

BILL NO. 2011-21.

ORDINANCE NO. 6150

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance) (hereinafter the "District"), to defray the annual maintenance costs of a street beautification project within the District (hereinafter the "Maintenance Project") as defined in Chapter 271, Nevada Revised Statutes and has provided that the entire cost and expense of the Maintenance Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that the entire cost and expense of the Maintenance Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, in accordance with NRS 271.360 and NRS 271.378, the City Council has heretofore determined, and does hereby declare, that the net cost of the Maintenance Project for FY2012 (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$62,800.00, of which, \$0.00 is available from other sources and of which \$62,800.00 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the Maintenance Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the Director of Public Works with the assistance of the City Engineer Division (hereinafter the "Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the costs of such work to be paid by the property specially benefited, the City Council, together with the Engineer made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon; and

WHEREAS, the Engineer has reported the final assessment roll to the City Council and has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, April 6, 2011, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the Maintenance Project in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the Engineer has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for the Maintenance Project in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, April 6, 2011, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on March 2, 2011; and

WHEREAS, the City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing on April 6, 2011, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party; and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1485 (FY2012) Assessment Protest Resolution; and

WHEREAS, by the District No. 1485 (FY2012) Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor the total cost of the Maintenance Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Maintenance Project, with funds completely derived from the levy of assessments.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1485 (FY2012) Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1485 (FY2012) Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1485 – Alta Drive (Landscape Maintenance FY2012) including, but not limited to, the creation of the District, the amount of the maintenance contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value

increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying the costs and expenses of the Maintenance Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by the Maintenance Project) and described in the final assessment roll for the District, as filed in the office of the City Clerk on March 2, 2011, and as modified and confirmed by the District No. 1485 (FY2012) Assessment Protest Resolution duly adopted by the City Council on April 20, 2011.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand; provided that all or any part of such assessments may, at the election of the owner, be paid in installments, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in four (4) substantially equal quarterly installments of principal until paid in full, without interest, payable at the office of the City Treasurer on July 1, 2011, October 1, 2011, January 1, 2012 and April 1, 2012. Failure to pay any installment when due shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City, the exercise of said option to be indicated by the commencement of foreclosure proceedings by the City; and the whole amount of the unpaid principal shall, after such delinquency, whether said option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest until the day of sale or until paid, but at any time prior to the date of the sale the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, and all penalty interest accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The

owner of any property assessed and not in default as to any installment or payment may, at any time (at the option of such owner), pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. May 22, 2011) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal, penalties, and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.625. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable and the last day for their payment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher or his designee and filed with the City Clerk of the City. In accordance with NRS 271.390(2) the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her

last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments have been paid in full or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form:

(Form of Notice)

**NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR BOUNDARIES OF DISTRICT IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012)**

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1485 (FY2012) Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on May 18, 2011. The Levy Ordinance levied and assessed the cost and expense of Boundaries of District against the lots, tracts and parcels of land specially benefited by the maintenance in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1485 - Alta Drive (Landscape Maintenance)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer in Las Vegas, Nevada, on or before June 21, 2011, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, without interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in four (4) substantially equal quarterly installments of principal until paid in full, being payable at the office of the City Treasurer in Las Vegas, Nevada, on July 1, 2011, October 1, 2011, January 1, 2012, and April 1, 2012. Failure to pay any assessment installment when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal will, after such delinquency, whether the City's option is or is not exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid, but at any time prior to the date of the sale, the owner may pay the amount of all delinquent

installments originally becoming due on or before the date of payment, and all penalty interest accrued, and will thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal.

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the property owner's application for renewal of the Hardship Determination is disapproved; or (c) the property owner pays all previous and current assessments. The property owner shall file an application for renewal of the Hardship Determination each year when the Maintenance Project is levied. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from May 22, 2011, (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this May 18, 2011.

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BEVERLY K. BRIDGES, MMC  
City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before May 18, 2011, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 20th of April, 2011, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 18th of May, 2011.

/s/ Beverly K. Bridges  
City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO.1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 20, 2011, and was passed at a regular meeting held on May 18, 2011, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman  
Gary Reese  
Steve Wolfson  
Lois Tarkanian  
Steven D. Ross  
Ricki Y. Barlow  
Stavros S. Anthony

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

This Ordinance shall be in full force and effect from and after May 22, 2011, i.e., the day after its publication by title only.

**IN WITNESS WHEREOF**, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This 18th of May, 2011.

/s/ OSCAR B. GOODMAN  
Mayor  
City of Las Vegas, Nevada

(SEAL)


Attest:  
/s/ BEVERLY K. BRIDGES  
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance 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 Ordinance.

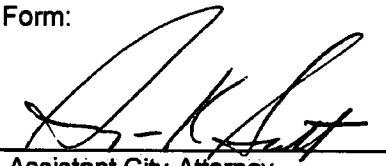
Introduced April 20, 2011, PASSED, ADOPTED AND APPROVED May 18, 2011.

  
OSCAR B. GOODMAN, Mayor

Attest:

  
BEVERLY K. BRIDGES, MMC  
City Clerk

Approved as to Form:

4/5/11   
Date Assistant City Attorney

STATE OF NEVADA            )  
  )  
COUNTY OF CLARK         ) ss  
  )  
CITY OF LAS VEGAS         )

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on April 20, 2011, and finally adopted and approved on May 18, 2011.

2. The following members of the City Council were present at the April 20, 2011, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 20, 2011, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on May 18, 2011, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the May 18, 2011, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow
	Stavros S. Anthony

Those Voting Nay:	None
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Those Absent:	None
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4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on April 20, 2011, and May 18, 2011. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings 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, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board  
City Hall Plaza  
2<sup>nd</sup> Floor Skybridge  
Las Vegas, Nevada
- (ii) Bulletin Board  
City Hall Plaza (next door to Metro Records)  
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
- (vi) City of Las Vegas website

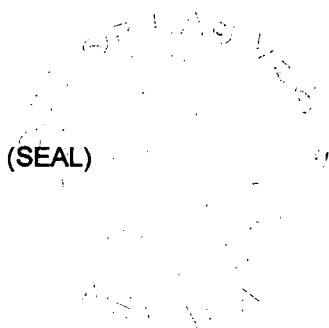
(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on April 20, 2011, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on May 18, 2011, is attached to this certificate as Exhibit B.

7. A copy of the affidavit of publication of notice of deposit is attached to this certificate as Exhibit C. A copy of the affidavit of publication of adoption of the ordinance is attached to this certificate as Exhibit D.

8. Upon request, the governing body 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 members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this May 18, 2011.



  
BEVERLY K. BRIDGES, MMG  
City Clerk

**EXHIBIT A**

**(Attach Copy of Notice of April 20, 2011 Meeting)**

**EXHIBIT B**

**(Attach Copy of Notice of May 18, 2011 Meeting)**

**EXHIBIT C**  
**(Attach Affidavit of Publication of Filing of Ordinance)**

**EXHIBIT D**  
**(Attach Affidavit of Publication of Adoption of Ordinance)**



## CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: [www.lasvegasnevada.gov](http://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)

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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.

**April 20, 2011**

**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](http://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 MONSIGNOR KEVIN McAULIFFE, PASTOR, SAINT ELIZABETH ANN SETON ROMAN CATHOLIC CHURCH
4. PLEDGE OF ALLEGIANCE
5. OATH OF OFFICE ADMINISTERED TO ELECTED OFFICIALS – COUNCILMAN, WARD 1; COUNCILMAN, WARD 5; AND MUNICIPAL COURT JUDGE, DEPARTMENT 5
6. RECOGNITION OF THE EMPLOYEE OF THE MONTH
7. RECOGNITION OF THE TEAM OF THE QUARTER
8. RECOGNITION OF THE SENIOR OF THE QUARTER
9. RECOGNITION OF UNITED WAY DAY

10. RECOGNITION OF THE CENTENNIAL HIGH SCHOOL STATE CHAMPION GIRLS BASKETBALL TEAM, BOYS BOWLING TEAM AND GIRLS SOCCER TEAM
11. RECOGNITION OF THE LAS VEGAS FIRE & RESCUE DEPARTMENT
12. RECOGNITION OF THE VETERANS MEMORIAL LEISURE SERVICES CENTER FITNESS INSTRUCTORS

### **BUSINESS ITEMS - MORNING**

13. 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
14. Approval of the Final Minutes by reference of the regular City Council meeting of March 16, 2011

### **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.

#### **ADMINISTRATIVE - CONSENT**

15. Approval of the Grant Agreement between the Commission for the Las Vegas Centennial and the Neon Museum, a 501c3, providing \$150,000 for the restoration and reconstruction project of the interior lobby build out of the La Concha Motel located at 770 Las Vegas Boulevard North – Ward 5 (Barlow)
16. Approval of Retainer Letter Agreement between Michael C. Niarchos of Rosenfeld and Rinato and City Parkway V, Inc., for professional services for City Parkway V, Inc., the Department of Economic and Urban Development and any other business related matters (\$137,000 annually - City Parkway V, Inc.)

#### **FINANCE - CONSENT**

17. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
18. Approval of an Interlocal Agreement between the Southern Nevada Water Authority, the City of Las Vegas, the City of Henderson and the Clark County Water Reclamation District to correct the distribution of a quarter (1/4) cent sales tax funding to member agencies - All Wards

#### **FINANCE - PURCHASING & CONTRACTS CONSENT**

19. Approval of award of Agreement No. 110183-TF, Prime Design Services Agreement for the Las Vegas Wash Middle Branch, Grand Teton Storm Drain located on Grand Teton Drive between Rainbow Boulevard and Durango Drive - Department of Public Works - Award recommended to: VTN NEVADA (\$600,000 - Road and Flood Capital Projects Fund) - Ward 6 (Ross)
20. Approval of award of Bid No. 10.1730.19-LED, Oakey-Meadows Storm Drain Phase 2A Fair Center Mall to Charleston Boulevard at Hinson Street and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: LAS VEGAS PAVING CORPORATION (\$6,430,467 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)
21. Approval of award of Modification No. 5 to Contract No. 060044-SB, Architect and Associated Services for the Post Office/Courthouse Rehabilitation Project, now known as the Las Vegas Museum of Organized Crime and Law Enforcement located at 300 Stewart Avenue - Office of the City Manager - Award recommended to: WRL OF NEVADA (\$372,164 - Parks and Leisure Activities Capital Projects Fund) - Ward 5 (Barlow)

## **OPERATIONS AND MAINTENANCE - CONSENT**

22. Approval of a Declaration of Intent to Retain a Pedestrian Easement along the south side of McWilliams Drive and the west side of Encanto Drive for a portion of the Southeast Quarter (SE1/4) of Section 27, Township 20 South, Range 61 East, Mount Diablo Meridian, APN's 139-27-812-045 and 139-27-805-005 - Ward 5 (Barlow)

## **PLANNING - BUSINESS SERVICES CONSENT**

23. Approval of a Special Event Alcoholic Beverage License for Agave Mexican Restaurant, Location: 10820 West Charleston Boulevard (parking lot), Date: May 5, 2011, Type: Special Event General, Event: Cinco de Mayo, Responsible Person in Charge: Tad Gencarelli - Ward 2 (Wolfson)
24. Approval of a Special Event Alcoholic Beverage License for California Hotel & Casino, Location: 100 Stewart Avenue (Main Street parking lot), Dates: April 30 and May 1, 2011, Type: Special Event Beer/Wine, Event: May Day Lei Day Festival, Responsible Person in Charge: Lane Conley - Ward 5 (Barlow)
25. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for Christ Church Episcopal and Huntridge Teen Clinic, Location: 2000 South Maryland Parkway, Date: May 7, 2011, Type: Special Event Beer/Wine, Event: Art Show and Organ Concert, Responsible Person in Charge: Bonnie Polley - Ward 3 (Reese)
26. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for A Time In History Inc., Location: 713 Stewart Avenue, Dates: May 12 - 15, 2011, Type: Special Event Beer/Wine, Event: Helldorado Rodeo Event, Responsible Person in Charge: Lori Yerger - Ward 5 (Barlow)
27. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning code and Health Dept. regulations for Leticia's Cocina, Location: 7585 Norman Rockwell Lane (parking lot), Date: May 7, 2011, Type: Special Event General, Event: Cinco de Mayo Festival, Responsible Person in Charge: Leticia Gardea - Ward 6 (Ross)
28. Approval of a Special Event Alcoholic Beverage License subject to the provisions of the planning and fire codes for J & M United, LLC, dba Lindo Michoacan Centennial, Location: 7870 West Tropical Parkway (courtyard), Date: May 5, 2011, Type: Special Event General, Event: Cinco de Mayo, Responsible Person in Charge: Mark Berry - Ward 6 (Ross)
29. Approval of a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, 7 Eleven of Nevada, Inc., dba 7 Eleven Store 26751C, 6702 West Cheyenne Avenue, Fast and Quick, Inc., Noorullah Karimzada, Pres, Secy, Treas, Dir, 100% - Ward 4 (Anthony)
30. Approval of an extension of a Temporary Restricted Gaming License, Big Dollar Stores, LLC, dba Big Dollar Stores, 1725 South Rainbow Boulevard, Suite 1, Jeffrey Chauncey, Mmbr, 90% and Danny Velarde, Mmbr, 10% - Ward 1 (Tarkanian)
31. Approval of a Restricted Gaming License subject to the provisions of the planning and fire codes and confirmation of approval by the Nevada Gaming Commission, E T T, LLC, db at Stewart Market, 2021 Stewart Avenue, David Ross, Mgr and Ferenc Szony, Mgr - Ward 3 (Reese)
32. Approval of an extension of a Temporary Auctioneer License, Cove Creek Partners, LLP, dba United Country Auction Services, 209 West Broadway Street, Jerry Jones, Ptnr, 50% and Richard Terrel, Ptnr, 50% - Texas
33. Approval of an extension of a Temporary Burglar Alarm Service License, A & B Security Group, Inc., dba A & B Security Group, Inc., 3201 West Sahara Avenue, Suites A, C-H, Gary Schaff, Pres, Secy, Treas, Dir and Philip Pupanek, VP Sales and Marketing - Ward 1 (Tarkanian)

## **PUBLIC WORKS - CONSENT**

34. Approval of an Easement Occupancy Permit between the City of Las Vegas and the Southern Nevada Water Authority to allow occupancy of improvements for the Water Pollution Control Facility 3 Megawatt Solar Photovoltaic Project located on Vegas Valley Drive and Tree Line Drive, APN's 161-10-701-001 and 161-10-701-014 - County (near Ward 3-Reese)

35. Approval of Rule 9 Line Extension Agreement No. 2445 between the City of Las Vegas and Nevada Power Company, a Nevada Corporation, dba NV Energy for the extension of existing power facilities to relocate existing facilities for Traffic Package 6B project located at the intersections of Charleston Boulevard and Durango Drive and Charleston Boulevard and Rancho Drive (\$24,302 - Federal Safety Funds) - Wards 1, 2 and 5 (Tarkanian, Wolfson and Barlow)

### **RESOLUTIONS - CONSENT**

36. R-15-2011 - Approval of a Resolution overruling complaints, protests, and objections and confirming the final assessment roll for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2012) (\$62,800 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)
37. R-16-2011 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) (\$252,402 - Capital Projects Fund/Special Assessments) - Ward 5 (Barlow)

### **DISCUSSION/ACTION ITEMS**

#### **ADMINISTRATIVE - DISCUSSION**

38. Report to satisfy annual requirement under Ordinance No. 6067 regarding spaying/neutering of certain animals - All Wards

#### **ECONOMIC AND URBAN DEVELOPMENT - DISCUSSION**

39. Discussion and possible action regarding a Second Amendment to the Disposition and Development Agreement between the City of Las Vegas and Resort Gaming Group, LLC, for the purpose of amending the expiration date of the due diligence period and not requiring the Developer to pay the due diligence extension deposits for the site located at Stewart Avenue and Las Vegas Boulevard - Ward 5 (Barlow)
40. Discussion and possible action regarding a Settlement Agreement by Decatur Shopping Center Associates, a Nevada limited partnership, City of Las Vegas, a municipal corporation of the State of Nevada, City of Las Vegas Redevelopment Agency (RDA), a Public body, and Alpha Omega Strategies, LLC, a Nevada limited liability company pertaining to the real property located at 1501 North Decatur Boulevard - Ward 5 (Barlow) [NOTE: This is a related item to RDA Items 6 and 7 and Council Item 41]
41. Discussion and possible action regarding a First Amendment To Fourth Amended And Restated Disposition And Development Agreement by and between City of Las Vegas, a municipal corporation of the State of Nevada, the City of Las Vegas Redevelopment Agency (RDA), a Public Body, and Alpha Omega Strategies, LLC, pertaining to the disposition of the real property located at 1501 North Decatur Boulevard (\$324,000 Earnest Money Deposit) - Ward 5 (Barlow) [NOTE: This item is related to RDA Items 6 and 7 and Council Item 40]

#### **PLANNING - BUSINESS SERVICES DISCUSSION**

42. Discussion and possible action regarding the Denial of an Ice Cream Truck License, James D. Williams, dba Straight "A" Ice Cream, 1100 Searles Avenue, James Williams III, Owner, 100% - Ward 5 (Barlow)

#### **RESOLUTIONS - DISCUSSION**

43. R-17-2011 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency regarding the Disposition and Development Agreement between the City of Las Vegas Redevelopment Agency and Las Vegas ICE, LLC, for the sale of real property generally located at the southeast corner of Clark Avenue and Las Vegas Boulevard - Ward 3 (Reese) [NOTE: This item is related to RDA Item 4 (RA-5-2011)]

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

- 44. Bill No. 2011-18 – Makes minor adjustments to the licensing and zoning treatment of beer/wine/cooler cultural establishments. Proposed by: Candace Falder, Director of Finance, and Flinn Fagg, Acting Director of Planning
- 45. Bill No. 2011-20 – Authorizes installment-purchase agreements with Bank of America Leasing & Capital, LLC, for taxable direct pay clean renewable energy bonds and taxable direct pay qualified energy conservation bonds for the purpose of financing energy conservation and renewable energy projects. Proposed by: Candace Falder, Director of Finance

**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.

- 46. Bill No. 2011-19 – Expands and clarifies the applicability of certain parking-related prohibitions relating to City-owned parking lots, City-owned parking garages, and public rights-of-way. Sponsored by: Councilman Gary Reese

**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.

- 47. Bill No. 2011-21 Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2012) Proposed by: Jorge Cervantes, Director of Public Works
- 48. Bill No. 2011-22 Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Proposed by: Jorge Cervantes, Director of Public Works
- 49. Bill No. 2011-23 – Updates the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan to be consistent with the City’s new Unified Development Code. Proposed by: Flinn Fagg, Acting Director of Planning

**CLOSED SESSION**

- 50. 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**

- 51. 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**

- 52. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 401 Antelope Way in the amount of \$3,606.75 (General Fund) and assess a maximum of \$57,550 in daily civil penalties. PROPERTY OWNER: BANK NEW YORK MELLON - Ward 1 (Tarkanian)

53. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 5608 Heron Avenue in the amount of \$2,953.20 (General Fund) and assess a maximum of \$66,550 in daily civil penalties. PROPERTY OWNER: BANK HSBC USA NA TRS - Ward 1 (Tarkanian)
54. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 704 Easy Street in the amount of \$2,573 (General Fund) and assess a maximum of \$55,550 in daily civil penalties. PROPERTY OWNERS: RAMIRO ORNELAS AND MARIA DELOURDES - Ward 1 (Tarkanian)
55. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 7600 Seagull Avenue in the amount of \$3,857.50 (General Fund) and assess a maximum of \$41,050 in daily civil penalties. PROPERTY OWNERS: BERNARD L MILES AND DIANE H SCOTT-MILES - Ward 2 (Wolfson)
56. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of dangerous building demolition located at 1662 G Street in the amount of \$14,625.75 (General Fund) and assess a maximum of \$145,550 in daily civil penalties. PROPERTY OWNER: WILLIAM PRENTISS - Ward 5 (Barlow)
57. Public Hearing and possible action to consider a request for a waiver and/or reduction of fees and/or civil penalties for the property located at 1005 North 21st Street in the amount up to \$29,554.60. PROPERTY OWNER: HOUSEHOLD FINANCE REALTY CORP NV - Ward 3 (Reese)

### PLANNING

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 - DISCUSSION

58. VAR-40375 - ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Variance TO ALLOW EIGHT PARKING SPACES WHERE 48 ARE REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.
59. VAR-40543 - ABEYANCE ITEM - VARIANCE RELATED TO VAR-40375 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Variance TO ALLOW A ZERO-FOOT FRONT AND SIDE YARD SETBACK WHERE TEN FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.
60. SDR-40374 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-40375 AND VAR-40543 - PUBLIC HEARING - APPLICANT/OWNER: GAETANO D'AGUINO - Request for a Site Development Plan Review TO CONVERT AN EXISTING WAREHOUSE INTO A 45,398 SQUARE-FOOT WHOLESALE SHOWROOM FACILITY WITH A WAIVER TO ALLOW NO PERIMETER LANDSCAPE BUFFER WHERE EIGHT FEET IS REQUIRED on 1.03 acres at 2700 and 2770 Highland Drive (APNs 162-09-202-003 and 004), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (3-3-1 vote) has NO RECOMMENDATION.
61. SDR-37363 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: LIED FOUNDATION TRUST - Council Review of a request for a Major Amendment to an approved Site Development Plan Review TO ALLOW ZERO-FOOT LANDSCAPE BUFFERS AND NO PLANTING MATERIALS ALONG THE NORTH AND EAST PERIMETERS WHERE THREE AND FOUR FEET WERE PREVIOUSLY APPROVED, RESPECTIVELY on 2.81 acres at 3901 West Charleston Boulevard (APN 162-06-502-003), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

- 62. SUP-40739 - ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: ACE LOAN COMPANY - OWNER: B F TRUST – Appeal filed from the denial by the Planning Commission of a request for a Special Use Permit FOR A PAWN SHOP WITHIN AN EXISTING 1,606 SQUARE-FOOT COMMERCIAL BUILDING WITH WAIVERS TO ALLOW A 50-FOOT DISTANCE SEPARATION FROM A RESIDENTIAL USE WHERE 200 FEET IS REQUIRED AND A 20-FOOT DISTANCE SEPARATION FROM AN EXISTING FINANCIAL INSTITUTION WHERE 1,000 FEET IS REQUIRED at 519 East St. Louis Avenue (APN 162-03-311-017), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6 0-1 vote) and Staff recommend DENIAL.
- 63. ROC-41161 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT/OWNER: WAI CHUN GINN - Request for a Review of Condition of a previously approved Special Use Permit (SUP-38536) TO AMEND CONDITION NUMBER 6 TO STATE THAT "ALL BEER AND WINE COOLERS SHALL REMAIN IN THEIR ORIGINAL MANUFACTURER'S CONFIGURATION" at 1451 West Owens Avenue (APN 139-28-501-001), C-2 (General Commercial) Zone, Ward 5 (Barlow). Staff recommends DENIAL.
- 64. DIR-41270 - DIRECTOR'S BUSINESS - NON-PUBLIC HEARING - APPLICANT/OWNER: OASIS LAS VEGAS, LLC - Appeal of the denial of a building permit (#182465-C-11) by the Director of the Planning Department for an Off-Premise Sign at 110 North Jones Boulevard (APN 138-25-404-008), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL.

**SET DATE**

- 65. 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**

- 66. 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**

- 67. 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, 2<sup>nd</sup> 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



## **CITY COUNCIL AGENDA**

**COUNCIL CHAMBERS · 400 STEWART AVENUE · PHONE 229-6011**

**CITY OF LAS VEGAS INTERNET ADDRESS: [www.lasvegasnevada.gov](http://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)**

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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 18, 2011**

**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](http://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 JOEL MENCHACA, AMISTAD CRISTIANO CHURCH
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF THE EMPLOYEE OF THE MONTH
7. RECOGNITION OF HISTORIC PRESERVATION MONTH
8. RECOGNITION OF ASIAN/PACIFIC ISLANDER HERITAGE MONTH
9. RECOGNITION OF THE PAVILION POOL FOR RECEIVING GREEN GLOBE CERTIFICATION
10. RECOGNITION OF THE STATE CHAMPION CENTENNIAL HIGH SCHOOL GIRLS BASKETBALL AND BOYS BOWLING TEAMS

11. RECOGNITION OF DAKOTA JONES FOR HIS PARTICIPATION IN THE NATIONAL SPELLING BEE
12. RECOGNITION OF THE MIRABELLI COMMUNITY CENTER CHEERLEADING SQUAD

### **BUSINESS ITEMS - MORNING**

13. 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
14. Approval of the Final Minutes by reference of the regular City Council meeting of April 20, 2011

### **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.

### **BUILDING AND SAFETY - CONSENT**

15. Approval of a Sewer Connection agreement with James J. Feldhouse and Randy Sterns, owners, and Interlocal Contract with Clark County Water Reclamation District (9865 Elkhorn Road, APN 125-19-102-028) - County (near Ward 6 - Ross)
16. Approval of an encroachment request from LVB-Ogden, Corporation, owner (150 Las Vegas Boulevard North) - Ward 5 (Barlow)

### **CITY ATTORNEY - CONSENT**

17. Approval of an Interlocal Agreement between the City of Las Vegas and the Regional Flood Control District (RFCD) for television production services (\$84,900 revenue - RFCD)

### **ECONOMIC AND URBAN DEVELOPMENT - CONSENT**

18. Approval of a Second Amendment to Lease Agreement between the City of Las Vegas and the Las Vegas-Clark County Library District to record a parcel map and grant an Encroachment License Agreement for landscaping purposes for property located at 833 North Las Vegas Boulevard and 821 North Las Vegas Boulevard - Ward 5 (Barlow)

### **FINANCE - CONSENT**

19. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
20. Approval of a Cooperative Agreement between political subdivisions of Clark County to establish an alternative formula for the distribution of the local government tax distribution account

### **FINANCE - PURCHASING & CONTRACTS CONSENT**

21. Approval of award of Contract No. 110179-TB, Oracle Software Contract - Department of Information Technologies - Award recommended to: ORACLE AMERICA, INC. (\$1,223,211 - Sanitation Enterprise Fund and Information Technologies Internal Service Fund)
22. Approval of award of Agreement No. 110187-DC, Construction Manager as Agent Agreement for Oakey Meadows Storm Drain Phase II, located at Decatur Boulevard and Charleston Boulevard - Department of Public Works - Award recommended to: G.C. WALLACE, INC. (\$898,788.32 - Road and Flood Capital Projects Fund) - Ward 1 (Tarkanian)

23. Approval of award of Agreement No. 110164-LD, Blanket Services Agreement for Chemical Accident Prevention Program (CAPP) Risk Management Plan (RMP) for the Water Pollution Control Facility located at 6005 East Vegas Valley Drive - Department of Public Works - Award recommended to: ANGELO & NEWTON, LLC (\$500,000 - Sanitation Enterprise Fund) - County
24. Approval of award of Agreement No. 110172-DC, Construction Manager as Agent Agreement for Fire Station 106, located at 1888 Stella Lake Street - Department of Public Works - Award recommended to: CMWORKS, INC. (\$271,300 - Fire Services Capital Projects Fund) - Ward 5 (Barlow)
25. Approval of Modification No. 1 to Contract No. 09.15341.13-TF, Atrium Building Renovation located at 333 North Rancho Drive - Department of Public Works - Award recommended to: APCO CONSTRUCTION (\$237,328.79 - City Facilities Capital Projects Fund) - Ward 5 (Barlow)

**OPERATIONS AND MAINTENANCE - CONSENT**

26. Approval of a Dedication from the City of Las Vegas, a Municipal Corporation for a portion of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of the Northwest (NW 1/4) of Section 15, Township 20 South, Range 60 East, Mount Diablo Meridian, for Right-of- Way on Tenaya Way south of Cheyenne Avenue, APN 138-15-201-002 - Ward 4 (Anthony)
27. Approval of Settlement and Mutual Release Agreement between the City of Las Vegas and Stantec Consulting, Inc., for Design Issues on the Washington-Buffalo Park Project (also known as Kellogg Zaher Sports Complex), APN 138-28-301-006 (\$218,217 revenue - Parks Capital Project Fund) - Ward 4 (Anthony)
28. Approval of an Interlocal Agreement between the City of Las Vegas and the Las Vegas Valley Water District for the Lorenzi Park Renovation Phase II located on the southeast corner of Washington Avenue and Twin Lakes Drive, APN 139-29-301-003 - Ward 5 (Barlow)

**PARKS, RECREATION AND NEIGHBORHOOD SERVICES - CONSENT**

29. Approval to accept State Bar of Nevada's Public Service and Law Related grant funds in the amount of \$30,700 (Special Revenue) awarded to the Senior Citizens Law Project (SCLP) to provide preventative, informational legal seminars to senior citizens 60 years of age and older - All Wards

**PLANNING - BUSINESS SERVICES CONSENT**

30. Approval of a Special Event Alcoholic Beverage License for Kehali Wedding Reception, Location: World Market Center, 475 South Grand Central Parkway, Suite B1601, Date: June 5, 2011, Type: Special Event General, Event: Wedding Reception, Responsible Person in Charge: Abiezer W. Tefera - Ward 5 (Barlow)
31. Approval of a Special Event Alcoholic Beverage License for National Latino Peace Officer Association subject to the provision of the planning and fire codes, Location: 416 North 7th Street (parking lot between Mesquite Boulevard and Bonanza Road), Date: June 4, 2011, Type: Special Event Beer/Wine, Event: 2nd Annual Custom Classic Car Show, Responsible Person in Charge: Marco Alvarado - Ward 5 (Barlow)
32. Approval of a new Supper Club License subject to the provisions of the planning and fire codes, BJ's Restaurant Operations Company, dba BJ's Restaurant & Brewhouse, 5881 Centennial Center Boulevard, Gerald Deitchle, Pres, CEO, Chairman; Gregory Levin, Treas, CFO, Dir; Dianne Scott, Secy; Gregory Lyunds, Dir, VP; and BJ's Restaurants, Inc., 100% - Ward 6 (Ross)
33. Approval of a new Supper Club License subject to Health Department Regulations, Ground Hog 1, LLC, dba Embers, 740 South Rampart Boulevard, Suite 7, Theodore Mamola, Mgr, 100% - Ward 2 (Wolfson)
34. Approval of a new Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Ground Hog 1, LLC, dba Embers, 740 South Rampart Boulevard, Suite 7, Theodore Mamola, Mgr, 100% - Ward 2 (Wolfson)

35. Approval of a Tavern License, NP Palace, LLC, dba Palace Station Hotel & Casino, 2411 West Sahara Avenue, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 1 (Tarkanian) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing tavern location]
36. Approval of a Non-restricted Gaming License, NP Palace, LLC, dba Palace Station Hotel & Casino, 2411 West Sahara Avenue, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 1 (Tarkanian) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing gaming location]
37. Approval of a Tavern License, Santa Fe, LLC, dba Santa Fe Station Hotel & Casino, 4949 North Rancho Drive, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 6 (Ross) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing tavern location]
38. Approval of a Non-restricted Gaming License, Santa Fe, LLC, dba Santa Fe Station Hotel & Casino, 4949 North Rancho Drive, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 6 (Ross) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing gaming location]
39. Approval of an extension of a Temporary Beer/Wine/Cooler On-sale License, SB Centennial Center, LLC, dba Smashburger, 5655 Centennial Center Boulevard, Suite 170, Jerry & Kim Gunderson Trust, Mgr, Jerry Gunderson, Trustee, Kimberly Gunderson, Trustee, and SB Las Vegas, LLC, 100% - Ward 6 (Ross)
40. Approval of a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Vegas Express Gas Mart, LLC, dba Vegas Express Gas Mart, 1591 North Decatur Boulevard, Matt Ricciardella, Managing Mmbr, 45%; Simoon Boles, Managing Mmbr, 40%; and Jeremiah Boucher, Managing Mmbr, 15% - Ward 5 (Barlow)
41. Approval of a Tavern License, NP Rancho, LLC, dba Wildfire Casino, 1901 North Rancho Drive, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 5 (Barlow) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing tavern location]
42. Approval of a Non-restricted Gaming License, NP Rancho, LLC, dba Wildfire Casino, 1901 North Rancho Drive, Kevin Kelley, Pres; Scott Nielson, Sr. V. P.; Richard Haskins, Sr. V. P.; Thomas Friel, Sr. V. P.; Marc J. Falcone, Sr. V. P.; and NP Opco, LLC, 100%; NP Propco, LLC, Parent Company; Frank J. Fertitta III; Mmbr; and Lorenzo J. Fertitta, Mmbr - Ward 5 (Barlow) [NOTE: This item is an Entity Conversion from a corporation to a limited liability company for an existing gaming location]
43. Approval of an extension of a Temporary Massage Establishment License, Pure Salon Spa & Barber, dba Pure Salon Spa & Barber, 9090 Alta Drive, Noel Dascalu, Pres, Secy, Treas, Dir, 100% - Ward 2 (Wolfson) [NOTE: This is an ancillary license to an existing salon – Pure Salon & Barber]

#### **PUBLIC WORKS - CONSENT**

44. Approval of a request to install speed humps on Grenville Avenue between Lordsburg Lane and Faywood Street (\$5,200 - Neighborhood Traffic Management Program) - Ward 2 (Wolfson)
45. Approval of Interlocal Agreement No. 114038 between the City of Las Vegas and the Las Vegas Valley Water District for water service at Fire Station 108 located on the southeast corner of Bonanza Road and Page Street (\$31,310 - Fire Services - Bonds) - Ward 3 (Reese)

46. Approval of Rule 9 Line Extension Agreement No. 3584 between the City of Las Vegas and Nevada Power Company d/b/a NV Energy for relocation of power facilities to provide power for the 500 South Main Street Parking Garage Project located at Main Street and Clark Avenue (\$60,842 - Municipal Parking Enterprise Fund [MPEF]) - Ward 3 (Reese)
47. Approval of Amendment No. 1 to the Funding Agreement CL-RT-06023 between the City of Las Vegas and Nevada Division of State Lands (NDSL) for the Las Vegas Wash Recreational Trail & Infrastructure Improvements to decrease the project budget in the amount of \$426,553 and extend the completion date to December 31, 2011 – Ward 3 (Reese)
48. Approval of an Agreement for Construction Outside Right-of-Way with California Hotel and Casino to enter their property to relocate a traffic signal pole and construct a sidewalk ramp to ADA standards and correct various edge conditions in conjunction with the Stewart Avenue Sewer and Pavement Rehabilitation and Beautification, Phase 2 Project along Stewart Avenue from Main Street to Las Vegas Boulevard (\$30,500-Capital Projects Fund/RTC) - Ward 5 (Barlow)

**RESOLUTIONS - CONSENT**

49. R-20-2011 - Approval of a Resolution to refund surplus amounts of \$23,978.34 in Special Improvement District (SID) 1412 - Ward 5 (Barlow)
50. R-21-2011 - Approval of a Resolution amending Schedule 25-II, 35 MPH Speed Limits, to change the speed limit on Torrey Pines Drive between US95 and Washington Avenue from 35 MPH to 25 MPH - Ward 1 (Tarkanian)
51. R-22-2011 - Approval of a Resolution amending Schedule 25-II, 35 MPH Speed Limits, to add Sky Pointe Drive from Centennial Parkway to 1200 feet north of Cimarron Road - Ward 6 (Ross)

**DISCUSSION/ACTION ITEMS**

**ADMINISTRATIVE - DISCUSSION**

52. Discussion and possible action to accept a tentative agreement of the Memorandum of Understanding offer made by the Las Vegas Police Protective Association (LVPPA) regarding a new, extended or modified Collective Bargaining Agreement or similar agreement between the City of Las Vegas as local government employer and the LVPPA as employee organization (\$450,000 continued reduction in General Fund costs)

**ECONOMIC AND URBAN DEVELOPMENT - DISCUSSION**

53. Discussion and possible action regarding an Exclusive Negotiation Agreement between Laurich Properties, Inc., and the City of Las Vegas for the development of a neighborhood shopping center consisting of a grocery market, retail bank and automotive retail use on approximately 4.94 acres of vacant commercial land located within the city-owned business park commonly known as Las Vegas Enterprise Park, generally located at the southwest corner of West Lake Mead Boulevard and North Martin L. King Boulevard (a portion of APN 139-21-313-005 and 009) - Ward 5 (Barlow)

**PLANNING - BUSINESS SERVICES DISCUSSION**

54. Discussion and possible action regarding a Temporary Class III-A Secondhand Dealer License, Anthony J. Rila, Jr., dba Gold & Silver Jewelry Supply, 1300 East Sahara Avenue, Anthony Rila Jr., Owner, 100% - Ward 3 (Reese)

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

55. Bill No. 2011-21 Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2012) Proposed by: Jorge Cervantes, Director of Public Works
56. Bill No. 2011-22 Levies Assessment for Special Improvement District No. 1516 – Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Proposed by: Jorge Cervantes, Director of Public Works
57. Bill No. 2011-23 – Updates the Land Use and Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan to be consistent with the City’s new Unified Development Code. Proposed by: Flinn Fagg, Acting Director of Planning

## **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.

58. Bill No. 2011-24 – Repeals outdated provisions of the Municipal Code relating to radio reception interference and shortwave receivers in vehicles. Proposed by: Bradford R. Jerbic, City Attorney
59. Bill No. 2011-25 – Authorizes building wrap signs within the Downtown Centennial Plan Overlay District, and establishes standards and procedures relating to such signs. Sponsored by: Mayor Oscar B. Goodman

## **CLOSED SESSION**

60. 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**

61. 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**

62. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 125 Sam Jonas Drive in the amount of \$4,209.35 (General Fund) and assess a maximum of \$43,050 in daily civil penalties. PROPERTY OWNER: CHAN KWAI YUNG - Ward 2 (Wolfson)
63. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 832 North 24th Street in the amount of \$6,433.25 (General Fund) and assess a maximum of \$44,550 in daily civil penalties. PROPERTY OWNER: MARABEL ZAVALA - Ward 3 (Reese)
64. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1304 Euclid Avenue in the amount of \$3,985.15 (General Fund) and assess a maximum of \$47,050 in daily civil penalties. PROPERTY OWNER: RICHARD R MEDRAN - Ward 3 (Reese)
65. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1021 F Street in the amount of \$2,251 (General Fund) and assess a maximum of \$46,550 in daily civil penalties. PROPERTY OWNER: MICHAEL P WATSON - Ward 5 (Barlow)
66. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1633 K Street in the amount of \$2,998.50 (General Fund) and assess a maximum of \$45,050 in daily civil penalties. PROPERTY OWNER: VERA JOHNSON - Ward 5 (Barlow)
67. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 674 East Oakey Boulevard in the amount of \$3,002 (General Fund) and assess a maximum of \$37,550 in daily civil penalties. PROPERTY OWNER: DRU A HICKS - Ward 3 (Reese)
68. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at 224 Antelope Way in the amount of \$4,322 (General Fund) and assess a maximum of \$58,050 in daily civil penalties. PROPERTY OWNER: BANK U S NATIONAL ASSN TRS - Ward 1 (Tarkanian)
69. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at Bonanza Road and 13th Street (APN 139-35-111-002) in the amount of \$3,190.50 (General Fund) and assess a maximum of \$29,050 in daily civil penalties. PROPERTY OWNER: 513 N 13 LLC C/O M DEMICH - Ward 5 (Barlow)

- 70. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at Bonanza Road and 13th Street (APN 139-35-111-003) in the amount of \$4,164.50 (General Fund) and assess a maximum of \$31,050 in daily civil penalties. PROPERTY OWNER: 513 N 13 LLC C/O M DEMICH - Ward 5 (Barlow)
- 71. Public Hearing and possible action to consider the report of expenses to recover costs for abatement of nuisance located at Bonanza Road and 13th Street (APN 139-35-111-004) in the amount of \$4,135.75 (General Fund) and assess a maximum of \$34,050 in daily civil penalties. PROPERTY OWNER: 513 N 13 LLC C/O M DEMICH - Ward 5 (Barlow)

**PLANNING**

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 - CONSENT**

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

- 72. EOT-41383 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: LUIS GUTIERREZ - OWNER: WATER SHEET CENTER, LLC - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-32837) FOR A 5,375 SQUARE-FOOT RESTAURANT WITH DRIVE THROUGH AND RETAIL BUILDING on 2.59 acres at 3595 East Bonanza Road (APN 140-31-121-007), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends APPROVAL.

**PLANNING - DISCUSSION**

- 73. EOT-41219 - ABEYANCE ITEM - EXTENSION OF TIME - NON-CONFORMING USE - PUBLIC HEARING - APPLICANT/OWNER: FREMONT PROPERTIES, LLC - Request for an Extension of Time of a Non-Conforming Use for a Tavern at 1930 Fremont Street (APN 139-35-803-005), C-2 (General Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL.
- 74. GPA-40839 - GENERAL PLAN AMENDMENT - PUBLIC HEARING - APPLICANT: DRIVETIME CAR SALES COMPANY, LLC - OWNER: LINDA LEE WARD REVOCABLE LIVING TRUST - Request to amend the General Plan FROM: PF (PUBLIC FACILITIES) TO: GC (GENERAL COMMERCIAL) on 1.8 acres at 2301 McLeod Street (APN 162-01-801-013), Ward 3 (Reese). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
- 75. SUP-41115 - SPECIAL USE PERMIT RELATED TO GPA-40839 - PUBLIC HEARING - APPLICANT: DRIVETIME CAR SALES COMPANY, LLC - OWNER: LINDA LEE WARD REVOCABLE LIVING TRUST - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE, MAJOR use at 2301 McLeod Street (APN 162-01-801-013), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) and Staff recommend APPROVAL.
- 76. SDR-41114 - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-40839 AND SUP-41115 - PUBLIC HEARING - APPLICANT: DRIVETIME CAR SALES COMPANY, LLC - OWNER: LINDA LEE WARD REVOCABLE LIVING TRUST - Request for a Major Amendment to a previously approved Site Development Plan Review (Z-0003-76) FOR A PROPOSED AUTO REPAIR GARAGE, MAJOR WITHIN AN EXISTING 4,800 SQUARE-FOOT BUILDING on 1.8 acres at 2301 McLeod Street (APN 162-01-801-013), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
- 77. ZON-40490 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: MARY BARTSAS 19, LLC - Request for a Rezoning FROM: R-4 (HIGH DENSITY RESIDENTIAL) TO: P-R (PROFESSIONAL OFFICE AND PARKING) on 0.14 acres at 528 East Oakey Boulevard (APN 162-03-311-002), Ward 3 (Reese). The Planning Commission (6-0-1 vote) and Staff recommend APPROVAL.

78. VAR-40491 - VARIANCE RELATED TO ZON-40490 - PUBLIC HEARING - APPLICANT/OWNER: MARY BARTSAS 19, LLC - Request for a Variance TO ALLOW THREE PARKING SPACES WHERE SIX ARE REQUIRED on 0.14 acres at 528 East Oakey Boulevard (APN 162-03-311-002), R-4 (High Density Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.
79. SDR-40492 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-40490 AND VAR-40491 - PUBLIC HEARING - APPLICANT/OWNER: MARY BARTSAS 19, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 1,632 SQUARE-FOOT RESIDENTIAL DUPLEX TO AN OFFICE, OTHER THAN LISTED WITH WAIVERS TO ALLOW NO PERIMETER LANDSCAPE BUFFERS ALONG THE NORTH AND EAST PERIMETERS WHERE 15 FEET IS REQUIRED AND ALONG THE SOUTH AND WEST PERIMETERS WHERE EIGHT FEET IS REQUIRED on 0.14 acres at 528 East Oakey Boulevard (APN 162-03-311-002), R-4 (High Density Residential) Zone [PROPOSED: P-R (Professional Office and Parking)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.
80. ZON-40999 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: WAI CHUN GINN - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 1.44 acres at the southwest corner of Owens Avenue and "N" Street (APNs 139-28-501-002 and 003), Ward 5 (Barlow). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
81. SDR-40998 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-40999 - PUBLIC HEARING - APPLICANT/OWNER: WAI CHUN GINN - Request for a Site Development Plan Review FOR A PARKING LOT WITH WAIVERS TO ALLOW NO PERIMETER LANDSCAPE BUFFER ALONG THE WEST PERIMETER WHERE EIGHT FEET IS REQUIRED AND A FIVE-FOOT PERIMETER LANDSCAPE BUFFER ALONG THE NORTH AND EAST PERIMETERS WHERE FIFTEEN FEET IS REQUIRED on a portion of 0.53 acres at the southwest corner of Owens Avenue and "N" Street (APN 139-28-501-002), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 5 (Barlow). The Planning Commission (7-0 vote) and Staff recommend DENIAL.
82. VAR-40797 - VARIANCE - PUBLIC HEARING - APPLICANT/OWNER: MARGARITA OJEDA - Request for a Variance TO ALLOW A SIX-FOOT CORNER SIDE YARD SETBACK WHERE 15 FEET IS REQUIRED FOR A PROPOSED ACCESSORY STRUCTURE (CLASS II) AND TO ALLOW THREE ACCESSORY STRUCTURES WITH A TOTAL BUILDING AREA OF 1,048 SQUARE FEET WHERE 1,011 SQUARE FEET IS THE MAXIMUM ALLOWED on 0.45 acres at 5313 Patricia Avenue (APN 138-01-710-017), R-E (Residence Estates) Zone, Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.
83. SUP-40837 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: G & N, LLC - OWNER: DARIO PINI - Request for a Special Use Permit FOR A PROPOSED 8,763 SQUARE-FOOT TAVERN-LIMITED ESTABLISHMENT at 707 Fremont Street (APN 139-34-612-005), C-2 (General Commercial) Zone, Ward 5 (Barlow). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
84. SUP-40843 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT/OWNER: THREE BS, INC. - Request for a Special Use Permit FOR A PROPOSED CAR WASH, FULL SERVICE USE at 8601 West Charleston Boulevard (APN 163-05-517-007), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
85. SDR-40836 - SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-40843 - PUBLIC HEARING - APPLICANT/OWNER: THREE BS, INC. - Request for a Site Development Plan Review FOR A PROPOSED 1,000 SQUARE-FOOT CAR WASH, FULL SERVICE FACILITY on 3.72 acres at 8601 West Charleston Boulevard (APN 163-05-517-007), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.
86. SUP-41080 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: CHECK CITY - OWNER: WEINGARTEN NOSTAT, INC. - Request for a Special Use Permit TO ADD A JEWELRY STORE, CLASS III USE TO AN EXISTING FINANCIAL INSTITUTION, SPECIFIED at 6820 West Charleston Boulevard (APN 138-34-814-006), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

87. SDR-41049 - SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - APPLICANT/OWNER: TEN15 CENTENNIAL, LLC - Request for a Major Amendment to an approved Site Development Plan Review (SDR-27051) FOR A PROPOSED 8,775 SQUARE-FOOT AUTO REPAIR GARAGE (MINOR) on 2.14 acres approximately 230 feet north of Deer Springs Way, adjacent to the west side of Durango Drive (APN 125-20-216-004), T-C (Town Center) Zone [GC-TC (General Commercial - Town Center) Special Land Use Designation], Ward 6 (Ross). The Planning Commission (6-0-1 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, 2<sup>nd</sup> 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

AFFP DISTRICT COURT  
Clark County, Nevada

RECEIVED  
CITY CLERK

AFFIDAVIT OF PUBLICATION

2011 MAY 18 A 11:00

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

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 7169552

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/05/2011 to 05/05/2011, on the following days:

05/05/2011

BILL NO. 2011-21

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012) PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada; and that such ordinance was proposed on the 20th of April, 2011, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 18th of May, 2011.

/s/ Beverly K. Bridges  
City Clerk

PUB: May 5, 2011  
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE 5th day of May, 2011.

Emily Gonzalez  
Notary Public



AFFP DISTRICT COURT  
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)  
COUNTY OF CLARK) SS:

Eileen Gallagher, 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 7201584

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 05/21/2011 to 05/21/2011, on the following days:

05/21/2011

BILL NO. 2011-21  
ORDINANCE NO. 6150

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1485 - ALTA DRIVE (LANDSCAPE MAINTENANCE FY2012); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF MAINTAINING STREET BEAUTIFICATION IMPROVEMENTS; ASSESSING THE COST OF MAINTENANCE AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID MAINTENANCE; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on April 20, 2011, and was passed at a regular meeting held on May 18, 2011, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye: Oscar B. Goodman  
Gary Reese  
Steve Wolfson  
Lols Tarkanian  
Steven D. Ross  
Ricki Y. Barlow  
Stavros S. Anthony  
Those Voting Nay: None  
Those Absent: None

This Ordinance shall be in full force and effect from and after May 22, 2011, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only. This 18th of May, 2011.

/s/ OSCAR B. GOODMAN, Mayor  
City of Las Vegas, Nevada  
(SEAL)

Attest: /s/ BEVERLY K. BRIDGES  
City Clerk  
PUB: May 21, 2011  
LV Review-Journal

Signed: Eileen Gallagher

SUBSCRIBED AND SWORN BEFORE ME THIS, THE  
21<sup>st</sup> day of May, 2011.

Emily Gonzalez  
Notary Public

