

BILL NO. 2005-5

ORDINANCE NO. 5749

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1478 – VEGAS DRIVE (RANCHO DRIVE TO I-15); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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. 1478 – Vegas Drive (Rancho Drive to I-15) (hereinafter the "District"), for the purpose of acquiring a Street Project, a Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the 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 a portion of the cost and expense of the 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 improvements of the Project; and

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$13,729,500.00, of which, \$13,552,734.34 is available from other sources and of which \$176,765.66 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 improvements of the Project; and

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

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer (with the assistance of the Engineering Integration Division) 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. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, December 15, 2004, 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 improvements 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 City Engineer (with the assistance of Engineering Integration Division) 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 improvements 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, December 15, 2004, 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 November 17, 2004. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, 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. 1478 Assessment Protest Resolution; and

WHEREAS, by the District No. 1478 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 that portion of the total cost of the 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 Project, in part, with funds derived from the levy of assessments, and the City will pay one-half or more of the costs of the Project with monies derived from other than the levy of special assessment, and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the owners of certain property to be located within the proposed District have requested the City to include as part of the improvements to be constructed within the District, for such property, water and/or sewer improvements and such owners have executed an affidavit of waiver and consent (hereinafter the "Affidavit"), consenting to the construction of such improvements and the assessment of the cost of such improvements on such property.

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. 1478 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. 1478 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. 1478 – Vegas Drive (Rancho Drive to I-15), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction 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 a portion of the costs and expenses of the 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 said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on November 17, 2004, and as modified and confirmed by the District No. 1478 Assessment Protest Resolution duly adopted by the City Council on January 5, 2005.

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, with interest, 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 twenty (20) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued),

the City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, 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. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is 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. 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, with interest thereon, and all penalties 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 semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 43/100 percent (7.43%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. 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 term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. 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. February 6, 2005) 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 and the interest thereon, and any 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 or interest, 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 271.630. 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. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

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. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. 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 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 and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, 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 IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 1478 – VEGAS DRIVE (RANCHO DRIVE TO I-15)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1478 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on February 2, 2005. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1478 – Vegas Drive (Rancho Drive to I-15)," (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 March 8, 2005, 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, with 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 twenty (20) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from February 6, 2005 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for

such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, 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 and accrued interest will, after such delinquency, whether or not the City's option is 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. 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, with the interest thereon and all penalties accrued, and will thereupon be restored 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 semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after March 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 43/100 percent (7.43%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. 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 term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. 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 February 6, 2005 (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 February 2, 2005.

BARBARA JO RONEMUS, 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 and the issuance of the bonds therefor.

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 February 12, 2005, 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. 1478 – VEGAS DRIVE (RANCHO DRIVE TO I-15); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 5th day of January, 2005, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 2nd day of February, 2005.

/s/ Barbara Jo Ronemus
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. 1478 - VEGAS DRIVE (RANCHO DRIVE TO I-15); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 January 5, 2005, and was passed at a regular meeting held on February 2, 2005, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after _____, 2005, 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 _____ day of _____, 2005.

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

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

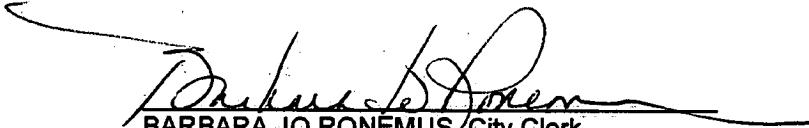
Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced January 5, 2005, PASSED, ADOPTED AND APPROVED February 2, 2005.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to Form:

16 DEC 2004 WZ
Date Deputy City Attorney 

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

I, Barbara Jo Ronemus, 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 January 5, 2005 and finally adopted and approved on February 2, 2005.

2. The following members of the City Council were present at the January 5, 2005 Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

3. The foregoing Ordinance was first proposed and read by title to the City Council on January 5, 2005, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on February 2, 2005, 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 February 2, 2005 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Steve Wolfson
	Lois Tarkanian

Those Voting Nay:	NONE
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Those Absent:	Michael Mack
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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 January 5, and February 2, 2005. 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
2nd Floor Skybridge
Las Vegas, Nevada
- (ii) Court Clerk's Office Bulletin Board
City Hall Plaza
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

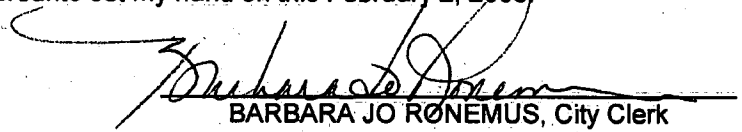
; and

(b) By mailing a copy of the notice 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 January 5, 2005, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on February 2, 2005, is attached to this certificate as Exhibit B.

7. 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 February 2, 2005



BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of January 5, 2005 Meeting)



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1), STEVE WOLFSON (Ward 2)

Facilities are provided throughout City Hall for the 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.

JANUARY 5, 2005

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 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 TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - REVEREND MARY BREDLAU, PALM MORTUARY
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF WARD 5 TOY DRIVE PARTICIPANTS

BUSINESS ITEMS - MORNING

1. 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
2. Approval of the Final Minutes by reference of the regular City Council Meeting of October 20, 2004

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

3. Approval of payment to University of Nevada Las Vegas (UNLV) in the amount of \$150,000 (Video Services Enterprise Fund) for the City's share of matching funds owed for support of an Education Television Station

CITY CLERK - CONSENT

4. Approval of the First Amendment to the Cooperative Agreement for Election Services with Clark County for Election Day Team Leader and Assistant Team Leader Expenses (\$32,000 for the 2005 Election Processes - General Fund) - All Wards

FINANCE & BUSINESS SERVICES - CONSENT

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of a report by the City Treasurer of the December 9, 2004 sale of properties subject to the lien of a delinquent assessment in Special Improvement District 505 and multiple other districts - Wards 3 and 6 (Reese and Mack)
7. Approval to allocate \$200,000 of the City Facilities Capital Projects Fund Balance to the Detention and Enforcement Capital Projects Fund to provide additional funds for renovating the former Southeast Area Command facility (\$200,000 - City Facilities Capital Projects Fund [CPF]) - Ward 3 (Reese)
8. Approval to allocate \$620,000 of the Capital Improvement Plan Bid reserve and award of Bid Number 04.15341.10-LED, Detention Facility Culinary Renovation and construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: COBBLESTONE CONSTRUCTION, (\$2,450,000 - Capital Projects Fund) Ward 3 (Reese)
9. Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Slots Unlimited, Inc., dba Village Shop, Charles R. Hart, Jr., Dir, Pres, Treas, 47.5%, John R. Moorman, Dir, VP, 47.5%, Bennie J. Parker, Dir, EVP, Secy, 5%, To: Zak's Mini Market, Inc., dba Zak's Gas+, 251 North Nellis Boulevard, Thomas F. Schwarz, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
10. Approval of Change of Ownership for a Package License and a new Restricted Gaming License for 7 slots subject to Health Dept. regulations, From: Funston & Funston, Freddie L. Funston, Co-owner, Dorothy D. Funston, Co-owner, To: Funny's 1 Limited Partnership, dba Funny's, 4747 North Rancho Drive, Crotts, Inc., Gen Ptnr, 50%, Jody R. Crotts, Dir, Pres, 50%, Denise O. Crotts, Dir, Secy, Treas, 50%, Funston Gaming Trust, Ltd Ptnr, 50%, Freddie L. Funston, Trustee, Dorothy D. Funston, Trustee - Ward 6 (Mack)
11. Approval of a new Beer/Wine/Cooler On-sale License, Sushimon, Inc., dba Sushimon, 8320 West Sahara Avenue, Suite 180, Masae Akamine, Dir, Pres, Secy, Treas, 100%, Michiyo Akamine, Principal - Ward 1 (Moncrief)
12. Approval of Change of Ownership for a Pawnbroker License, From: Camco, Inc. (Non-operational), Steven A. Mack, COB, CEO, Bryan W. Waters, Pres, COO, Marco A. Herrera, VP, Secy, Steven Mack Revocable Trust, 100%, Steven A. Mack, Trustee, To: Cash America, Inc. of Nevada, dba SuperPawn, 3081 South Valley View Boulevard (Non-operational), Daniel R. Feehan, Dir, CEO, Pres, Cash America International, Inc., 100%, Daniel R. Feehan, Dir, CEO, Pres - Ward 1 (Moncrief)

FINANCE & BUSINESS SERVICES - CONSENT

13. Approval of Change of Ownership for a Tavern License and a new Restricted Gaming License for 15 slots subject to Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: SKRR, LLC, Richard L. Stevens, Mmbr, Mgr, 25%, Richard A. Pollack, Mmbr, Mgr, 25%, Stanley H. Wasserkrug, Mmbr, 25%, Keith K. Lyon, Mmbr, 25%, To: The Fieldhouse Group, LLC, dba Mulligan's Landing, 2851 North Rancho Drive, David M. Winiarczyk, Mmbr, 47%, Duane Forté, Mmbr, 33%, James J. Guanci, Mmbr, 20% - Ward 5 (Weekly)
14. Approval of a new Psychic Art and Science License, Joan Taylor, dba Joan Taylor, 6848 West Charleston Boulevard, Joan A. Taylor, 100% - Ward 1 (Moncrief)
15. Approval of award of Bid No. 05.1730.03-LED, Bonanza Road, Pecos Road and Stewart Avenue Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance and Business Services – Department of Public Works – Award recommended to: LAS VEGAS PAVING, INC. (\$3,571,703 – Sanitation Enterprise Fund) – Ward 3 (Reese).
16. Approval of award of Contract No. 050084 for Program Management Services for the Water Control Pollution Facility's Strategic Information Technology Plan - Department of Public Works - Award recommended to: MWH AMERICAS, INC. (\$2,482,860 - Sanitation Enterprise Fund)
17. Approval of revision to purchase order 215281 for an annual requirements contract for Food Services for Detention and Enforcement Facility, 3300 Stewart Avenue – Department of Detention and Enforcement – Award to: INSTITUTIONAL FOODSERVICE MANAGEMENT (\$750,000 – General Fund) – Ward 3 (Reese)
18. Approval of award of Agreement No. 050191, annual ordering of 3M Pre-empt encoding upgrade equipment - Department of Public Works - Award recommended to: 3M (Estimated annual amount of \$400,000 - General Fund)
19. Approval of the rejection of bid and award of Bid No. 050087-TG, Type VIII R Traffic Signal Cabinets - Department of Public Works - Award recommended to: PHOENIX HIGHWAY PRODUCTS (Estimated annual amount \$400,000 - General Fund)
20. Approval of award of Agreement No. 40389 legal services – Department of Public Works – Award recommended to: STOEL RIVES, LLP (\$300,000 – Sanitation Enterprise Fund)
21. Approval of award of Contract No.040180 for Audio,Visual,Videoconferencing Design and Install - Department of Public Works - Award recommended to: SYSTEM SERVICES, INC. (\$108,300.00 - Sanitation Enterprise Fund)
22. Preapproval of award of Bid No. 04.15341.43-LED, Post Office Soft Demolition to the lowest responsive and responsible bidder and the construction conflicts and contingency reserve set by Finance and Business Services – Department of Public Works – (\$99,000 – Parks and Leisure Activities Special Revenue Fund) – Ward 5 (Weekly)
23. Approval of Modification No. 1 of Letter of Engagement for Legislative and Governmental Relations Consulting Services – Office of the City Manager, Administrative Services – Award recommended to: LIONEL SAWYER & COLLINS (\$90,000 – General Fund)
24. Approval of the award of Bid No. 050167-LED, Circle Park Tire Wall and the construction conflicts and contingency reserve set by Finance and Business Services – Department of Public Works – Award recommended to: CAPRIATI CONSTRUCTION CORPORATION (\$38,400 – Parks and Leisure Activities Capital Projects Fund) – Ward 3 (Reese)
25. Approval of award of Contract No. 050096 for Architectural Survey and Inventory Services – Department of Planning – Award recommended to: DIANA PAINTER (\$38,000 - MultiPurpose Special Revenue Fund) Wards 1, 3 and 5 (Moncrief, Reese and Weekly)
26. Approval of ratification of a purchase order for four (4) Seepex Model BN 15-6LT metering pumps - Department of Public Works - Award recommended to: GOBLE SAMPSON ASSOCIATES, INC. (\$29,944 - Sanitation Enterprise Fund)
27. Approval of issuance of a purchase order for printing services for the Ward 1 Special Election scheduled for January of 2005 - Office of the City Clerk - Award recommended to: NEVADA COLOR LITHO (\$26,000 - General Fund)

FINANCE & BUSINESS SERVICES - CONSENT

28. Approval of ratification of purchase order 216080 for Janitorial Services - Department of Field Operations - Award to: BEST JANITORIAL SERVICES OF NEVADA, INC. (\$500,000 - General Fund)

FIRE & RESCUE - CONSENT

29. Approval of a usage fee schedule recommended increase associated with the Department of Fire Services performing emergency medical services transports - All Wards

HUMAN RESOURCES - CONSENT

30. Approval of payment for a permanent partial disability award - Claim 9606-31 - as required under the workers' compensation statutes (\$31,254 - Workers' Compensation Internal Service Fund)
31. Approval to create one regular full time Clean Water Coalition Deputy Administrator, Contracts & Finance position to be funded by Clean Water Coalition (\$64,000 - Sanitation Enterprise Fund)

LEISURE SERVICES - CONSENT

32. Approval of Memorandum of Understanding between the City of Las Vegas and Whirlygig, Inc., to support production of First Friday in the Arts District (\$19,980 - General Fund) - Ward 1 (Moncrief)
33. Approval of the Las Vegas Arts Commission's expenditure of \$95,000 for fabrication of a public art sculpture for the East Las Vegas Community/Senior Center (\$80,000 - Las Vegas Arts Commission General Fund/\$15,000 - Arts Fund) - Ward 3 (Reese)

NEIGHBORHOOD SERVICES - CONSENT

34. Approval of a reimbursement agreement with United Way of Southern Nevada to reimburse up to \$40,000 of operating expenses (General Fund/Weather Shelter) incurred by the Fertitta Community Assistance Center in service to homeless individuals seeking assistance - Weekly (Ward 5)
35. Approval of a conditional allocation of the estimated \$3,866,221 in FY2005 Federal and State Home Investment Partnership (HOME) funds subject to final HUD approval of the Environmental Review process, pursuant to 24 CFR Part 58 and Low Income Housing Trust Funds (LIHTF) from the Clark County Consortium - All Wards

PUBLIC WORKS - CONSENT

36. Approval of an Encroachment Request from JHR Associates on behalf of Soho Lofts, LLC, owner (southwest corner of Hoover Avenue and Las Vegas Boulevard) - Ward 5 (Weekly)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Las Vegas Valley Water District, owner (southwest corner of El Capitan Way and Azure Way, APN 125-29-201-006, 125-29-201-007 and 125-29-201-014) - County (near Ward 6 - Mack)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Thomas Family Trust, Rick R. Thomas and Kimberly Thomas, Trustees, owners (southeast corner of Rainbow Boulevard and Whispering Sands Drive, APN 125-14-201-001) - County (near Ward 6 - Mack)

PUBLIC WORKS - CONSENT

39. Approval of an Encroachment Request from Coleman-Toll, Limited Partnership, owner (southwest corner of Farm Road and Rainbow Boulevard) - Ward 6 (Mack)
40. Approval of an Encroachment Request from Slater Hanifan Group on behalf of Pardee Homes Nevada, owner (area bound by Tee Pee Lane, Severance Lane, Fort Apache Road and Elkhorn Road) - Ward 6 (Mack)
41. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Catherine Jaramillo, owner (south of Craig Road, east of Kevin Way, APN 138-05-301-051) - County (near Ward 4 - Brown)
42. Approval of a Dedication from the City of Las Vegas, for a portion of the Southeast Quarter of Section 27, Township 20 South, Range 61 East, Mount Diablo Meridian, for dedication of additional rights of way located along Bonanza Road between Biltmore Drive and Las Vegas Boulevard, APN 139-27-803-003; 803-004 - Ward 1 (Moncrief)

RESOLUTIONS - CONSENT

43. R-1-2005 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) (\$176,765.66 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
44. R-2-2005 - Approval of a Resolution of the City Council of the City of Las Vegas, Nevada, Approving a Cooperative Agreement with Clark County, Nevada, the Cities of North Las Vegas and Henderson for the Joint use of Animal Control Records Management Software - Ward 3 (Reese)
45. R-3-2005 - Approval of a Resolution Ratifying the Appointment of Mark R. Vincent as City Treasurer

REAL ESTATE COMMITTEE - CONSENT

46. Approval of an Exclusive Negotiating Agreement with Expertise School of Beauty, LLC, to develop an approximate 8,000 square-foot office building on a site approximately 0.8-acres in the Las Vegas Enterprise Park (a portion of APN 139-21-313-001) - Ward 5 (Weekly)
47. Approval of an Exclusive Negotiating Agreement with the Foundation for an Independent Tomorrow to develop a 12,600 square-foot office building on an approximate 1-acre site in the Las Vegas Enterprise Park (a portion of APN 139-21-313-001) - Ward 5 (Weekly)
48. Approval of a Land Purchase Agreement between the City of Las Vegas (City) and Investment Equity Development (IED) for the sale of approximately 4.58-acres of City owned land located in the vicinity of Cheyenne Avenue and Durango Drive, APNs 138-08-801-006 and -007 for development of an office park (\$2,900,700 revenue less shared closing costs - Golf Course Enterprise Fund) - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

CITY ATTORNEY - DISCUSSION

49. Discussion and possible action on Appeal of Work Card Denial: Jay Timetri Collins, 4536 Soda Ash Avenue, Las Vegas, NV 89110

CITY CLERK - DISCUSSION

50. Discussion and possible action regarding the Proclamation and Order declaring the 2005 City of Las Vegas Municipal Election - All Wards

FINANCE & BUSINESS SERVICES - DISCUSSION

51. Discussion and possible action on a policy to manage the Capital Improvement Plan (CIP) Bid Reserve Fund
52. ABEYANCE ITEM - Discussion and possible action regarding a new Nonprofit Club General License, Mesquite Club, Inc., dba Mesquite Club, 702 East St. Louis Avenue, Phyllis V. Noblitt, Pres - Ward 3 (Reese)
53. Discussion and possible action regarding Temporary Approval of New Licenses and Key Employees for a Package License subject to the provisions of the fire codes and Health Dept. regulations, Wal-Mart Stores, Inc., dba Wal-Mart Neighborhood Market 5258, 5850 West Craig Road, Wal-Mart Neighborhood Market 5259, 6151 West Lake Mead Boulevard, H. Lee Scott, Jr., Dir, Pres, CEO, David L. Bullington, VP, Rick W. Brazile, VP, Thomas D. Hyde, EVP, Secy, Joseph J. Fitzsimmons, SVP, Treas, Miklos J. Peña, Store Mgr, 5258, Matthew S. Pinal, Store Mgr, 5259 - Ward 6 (Mack)
54. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name and Approval of Key Employee for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Roadhouse Operating Company II, LLC, dba Roadhouse Grill Restaurant II (Non-operational), Roadhouse West, Gen Ptnr, Mmbr, 99%, Roadhouse West, Inc., Managing Ptnr, 40%, Charles Bell, Dir, Pres, 25%, Brian K. Zeller, Dir, Secy, Treas, 25%, Roadhouse Investors, LLC, Ptnr, 60%, One Percent, Inc., Mgr, Mmbr, 1%, Charles L. Bell, Pres, Brian K. Zeller, Dir, Secy, Treas, To: Kahuna Grill Lake Mead, LLC, dba Kahuna Grill, 7341 West Lake Mead Boulevard, David Z. Tuttleman, Mgr, Mmbr, 100%, Paul S. Clunan, Gen Mgr (NOTE: Item to be heard in the afternoon session in conjunction with Item #89 - SUP-5422) - Ward 4 (Brown)

BOARDS & COMMISSIONS - DISCUSSION

55. PARK & RECREATION ADVISORY COMMISSION - Brent Blackburn, Term Expiration 1-6-2005
56. SENIOR CITIZENS ADVISORY BOARD - Al Gallego - Term Expires 6/2007 (Resigned)

REAL ESTATE COMMITTEE - DISCUSSION

57. ABEYANCE ITEM - Discussion and possible action regarding an Exclusive Negotiating Agreement between City Parkway V and Related Companies for the Union Park property bounded by Grand Central Parkway, Bonneville Avenue and the UPRR Rail line, APN 139-34-110-003 - Ward 5 (Weekly)

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

58. Bill No. 2004-76 - Updates the membership of the Design Review Committee for the Downtown Entertainment Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
59. Bill No. 2004-78 - Clarifies the procedures and standards that apply to the installation of speed humps on residential streets. Proposed by: Richard D. Goecke, Director of Public Works
60. Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

61. Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement

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.

62. Bill No. 2004-77 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilwoman Janet Moncrief
63. Bill No. 2004-82 - Expands the boundaries of the Live/Work Overlay District to include the East Fremont District, as identified in the Downtown Centennial Plan. Proposed by: Robert S. Genzer, Director of Planning and Development
64. Bill No. 2004-83 - Prohibits motorized vehicles on equestrian trails, multi-use trails, and other trails not intended for motorized vehicles. Sponsored by: Councilman Michael Mack

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.

65. Bill No. 2005-1 - Annexation No. ANX-5329 - Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly
66. Bill No. 2005-2 - Eliminates the term limits applicable to voting members of the Historic Preservation Commission. Sponsored by: Mayor Oscar B. Goodman
67. Bill No. 2005-3 - Modifies the disclosure requirements for merchants who sell motorized skateboards or motorized scooters, and requires merchants to make certain disclosures in connection with the sale of mini-motorcycles. Sponsored by: Councilman Michael Mack
68. Bill No. 2005-4 - Repeals the Municipal Code provision that requires persons who hold certain City offices to submit a resignation before filing for election to another City office. Proposed by: Bradford R. Jerbic, City Attorney
69. Bill No. 2005-5 - Levies Assessment for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

70. 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

71. Public hearing to consider the report of expenses to recover costs for abatement of dangerous buildings located at 4820 Alpine Place (APNs 138-36-811-001 through 138-36-811-034 - All Units). PROPERTY OWNER: MOGEN HOLDINGS CO LLC - Ward 1 (Moncrief)
72. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 2916 Armin Avenue. PROPERTY OWNER: YVES VITAL - Ward 3 (Reese)
73. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 617 W. Adams Avenue. PROPERTY OWNER: JOYCE STEWART - Ward 5 (Weekly)

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.

74. EOT-5631 - APPLICANT: TANEY ENGINEERING - OWNER: LEWIS CENTER PARKING, LIMITED LIABILITY COMPANY - Request for an Extension of Time on an approved Site Development Plan Review (SDR-1298) FOR A PROPOSED EIGHT LEVEL PARKING GARAGE WITH GROUND LEVEL RETAIL (17,959 Square Feet) on 0.56 acres adjacent to the northeast corner of Lewis Avenue and Casino Center Boulevard (APN 139-34-201-020), C-2 (General Commercial), Ward 1 (Moncrief). Staff recommends APPROVAL
75. EOT-5743 - APPLICANT: EN ENGINEERING, INC. - OWNER: WAL-MART STORES, INC. - Request for an Extension of Time for an approved Special Use Permit (U-0071-02) which ALLOWED PACKAGED LIQUOR SALES FOR OFF-PREMISES CONSUMPTION IN CONJUNCTION WITH A PROPOSED NEIGHBORHOOD MARKET located adjacent to the northeast corner of Craig Road and Jones Boulevard (APN 138-01-219-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends APPROVAL
76. EOT-5744 - APPLICANT: EN ENGINEERING, INC. - OWNER: WAL-MART STORES, INC. - Request for an Extension of Time for an approved Special Use Permit (U-0128-02) which ALLOWED PACKAGED LIQUOR SALES FOR OFF-PREMISES CONSUMPTION IN CONJUNCTION WITH A PROPOSED WAL-MART NEIGHBORHOOD MARKET adjacent to the southwest corner of Lake Mead Boulevard and Jones Boulevard (APN 138-23-719-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

77. DIR-5543 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Adopt the Northwest Open Space Plan as an Element of the Master Plan 2020 for property generally located north of Cheyenne Avenue, west of Decatur Boulevard, and east of Puli Drive, Ward 4 (Brown) and Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL. [Heading should state: "Request to accept (not adopt) the Northwest Open Space Plan for property generally located ... (proposed plan is not an Element of the Master Plan 2020)]

PLANNING & DEVELOPMENT - DISCUSSION

78. SDR-5493 - PUBLIC HEARING - APPLICANT: COLERAINE CAPITAL GROUP, INC - OWNER: BOULDERS APARTMENTS, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 388 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 21.30 acres at 3450 North Hualapai Way (APN 138-07-301-002,-008,-009, and 138-07-401-002), PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
79. SDR-5452 - PUBLIC HEARING - APPLICANT: PRO REALTY PARTNERS, LLC - OWNER: E & F HORIZONS ASSOCIATES, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 408 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 20.20 acres at 8600 West Charleston Boulevard (APN 138-32-801-001), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
80. WVR-5487 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: THE KUSHROW ROOHANI FAMILY TRUST - Request for a Waiver of Title 18.12.510 AND SECTION D.2.A.6 OF THE TOWN CENTER DEVELOPMENT STANDARDS TO ALLOW AN EIGHT-FOOT RETAINING WALL WHERE SIX FEET IS THE MAXIMUM ALLOWED on 15 acres along the south side of Elkhorn Road, between Campbell Road and Durango Drive (APN 125-20-101-007, 015, and 016), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
81. VAC-5408 - PUBLIC HEARING - APPLICANT/OWNER: SHADOW HILLS PLAZA, LLC - Petition to Vacate a Drainage Easement generally located between Cheyenne Avenue and Buckskin Avenue, west of Shady Timber Street, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
82. VAC-5464 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Petition to Vacate a portion of Maggie Avenue generally located east of Maverick Street, Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
83. VAC-5477 - PUBLIC HEARING - APPLICANT: CW GROUP - OWNER: FORT APACHE/CHEYENNE HOLDINGS LLC - Petition to Vacate U.S. Government Patent Easements generally located west of Fort Apache Road and north of Cheyenne Avenue, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
84. VAR-5227 - PUBLIC HEARING - APPLICANT/OWNER: COKE AND MAGGIE LLC - Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW A 25-FOOT FRONT YARD SETBACK WHERE 30 FEET IS REQUIRED AND TO ALLOW A 25-FOOT REAR YARD SETBACK WHERE 35 FEET IS REQUIRED on 10.25 acres adjacent to the northeast corner of Maggie Avenue and Coke Street (APN 125-09-501-003), U (Undeveloped) Zone [RE (Rural Estates) General Plan Designation], Ward 6 (Mack). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
85. VAR-5483 - PUBLIC HEARING - APPLICANT: H.E.L.P. DEVELOPMENT CORP. - OWNER: CITY OF LAS VEGAS - Request for a Variance TO ALLOW 50 PARKING SPACES WHERE 107 PARKING SPACES ARE REQUIRED FOR A PROPOSED 75-UNIT SINGLE ROOM OCCUPANCY HOUSING COMPLEX on 4.84 acres approximately 500 feet south of the intersection of Owens Avenue and Main Street (APN 139-27-502-015), C-V (Civic District) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
86. SDR-5481 - PUBLIC HEARING - APPLICANT: H.E.L.P. DEVELOPMENT CORP. - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A 75-UNIT SINGLE ROOM OCCUPANCY HOUSING COMPLEX on 4.84 acres approximately 500 feet south of the intersection of Owens Avenue and Main Street (APN 139-27-502-015), C-V (Civic District) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
87. VAR-5484 - PUBLIC HEARING - APPLICANT: TETRA TECH, INC.- OWNER: SPINNAKER HOMES V, LLC - Request for a Variance TO ALLOW A PROPOSED 17-FOOT FRONT SET BACK WHERE 18 FEET IS REQUIRED for a proposed single-family dwelling on Lot 24 of the Spinnaker at Town Center I Unit 4 Subdivision located approximately at the southeast corner of Dorrell Lane and Fort Apache Road (APN 125-20-201-009, 010, and 029), U (Undeveloped) [TC (Town Center) General Plan Designation] Under Resolution of Intent to T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

88. RQR-5630 - PUBLIC HEARING - APPLICANT: NEISSAN KOROGHLI - OWNER: FREMONT PLACE, LIMITED LIABILITY COMPANY - Required Six Month Review of an Approved Special Use Permit (U-0106-02) WHICH ALLOWED A LIQUOR ESTABLISHMENT (OFF-PREMISES CONSUMPTION) IN CONJUNCTION WITH AN EXISTING CONVENIENCE STORE/ DELICATESSEN at 228 Las Vegas Boulevard North (APN 139-34-511-001, 002 and 003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL
89. SUP-5422 - PUBLIC HEARING - APPLICANT: KAHUNA GRILL LAKE MEAD, LLC - OWNER: AMERICAN PACIFIC CAPITAL PAVILION COMPANY, LLC - Request for a Special Use Permit and a Waiver from the 400 foot distance separation requirement for a City Park FOR A SUPPER CLUB at 7341 West Lake Mead Boulevard (APN 138-22-317-003), C-1 (Limited Commercial) Zone, Ward 4 (Brown). (NOTE: This Item to be heard in conjunction with Morning Session Item #54) The Planning Commission (7-0 vote) and staff recommend APPROVAL
90. SUP-5423 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A CONVENIENCE STORE (WITH FUEL PUMPS) adjacent to the northeast corner of Durango Drive and Oso Blanca Road (APN 125-17-701-001), T-C (Town Center) Zone, [SC-TC (Service Commercial) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
91. SUP-5424 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A CAR WASH (AUTOMATIC) adjacent to the northeast corner of Durango Drive and Oso Blanca Road (APN 125-17-701-001), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
92. SUP-5425 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE SALES / LIQUOR STORE adjacent to the northeast corner of Durango Drive and Oso Blanca Road (APN 125-17-701-001), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
93. SUP-5426 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR AN AUTO REPAIR GARAGE (MINOR) adjacent to the northeast corner of Durango Drive and Oso Blanca Road (APN 125-17-701-001), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
94. SUP-5427 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A RESTAURANT (WITH DRIVE-THRU) adjacent to the southwest of the corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
95. SUP-5428 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A RESTAURANT (WITH DRIVE-THRU) adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
96. SUP-5429 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A RESTAURANT (WITH DRIVE-THRU) adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
97. SUP-5430 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A RESTAURANT (WITH DRIVE-THRU) adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
98. SUP-5431 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

99. SUP-5432 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
100. SUP-5433 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
101. SUP-5434 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR SUPPER CLUB adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
102. SUP-5435 - PUBLIC HEARING - APPLICANT/OWNER: NORTHWEST 95, LLC - Request for a Special Use Permit FOR SUPPER CLUB adjacent to the southwest corner of Farm Road and Oso Blanca Road (APN 125-17-301-003), T-C (Town Center) Zone, [SC-TC (Service Commercial - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
103. SUP-5457 - PUBLIC HEARING - APPLICANT: LPN ARCHITECT - OWNER: BRE/ESA PROPERTIES, LLC - Request for a Special Use Permit FOR A 120-UNIT RESIDENCE HOTEL at 2000 Paradise Road (APN 162-03-411-012), R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL
104. VAR-5458 - PUBLIC HEARING - APPLICANT: LPN ARCHITECT - OWNER: BRE/ESA PROPERTIES, LLC - Request for a Variance TO ALLOW 107 PARKING SPACES WHERE 120 SPACES ARE REQUIRED FOR A PROPOSED 120-UNIT RESIDENCE HOTEL on 1.63 acres at 2000 Paradise Road (APN 162-03-411-012), R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL
105. SDR-5456 - PUBLIC HEARING - APPLICANT: LPN ARCHITECT - OWNER: BRE/ESA PROPERTIES, LLC - Request for a Site Development Plan Review and Waivers of landscaping standards FOR A 120-UNIT RESIDENCE HOTEL on 1.63 acres at 2000 Paradise Road (APN 162-03-411-012), R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL
106. ZON-5488 - PUBLIC HEARING - APPLICANT: ALL INVESTMENTS, LLC - OWNER: LAWRENCE E. LERMUSIAUX FAMILY TRUST - Request for a Rezoning FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: PD (Planned Development) on 5.00 acres adjacent to the northeast corner of Farm Road and Jensen Street (APN 125-18-201-008), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
107. WVR-5603 - PUBLIC HEARING - APPLICANT: ALL INVESTMENTS, LLC - OWNER: LAWRENCE E. LERMUSIAUX FAMILY TRUST - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 180 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the northeast corner of Farm Road and Jensen Street (APN 125-18-201-008), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
108. SDR-5490 - PUBLIC HEARING - APPLICANT: ALL INVESTMENTS, LLC - OWNER: LAWRENCE E. LERMUSIAUX FAMILY TRUST - Request for a Site Development Plan Review FOR A 21-LOT SINGLE-FAMILY DEVELOPMENT on 5.00 acres (4.2 units per acre) adjacent to the northeast corner of Farm Road and Jensen Street (APN 125-18-201-008), U (Undeveloped) [PCD (Planned Community Development) General Plan Designation], [PROPOSED: PD (Planned Development)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

109. GPA-2993 - RESCIND PREVIOUS ACTION - PUBLIC HEARING - MOLASKY COMPANIES ON BEHALF OF WILLIAM L. CULLINGS AND THE SCHNEIDER FAMILY TRUST - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL) TO: O (OFFICE) on 4.26 acres adjacent to the northeast and southeast corners of Buffalo Drive and Del Rey Avenue (APN 163-03-101-002 and 003), Ward 1 (Moncrief). (NOTE: This application is for the two lots on the northeast corner only.) Staff recommends APPROVAL
110. DIR-5728 - PUBLIC HEARING - Discussion and possible action to consider whether the application for GPA-2993, as supplemented by the applicant, complies with either LVMC Section 19.18.030(C)(3)(a) or LVMC Section 19.18.030(C)(5) and other matters related thereto. Staff recommends APPROVAL
111. GPA-2993 - REHEAR - PUBLIC HEARING - MOLASKY COMPANIES ON BEHALF OF WILLIAM L. CULLINGS AND THE SCHNEIDER FAMILY TRUST - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: DR (DESERT RURAL) TO: O (OFFICE) on 4.26 acres adjacent to the northeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-101-002 and 003), Ward 1 (Moncrief). The Planning Commission (3-1-2 vote on a motion for approval) failed to obtain a super majority vote, which is tantamount to DENIAL. Staff recommends APPROVAL

SET DATE

112. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

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

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

EXHIBIT B

(Attach Copy of Notice of February 2, 2005 Meeting)



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1), STEVE WOLFSON (Ward 2)

Facilities are provided throughout City Hall for the 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.

FEBRUARY 2, 2005

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 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 TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - REVEREND LINDA L. KELLY, ASSOCIATE PASTOR AT MOUNTAIN VIEW PRESBYTERIAN CHURCH
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER
- RECOGNITION OF BLACK HISTORY MONTH

BUSINESS ITEMS - MORNING

1. 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
2. Approval of the Final Minutes by reference of the regular City Council Meeting of November 17, 2004 and the Special City Council Meeting of April 20, 2004

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.

FINANCE & BUSINESS SERVICES - CONSENT

3. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
4. Approval of renewal of the City's required letter of credit in the amount of \$10,507,107 for workers compensation claims and related commission fee of \$52,199.89 - Workers Compensation Internal Service Fund (ISF)
5. Approval of a Special Event License for Jesus Vargas / Susana Gonzalez, Location: East Las Vegas Community Center, 250 North Eastern Avenue, Date: February 12, 2005, Type: Special Event Beer/Wine, Event: Wedding Reception, Responsible Person in Charge: Eddie R. Ybarra - Ward 3 (Reese)
6. Approval of Change of Ownership and Business Name for a Tavern License subject to Health Dept. regulations, From: Omar, Inc., dba Scoreboard Lounge, Akram A. El-Khechen, Dir, Pres, Secy, Treas, 100%, To: SJ Ventures, LLC, dba Vic's, 2400 South Jones Boulevard, Suite 6, Victor G. Hill, Mgr, Mmbr, 100% - Ward 1 (Moncrief)
7. Approval of Change of Ownership for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, Kopper Keg North, Inc., dba Kopper Keg North, 8725 West Deer Springs Way, Gary R. Zornes, Pres, 40%, Jon T. Dulaney, Dir, Secy, Treas, Joanne L. K. Zornes, 25%, Jon T. Dulaney Gaming Trust, 35%, Jon T. Dulaney, Trustee - Ward 6 (Mack)
8. Approval of Change of Ownership for a Tavern License and a new Restricted Gaming License for 15 slots subject to Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Jonathan's, Inc., Peter J. Mandas, Dir, Pres, Peter M. Mandas, Secy, Treas, Peter J. Mandas Trust, 100%, Peter J. Mandas, Co-Trustee, Peter M. Mandas, Co-Trustee, Linda L. Mandas, Co-Trustee, To: S & S Sports, LLC, dba Hammerhead's Bar & Grill, 5310 West Sahara Avenue, Suite D, Sharon E. Bremer, Mmbr, Mgr, 100% - Ward 1 (Moncrief)
9. Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Nellis & Washington, LLC, dba Express Mart, Bernie A. Chippoletti and Beverly Ann Chippoletti Family Trust, Mmbr, 50%, Bernie A. Chippoletti, Co-Trustee, Beneficiary and Beverly A. Chippoletti, Co-Trustee, Beneficiary, 100% jointly as husband and wife, Schnippel Family Trust, Mmbr, 50%, Mark A. Schnippel, Co-Trustee, Beneficiary and Jacqueline R. Schnippel, Co-Trustee, Beneficiary, 100% jointly as husband and wife, To: Retail Management Services, Inc., dba Express Mart, 5075 East Washington Avenue, Harsh S. Sidhu, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
10. Approval of a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, The Slanted Clam, LLC, dba The Slanted Clam, 3713 West Sahara Avenue, Let's Eat Gaming Group, Inc., Mmbr, 50%, Mark J. DiMartino, Dir, Pres, Secy, Treas, 100%, Amy O, LLC, Mmbr, 50%, Barry J. Fieldman, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, Golden Route Operations, LLC, db at Zingers, 1000 East Sahara Avenue, 105 - Ward 3 (Reese)
12. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Vic's, 2400 South Jones Boulevard, Suite 6 - Ward 1 (Moncrief)

FINANCE & BUSINESS SERVICES - CONSENT

13. Approval to Participate in Revenue for a Restricted Gaming License for 6 slots subject to approval by the Nevada Gaming Commission, United Coin Machine Co., db at 7-Eleven Food Store 22416F, 901 North Rancho Drive, Jatinder K. Singh, Franchise Mgr, Participant in Gaming Revenue, Veena Singh, Franchise Mgr, Participant in Gaming Revenue - Ward 5 (Weekly)
14. Approval of Indirect Transfer of Control of Franchise Agreement for Ambulance Services with Mercy, Inc. ("Mercy"), a Nevada corporation, dba American Medical Response - All Wards
15. Approval of Use Agreement No. 050522 authorizing use of the State of Nevada Contract Number 6849, Vehicle Fleet Pricing Agreement - Department of Field Operations - Award to: CHAMPION CHEVROLET - (Estimated Annual Amount of \$1,900,000 - Automotive Services Internal Service Fund)
16. Approval of Use Agreement No. 050524 authorizing use of the State of Nevada Contract Number 6850, Police Vehicle Pricing Agreement - Department of Field Operations - Award to: DELONG FORD MERCURY - (Estimated Annual Amount of \$272,760 - Automotive Services Internal Service Fund)
17. Approval of Use Agreement No. 050523 authorizing use of the State of Nevada Contract Number 6848, Alternative Fuel Vehicle Pricing Agreements - Department of Field Operations - Award to: DESERT HONDA OF LAS VEGAS - (Estimated Annual Amount of \$212,650 - Automotive Services Internal Service Fund)
18. Approval of issuance of Purchase Order for software upgrade to leased CS7100 Mainframe Computer - Department of Information Technologies - Award recommended to: UNISYS CORPORATION (\$205,847 - Computer Services Internal Service Fund)
19. Approval of award of Modification No. 2 to Master Software Agreement No. 040013 for RedDot Software Professional Services - Department of Information Technologies - Award recommended to REDDOT SOLUTIONS CORPORATION - (\$50,000 - Computer Services Internal Service Fund)
20. Approval of Use Agreement No. 050526 authorizing use of the State of Nevada Request for Proposal Number 04-04 for Long Distance Telephone Service - Department of Information Technologies - Award recommended to: SPRINT COMMUNICATIONS, COMPANY, L.P. - (Estimated Annual Amount of \$30,000 - Communications Internal Service Fund)
21. Approval of authorization to use the Western States Contracting Alliance Master Price Agreement #A63307 for Dell Computers and Servers - Department of Information Technologies - Award recommended to: DELL MARKETING L.P. - (Estimated Annual Amount of \$2,500,000 - Computer Services Internal Service Fund)

FIRE & RESCUE - CONSENT

22. Approval of a license agreement between Centerline Holdings, LLC (Station Casinos) and the City of Las Vegas for Las Vegas Fire & Rescue to conduct high-angle technical rope rescue training at the old Castaways Hotel and Casino property located at 2800 East Fremont Street - Ward 3 (Reese)

HUMAN RESOURCES - CONSENT

23. Approval to create one regular full time Redevelopment Officer position in the Office of Business Development Department to expedite new development and business expansion projects (\$113,200 - Redevelopment Agency Special Revenue Fund) - All Wards
24. Approval to create one regular full time Legal Technician II position for the office of the City Attorney (\$61,000 - General Fund) - All Wards

NEIGHBORHOOD SERVICES - CONSENT

25. Approval to reprogram \$87,542 in Home Investment Partnership and/or Low Income Housing Trust Funds (HOME/LIHTF) from various sources to the Affordable Housing Resource Council to support development of an assisted living facility to serve low income seniors to be located at 8220 Silver Sky Drive for an aggregate total of \$1,087,542 - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - CONSENT

26. Approval of a Grant from the State Historic Preservation Office (SHPO) in the amount of \$40,000 (Multi-Purpose Special Revenue Fund) for projects as identified in the Historic Preservation Funding Agreement

PUBLIC WORKS - CONSENT

27. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 32, Township 19 South, Range 60 East, Mount Diablo Meridian, for sewer purposes generally located on the south side of La Madre Avenue, between Riley Street and Bonita Vista Street, APN 125-32-803-001 - County (near Ward 6 - Mack)
28. Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Richmond American Homes of Nevada, Incorporated, owner (Dorrell Lane between Durango Drive and Campbell Road) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Lochsa Engineering on behalf of Streamline Tower, LLC, owner (southeast corner of Las Vegas Boulevard and Ogden Avenue) - Ward 5 (Weekly)
30. Approval of an Encroachment Request from Las Vegas Development Company, LLC, on behalf of Cardan Lindell North, LLC, owner (northwest corner of Sahara Avenue and Lindell Road) - Ward 1 (Moncrief)
31. Approval of an Engineering Design Services Agreement with PBS&J for design of Rancho Road System-El Campo Grande Storm Drain (\$227,136 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Mack)
32. Approval of Contract Modification #1 with Frehner Construction for additional work necessary to complete the Durango Drive Improvements - Westcliff to Vegas Drive project (\$158,165.17 - Cox Communications) - Wards 2 and 4 (Wolfson and Brown)

RESOLUTIONS - CONSENT

33. R-6-2005 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-first Assessment Lien Apportionment Report for Special Improvement District No. 505 - Elkhorn Springs Area (Levy Assessments) - Ward 6 (Mack)
34. R-7-2005 - Approval of a Resolution approving the Twenty-first Assessment Lien Apportionment Report for Special Improvement District No. 505 - Elkhorn Springs Area (Levy Assessments) - Ward 6 (Mack)
35. R-8-2005 - Approval of a Resolution directing the City Treasurer to prepare the First Assessment Lien Apportionment Report for Special Improvement District No. 1481 - El Capitan Way (Centennial Parkway to US-95) (Levy Assessments) - Ward 6 (Mack)
36. R-9-2005 - Approval of a Resolution approving the First Assessment Lien Apportionment Report for Special Improvement District No. 1481 - El Capitan Way (Centennial Parkway to US-95) (Levy Assessments) - Ward 6 (Mack)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

37. Discussion and possible action of the Second Amended and Restated Memorandum of Understanding between the City of Las Vegas, City Parkway V and the Las Vegas Performing Arts Center Foundation for the development of a performing arts center at Union Park - Ward 5 (Weekly)
38. Report and possible action on the 2005 Federal Action Plan

CITY ATTORNEY - DISCUSSION

39. Discussion and possible action on Appeal of Work Card Denial: Tiffany Avice Johnson-Rorie, P.O. Box 669, Las Vegas, Nevada 89125
40. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Joan Leslie Davis, LVCCC, 2901 Industrial Road, Las Vegas, NV 89109
41. Discussion and possible action on Appeal of Work Card Denial: Maria De Jesus Ozuna, 2209 Jones Boulevard, Apt. 4, Las Vegas, Nevada 89108
42. Discussion and possible action on Appeal of Work Card Denial: Laurnel C. Crocker, 2817 W. Sahara, Apt. #2, Las Vegas, Nevada 89102

FINANCE & BUSINESS SERVICES - DISCUSSION

43. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Massage Establishment License subject to the provisions of the planning and fire codes and Health Dept. regulations, G2E Health Systems, Inc., dba G2E Health Systems, Inc., 1181 South Buffalo Drive, Suite 140, Anthony K. Chadwell, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)
44. Discussion and possible action regarding Temporary Approval of a new Massage Establishment License subject to the provisions of the planning codes, R & R Fitness Centers, LLC, dba Tone Zone, 3211 North Tenaya Way, Suite 110, Rick W. Hallgren, Mgr, Mmbr, 50%, Virginia C. Knudson, Mgr, Mmbr, 50% - Ward 4 (Brown)
45. Discussion and possible action regarding a Six Month Review of a Beer/Wine Cooler On-sale License, LivingTheDream, Inc., dba Aurelio's, 7660 West Cheyenne Avenue, Suite 122, David L. Jones, Dir, Pres, 10%, Lisa M. Jones, Treas, 85% - Ward 4 (Brown)
46. Discussion and possible action regarding a Six Month Review of a Massage Establishment License, Shear Indulgence, Inc., dba Shear Indulgence Salon and Day Spa, 5000 West Oakey Boulevard, Suites B3 and B4, Darci S. O'Brien, Pres, 50%, Darla S. O'Brien, Dir, Secy, Treas, 50%, Bruno J. Humasti, Lender - Ward 1 (Moncrief)

RESOLUTIONS - DISCUSSION

47. R-10-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Ownership Participation Agreement (OPA) between the Redevelopment Agency and Main Street Studios, LLC, located at 1421 South Main Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 1 (Moncrief) [NOTE: This item is related to Redevelopment Agency Item 2 (RA-1-2005) and to Redevelopment Agency Item 3]

RESOLUTIONS - DISCUSSION

48. R-11-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Ownership Participation Agreement (OPA) between the Redevelopment Agency and Fourth Street Place, LLC, located at 720 South Fourth Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 1 (Moncrief) [NOTE: This item is related to Redevelopment Agency Item 4 (RA-2-2005) and to Redevelopment Agency Item 5]
49. R-12-2005 - Discussion and possible action on a resolution to augment and amend the City of Las Vegas Fiscal Year 2005 General Fund Budget in an amount not to exceed \$8,200,000

BOARDS & COMMISSIONS - DISCUSSION

50. SENIOR CITIZEN LAW PROJECT ADVISORY BOARD - Pam Dalinis, Term Expiration 12-19-2006 (Moved Out of State); Mary Jo Greenlee, Term Expiration 1-17-2005 (No longer works for a Senior Organization)
51. ABEYANCE ITEM - SENIOR CITIZENS ADVISORY BOARD - Al Gallego - Term Expires 6/2007 (Resigned)

REAL ESTATE COMMITTEE - DISCUSSION

52. Discussion and possible action on the Floyd Lamb State Park Transfer Agreement with the Nevada Division of Lands regarding the transfer of Floyd Lamb State Park, located south of Moccasin Road and north of Grand Teton, to the City of Las Vegas (\$1,300,000 - General Fund) - Ward 6 (Mack)

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

53. Bill No. 2005-1 - Annexation No. ANX-5329 - Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly
54. Bill No. 2005-2 - Eliminates the term limits applicable to voting members of the Historic Preservation Commission. Sponsored by: Mayor Oscar B. Goodman
55. Bill No. 2005-3 - Modifies the disclosure requirements for merchants who sell motorized skateboards or motorized scooters, and requires merchants to make certain disclosures in connection with the sale of mini-motorcycles. Sponsored by: Councilman Michael Mack
56. Bill No. 2005-5 - Levies Assessment for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) Sponsored by: Step Requirement

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.

57. Bill No. 2005-6 - Annexation No. ANX-5100 - Property location: On the east side of U. S. 95, south of Lone Mountain Road; Petitioned by: R. Paramahansa Trust, et al.; Acreage: 12.66 acres; Zoned: R-E (County zoning), U (O) and R-E (City equivalents). Sponsored by: Councilman Michael Mack

RECOMMENDING COMMITTEE REPORT - DISCUSSION

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. 2005-7 - Annexation No. ANX-5514 - Property location: On the northeast corner of Alexander Road and Grand Canyon Drive; Petitioned by: Maple Development, LLC, et al.; Acreage: 4.96 acres; Zoned: R-E (County zoning), U (RNP) and U (R) (City equivalents). Sponsored by: Councilman Larry Brown

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.

59. Bill No. 2005-8 - Annexation No. ANX-5586 - Property location: On the northeast corner of Ann Road and Balsam Street; Petitioned by: Regal Village, LLC; Acreage: 6.85 acres; Zoned: R-E (ROI to C-1) (County zoning), U (R) (ROI to C-1) (City equivalent). Sponsored by: Councilman Michael Mack

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

60. 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

61. ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply regarding 5604 Emperor Way. PROPERTY OWNERS: BLUE WILLOW INTERESTS LLC - Ward 6 (Mack)
62. Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 1832 Lewis Avenue. PROPERTY OWNER: SAMUEL TAN - Ward 3 (Reese)
63. Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 1836 Lewis Avenue. PROPERTY OWNER: ASSURED INVESTORS, INC - Ward 3 (Reese)
64. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1321 S. Main Street. PROPERTY OWNER: RAQUEL MOLINA - Ward 1 (Moncrief)
65. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 608 Jackson Avenue. PROPERTY OWNER: UPTOWN DEVELOPMENT LLC, C/O TRADE CAPITAL CO - Ward 5 (Weekly)
66. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 620 Jackson Avenue. PROPERTY OWNER: UPTOWN DEVELOPMENT II LLC, C/O TRADE CAPITAL CO - Ward 5 (Weekly)
67. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 213 Harrison Avenue. PROPERTY OWNER: ROSIE LEE HALES - Ward 5 (Weekly)

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.

68. EOT-5844 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: NELLIS LAND COMPANY - Request for an Extension of Time of an approved Site Development Plan Review [Z-0041-02(1)] FOR A PROPOSED 9-LOT SINGLE-FAMILY DEVELOPMENT on 4.40 acres adjacent to the south side of Harris Avenue, east of the Marion Drive alignment (APN 140-29-801-001), R-PD2 (Residential Planned Development - 2 Units per Acre) Zone, Ward 3 (Reese). Staff recommends APPROVAL
69. EOT-5847 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: NELLIS LAND COMPANY - Request for an Extension of Time of an approved Rezoning (Z-0054-02) FROM: R-E (Residence Estates) TO: R-PD5 (Residential Planned Development - 5 Units per Acre) on 7.65 acres adjacent to the northeast corner of Bonanza Road and Marion Drive (APN 140-29-801-004), Ward 3 (Reese). Staff recommends APPROVAL
70. EOT-5848 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: NELLIS LAND COMPANY - Request for an Extension of Time of an approved Site Development Plan Review [Z-0054-02(1)] FOR A PROPOSED 37-LOT SINGLE-FAMILY DEVELOPMENT on 7.65 acres adjacent to the northeast corner of Bonanza Road and Marion Drive (APN 140-29-801-004), R-E (Residence Estates) Zone under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units per Acre), Ward 3 (Reese). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

71. ROC-6012 - APPLICANT: LPN ARCHITECT - OWNER: BRE/ ESA PROPERTIES, LLC - Request for a Review of Condition #2 of Special Use Permit (SUP-5457) FOR A RESIDENCE HOTEL at 2000 Paradise Road (APN 162-03-411-012), R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends APPROVAL
72. RQR-5168 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: Z J & R PROPERTIES, LLC - Appeal filed by the Applicant from the Denial by the Planning Commission of a Required One Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55 FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3920 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL
73. RQR-5787 - PUBLIC HEARING - APPLICANT/OWNER: C & C INVESTMENT CO. - Request for a Required One-Year Review of an approved Special Use Permit (SUP-3385) WHICH ALLOWED 40 PERCENT OF THE LOT AREA CONTAINING THE PRINCIPAL USE TO BE USED FOR OUTSIDE STORAGE on property located at 3505 East Charleston Boulevard (APN 140-31-401-033, 042, and a portion of 043), R-1 (Single-Family Residential), R-2 (Medium-Low Density Residential) and C-1 (Limited Commercial) Zones under Resolution of Intent to C-M (Commercial/Industrial), Ward 3 (Reese). Staff recommends APPROVAL
74. RQR-5171 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: Z J & R PROPERTIES, LLC - Appeal filed by the Applicant from the Denial by the Planning Commission of a Required Two Year Review of an Approved Special Use Permit (U-0043-94) WHICH ALLOWED A 55-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 3900 West Charleston Boulevard (APN 139-31-801-018), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-1 vote) and staff recommend DENIAL

PLANNING & DEVELOPMENT - DISCUSSION

75. RQR-5513 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAMAR OUTDOOR ADVERTISING - OWNER: FLETCHER JONES SR TRUST & JR TRUST, ET AL - Required Four-Year Review of an approved Special Use Permit (U-0101-95) WHICH ALLOWED ONE 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN ORIENTED TOWARD Interstate-15 AT A HEIGHT OF 30 FEET ABOVE THE ELEVATED FREEWAY; AND A SECOND 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN ORIENTED TOWARD THE DESERT INN ROAD "SUPER ARTERIAL" AT A HEIGHT OF 55 FEET ABOVE GRADE at 3200 South Rancho Drive (APN 162-08-401-004), M (Industrial) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend APPROVAL
76. SUP-2848 - ABEYANCE ITEM - PUBLIC HEARING - REAGAN NATIONAL ADVERTISING ON BEHALF OF C O G III, LIMITED - Appeal filed by Singer & Brown from the Denial by the Planning Commission on a request for a Special Use Permit for a proposed off-premise advertising (billboard) SIGN on a portion of 3.03 acres located at 1110 South Rainbow Boulevard (APN 163-02-101-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend DENIAL
77. SUP-3394 - ABEYANCE ITEM - PUBLIC HEARING - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
78. SUP-4532 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: LAS VEGAS BILLBOARDS - OWNER: SAHARA MOHAWK, LIMITED LIABILITY COMPANY - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE (BILLBOARD) SIGN at 5320 West Sahara Avenue (APN 163-01-804-005), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend DENIAL
79. SUP-4693 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: THOMAS J. OBATA - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6431 West Charleston Boulevard (APN 163-02-114-003), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL
80. SUP-5582 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO" - Request for a Special Use Permit FOR AN EXPANSION (PARKING LOT) OF AN EXISTING CHURCH/HOUSE OF WORSHIP at 2413 Cedar Avenue and 2412 East Mesquite Avenue (APN 139-35-513-031 through 034), R-1 (Single-Family Residential) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend APPROVAL
81. SDR-5583 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: IGLECIA DEL DIOS VIVO COLUMNA Y APOYO DE LA VERDAD "LA LUZ DEL MUNDO" - Request for a Site Development Plan Review FOR A PROPOSED EXPANSION OF AN EXISTING CHURCH/HOUSE OF WORSHIP AND PARKING LOT; AND A WAIVER OF PERIMETER LANDSCAPING STANDARDS at 2413 Cedar Avenue and 2412 East Mesquite Avenue (APN 139-35-513-031 through 034), R-1 (Single-Family Residential) Zone, Ward 3 (Reese). The Planning Commission (5-0 vote) and staff recommend APPROVAL

SET DATE

82. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

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

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

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AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

2005 JAN 26 A 11: 02

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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
3805093

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 01/21/2005 to 01/21/2005, on the following days: JAN. 21, 2005

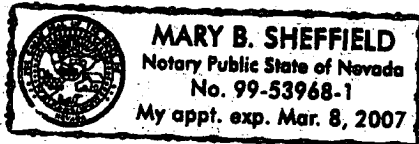
Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 21

day of January 2005

Mary B. Sheffield

Notary Public



BILL NO. 2005-5
AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1478, VEGAS DRIVE (RANCHO DRIVE TO I-15), PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 9th day of January, 2005, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 2nd day of February, 2005.
/s/ Barbara Jo Ronemus
City Clerk
PUB: Jan. 21, 2005
LV Review-Journal

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, 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,

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3831754

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was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 02/05/2005 to 02/05/2005, on the following days: FEB. 5, 2005

BILL NO. 2005-5
Ordinance No. 5749

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1479, VEGAS DRIVE (RANCHO DRIVE TO 115); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; 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 January 5, 2005, and was passed at a regular meeting held on February 2, 2005, by the following vote of the City Council of the City of Las Vegas, Nevada:

- Those Voting Aye: Oscar B. Goodman, Gary Reese, Larry Brown, Lawrence Weekly, Steve Wolfson, Lois Tarkanian
- Those Voting Nay: None
- Those Absent: Michael Mack

This Ordinance shall be in full force and effect from and after February 6, 2005, 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 2nd day of February 2005.

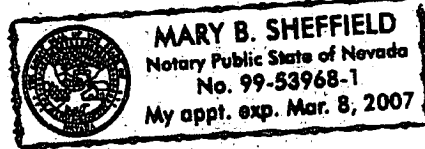
/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada
(SEAL)
Attest: /s/ BARBARA JO RONEMUS
City Clerk
PUB: February 5, 2005
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 10

day of February 2005
Mary B. Sheffield

Notary Public



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2005 FEB 17 P 4: 33