Summary - A resolution relating to economic development revenue bonds previously issued for Keep Memory Alive.

RESOLUTION NO. R-70-2010

A RESOLUTION RELATING TO THE CITY OF LAS VEGAS, NEVADA VARIABLE RATE DEMAND ECONOMIC DEVELOPMENT REVENUE BONDS (KEEP MEMORY ALIVE PROJECT) SERIES 2007A AND SERIES 2007B PREVIOUSLY ISSUED BY THE CITY TO FINANCE THE COSTS OF ACQUIRING CERTAIN FACILITIES FOR KEEP MEMORY ALIVE; AUTHORIZING THE EXECUTION AND DELIVERY BY THE CITY OF A FIRST AMENDMENT TO LOAN AGREEMENT AND A FIRST SUPPLEMENTAL INDENTURE OF TRUST IN CONNECTION THEREWITH; AND REPEALING ANY ACTION HERETOFORE TAKEN IN CONFLICT HEREWITH.

WHEREAS, the City of Las Vegas, Nevada (the "City") is authorized by the City Economic Development Revenue Bond Law, Nevada Revised Statutes Sections 268.512 to 268.568, inclusive (the "Act"), to issue bonds to finance projects located within the City or within ten miles of the corporate boundaries of the City to promote the social welfare of the residents of the City by enabling "corporations for public benefit" (as defined in the Act) to acquire, develop, expand and maintain facilities that provide services for those residents; and

WHEREAS, the Act authorizes the City (i) to issue its revenue bonds for the purpose of defraying the cost of financing any project and all incidental expenses incurred in connection with the issuance of such bonds, (ii) to enter into financing agreements with others for the purpose of providing revenues to pay the bonds authorized to be issued under the Act and upon such terms and conditions as the City Council of the City may deem advisable, and (iii) to secure the payment of the principal of, premium, if any, and interest on such bonds as provided in the Act; and

WHEREAS, the City has heretofore issued pursuant to the Act its City of Las Vegas, Nevada Variable Rate Demand Economic Development Revenue Bonds (Keep Memory Alive Project) Series 2007A in the aggregate principal amount of $68,600,000 (the "Series 2007A Bonds") and its City of Las Vegas, Nevada Taxable Variable Rate Demand Economic Development Revenue Bonds (Keep Memory Alive Project) Series 2007B in the aggregate principal amount of $5,400,000 (the "Series 2007B Bonds" and together with the Series 2007A Bonds, the "Bonds") pursuant to and secured by an Indenture of Trust dated as of May 1, 2007 (the "Original Indenture") between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"); and

WHEREAS, the proceeds of the Bonds were loaned to Keep Memory Alive, a Nevada nonprofit corporation ("KMA") and a "corporation for public benefit", as defined in the Act, pursuant to a Loan Agreement dated as of May 1, 2007 (the "Original Loan Agreement") between the City and KMA to finance the cost of the construction of a building to be located on a parcel of land to be acquired by KMA and the acquisition and installation of personal property and facilities in such building and on such land (the "Project"); and

WHEREAS, payment of the principal of and interest on the Bonds, and the purchase price of the Bonds upon optional and mandatory tender, has been supported by an irrevocable transferable direct pay letter of credit (the "BNY Letter of Credit") from The Bank of New York (now known as The Bank of New York Mellon), the beneficiary of which is the Trustee; and

WHEREAS, pursuant to the provisions of the Original Indenture, an irrevocable letter of credit (the "PNC Letter of Credit") issued by PNC Bank, National Association will be substituted for the BNY Letter of Credit and to facilitate such substitution of the PNC Letter of Credit for the BNY Letter of Credit, the City and the Trustee desire to amend certain provisions of the Original Indenture; and

WHEREAS, The Cleveland Clinic Foundation, an Ohio nonprofit corporation, has become the sole member of KMA and, in connection therewith, the City and KMA desire to amend certain provisions of the Original Loan Agreement; and

WHEREAS, there have been presented to the City Council (i) the proposed form of the First Amendment to Loan Agreement dated as of November 1, 2010 (the "First Amendment") between the City and KMA and (ii) the proposed form of the First Supplemental Indenture of Trust dated as of November 1, 2010 (the "First Supplement") between the City and the Trustee.

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

Section 1. All action (not inconsistent with the provisions of this resolution) heretofore taken by the City Council and the officers, employees and agents of the City directed toward the financing of the cost of the Project and the issuance and sale of the Bonds therefor be, and the same is hereby, ratified, approved and confirmed.

Section 2. The forms, terms and provisions of the First Amendment and the First Supplement be and they hereby are approved, and the City shall enter into the First Amendment and the First Supplement in the form of each of such documents presented to the City Council at this meeting, with only such changes therein as are not inconsistent herewith; and the Mayor is hereby authorized to execute and deliver the First Amendment and the First Supplement; and the City Clerk and any Deputy City Clerk of the City are each hereby authorized to affix the City seal to and to attest the First Amendment and the First Supplement.

Section 3. The officers, employees and agents of the City shall take all action necessary or reasonably required by the First Amendment and the First Supplement to effectuate their provisions and shall take all action necessary or desirable in conformity with the Act for carrying out the transactions contemplated by this resolution.

Section 4. Nothing contained in this resolution or in the Bonds shall give rise to a pecuniary liability upon the City or a charge upon the general credit or taxing powers of the City, nor shall the breach of any agreement contained in the First Amendment or the First Supplement impose any pecuniary liability upon the City or a charge upon the general credit or taxing powers of the City, the City having no power to pay out of its general fund, or otherwise contribute any part of the cost of the Project nor power to operate the Project as a business or in any manner.

Section 5. This resolution shall be and remain irrepealable until the Bonds and the interest thereon shall have been fully paid, canceled and discharged.

Section 6. If any section, paragraph, clause, or 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 provision shall not affect any of the remaining provisions of this resolution.

Section 7. All bylaws, orders and resolutions, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed as reviving any bylaw, order or resolution or part thereof.

Section 8. This resolution shall be in effect immediately upon its passage and adoption.

PASSED, ADOPTED AND APPROVED November 3, 2010.

Mayor

(SEAL)

Attest:

City Clerk

Approved as to Form:

10/25/10

STATE OF NEVADA )
)
COUNTY OF CLARK ) SS.
)
CITY OF LAS VEGAS )

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution (the "Resolution") passed and adopted by the City Council of the City at a regular meeting of the Council held on November 3, 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 the City Council as follows:

Those Voting Aye:

| | |
|---|---|
| Mayor: | Oscar B. Goodman |
| Councilmembers: | Gary Reese |
| | Steve Wolfson |
| | Lois Tarkanian |
| | Steven D. Ross |
| | Ricki Y. Barlow |
| | Stavros S. Anthony |
| Those Voting Nay: | NONE |
| Those Absent: | NONE |

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 City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to §241.020, Nevada Revised Statutes, written notice of the meeting was

given not later than 9:00 a.m. on the third working day 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 at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, on the City's website and at least three other separate, prominent places within the jurisdiction of the City Council, to wit:

(i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
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 South Grand Central Parkway
Las Vegas, Nevada

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

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

5. Upon request, the City Council provides at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or resolution which will be discussed at the public meeting, and any other supporting materials provided to the City 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 notice so given of the meeting of the City Council held on November 3, 2010 is attached to this certificate as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of the City this November 3, 2010.

Vicky Skilbred

City Clerk

(SEAL)

By: Vicky Skilbred, CMC
Acting City Clerk

EXHIBIT A

(Attach Copy of 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.

**November 3, 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 -- REVEREND GEORGE BALGAN, METROPOLITAN COMMUNITY CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF NATIVE AMERICAN HERITAGE MONTH
7. RECOGNITION OF VETERANS WEEK
8. RECOGNITION OF THE SAVE A LIFE PROGRAM
9. RECOGNITION OF THE HISTORIC FIFTH STREET SCHOOL FOR WINNING AN AWARD FROM THE NATIONAL TRUST FOR HISTORIC PRESERVATION

## 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 regular City Council meeting of October 6, 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

12. Approval of a Restrictive Covenant and Grant of Conservation Easement from the City of Las Vegas to Southern Nevada Water Authority in accordance with the Water Smart Landscapes Program for lawn converted to drought tolerant landscaping in the vicinity of Casino Center Boulevard and Fourth Street at Fire Station #1, APN 139-27-803-006 - Ward 5 (Barlow)

13. Approval of a Restrictive Covenant and Grant of Conservation Easement from the City of Las Vegas to Southern Nevada Water Authority in accordance with the Water Smart Landscapes Program for lawn converted to drought tolerant landscaping at 655 North Mojave Road also known as the Fire Training Center, APN 139-25-801-004 - Ward 3 (Reese)

14. Approval authorizing staff to relinquish a portion of Bureau of Land Management Park Lease N-63336 and to submit a public purpose reservation to the Bureau of Land Management for 11.25 acres of land located in the vicinity of Westcliff Drive and Tenaya Way, APN 138-27-801-004 - Ward 1 (Tarkanian)

15. Approval of a Bill of Sale from the City of Las Vegas to the Las Vegas Valley Water District for the purpose of providing water services for the City of Las Vegas' Martin Luther King Boulevard Improvements project from Alta Drive to Carey Avenue - Ward 5 (Barlow)

16. Approval of an Interlocal Agreement between the City of Las Vegas and the Clark County School District for improvements at Doris Hancock Elementary School located at 1661 Lindell Road ($200,000 - Parks Capital Project Fund [CPF]) - Ward 1 (Tarkanian)

### FINANCE & BUSINESS SERVICES - ADMINISTRATION CONSENT

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

### FINANCE & BUSINESS SERVICES - BUSINESS SERVICES CONSENT

18. Approval of a Special Event Alcoholic Beverage License for The Boricua Association of Las Vegas, Location: Las Vegas East Community Center, 250 North Eastern Avenue, Date: November 13, 2010, Type: Special Event General, Event: Celebration of the Discovery of Puerto Rico, Responsible Person in Charge: Luis Torres - Ward 3 (Reese)

19. Approval of an extension of a Temporary Package Liquor License for a Change of Ownership and Change of Business Name, From: Crem Corporation, Inc., dba Diego's Meat Market, To: Brown Mail, Inc., dba Express Mart & Liquor, 8251 West Charleston Boulevard, Paramjeet Kaur Mangat, Pres, Treas, 50% and Inderjeet Singh Swatch, Secy, Dir, 50% - Ward 2 (Wolfson)

20. Approval of a new Banquet/Event Establishment Liquor License, Keep Memory Alive, dba Keep Memory Alive, 888 West Bonneville Avenue, Lisa Manning, General Mgr; William Barum, VP of Food and Beverage; Michael Modic, Dir, Pres; Michael Harrington, Treas; David Rowan, Secy; and Larry Ruvo, Dir - Ward 5 (Barlow)

21. Approval of an extension of a Temporary Martial Arts Business License, Will Ki Lee, dba World KM Taekwondo Las Vegas, 1780 North Buffalo Drive, Suite 105, Will Ki Lee, Owner, 100% - Ward 1 (Tarkanian)

22. Approval of a Change of Location for a Massage Establishment License subject to the provisions of the planning and fire codes, Diane I. Somerville, dba Diane I. Somerville, LMT, From: 4325 North Rancho Drive, Suite 150, To: 3900 North Rancho Drive, Suite 107, Diane Somerville, Owner - Ward 6 (Ross) [NOTE: This is an ancillary license to an existing chiropractor office – N W Chiropractic Clinic]

23. Approval of a new Pistol Permit License, Super Pawn, 307 South Decatur Boulevard, Dennis Weese, Pres, John Linscott, Exec VP; Austin Nettle, VP, Treas; Thomas Bessant Jr., Exec VP, CFO; and David Clay, VP - Ward 1 (Tarkanian)

24. Approval of an extension of a Temporary Class II Secondhand Dealer License, Eduardo & Loly Anllo, dba EA Refrigeration, 3170 Polaris Avenue, Suite 10, Eduardo Anllo, Owner 50% and Loly Anllo, Owner 50% - Ward 1 (Tarkanian)

**FINANCE & BUSINESS SERVICES - PURCHASING & CONTRACTS CONSENT**

25. Approval of award of Bid No. 10.1762.02-TRF, Annual Asphalt Overlay Cheyenne Avenue and Fort Apache Road located at Cheyenne Avenue between Hualapai Way and Durango Drive and at Fort Apache Road between Alexander Road and Cheyenne Avenue and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Field Operations - Award recommended to: LAS VEGAS PAVING CORPORATION ($1,998,350 - Street Maintenance Special Revenue Fund) - Ward 4 (Anthony) - All Wards

26. Approval of award of Agreement No. 110076-TF, Blanket Services Agreement for Mechanical, Plumbing and Electrical Design Services - Department of Public Works - Award recommended to: PRECISION DESIGN GROUP (Not-to-Exceed $100,000 - Various Funds)

27. Approval of award of Agreement No. 110071-LD, Design Services for Ann Road Channel West located on Ann Road from Clayton Street to Rainbow Boulevard - Department of Public Works - Award recommended to: JACOBS ENGINEERING GROUP, INC. ($349,927 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)

28. Approval of award of Amendment No. 1 to Agreement No. 090143-LD, Construction Administration Agreement for the Las Vegas Museum of Organized Crime and Law Enforcement located at 300 Stewart Avenue - Department of Public Works - Award recommended to: O'CONNOR CONSTRUCTION MANAGEMENT, INC. ($438,173.55 - Parks and Leisure Activities Capital Projects Fund) - Ward 5 (Barlow)

29. Approval of award of Agreement No. 110061-DC, Prime Design Services for Energy Audit Building Retrofits - Department of Public Works - Award recommended to: JBA CONSULTING ENGINEERS, INC. ($326,170 - General Capital Projects Fund) - All Wards

**LEISURE SERVICES - CONSENT**

30. Approval of an Interlocal Agreement between the City of Las Vegas and Clark County for the reciprocal use of parks, park facilities, community centers and related equipment - All Wards

**PUBLIC WORKS - CONSENT**

31. Approval of an Interlocal Agreement between the Clark County Water Reclamation District, City of Henderson and the City of Las Vegas regarding a cost-sharing arrangement for professional legal services in the renewal of wastewater treatment facilities discharge permits - All Wards

32. Approval of an Intrastate Interlocal Contract Between Public Agencies with the State of Nevada acting through the Old Las Vegas Mormon Fort State Historic Park and the City of Las Vegas to allow the construction of banners and a decorative sidewalk embellishment, work that is associated with the Cultural Corridor Improvements project, within the park property located at 500 East Washington Avenue - Ward 5 (Barlow)

33. Approval of a Land Owner Agreement between the City of Las Vegas and the U.S. Fish and Wildlife Service granting the Service authority to complete the burrowing owl habitat at Floyd Lamb Park located at 9200 Tule Springs Road - Ward 6 (Ross)

34. Approval of Amendment No. 1 to Highway Agreement No. PR061-09-063, a Cooperative (Local Public Agency) Agreement with the State of Nevada Department of Transportation (NDOT) to extend the completion date to December 31, 2012 for the design and construction of intersection improvements on Charleston Boulevard (SR-159) at Durango Drive and Rancho Drive - Wards 1, 2 and 5 (Tarkanian, Wolfson and Barlow)

35. Approval of Amendment No. 1 to Highway Agreement No. PR345-08-063, a Cooperative (Matching) Agreement with the State of Nevada Department of Transportation (NDOT) to extend the completion date to December 31, 2012 for the design and construction of landscaped median islands with landscaping on Charleston Boulevard (SR-159) from Las Vegas Boulevard to Maryland Parkway - Ward 3 (Reese)

36. Approval of Amendment No. 1 to Highway Agreement No. P260-09-063, a Cooperative (Local Public Agency) Agreement with the State of Nevada Department of Transportation (NDOT) to decrease funding for the design and construction of the intersection improvements on Bonanza Road at Tonopah Avenue and Sahara Avenue at Durango Drive - Wards 2 and 5 (Wolfson and Barlow)

37. Approval of Amendment No. 1 to Highway Agreement No. P261-09-063, a Cooperative (Local Public Agency) Agreement with the State of Nevada Department of Transportation (NDOT) to decrease funding in the amount of $642,200 for the design and construction of the intersection improvements on Rampart Boulevard at Hillpointe Road, Rancho Drive at Palomino Lane, Vegas Drive at Pueblo Vista Drive, Washington Ave at Comstock Drive and median islands modification on Durango Drive from CC215 to Elkhorn Road - Wards 1, 4, 5 and 6 (Tarkanian, Anthony, Barlow and Ross)

38. Approval of Amendment No. 2 to Highway Agreement No. PR382-06-063, a Cooperative (Matching) Agreement with the State of Nevada Department of Transportation (NDOT) to extend the completion date to December 31, 2011 for the design and construction of Stewart Avenue streetscape from Main Street to Fourth Street - Ward 5 (Barlow)

39. Approval of an Interlocal Agreement with the State of Nevada Department of Transportation (NDOT) to fund the design for local access improvements from Sky Pointe Drive and Centennial Parkway with the US 95 and CC-215 interchange project ($1,500,000 - Road and Flood Capital Project Fund) - Ward 6 (Ross)

40. Approval to appraise, purchase, condemn and transfer interests in parcels for the Jones and Valley View Corridor Improvements Project on Jones Boulevard to include US 95 to just south of Sahara Avenue and on Valley View Boulevard to include US 95 to just south of Desert Inn Road ($3,000,000 - Regional Transportation Commission [RTC]) - Ward 1 (Tarkanian)

41. Approval of a Cooperative (Local Public Agency) Agreement D Street Enhancement with the State of Nevada Department of Transportation (NDOT) pertaining to the design and construction of enhancements and landscaping improvements on D Street from Washington Avenue to Madison Avenue - ($650,000 NDOT - Federal Enhancement Funds/$34,211 - Public Works Capital Project Fund [CPF]) - Ward 5 (Barlow)

**RESOLUTIONS - CONSENT**

42. R-69-2010 - Approval of a Resolution Disposing of the Protests made at the hearing on the Provisional Order for Special Improvement District No. 1519 Sidewalk Infill - Oakey Boulevard (west of Rancho Drive) and 11th Street (north of Charleston Boulevard) - Wards 1 and 3 (Tarkanian and Reese)

43. R-70-2010 - Approval of Resolution authorizing the execution and delivery of a First Amendment to Loan Agreement and First Supplement Indenture of Trust in connection with City of Las Vegas Economic Development Revenue Bonds previously issued to finance the cost of acquiring certain facilities for Keep Memory Alive (KMA) to build the Lou Ruvo Brain Institute located on the northeast corner of Bonneville Avenue and Grand Central Parkway in Symphony Park - Ward 5 (Barlow)

## DISCUSSION/ACTION ITEMS

**ADMINISTRATIVE - DISCUSSION**

44. ABEYANCE ITEM - Report by Port Telles, Development Director for The Cordish Companies, Inc., regarding the Exclusive Negotiation Agreement between the City of Las Vegas and The Cordish Companies, Inc., for the development of a Casino/Hotel, a Live District and Sports Arena on approximately 20 acres at Las Vegas Boulevard and Stewart Avenue - Ward 5 (Barlow)

45. Discussion and possible action regarding the Seventh Amendment to extend the Project Management and Consulting Agreement and reduce fees by and between City Parkway V Inc., City Parkway IV A, Inc., Office District Parking I, Inc., and Newland Real Estate Group, LLC, for parcels located in Symphony Park at the intersection of Grand Central Parkway and Bonneville Avenue - Ward 5 (Barlow) [NOTE: This is a companion item to Council Item 46 ]

46. Discussion and possible action regarding the Third Amendment to Project Manager Disposition and Joint Development Agreement to reduce fees and development rights by and between City Parkway V, Inc., City Parkway IV A, Inc., Office District Parking I, Inc., and Newland Real Estate Group, LLC, for parcels located in Symphony Park at the intersection of Grand Central Parkway and Bonneville Avenue - Ward 5 (Barlow) [NOTE: This is a companion item to Council Item 45]

**BOARDS & COMMISSIONS - DISCUSSION**

47. Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

48. ABEYANCE ITEM – Bill No. 2010-31 – Updates the regulations governing certain commercial, entertainment and solicitation activities within the Pedestrian Mall. Proposed by: Bradford R. Jerbic, City Attorney and Councilman Gary Reese

49. Bill No. 2010-42 – Amends the Town Center Development Standards Manual to correct the Permitted Use Matrix regarding minor auto repair garages. Proposed by: M. Margo Wheeler, Director of Planning and Development

50. Bill No. 2010-43 – Amends the Downtown Centennial Plan to correct certain maps and revise the requirements for tree grates. (TXT-37903) Sponsored by: Mayor Oscar B. Goodman

51. Bill No. 2010-44 – Amends the licensing regulations to replace the hotel lounge bar license with the ancillary lounge bar license, and makes a corresponding change to the zoning regulations. (TXT-38337) Sponsored by: Mayor Oscar B. Goodman

52. Bill No. 2010-45 – Repeals provisions of the Municipal Code relating to citizen complaints about City employees. 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.

53. Bill No. 2010-46 – Updates the description of certain City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise. Proposed by: Beverly K. Bridges, City Clerk

54. Bill No. 2010-47 – Adopts as the City's Fire Code the International Fire Code, 2009 Edition, together with local modifications and supplements thereto. Proposed by: Greg Gammon, Chief of Fire and Rescue

55. Bill No. 2010-48 - Ordinance Creating Special Improvement District No. 1519 Sidewalk Infill - Oakey Boulevard (west of Rancho Drive) and 11th Street (north of Charleston Boulevard) Sponsored by: Step Requirement

## CLOSED SESSION

56. 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

57. 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

58. ABEYANCE ITEM - Hearing and possible action to consider the appeal regarding the Notice and Declaration of Chronic Nuisance located at 1300 Fremont Street. PROPERTY OWNER: S P FREMONT LLC - Ward 3 (Reese)

# 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.

59. EOT-39601 - EXTENSION OF TIME - SPECIAL USE PERMIT - APPLICANT/OWNER: LAS VEGAS VALLEY WATER DISTRICT - Request for an Extension of Time of a previously approved Special Use Permit (SUP-29206) FOR A 100-FOOT TALL RADIO COMMUNICATION TOWER at the northwest corner of Centennial Parkway and Fort Apache Road (APNs 125-19-802-006 and 013), C-V (Civic) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

60. EOT-39701 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT/OWNER: H&GG LTD. & DAVID MASON - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-4606) FOR A SELF SERVE CAR WASH AND PET WASH; A WAIVER OF THE DISTANCE REQUIREMENTS TO ALLOW A TRASH ENCLOSURE TO BE 28 FEET FROM RESIDENTIAL USES WHERE 50 FEET IS REQUIRED AND A WAIVER TO REDUCE PERIMETER LANDSCAPING REQUIREMENTS on 0.43 acres at the northeast corner of Sky Pointe Drive and Ranch House Road (APNs 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

61. EOT-39719 - EXTENSION OF TIME - VARIANCE - APPLICANT/OWNER: H&GG LTD & DAVID MASON - Request for an Extension of Time of a previously approved Variance (VAR-4671) TO ALLOW A 28.9 FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE AN 84.75 FOOT SETBACK IN CONJUNCTION WITH A PROPOSED SELF-SERVICE CAR WASH AND PET WASH on 0.43 acres at the northeast corner of Sky Pointe Drive and Ranch House Road (APNs 125-27-201-004 and 005), C-2 (General Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

62. DIR-39706 - WATER FEATURE EXEMPTION - APPLICANT/OWNER: MOUNTAIN TRAILS COMMUNITY ASSOCIATION - Request TO ALLOW THE OPERATION OF A 516.6 SQUARE-FOOT WATER FEATURE WITHIN A RESIDENTIAL DEVELOPMENT at 2300 Summer Haven Place (APN 138-19-197-025), P-C (Planned Community) Zone, Ward 2 (Wolfson). Staff recommends APPROVAL.

## PLANNING & DEVELOPMENT - DISCUSSION

63. ROC-38969 - ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: GARRET GROUP, LLC - Request for a Review of Condition to remove Condition Number 4 of a previously approved Special Use Permit (SUP-24192) WHICH STATED THAT THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED. ALL SUCH PRODUCTS SHALL REMAIN IN THEIR ORIGINAL CONFIGURATIONS AS SHIPPED BY THE MANUFACTURER. FURTHER, NO REPACKAGING OF CONTAINERS INTO GROUPS SMALLER THAN THE ORIGINAL SHIPPING CONTAINER SIZE SHALL BE PERMITTED at 2237 West Charleston Boulevard (APN 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

64. SUP-38607 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHABAD OF SOUTHERN NEVADA - OWNER: CHABAD CALIFORNIA - Request for a Special Use Permit FOR A THRIFTSHOP, NON-PROFIT at 6029 Charleston Boulevard (APNs 163-01-102-001, 002, 007, and 037), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

65. RQR-39598 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT: HAIM GABAY - OWNER: L'CHAIM 24 FREMONT PROPERTY, LLC - Required Review of a previously approved Special Use Permit (SUP-33730) FOR A BEER/WINE/COOLER OFF-SALE ESTABLISHMENT at 24 Fremont Street (APN 139-34-111-028), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

66. RQR-39774 - REQUIRED REVIEW - PUBLIC HEARING - APPLICANT/OWNER: FRESH & EASY NEIGHBORHOOD MARKET - Required Review of a previously approved Special Use Permit (SUP-23111) FOR A RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE at 7752 North El Capitan Way (APN 125-17-611-004), T-C (Town Center) Zone [SC-TC (Service Commercial-Town Center) Special Land Use Designation), Ward 6 (Ross). Staff recommends APPROVAL.

## SET DATE

67. 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

68. 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

69. 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