West Owens Avenue, To: House of Vino, LLC, dba House of Vino, 8053 North Durango Drive, Suite 160, Matthew Ricciardella, Managing Mmbr, 50%, Sabah Boles, Managing Mmbr, 35%, and Jeremiah Boucher, Managing Mmbr, 15% - Ward 6 (Ross)

RESOLUTIONS - DISCUSSION

43. R-25-2010 – ABEYANCE ITEM - Discussion and possible action regarding a Resolution finding that the proposed Real Estate Lease Agreement between the City of Las Vegas and 601 Fremont, LLC, for the property located at 601 Fremont Street (APN 139-34-611-018) is for the purposes of economic development is in the best interest of the public - Ward 5 (Barlow) [NOTE: This item is related to Council Item 41]

44. R-37-2010 - Public hearing and possible action regarding a Resolution authorizing installment purchase agreements in an amount not to exceed $10,848,700 for the purpose of financing energy conservation and renewable energy projects and authorizing the officers of the City to execute documents related thereto and forward materials to the Department of Taxation - All Wards

BOARDS & COMMISSIONS - DISCUSSION

45. Discussion and possible action on the Third Amended and Restated Bylaws of the Las Vegas Neighborhood Partners Fund Board

46. Discussion and possible action on the appointment and reappointment of members to the Neighborhood Partners Fund Board for Fiscal Year 2011

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

47. Bill No. 2010-17 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2011) Sponsored by: Step Requirement

48. Bill No. 2010-18 - Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Sponsored by: Step Requirement

49. Bill No. 2010-19 - Corrects an error in the mandatory spay-neuter ordinance to set the required age for spay/neuter procedures at four months rather than six. Proposed by: Bradford R. Jerbic, City Attorney

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

50. Bill No. 2010-20 - Revises and updates zoning-related application and hearing procedures generally; provides that Planning Commission action on most special use permits is final, unless appealed or requested for review by a member of the City Council; and provides a procedure for Required Reviews of approved zoning applications. (TXT-37402) Proposed by: M. Margo Wheeler, Director of Planning and Development

51. Bill No. 2010-21 - Updates the hearing procedures of the Municipal Code relating to parking infractions. Proposed by: Bradford R. Jerbic, City Attorney

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.

52. Bill No. 2010-22 – Updates the City's zoning and licensing regulations that apply to community residences (commonly referred to as group homes) and similar uses. Proposed by: Bradford R. Jerbic, City Attorney

CLOSED SESSION

53. 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

54. 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

55. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance regarding dangerous building located at 5112 Overland Avenue in the amount of $15,841.75 (General Fund) and assess a maximum of $72,550 in daily civil penalties. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O FREMONT SWIM CLUB INC - Ward 1 (Tarkanian)

56. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance of vacant lot located across from 1305 Belcastro Street (APN 163-03-501-032) in the amount of $3,532 (General Fund) and assess a maximum of $43,050 in daily civil penalties. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O NAKHLE SAMER C/O MISHERFI ADNAN - 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.

57. EOT-37797 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: OCEANSIDE CYPRESS SPRINGS, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-10748) FOR THE CONVERSION OF A 144-UNIT APARTMENT COMPLEX TO CONDOMINIUMS on 6.71 acres at 3651 North Rancho Drive (APN 138-12-202-002), R-3 (Medium Density Residential and Apartment) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

58. EOT-37798 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: LAS VEGAS VALLEY WATER DISTRICT - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-27842) FOR A 675 SQUARE-FOOT UTILITY INSTALLATION on 12.9 acres at 2215 North Buffalo Drive (APN 138-21-501-001), C-V (Civic) Zone, Ward 4 (Anthony). 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.

59. SUP-37617- SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: RESORT HOLDINGS I, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,409 SQUARE-FOOT FINANCIAL INSTITUTION, SPECIFIED at 7460 West Cheyenne Avenue, Suite #110 (APN 138-10-413-007), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

60. SUP-37618 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,000 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 6378 West Lake Mead Boulevard (APN 138-23-601-003), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

61. SUP-37621- SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: RAPID CASH - OWNER: NELLIS OWENS 48, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,366 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5067 East Owens Avenue (APN 140-29-510-021), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

62. SUP-37624 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: FREANEL & SON CHEYENNE, LLC - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,400 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 7350 West Cheyenne Avenue, Suite #112 (APN 138-10-403-031), C-1 (Limited Commercial) Zone, Ward 4 (Anthony). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

63. SUP-37625 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: CONSTRUCTION GROUP, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING 2,010 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 5861 West Craig Road, Suite #104 (APN 138-01-312-004), C-1 (Limited Commercial) Zone, Ward 6 (Ross). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

64. SUP-37626 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: ALECO ENTERPRISES, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE WITHIN AN EXISTING 2,008 SQUARE-FOOT AUTO TITLE LOAN ESTABLISHMENT at 631 North Nellis Boulevard (APN 140-29-802-009), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

65. VAC-37574 - VACATION - PUBLIC HEARING - APPLICANT/OWNER: BCI COCA-COLA BOTTLING COMPANY OF LOS ANGELES - Petition to Vacate a 20-foot wide public drainage easement at 230 North Mojave Road, Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

PLANNING & DEVELOPMENT - DISCUSSION

66. RQR-37530 - ABEYANCE ITEM - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: MARIO PENA PENA - Required Review of a previously approved Special Use Permit (SUP-31367) FOR AN AUTO REPAIR GARAGE, MINOR WITH SERVICE BAY DOORS FACING THE RIGHT-OF-WAY at 1550 North Rancho Drive (APN 139-29-112-120), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL.

67. SUP-37068 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: LOVETT COMPANIES - OWNER: SPANISH VILLAS AT SAHARA, LLC – Appeal from the denial by the Planning Commission of a request for a Special Use Permit FOR A SUPPER CLUB WITHIN AN EXISTING 17,425 SQUARE-FOOT BUILDING at 3190 West Sahara Avenue (APN 162-05-403-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-1 vote) recommends DENIAL. Staff recommends APPROVAL. [NOTE: Staff received a letter from Howard Mann, Spanish Villas at Sahara, LLC indicating that Lovett Companies is no longer the applicant. Spanish Villas at Sahara, LLC will be both the applicant and the owner.]

68. SUP-37378 – ABEYANCE ITEM - RENOTIFICATION - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: TATSUMI INTERNAT'L LV CO. LTD. - Request for a Special Use Permit FOR A 48 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 15,120 SQUARE-FOOT RETAIL ESTABLISHMENT WITH A WAIVER OF 400-FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING PARK at 7599 West Lake Mead Boulevard (APN 138-22-316-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). NOTE: THIS APPLICATION HAS BEEN AMENDED TO REQUEST 79 SQUARE FEET FOR THE ACCESSORY PACKAGE LIQUOR OFF-SALE USE. The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

69. GPA-37216 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to adopt an updated Safety and Seismic Safety Element and revise the 2020 Master Plan. The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

70. GPA-37467 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 22, LLC - Request to amend a portion of the Southeast Sector Plan of the General Plan FROM: MXU (MIXED USE) TO: C (COMMERCIAL) on 2.68 acres at 2100 Fremont Street (APN 139-35-803-015), Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

71. ZON-37469 - REZONING RELATED TO GPA-37467 - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC - Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: C-2 (GENERAL COMMERCIAL) on 3.75 acres on the west side of Eastern Avenue, approximately 160 feet south of Sunrise Avenue (APN 139-35-804-002), Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

72. SDR-37470 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37467 AND ZON-37469 - PUBLIC HEARING - APPLICANT: ARNOLD STALK - OWNER: MARY BARTSAS 14, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 90,595 SQUARE-FOOT SHOPPING CENTER WITH WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN SETBACK STANDARDS AND TITLE 19 BUILDING PLACEMENT STANDARDS on 9.61 acres at the southwest and northwest corners of Fremont Street and Eastern Avenue (APNs 139-35-803-015 through 017, 139-35-804-002, and 139-35-804-008 through 010), C-2 (General Commercial) and R-4 (High Density Residential) Zones [PROPOSED: C-2 (General Commercial)], Ward 3 (Reese). The Planning Commission (4-1 vote) and Staff recommend APPROVAL.

73. GPA-37599 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: JIMMY LEE - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: SC (SERVICE COMMERCIAL) on 1.77 acres located along the south side of Lone Mountain Road, approximately 158 feet east of Rainbow Boulevard (APN 138-02-101-002), Ward 6 (Ross). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

74. ZON-37600 - REZONING RELATED TO GPA-37599 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Rezoning FROM: C-2 (GENERAL COMMERCIAL) TO: C-1 (LIMITED COMMERCIAL) on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard, (APNs 138-02-101-002 and 015), Ward 6 (Ross). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

75. SUP-37601 - SPECIAL USE PERMIT RELATED TO GPA-37599 AND ZON-37600 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Special Use Permit FOR A SENIOR CITIZEN APARTMENT USE WITH WAIVERS TO ALLOW APARTMENTS ON THE GROUND FLOOR WHERE NONE ARE PERMITTED, A PRIMARY RESIDENT OR GUEST ENTRYWAY IN CONJUNCTION WITH COMMERCIAL USES AND A FRONT ELEVATION THAT DOES NOT HIGHLIGHT THE DIFFERENCE IN USES at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

76. SDR-37602 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-37599, ZON-37600 AND SUP-37601 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: LONE MOUNTAIN APTS I, LLC AND JIMMY LEE - Request for a Site Development Plan Review FOR A THREE-STORY, 37-FOOT, 152-UNIT SENIOR CITIZEN APARTMENT COMPLEX on 3.02 acres at the southeast corner of Lone Mountain Road and Rainbow Boulevard (APNs 138-02-101-002 and 015), Ward 6 (Ross). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

77. GPA-37614 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: M (MEDIUM DENSITY RESIDENTIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony). The Planning Commission (4-0-1 vote) and Staff recommend APPROVAL.

78. ZON-37615 - REZONING RELATED TO GPA-37614 - PUBLIC HEARING - APPLICANT/OWNER: A-T QTA, LLC AND ALEXANDER-TENAYA, LLC - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL) TO: R-4 (HIGH DENSITY RESIDENTIAL) on 13.06 acres at 7100 West Alexander Road (APNs 138-03-802-002 and 003), Ward 4 (Anthony). The Planning Commission (4-0-1 vote) and Staff recommend APPROVAL.

79. ZON-37607 - REZONING - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), Ward 5 (Barlow). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

80. SDR-37606 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-37607 - PUBLIC HEARING - APPLICANT: VOLUNTEERS IN MEDICINE OF SOUTHERN NEVADA - OWNER: C & C ASSET MANAGEMENT, LLC - Request for a Site Development Plan Review FOR A PROPOSED ONE-STORY, 17-FOOT, 12,000 SQUARE-FOOT CLINIC on 1.36 acres on the east side of Martin L. King Boulevard, approximately 60 feet north of Madison Avenue (APNs 139-28-601-001 through 003), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 5 (Barlow). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

81. VAR-37592 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Variance TO ALLOW A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) FOR A TOTAL OF 2,136 SQUARE FEET OF COMBINED FLOOR AREA WHERE 712 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.57 acres 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL.

82. SUP-37593 - SPECIAL USE PERMIT RELATED TO VAR-37592 - PUBLIC HEARING - APPLICANT/OWNER: BERT AND CATHY SHORT - Request for a Special Use Permit FOR A PROPOSED 1,560 SQUARE-FOOT ACCESSORY STRUCTURE (CLASS I) at 6241 Whispering Sands Drive (APN 125-14-602-003), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL.

83. SUP-37566 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: A & M LAKE MEAD, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 9420 West Lake Mead Boulevard (APN 138-18-821-005), P-C (Planned Community) Zone, Ward 4 (Anthony). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

84. SUP-37576 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CASH AMERICA/SUPER PAWN - OWNER: FREMONT WEST, LLC - Request for a Special Use Permit FOR A PAWN SHOP WITH WAIVERS TO ALLOW A 154-FOOT DISTANCE SEPARATION FROM A RESIDENTIALLY ZONED PROPERTY AND A 250-FOOT DISTANCE SEPARATION FROM A FINANCIAL INSTITUTION, SPECIFIED WHERE 200 FEET AND 1000 FEET, RESPECTIVELY, ARE REQUIRED at 307 South Decatur Boulevard (APN 139-31-201-003), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-0 vote) recommends APPROVAL.

85. SUP-37603 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: VILLAGE/TORREY PINES PARTNERS, LP - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 13,905 SQUARE-FOOT RETAIL ESTABLISHMENT at 6401 West Charleston Boulevard (APN 163-02-114-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

86. SUP-37605 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: WALGREEN CO. - OWNER: LAKEWEST LAS VEGAS PROPERTIES, LLC - Request for a Special Use Permit FOR A 79 SQUARE-FOOT ACCESSORY PACKAGE LIQUOR OFF-SALE WITHIN AN EXISTING 15,048 SQUARE-FOOT RETAIL ESTABLISHMENT at 1101 South Las Vegas Boulevard (APN 162-03-114-002), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

87. DIR-37526 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to designate the Westside School as an Historic Landmark on the city of Las Vegas Historic Property Register, as approved by Historic Preservation Commission (HPC-37298) on 2.27 acres at 330 West Washington Avenue (APNs 139-27-211-053 and 058), C-V (Civic) Zone, Ward 5 (Barlow). The Planning Commission (5-0 vote) and Staff recommend APPROVAL.

SET DATE

88. 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

89. 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

90. 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

EXHIBIT B

(Attach Minutes of Public Hearing)

City of Las Vegas

Agenda Item No.: **44.**

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MAY 19, 2010

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT

☐ **Consent** ☒ **Discussion**

SUBJECT:
RESOLUTIONS:

R-37-2010 - Public hearing and possible action regarding a Resolution authorizing installment purchase agreements in an amount not to exceed $10,848,700 for the purpose of financing energy conservation and renewable energy projects and authorizing the officers of the City to execute documents related thereto and forward materials to the Department of Taxation - All Wards

Fiscal Impact

☐ **No Impact** ☐ **Augmentation Required**

☒ **Budget Funds Available**

Amount: $10,848,700
Funding Source: General Government CPF
Dept./Division: Finance and Business Services

PURPOSE/BACKGROUND:
The City, in accordance with NRS 350.087 to 350.095 and 350.800, requests approval for arranging installment-purchase agreements to finance energy conservation and renewable energy projects to be secured by security interests in the property. Repayment made with legally available funds of the City anticipated from cost savings generated from the projects.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Resolution No. R-37-2010

Motion made by GARY REESE to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 2; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, OSCAR B. GOODMAN, GARY REESE, STAVROS S. ANTHONY; (Against-None); (Abstain-None); (Did Not Vote-STEVE WOLFSON, STEVEN D. ROSS); (Excused-None)

Minutes:
VANETTA APPLEYARD, Financial Services Manager, Department of Finance and Business Services, explained for COUNCILMAN REESE that the money is generated from the sale of installment purchase agreements paid for through energy savings from projects. The first step sought approval from the Clark County Debt Management Committee and now, if approved,

staff will pursue financing and have the item back before Council at a later date. TOM PERRIGO, Deputy Director of Administrative Services, indicated that before issuing the bonds, staff will supply comprehensive information to show how those bonds will be paid.

MAYOR GOODMAN mentioned that a ribbon cutting ceremony is scheduled for today at 302 East Carson Avenue, to inaugurate a new LEED, retrofitted building. Former PRESIDENT BILL CLINTON will be in attendance.

EXHIBIT C

(Attach Affidavit of Publication of Notice of Intention to Authorize Installment-Purchase Agreement)

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

RECEIVED
CITY CLERK

2010 MAY 17 A 11: 16

STACEY M. LEWIS, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 6309649

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/07/2010 to 05/07/2010, on the following days:

05/07/2010

NOTICE OF INTENTION TO ACT UPON A RESOLUTION TO AUTHORIZE INSTALLMENT-PURCHASE AGREEMENTS BY THE CITY OF LAS VEGAS, NEVADA

NOTICE is hereby given that the City Council of the City of Las Vegas, Nevada (the "Council" and "City", respectively) will hold a public hearing at a regular meeting to be held on Wednesday, May 19, 2010 at the hour of 9:00 a.m. in the Council Chambers, Las Vegas City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, to act upon a resolution authorizing installment-purchase agreements, in one series or more, with a maximum term of 20 years in the maximum principal amount of $10,848,700 to enable the Council to pay all or a portion of the cost to acquire, improve and equip building projects as defined in NRS 268.676, including without limitation, energy retrofit and renewable energy projects to existing buildings, street projects as defined in NRS 268.722, qualified conservation purposes pursuant to Section 54D(f) of the Internal Revenue Code of 1986, as amended (the "Code") and qualified renewable energy facilities pursuant to Section 54C of the Code.

The installment-purchase agreements are not proposed to be repaid in whole or in part by the levy of a tax which tax is exempt from the limitations on taxes ad valorem. The installment-purchase agreements are to be repaid from other legally available funds of the City, including, without limitation, monies in the City's General Fund in the estimated annual amount of $500,000 to $1,250,000 for a minimum period of 10 years and a maximum period of 20 years and other legally available monies, including ad valorem taxes levied within the limitations provided in Chapter 354 of the Nevada Revised Statutes.

The form of the resolution authorizing such installment-purchase agreements, to be considered by the Council after such hearing and other information concerning such installment-purchase agreements and the purpose for which it is proposed to be used, may be examined in the office of the City Clerk, 9:00 a.m. in the Council Chambers, Las Vegas City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada. All persons are invited to attend and to be heard regarding the proposed action. Prior to the hearing, written comments may be filed with the City Clerk at the aforementioned address.

BY ORDER of the City Council of the City of Las Vegas, Nevada.

DATED this May 5, 2010.

/s/Beverly Bridges
BEVERLY K. BRIDGES MMC,
City Clerk
PUB: May 7, 2010
LV Review-Journal

EMILY GONZALEZ
Notary Public State of Nevada
No. 09-8940-1
My appt. exp. Nov. 13, 2012

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 10th day of May, 2010

Emily Gonzalez
Notary Public

EXHIBIT D

NSB PUBLIC FINANCE

230 Las Vegas Boulevard South, Suite 200
Las Vegas, NV 89101
Telephone: (702) 796-7080
Fax: (702) 796-2975
www.NSBPF.com

April 27, 2010

Mark Vincent
Director of Finance and Business Services
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101

RE: $10,848,700* City of Las Vegas, Nevada Installment-Purchase Agreement

Dear Mr. Vincent:

As financial advisor to the City of Las Vegas (the "City") it is our opinion that issuing the above referenced installment-purchase agreement (the "Proposed Agreement") is the most suitable option and may not result in a higher interest rate comparable to other available financing methods.

The City has been allocated Qualified Energy Conservation Bonds ("QECBs") and New Clean Renewable Energy Bonds ("NCREBs") authority under the American Recovery and Reinvestment Act to finance energy conservation and renewable energy projects. QECBs and NCREBs are both issued as taxable bonds. Similar to Build America Bonds, the U.S. Department of Treasury provides a subsidy of approximately 70% (based on a formula) of the amount of interest due on QECB's and NCREBs. The City would like to utilize their allocation to the fullest extent possible to meet its energy efficiency and conservation needs. The proceeds will be used on qualified energy conservation projects which are expected to generate utility cost savings sufficient to repay the debt service on the Proposed Agreement (the "Project").

A general obligation bond issuance for the Project may not result in interest savings over an installment-purchase agreement. An installment-purchase agreement is payable from all legally available monies of the City including the general fund but, unlike general obligation bonds, are subject to annual appropriation by the City. The investor also receives a perfected security interest in the equipment financed. Due to the essential nature of the projects being financed by the Proposed Agreement, many banks price an installment-purchase agreement of this type similar to general obligation bond issues.

The Proposed Agreement is being financed as an installment-purchase agreement rather than medium-term bonds because the term of repayment will be longer than 10 years. The term of the Proposed Agreement will be structured based on the expected energy savings period of 15-20 years. Therefore, the issuance of medium-term bonds will be limited to 10 years, under Nevada Revised Statutes, rather than the term of 15-20 years to coincide with the expected energy savings period. As a result, medium-term bonds are not a viable financing option for the Project.

* Not to exceed

EXHIBIT D

In addition, a revenue bond backed solely by a revenue source typically would not realize interest savings over the Proposed Agreement. Also, a revenue bond would result in the difficulty of applying a corresponding revenue source, which would be able to be pledged under Nevada law to pay debt service. It would also require the funding of a debt service reserve fund which will reduce the amount of net proceeds available for the Project.

Based on the facts above, the issuance of general obligation, medium-term bonds or revenue bonds may not result in interest savings as compared to an installment-purchase agreement. It is our recommendation that the City proceed with issuing its QECBs and NCREBs allocations as an installment-purchase agreement to finance the Project.

Sincerely,

Andrew Artusa
Managing Director

cc: Venetta Appleyard
Tom Perrigo
Kendra Follett