

Summary - An ordinance authorizing the issuance by the City of Las Vegas of its General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A, and providing other matters relating thereto.

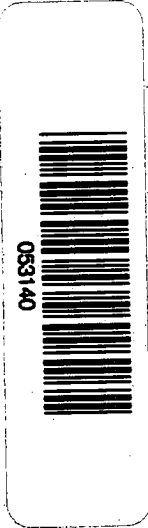
**BILL NO. 2005-15  
ORDINANCE NO. 5757**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THERewith; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**WHEREAS**, the City of Las Vegas in the County of Clark and State of Nevada (the "City," the "County" and the "State," respectively) is a political subdivision of the State duly organized and operating as a city under the provisions of Nevada Revised Statutes ("NRS") chapter 268 and an act entitled "AN ACT incorporating the City of Las Vegas in Clark County, Nevada, under a charter; defining the boundaries thereof; and providing other matters properly relating thereto," cited as chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); and

**WHEREAS**, the City now owns and operates a municipal sanitary sewer system (the "Sewer System"); and

**WHEREAS**, pursuant to the Charter, pursuant to chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being ' ' 350.500 through 350.720, NRS; and all laws amendatory thereof (the "Bond Act"), the City is authorized to borrow money and to issue general obligation bonds of the City for the purpose of refunding, paying and discharging outstanding bonds for interest rate savings or to effect other economies; and



**WHEREAS**, if the City Finance Director determines that it is necessary and in the best interests of the City and its citizens to refund certain of the City's outstanding City of Las Vegas, Nevada General Obligation (Limited Tax) Sewer Bonds (Additionally Secured by Pledged Revenues), Series 1997A (the "December 1997 Bonds") and/or City of Las Vegas, Nevada General Obligation (Limited Tax) Sewer and Flood Control Bonds (Additionally Secured by Pledged Revenues), Series 2001 (the "2001 Bonds"), after notice inviting bids for the purchase of the City of Las Vegas, Nevada General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A (the "Bonds" or the "2005 Bonds"), the City Finance Director, as the chief financial officer of the City, or in his absence, the City Manager, is hereby authorized to receive and publicly receive bids and sell the Bonds to the best bidder therefor (the "Purchaser"), and the City Finance Director, or in his absence, the City Manager, is hereby authorized to specify which December 1997 Bonds and/or 2001 Bonds, if any, will be refunded (the "Refunded Bonds"), accept a binding bid for the Bonds, the Bonds to bear interest at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") such rates not to exceed three percent over the Index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds, at a price equal to the principal amount thereof plus accrued interest to the date of delivery of the Bonds plus a premium or less a discount not to exceed 9 percent of the principal amount of the Bonds, all as specified by the City Finance Director in a certificate dated on or before the date of issuance of the Bonds (the "Certificate of the Finance Director"); and

**WHEREAS**, the Council hereby elects to have the provisions of Chapter 348 of NRS (the "Supplemental Bond Act") apply to the Bonds; and

**WHEREAS**, the Council has determined and hereby declares:

A. It is necessary and for the best interests of the City to effect the Project and to issue the Bonds;

B. Each of the limitations and other conditions to the issuance of the Bonds in the Charter, the Bond Act, the Supplemental Bond Act, and in any other relevant act of the State or the Federal Government, has been met; and pursuant to NRS ' 350.708, this determination of the Council that the limitations in the Bond

Act have been met shall be conclusive in the absence of fraud or arbitrary or gross abuse of discretion; and

C. This ordinance pertains to the sale, issuance and payment of the Bonds; this declaration shall be conclusive in the absence of fraud or gross abuse of discretion in accordance with the provisions of NRS ' 350.579(2); and

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

SECTION 1. Short Title. This Ordinance shall be known and may be cited as the "2005 Sewer Refunding Bond Ordinance."

SECTION 2. Definitions. The terms in this section and in the preambles hereof defined for all purposes of this Ordinance and of any instrument amendatory hereof or supplemental hereto, and of any other instrument or any other document relating hereto, except where the context by clear implication otherwise requires, shall have the meanings in this section and in said preambles specified:

"Bond Requirements" means the principal of, interest on and any prior redemption premiums due in connection with the Bonds.

"Bond Year" means the 12 month period commencing on April 2 of a calendar year and ending on April 1 of the following calendar year.

"Commercial Bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation, including without limitation "trust bank" as herein defined.

"Federal Government" means the United States, or any agency, instrumentality or corporation thereof.

"Federal Securities" means bills, certificates of indebtedness, notes, bonds or similar securities which are direct obligations of, or the principal and interest of which securities are unconditionally guaranteed by, the United States.

"General Taxes" means general (ad valorem) taxes levied by the City against all taxable property within the boundaries of the City (unless otherwise qualified).

"Gross Revenues" means all income and revenues derived directly or indirectly by the City from the operation and use and otherwise pertaining to the Sewer System or any part thereof, whether resulting from repairs, enlargements, extensions, betterments or other improvements to the Sewer System, or otherwise, and includes all revenues received by the City from the Sewer System, including, without limitation, all fees, rates, and other charges for the use of the Sewer System, or for any service rendered by the City in the operations thereof, directly or indirectly, the availability of any such service or the sale or other disposal of any commodity derived therefrom, but excluding any moneys borrowed and used for the acquisition of capital improvements and any moneys received as grants, appropriations or gifts from the United States, the State or other sources, the use of which is limited by the grantor or donor to the construction of capital improvements for the Sewer System, except to the extent any such moneys shall be received as payments for the use of the Sewer System, services rendered thereby, the availability of any such service or the disposal of any such commodities. "Gross Revenues" shall also include all income or other gain from the investment of such income and revenues and of the proceeds of securities payable from Gross Revenues or Net Revenues. "Gross Revenues" shall not include revenues derived by the city from special assessments, or the levy thereof, against any tract of land specially benefited by any sanitary sewer project, to defray wholly or in part the cost of the sanitary sewer project.

"Net Revenues" means the Gross Revenues remaining after the deduction of Operation and Maintenance Expenses.

"Operation and Maintenance Expenses" means all reasonable and necessary current expenses of the City, paid or accrued, of operating, maintaining and repairing the Sewer System, including, without limitation:

- (a) engineering, auditing, reporting, legal and other overhead expenses relating to the administration, operation and maintenance of the Sewer System;
- (b) fidelity bond and property and liability insurance premiums pertaining to the Sewer System or a reasonably allocable share of a premium of any blanket bond or policy pertaining to the Sewer System;

(c) payments to pension, retirement, health and hospitalization funds, and other insurance and to any self-insurance fund as insurance premiums not in excess of such premiums which would otherwise be required for such insurance;

(d) any general taxes, assessments, excise taxes or other charges which may be lawfully imposed upon the City, the Sewer System, revenues therefrom or the City's income from or operations of any properties under its control and pertaining to the Sewer System, or any privilege in connection with the Sewer System or its operations;

(e) the reasonable charges of any Paying Agent or Registrar and any other depository bank pertaining to the Bonds or any other securities payable from Gross Revenues or otherwise pertaining to the Sewer System;

(f) contractual services, professional services, salaries, other administrative expenses and costs of materials, supplies, repairs and labor pertaining to the Sewer System or to the issuance of the Bonds as herein defined, or any other securities relating to the Sewer System, including, without limitation, the expenses and compensation of any receiver or other fiduciary under the Bond Act;

(g) the costs incurred by the City Council in the collection and any refunds of all or any part of Gross Revenues;

(h) any costs of utility services furnished to the Sewer System;

(i) any lawful refunds of any Gross Revenues; and

(j) all other administrative, general and commercial expenses pertaining to the Sewer System including, without limitation, any payments of arbitrage rebate to the United States required by Section 148 of the Tax Code;

but excluding:

(i) any allowance for depreciation;

(ii) any costs of extensions, enlargements, betterments and other improvements, or any combination thereof;

(iii) any reserves for major capital replacements, other than normal repairs;

(iv) any reserves for operation, maintenance or repair of the Sewer System;

(v) any allowance for the redemption of any Bond or other security or the payment of any interest thereon or any prior redemption premium due in connection therewith;

(vi) any liabilities incurred in the acquisition or improvement of any properties comprising any project or any existing facilities, or any combination thereof, pertaining to the Sewer System, or otherwise; and

(vii) any liabilities imposed on the City for any legal liability not based on contract, including, without limitation, negligence in the operation of the Sewer System.

"Outstanding" when used with reference to the Bonds or any other designated securities payable from Net Revenues and as of any particular date means all of the Bonds in any manner theretofore and thereupon being executed and delivered:

(a) Except any bond or other security canceled by the City, the Registrar, Paying Agent, or otherwise on the City's behalf, at or before such date;

(b) Except any bond or other security for the payment or the redemption of which moneys at least equal to its Bond Requirements to the date of maturity or to any applicable Redemption Date shall have heretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in Section 55 hereof; and

(c) Except any bond or other security in lieu of or in substitution for which another Bond or other security shall have been executed and delivered.

"Parity Securities" means securities of the City pertaining to the Sewer System and payable from and secured by Net Revenues on a parity with the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

"Paying Agent" means the Treasurer of the City or any successor thereto as paying agent for the Bonds appointed by the City Council.

"Person" means a corporation, firm, other body corporate (including, without limitation, the Federal Government, the State or any other body corporate and politic other than the

City), partnership, association or individual, and also includes an executor, administrator, trustee, receiver or other representative appointed according to law.

**"Project"** means the refunding of the Refunded Bonds.

**"Redemption Date"** means a date fixed for the redemption prior to their respective maturities of any Bonds or other designated securities payable from any Net Revenues in any notice of prior redemption or otherwise fixed and designated by the City.

**"Redemption Price"** means, when used with respect to a Bond or other designated security payable from any Net Revenues, the principal amount thereof plus the applicable premium, if any, payable upon the redemption thereof prior to the stated maturity date of such Bond or other security on a Redemption Date in the manner contemplated in accordance with the security's terms.

**"Registrar"** means the Treasurer of the City or any successor thereto as registrar for the Bonds appointed by the City Council.

**"Sewer System"** means the sanitary sewer system of the City, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City through purchase, construction or otherwise, and used in connection with such system of the City, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial waste, including, without limitation, sewage improvements, sewage purification, treatment and disposal works, appurtenant machinery, apparatus, structures, buildings and related or appurtenant furniture, fixtures and other equipment, as such system is from time to time extended, bettered or otherwise improved, or any combination thereof.

**"Subordinate Securities"** means securities of the City pertaining to the Sewer System and payable from and secured by Net Revenues subordinate and junior to the pledge thereof to the Bonds, to the extent issued in accordance with the terms, conditions and limitations hereof.

**"Tax Code"** means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds, and the applicable regulations and rulings thereunder.

Other capitalized terms used herein shall have the meanings given to such terms in the text hereof, except where the context by clear implication otherwise requires.

SECTION 3. Ratification. All action heretofore taken by the Council and the officers of the City directed toward the Project and toward the issuance, sale and delivery of the Bonds, not inconsistent with the terms and conditions herewith, is hereby ratified, approved and confirmed.

SECTION 4. Estimated Life of Facilities. The Council, on behalf of the City, has determined and does hereby declare:

A. The estimated life or estimated period of usefulness of the improvements acquired with the proceeds of the Refunded Bonds is not less than 21 years from the date of their issuance; and

B. The Bonds shall mature at such time or times not exceeding such estimated life or estimated period of usefulness.

SECTION 5. Necessity of Project and Bonds. It is necessary and in the best interests of the Council, its officers, and the inhabitants of the City, that the City effect the Project and defray wholly or in part the cost thereof by the issuance of the Bonds therefor; and it is hereby so determined and declared.

SECTION 6. Authorization of Project and Acceptance of Bond Purchase Proposal. The Council hereby authorizes the Project, and pursuant to NRS 350.810 and MSRB Rule G-23, the Council hereby consents to receiving a bid on the Bonds from Zions First National Bank, and this consent shall constitute a written agreement as required by NRS 350810. The Finance Director, or in his absence the City Manager, is authorized to accept the Bond Purchase Proposal submitted by the Purchase for the purchase of the Bonds as set forth herein.

SECTION 7. Ordinance to Constitute Contract. In consideration of the purchase and the acceptance of the Bonds by those who shall own the same from time to time, the provisions hereof shall be deemed to be and shall constitute a contract between the City and the registered owners from time to time of the Bonds.

SECTION 8. Bonds Equally Secured. The covenants and agreements herein set forth to be performed shall be for the equal benefit, protection and security of the owners of any and all of the Outstanding Bonds, all of which, regardless of the time or times of their issue or maturity,

shall be of equal rank without preference, priority or distinction except as otherwise expressly provided in or pursuant to this Ordinance.

SECTION 9. General Obligations. All of the Bonds, as to the Bond Requirements, shall constitute general obligations of the City, which hereby pledges its full faith and credit for their payment. So far as possible, Bond Requirements shall be paid from Net Revenues of the Sewer System (the "Pledged Revenues"). However, the Bonds as to all Bond Requirements shall also be payable from general (ad valorem) taxes (the "General Taxes") (except to the extent that other moneys such as Net Revenues are available therefor) as herein provided.

SECTION 10. Limitations upon Security. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except for the proceeds of General Taxes and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exception, shall be liable to be forfeited or taken in payment of the Bonds.

SECTION 11. No Recourse Against Officers and Agents. No recourse shall be had for the payment of the Bond Requirements of the Bonds or for any claim based thereon or otherwise upon this Ordinance authorizing their issuance or any other instrument relating thereto, against any individual member of the Council or any officer or other agent of the Council or City, past, present or future, either directly or indirectly through the Council or the City, or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of the Bonds and as a part of the consideration of its issuance specially waived and released.

SECTION 12. Authorization and Sale of Bonds. For the purpose of providing funds to pay all or a portion of the cost of the Project, the City shall issue its "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A", in the aggregate principal amount necessary to effect the Project (not to exceed \$40,000,000). The Bonds shall be sold to the Purchaser designated in the Certificate of the Finance Director, and the City Finance Director is authorized to execute the Bond Purchase Proposal in accordance with the provisions of NRS 350.105 to 350.185, inclusive, and in accordance with the provisions of this Ordinance.

SECTION 13. Bond Details. The Bonds shall be issued in fully registered form, i.e., registered as to both principal and interest. The Bonds shall be dated initially as of the first day of the month of the date of their delivery, and except as otherwise provided in Section 18 hereof, shall be issued in denominations of \$5,000 or any integral multiple thereof (provided that no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued with more than one maturity). The Bonds shall be numbered from 1 upward. The Bonds shall bear interest, calculated on the basis of a 360-day year of twelve 30-day months, from their date until their respective maturity dates (or, if redeemed prior to maturity as provided below, their redemption dates) at the respective rates set forth in the Certificate of the Finance Director, payable on April 1 and October 1 of each year commencing October 1, 2005; provided that those Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates set forth below from the most recent interest payment date to which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds. The Bonds shall mature on the dates and in the amounts set forth in the Certificate of the Finance Director (not to exceed 21 years from the date of issuance of the Bonds).

The principal of and redemption premium, if any, on any Bond shall be payable to the registered owner thereof as shown on the registration records kept by the Treasurer of the City, in Las Vegas, Nevada, as registrar for the Bonds (the "Registrar"), upon maturity or prior redemption thereof and upon presentation and surrender at the office of the Treasurer of the City, in Las Vegas, Nevada, as paying agent for the Bonds (the "Paying Agent"). If any Bond shall not be paid upon such presentation and surrender at or after maturity, it shall continue to draw interest at the interest rate borne by said Bond until the principal thereof is paid in full. Except as otherwise provided in Section 18 hereof, payment of interest on any Bond shall be made to the registered owner thereof by check or draft mailed by the Paying Agent, on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the registered owner thereof, at his or her address as shown on the registration records kept by the Registrar as of the close of business on the 15th day of the calendar month next preceding each interest payment date (other than a special interest payment date hereafter fixed for payment of defaulted interest) (the "Regular Record Date"); but any such interest not so timely paid or duly provided for shall cease to be payable

to the owner thereof as shown on the registration records of the Registrar as of the close of business on the Regular Record Date and shall be payable to the owner thereof, at his or her address, as shown on the registration books of the Registrar as of the close of business on a date fixed to determine the names and addresses of owners for the purpose of paying defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Paying Agent whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the owners of the Bonds not less than ten days prior thereto by first-class mail to each such owner as shown on the Registrar's registration records as of a date selected by the Registrar, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Paying Agent may make payments of interest on any Bond by such alternative means as may be mutually agreed to between the owner of such Bond and the Paying Agent. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar.

SECTION 14. Prior Redemption; Partial Redemption.

A. Optional Redemption or Prepayment. Bonds, or portions thereof (\$5,000 or any integral multiple), maturing on and after the date specified in the Certificate of the Finance Director, shall be subject to redemption prior to their respective maturities, at the option of the City, at any time on and after the date specified in the Certificate of the Finance Director, in whole or in part from any maturities selected by the City and by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to the principal amount of each bond, or portion thereof, so redeemed, accrued interest thereon to the redemption date, and a premium, if any, as provided in the Certificate of the Finance Director.

B. Mandatory Redemption. The Bonds set forth in the Certificate of the Finance Director, if any (the "Term Bonds"), shall be subject to mandatory sinking fund redemption at a redemption price equal to 100% of the principal amount thereof and accrued interest to the redemption date. As and for a sinking fund for the redemption of the Term Bonds, there shall be deposited into the Principal Account

on or before the principal payment date, of the years set forth in the Certificate of the Finance Director, a sum which, together with other moneys available in the Principal Account, is sufficient to redeem (after credit is provided below) on the dates and in the principal amounts of the Term Bonds as set forth in the Certificate of the Finance Director plus accrued interest to the redemption date.

Not more than sixty days nor less than thirty days prior to the sinking fund payment dates for the Term Bonds, the Registrar shall proceed to select for redemption (by lot or in such other manner as the Registrar may determine) from all Outstanding Term Bonds, a principal amount of the Term Bonds equal to the aggregate principal amount of the Term Bonds redeemable with the required sinking fund payments, and shall call such Term Bonds or portions thereof for redemption from the sinking fund on the next principal payment date, and give notice of such call as provided in Section 15 of this Ordinance.

At the option of the City to be exercised by delivery of a written certificate to the Registrar not less than sixty days next preceding any sinking fund redemption date, it may (i) deliver to the Registrar for cancellation Term Bonds, or portions thereof (\$5,000 or any integral multiple thereof) in an aggregate principal amount desired by the City or, (ii) specify a principal amount of Term Bonds, or portions thereof (\$5,000 or any integral multiple thereof) which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and canceled by the Registrar and not theretofore applied as a credit against any sinking fund redemption obligation. Each Term Bond or portions thereof so delivered or previously redeemed shall be credited by the Registrar at 100% of the principal amount thereof against the obligation of the City on the sinking fund redemption dates and any excess shall be so credited against future sinking fund redemption obligations in such manner as the City determines. In the event the City shall avail itself of the provisions of clause (i) of the first sentence of this paragraph, the certificate required by the first sentence of this paragraph shall be accompanied by the respective Term Bonds or portions thereof to be canceled or in the event the

Bonds are registered in the name of Cede & Co. as provided in Section 18 of this Ordinance, the certificate required by the first sentence of this paragraph shall be accompanied by such direction and evidence of ownership as is satisfactory to The Depository Trust Company.

C. Partial Redemption. In the case of Bonds in a denomination larger than \$5,000, a portion of such Bond (\$5,000 or any integral multiple thereof) may be redeemed, in which case the Registrar shall, except as otherwise provided in Section 18 hereof, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. In the case of a partial redemption of Bonds of a single maturity pursuant to Subsections A or B of this Section, the Paying Agent shall select the Bonds to be redeemed by lot at such time as directed by the City (but at least 30 days prior to the redemption date), and if such selection is more than 60 days before a redemption date, except as otherwise provided in Section 18 hereof, shall direct the Registrar to appropriately identify the Bonds so called for redemption by stamping them at the time any Bond so selected for redemption is presented to the Registrar for stamping or for transfer or exchange, or by such other method of identification as deemed adequate by the Registrar, and any Bond or Bonds issued in exchange for, or to replace, any Bond or Bonds so called for prior redemption shall likewise be stamped or otherwise identified.

SECTION 15. Notice of Redemption. Unless waived by any owner of Bonds to be redeemed for purchase, official notice of any such redemption shall be given by the Registrar, on behalf of the City, by mailing a copy of an official redemption notice by registered or certified mail so long as Cede & Co. is the registered owner of the Bonds and the Municipal Securities Rulemaking Board ("MSRB") and otherwise by first class mail, postage prepaid, at least 30 days and not more than 60 days prior to the date fixed for redemption to the registered owner of the Bond or Bonds to be redeemed at the address shown on the Bond register or at such other address as is furnished in writing by such registered owner to the Registrar. Actual receipt of mailed notice by any owner of Bonds or the MSRB shall not be a condition precedent to redemption of such Bond or Bonds. Failure to give such notice to the MSRB or the registered owner of any Bond, or any defect therein,

shall not affect the validity of the proceedings for the redemption of any other Bonds. A certificate by the Registrar that such notice has been given as herein provided shall be conclusive against all parties.

All official notices of redemption shall be dated and shall state:

- (1) the redemption date,
- (2) the purchase prices,
- (3) the identification by maturity (and, in the case of partial redemption of a maturity, other appropriate identification) of the Bonds to be redeemed,
- (4) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date, and
- (5) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal office of the Paying Agent (accrued interest to the redemption date being payable by mail or as otherwise provided in this Ordinance).

Official notice of redemption having been given as aforesaid, the Bonds or portions of Bonds so to be redeemed shall, on the redemption date, become due and payable at the redemption price therein specified, and from and after such date (unless the City shall default in the payment of the redemption price) such Bonds or portions of Bonds shall cease to bear interest. Upon surrender of such Bonds for redemption in accordance with said notice, such Bonds shall be paid by the Paying Agent at the redemption price. Installments of interest due on or prior to the redemption date shall be payable as herein provided for payment of interest. Upon surrender for any partial redemption of any Bond, there shall be prepared for the registered owner a new Bond or Bonds of the same maturity in the amount of the unpaid principal. All Bonds which have been redeemed shall be canceled and destroyed by the Registrar and shall not be reissued.

Notwithstanding the provisions of this section, any notice of redemption may contain a statement that the redemption is conditional upon receipt by the Paying Agent of funds on or before the date fixed for redemption sufficient to pay the redemption price of the Bonds so called for redemption, and that if such funds are not available, such redemption shall be cancelled by written

notice to the owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

SECTION 16. Negotiability. The Bonds shall be fully negotiable within the meaning of and for the purpose of the Uniform Commercial Code - Investment Securities and each owner shall possess all rights enjoyed by holders of negotiable instruments under the Uniform Commercial Code - Investment Securities.

SECTION 17. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in Section 18 hereof:

A. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender of any Bond at the Registrar, duly endorsed for transfer or accompanied by an assignment in form satisfactory to the Registrar duly executed by the owner or his or her attorney duly authorized in writing, the Registrar shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. Bonds may be exchanged at the Registrar for an equal aggregate principal amount of Bonds of the same maturity of other authorized denominations, as provided in Section 13 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the owner making the exchange is entitled to receive, bearing a number or numbers not previously assigned. For every exchange or transfer of Bonds requested by the owner thereof, the Registrar may make a sufficient charge to reimburse it for any tax, fee or other governmental charge required to be paid with respect to such exchange or transfer and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charge shall be levied in the case of an exchange resulting from an optional prior redemption of a bond.

B. The Registrar shall not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business fifteen (15) days before the date of mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the date of such mailing,

or (ii) any Bond, or any portion thereof, after the mailing of such notice as herein provided.

C. The person in whose name any Bond shall be registered, on the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of payment and for all other purposes (except to the extent otherwise provided in Section 13 hereof with respect to interest payments); and payment of or on account of either principal or interest on any Bond shall be made only to or upon the written order of the owner thereof or his or her legal representative. All such payments shall be valid and effectual to discharge the liability upon such Bond to the extent of the sum or sums so paid.

D. If any Bond shall be lost, stolen, destroyed or mutilated, the Registrar shall, upon receipt of such evidence, information or indemnity relating thereto as it or the City may reasonably require, and upon payment of all expenses in connection therewith, authenticate and deliver a replacement Bond or Bonds of a like aggregate principal amount and of the same maturity, bearing a number or numbers not previously assigned. If such lost, stolen, destroyed or mutilated Bond shall have matured or shall have been called for redemption, the Registrar may direct that such Bond be paid by the Paying Agent in lieu of replacement.

E. Whenever any Bond shall be surrendered to the Paying Agent upon payment thereof, or to the Registrar for transfer, exchange or replacement as provided herein, such Bond shall be promptly canceled by the Paying Agent or Registrar, and counterparts of a certificate of such cancellation shall be furnished by the Paying Agent or Registrar to the Council, upon request.

SECTION 18. Custodial Deposit.

A. Notwithstanding the foregoing provisions of Sections 13 to 17 hereof, the Bonds shall initially be evidenced by one Bond for each year in which the Bonds mature in denominations equal to the aggregate principal amount of the Bonds maturing in that year or, in the case of the Bonds subject to mandatory sinking fund redemption, the Bonds shall initially be evidenced by one Bond for each term in

denominations equal to the aggregate principal amount of the Bonds maturing in that term. Such initially delivered Bonds shall be registered in the name of "Cede & Co." as nominee for The Depository Trust Company, the securities depository for the Bonds. The Bonds may not thereafter be transferred or exchanged except:

(1) to any successor of The Depository Trust Company or its nominee, which successor must be both a "clearing corporation" as defined in subsection 3 of NRS ' 104.8102, and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended; or

(2) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or this clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the designation by the City of another depository institution acceptable to the depository then holding the Bonds, which new depository institution must be both a "clearing corporation" as defined in subsection 3 of NRS ' 104.8102 and a qualified and registered "clearing agency" under Section 17A of the Securities Exchange Act of 1934, as amended, to carry out the functions of The Depository Trust Company or such successor or new depository;

(3) upon the resignation of The Depository Trust Company or a successor or new depository under clause (1) or clause (2) of this Subsection A, or a determination by the City that The Depository Trust Company or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, to locate another qualified depository institution under clause (2) to carry out such depository functions.

B. In the case of a transfer to a successor of The Depository Trust Company or its nominee as referred to in clause (1) of Subsection A hereof or designation of a new depository pursuant to clause (2) of Subsection A hereof, upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, a new Bond for each maturity or, in the case

of the Bonds subject to mandatory sinking fund redemption, for each term of the Bonds then Outstanding shall be issued to such successor or new depository, as the case may be, or its nominee, as is specified in such written transfer instructions. In the case of a resignation or determination under clause (3) of Subsection A hereof and the failure after reasonable investigation to locate another qualified depository institution for the Bonds as provided in clause (3) of Subsection A hereof, and upon receipt of the Outstanding Bonds by the Registrar, together with written instructions for transfer satisfactory to the Registrar, new Bonds shall be issued in the denominations of \$5,000 or any integral multiple thereof, as provided in and subject to the limitations of Section 13 hereof, registered in the names of such persons, and in such denominations as are requested in such written transfer instructions; however, the Registrar shall not be required to deliver such new Bonds within a period of less than 60 days from the date of receipt of such written transfer instructions.

C. The City, the Registrar and the Paying Agent shall be entitled to treat the registered owner of any Bond as the absolute owner thereof for all purposes hereof and any applicable laws, notwithstanding any notice to the contrary received by any or all of them and the City, the Registrar and the Paying Agent shall have no responsibility for transmitting payments or notices to the beneficial owners of the Bonds held by The Depository Trust Company or any successor or new depository named pursuant to Subsection A hereof.

D. The City, the Registrar and the Paying Agent shall endeavor to cooperate with The Depository Trust Company or any successor or new depository named pursuant to clause (1) or (2) of Subsection A hereof in effectuating payment of the Bond Requirements of the Bonds by arranging for payment in such a manner that funds representing such payments are available to the depository on the date they are due.

E. Upon any partial redemption of any maturity of the Bonds, Cede & Co. (or its successor) in its discretion may request the City to issue and authenticate a

new Bond or shall make an appropriate notation on the Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case the Bond must be presented to the Paying Agent prior to payment.

**SECTION 19. Execution and Authentication.**

A. Prior to the execution of any Bonds by facsimile signature and pursuant to NRS ' 350.638, to the act known as the Uniform Facsimile Signatures of Public Officials Act, cited as Chapter 351, NRS, and to the Supplemental Bond Act, the Mayor of the City (the "Mayor"), the City Treasurer (the "Treasurer") and the City Clerk (the "Clerk") shall each file with the Secretary of State of Nevada his or her manual signature certified by him or her under oath.

B. The Bonds shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, shall be countersigned and executed with the manual or facsimile signature of the Treasurer, and shall bear a manual impression or a facsimile of an impression of the official seal of the City attested with the manual or facsimile signature of the Clerk.

C. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication thereon, substantially in the form hereinafter provided, has been duly manually executed by the Registrar. By authenticating any of the Bonds initially delivered pursuant to this Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

D. The Mayor, the Treasurer and the Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

**SECTION 20. Incontestable Recital.** Pursuant to NRS ' 350.628, the Bonds shall contain a recital that they are issued pursuant to the Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

**SECTION 21. State Tax Exemption.** Pursuant to NRS ' 350.710, the Bonds, their transfer and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

**SECTION 22. Bond Form.** Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements, and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance and necessary or appropriate to conform to the rules and requirements of any governmental authority or any usage or requirement of law with respect thereto:

(Form of Bond)

TRANSFER OF THIS BOND OTHER THAN BY REGISTRATION IS NOT EFFECTIVE

CITY OF LAS VEGAS, NEVADA  
GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS  
(ADDITIONALLY SECURED BY PLEDGED REVENUES)  
SERIES 2005A

No. \_\_\_\_\_ \$ \_\_\_\_\_

Interest Rate                      Maturity Date                      Dated As of                      CUSIP  
\_\_\_\_ % per annum                      \_\_\_\_\_ 1, \_\_\_\_                      \_\_\_\_\_ 1, 2005

REGISTERED OWNER: CEDE & CO.

PRINCIPAL AMOUNT: \_\_\_\_\_ DOLLARS

The City of Las Vegas, Nevada, in Clark County, in the State of Nevada (the "City", "County", and the "State", respectively) for value received, hereby acknowledges itself to be indebted and for value received promises to pay to the registered owner specified above, or registered assigns, the principal amount specified above, on the maturity date specified above (unless called for earlier redemption), and to pay interest thereon on April 1 and October 1 of each year, commencing on October 1, 2005, at the interest rate per annum specified above, until the principal sum is paid or payment has been provided for or, if such payment date is not a business day, on the next succeeding business day. This bond shall bear interest from the most recent interest payment date to which interest has been paid or, if no interest has been paid, from the date of the initial delivery of the series of bonds of which this bond is one (the "Bond"). The principal of and redemption premium, if any, on this Bond are payable upon presentation and surrender hereof at the principal office of the City's paying agent for the Bonds or any successor (the "Paying Agent"), presently the Treasurer of the City, in Las Vegas, Nevada, who is also now acting as the City's Registrar for the Bonds (the "Registrar"). Interest on this Bond will be paid on each interest payment date (or, if such date is not a business day, on the next succeeding business day) by check or draft mailed to the person in whose name this Bond or any predecessor bond is registered (the "registered owner") in the registration records of the City maintained by the Registrar, at the address appearing thereon, as of the close of business on the 15th day of the calendar month next preceding such interest payment date (the "Regular Record Date"). Any such interest not so timely paid or duly provided for shall cease to be payable to the person who is the registered owner as of the close of business on the Regular Record Date and shall be payable to the person who is the registered owner as of the close of business on a

special record date for the payment of any defaulted interest (the "Special Record Date"). Such Special Record Date shall be fixed by the Registrar whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owner not less than ten (10) days prior thereto. Alternative means of payment of interest may be used if mutually agreed to by the registered owner and the Paying Agent, as provided in the Ordinance of the City Council of the City (the "Council") authorizing the issuance of the Bonds and designated in Section 1 thereof as the "2005 Sewer Refunding Bond Ordinance" (the "Ordinance"), duly adopted by the Council on March 16, 2005. All such payments shall be made in lawful money of the United States of America without deduction for any service charges of the Paying Agent or Registrar. If this Bond is not paid upon presentation at its maturity, interest at the rate specified above shall continue to be borne hereby until the principal hereof is discharged as provided in the Ordinance.

This Bond is one of a series of Bonds issued by the City upon its behalf and upon the credit thereof, for the purpose of defraying wholly or in part the cost of refunding certain outstanding bonds of the City (the "Project"), under the authority of and in full compliance with the Constitution and laws of the State, and pursuant to the Ordinance.

This Bond is issued pursuant to Chapter 517, Statutes of Nevada, 1983, as amended (the "Charter"); pursuant to Nevada Revised Statutes ("NRS") ' 350.500 through 350.720, and all laws amendatory thereof designated in ' 350.500 thereof as the Local Government Securities Law (the "Bond Act"); pursuant to NRS ' 350.105 to 350.195, inclusive; pursuant to NRS chapter 348 (the "Supplemental Bond Law"); and pursuant to NRS ' ' 268.672 through 268.740, inclusive (the "City Bond Law"); pursuant to NRS ' 350.628, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to NRS ' 350.710, the Bonds, their transfer, and the income therefrom shall forever be and remain free and exempt from taxation by the State or any subdivision thereof except for the tax on estates imposed pursuant to chapter 375A of NRS and the tax on generation skipping transfers imposed pursuant to chapter 375B of NRS.

[The Bonds, or portions thereof, maturing on and after the date set forth in the Certificate of the Finance Director, are subject to redemption prior to their respective maturities, at the option of the City, on and after the date set forth in the Certificate of the Finance Director, in whole or in part at any time from any maturity or maturities selected by the Council and by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), at a price equal to the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date.]

Redemption shall be made upon not less than 30 days' prior mailed notice in the manner and upon the conditions provided in the Ordinance. If this Bond is called for redemption and payment is duly provided for as specified in the Ordinance, interest shall cease to accrue hereon from and after the date fixed for redemption.

\*Certain of the Bonds shall be subject to mandatory sinking fund redemption.\*

It is hereby certified, recited and warranted that all the requirements of law have been fully complied with by the proper officers of the City in the issuance of this Bond; that the total indebtedness of the City, including that of this Bond does not exceed any limit of indebtedness prescribed by the Constitution or by the laws of the State or the Charter of the City; that provision has been made for the levy and collection of annual general (ad valorem) taxes ("General Taxes") against all the taxable property within the City sufficient to pay the principal of, interest on, and any prior redemption premiums due on this Bond (the "Bond Requirements") when the same become due (except to the extent other revenues are available therefor), subject to the limitations imposed by the Constitution and by the statutes of the State; and that the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of Bond Requirements of this Bond according to its terms.

Payment of the principal of and interest on the Bonds are additionally secured by a pledge of the net revenues (herein called the "Net Revenues") derived by the City from the operation and use of, and otherwise pertaining to, the sanitary sewer system of the City, consisting of all properties, real, personal, mixed or otherwise, now owned or hereafter acquired by the City, through purchase, construction or otherwise, and in any way pertaining thereto, whether or not located within or without or both within and without the boundaries of the City, for the collection, interception, transportation, treatment, purification and disposal of sewage, liquid wastes, solid wastes, night soil and industrial wastes, including, without limitation, sewerage improvements, sewage purification, treatment and disposal works, and appurtenant machinery, apparatus, structures, and buildings, and related or appurtenant furniture, fixtures and other equipment or any combination thereof (herein called the "Sewer System"), whether resulting from extensions, enlargements, repairs, betterments or other improvements to the Sewer System, or otherwise, but excluding (1) moneys raised for capital improvements, and (2) grants, appropriations or gifts for limited uses, and after provision is made for the payment of all necessary and reasonable operation and maintenance expenses of the Sewer System, which Net Revenues are so pledged as more specifically provided in the Ordinance.

The Bonds are equally and ratably secured by such pledge of the Net Revenues, and such pledge constitutes an irrevocable lien (but not necessarily an exclusively lien) upon the Net Revenues. Additional securities may be issued and made payable from the Net Revenues of the Sewer System and having a lien thereon subordinate to or on a parity with such pledge, in each case subject to the conditions of and in accordance with the Ordinance.

Reference is made to the Ordinance and to the Bond Act, for an additional description of the nature and extent of the security for the Bonds, the accounts, funds, or revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the registered owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued, and a statement of rights, duties, immunities, and obligations of the City, and other rights and remedies of the owners of the Bonds.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance may be amended or otherwise modified by action of the City taken in the manner and

subject to the conditions and exceptions prescribed in the Ordinance. The pledge of Net Revenues under the Ordinance may be discharged at or prior to the respective maturities or prior redemption of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

This Bond shall not be entitled to any benefit under the Ordinance, or be valid or obligatory for any purpose until the Registrar shall have manually signed the certificate of authentication hereon.

The City and the Registrar and Paying Agent may deem and treat the person in whose name this Bond is registered as the absolute owner hereof for the purpose of payment and for all other purposes, except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest.

The Bonds shall not be transferable or exchangeable except as set forth in the Ordinance. Unless this Bond is presented by an authorized representative of The Depository Trust Company, a New York corporation (ADTC@), to the District or its agent for registration of transfer, exchange, or payment, and any bond issued is registered in the name of Cede & Co., (or in such other name as is requested by an authorized representative of DTC) ANY TRANSFER, PLEDGE, OR OTHER USE HEREOF FOR VALUE OR OTHERWISE BY OR TO ANY PERSON IS WRONGFUL, inasmuch as the registered owner hereof, Cede & Co., has an interest herein.

Upon any partial prior redemption of the Bond, Cede & Co., in its discretion may request the Registrar to authenticate a new Bond or shall make an appropriate notation on this Bond indicating the date and amount of prepayment, except in the case of final maturity, in which case this Bond must be presented to the Paying Agent prior to prepayment.

No transfer of this Bond shall be valid unless made on the registration records maintained at the principal office of the Registrar by the registered owner or his or her attorney duly authorized in writing.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise in respect to the Ordinance or other instrument pertaining thereto against any individual member of the Council, or any officer or other agent of the City, past, present, or future, either directly or indirectly through the Council or otherwise, whether by virtue of any constitution, statute or rule of law, or by the enforcement of any penalty or otherwise, all such liability, if any, being by the acceptance of this Bond and as a part of the consideration of its issuance specially waived and released.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, in the County of Clark and State of Nevada has caused this Bond to be executed in the name and on behalf of the City with the manual or facsimile signature of the Mayor, to be attested, signed and executed with a manual or facsimile signature of the City Clerk, has caused a manual or facsimile impression of the seal of the City to be affixed hereon, and has caused this Bond to be countersigned with the manual or facsimile signature of the City Treasurer, all as of \_\_\_\_\_ 1, 2005.

CITY OF LAS VEGAS, NEVADA

By: (Manual or Facsimile Signature)  
Mayor  
Las Vegas, Nevada

Countersigned:

(MANUAL OR FACSIMILE CITY SEAL)

(Manual or Facsimile Signature)  
City Treasurer  
Las Vegas, Nevada

Attest:

(Manual or Facsimile Signature)  
City Clerk  
Las Vegas, Nevada

\* Insert only if Certificate of Finance Director designates any of the Bonds as term Bonds.

(End of Form of Bond)

(Form of Registrar's Certificate of Authentication for Bonds)

Date of authentication  
and registration \_\_\_\_\_

This is one of the Bonds described in the within-mentioned Ordinance, and this Bond has been duly registered on the registration records kept by the undersigned as Registrar for such Bonds.

CITY OF LAS VEGAS, NEVADA  
CITY TREASURER,  
as Registrar

By Manual Signature  
Authorized Officer or Employee

(End of Form of Registrar's Certificate of Authentication for Bonds)

(Form of Prepayment Panel)

The following installments of principal (or portions thereof) of this Bond have been prepaid by the City of Las Vegas, Nevada, in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

<u>Date of Prepayment</u>	<u>Principal Amount Prepaid</u>	<u>Signature of Authorized Representative of DTC</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____

(End of Form of Prepayment Panel)

(Form of Assignment for Bonds)

For value received, the undersigned hereby sells, assigns and transfers unto \_\_\_\_\_ the within Bond and hereby irrevocably constitutes and appoints \_\_\_\_\_ attorney, to transfer the same on the records kept for registration of the within Bond, with full power of substitution in the premises.

Dated: \_\_\_\_\_

\_\_\_\_\_  
Signature Guaranteed:

\_\_\_\_\_  
Name of Transferee:

\_\_\_\_\_  
Address of Transferee:

\_\_\_\_\_  
Social Security or other tax  
identification number of  
Transferee:

\_\_\_\_\_  
NOTE: The signature to this Assignment must correspond with the name as written on the face of the within Bond in every particular, without alteration or enlargement or any change whatsoever.

(End of Form of Assignment for Bonds)

SECTION 23. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the execution of the Bonds shall be valid and binding obligations of the City, notwithstanding that before their delivery any or all of the persons who executed them shall have ceased to fill their respective offices. The Mayor, the City Treasurer, and the City Clerk at the time of the execution of a signature certificate relating to the Bonds, may each adopt as and for his own facsimile signature the facsimile signature of his predecessor in office if such facsimile signature appears upon any of the Bonds.

SECTION 24. Deposit of Proceeds. The City Treasurer shall cause the proceeds of the Bonds to be applied as follows:

A. First, pursuant to NRS ' 350.648, the Bond proceeds received from the sale of the Bonds as accrued interest on the Bonds and as any premium, if not needed for the cost of the Project, shall be deposited into the Interest Account, hereinafter created.

B. Second, an amount sufficient from the proceeds of the Bonds, together with other available moneys of the City, shall be deposited into a special account (the "Escrow Account") to be held by The Bank of New York Western Trust Company, N.A. (the "Escrow Bank") pursuant to the agreement between the City and the Escrow Bank (the "Escrow Agreement") and shall be applied solely to the Project as set forth in the Escrow Agreement. After completion of the Project, or after adequate provision is made therefore, any unexpended balance of Bond proceeds in the Escrow Account shall be deposited into the Principal Account or the Interest Account to be used to pay the principal of and interest on the Bonds.

C. Third, the balance of the proceeds received from the sale of the Bonds shall be deposited into a special account hereby created and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A, Cost of Issuance Account"(the "Cost of Issuance Account") to be held by the City. Moneys in the Cost of Issuance Account shall be used solely to defray wholly or in part the cost of issuance of the Bonds. After the Project is complete and after all expenses have been

paid or adequate provision therefor is made, pursuant to NRS ' 350.650, any unexpended balance of Bond proceeds (or, unless otherwise required by law, any other moneys) remaining in the Cost of Issuance Account shall be deposited into the Principal Account or Interest Account hereinafter created to be used to pay the principal of and interest on the Bonds.

SECTION 25. Completion of Project. The City, with the proceeds derived from the sale of the Bonds, shall proceed to complete the Project with due diligence to the best of the City's ability hereinabove provided.

SECTION 26. Use of Investment Gain. Pursuant to NRS ' 350.658, and except as may otherwise be required herein, any gain from any investment and any reinvestment of any proceeds of the Bonds (except gain from any investment or reinvestment of proceeds of the Bonds deposited in the Escrow Account) shall be deposited promptly upon the receipt of such gain at any time or from time to time into the Cost of Issuance Account to the extent necessary to pay the cost of issuance of the Bonds, and thereafter, shall be deposited to the Principal Account or Interest Account, hereinafter created, for the payment of the principal of or interest on the Bonds or any combination thereof.

SECTION 27. Purchaser Not Responsible. The validity of the Bonds shall not be dependent on nor be affected by the validity or regularity of any proceedings relating to the Project, or any part thereof, or to the completion of the Project. Neither the Purchaser, any associate thereof, nor any subsequent owner of any Bond shall in any manner be responsible for the application or disposal by the City or by any of its officers, agents and employees of the moneys derived from the sale of the Bonds or of any other moneys referred to in this Ordinance.

SECTION 28. General Tax Levies. So far as possible, the Bond Requirements of the Bonds shall be paid from Net Revenues of the Sewer System. However, pursuant to NRS ' 350.596, the principal and interest falling due on the Bonds at any time when there are not on hand sufficient funds to pay same shall be paid out of a general fund of the City or out of any other funds that may be available for such purpose, including, without limitation, any proceeds of General Taxes. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available without replacement for the payment of such Bond Requirements on other than a

temporary basis), and for the purpose of creating funds for the payment of the Bond Requirements, there are hereby created separate accounts designated respectively as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A, Principal Account" (the "Principal Account") and the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A, Interest Account" (the "Interest Account"; collectively, the "Bond Fund"). Pursuant to NRS ' ' 350.592 and 350.594, there shall be duly levied immediately after the issuance of the Bonds and annually thereafter, until all of the Bond Requirements shall have been fully paid, satisfied and discharged, a General Tax on all property, both real and personal, subject to taxation within the boundaries of the City, including the net proceeds of mines, fully sufficient to reimburse such fund or funds for any such amounts temporarily advanced to pay such initial installments of principal and interest, and to pay the interest on the Bonds becoming due after such initial installment, and to pay, retire and redeem the Bonds as they thereafter become due at maturity as herein provided, after there are made due allowances for probable delinquencies. The proceeds of such annual levies shall be duly credited to such separate accounts for the payment of such Bond Requirements. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the Council shall first make proper provisions through the levy of sufficient General Taxes for the payment of the interest on and the retirement of the principal of the bonded indebtedness of the City, including, without limitation, the Bonds, subject to the limitation imposed by NRS ' 361.453 and Section 2, art. 10, State Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the City.

SECTION 29. Priorities for Bonds. As provided in NRS ' 361.463, in any year in which the total General Taxes levied against the property in the City by all overlapping units within the boundaries of the City exceeds the limitation imposed by NRS ' 361.453, or a lesser or greater amount fixed by the State Board of Examiners in any fiscal year, and it becomes necessary by reason thereof to reduce the levies made by any and all such units, the reductions so made shall be in General Taxes levied by such unit or units (including, without limitation, the City and the State) for purposes other than the payment of their bonded indebtedness, including interest thereon. The General Taxes levied for the payment of such bonded indebtedness and the interest thereon shall

always enjoy a priority over General Taxes levied by each such unit (including, without limitation, the City and the State) for all other purposes where reduction is necessary in order to comply with the limitation of NRS ' 361.453.

SECTION 30. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other taxes are levied and collected, and the proceeds thereof for the Bonds herein authorized shall be kept in the Principal Account and in the Interest Account, which accounts shall be used for no other purpose than the payment of principal and interest, respectively, as the same fall due.

SECTION 31. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such General Taxes (and any other available moneys) insufficient funds to pay the same shall be promptly paid when due from general funds on hand belonging to the City, reimbursement to be made for such general funds in the amounts so advanced when the General Taxes herein provided for have been collected, pursuant to NRS ' 350.596.

SECTION 32. Use of Other Funds. Nothing in this Ordinance prevents the City from applying any funds (other than General Taxes but including Net Revenues as herein defined) that may be available for that purpose to the payment of the Bond Requirements as the same, respectively, fall due, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to NRS ' 350.598.

SECTION 33. Legislative Duties. In accordance with NRS ' 350.592, it shall be the duty of the Council annually, at the time and in the manner provided by law for levying other General Taxes of the City, if such action shall be necessary to effectuate the provisions of this Ordinance, to ratify and carry out the provisions hereof with reference to the levy and collection of General Taxes; and the Council shall require the officers of the City to levy, extend and collect such General Taxes in the manner provided by law for the purpose of creating funds for the payment of the principal of the Bonds and the interest thereon. Such General Taxes when collected shall be kept for and applied only to the payment of the principal of and the interest on the Bonds as hereinbefore specified.

SECTION 34. Appropriation of General Taxes. In accordance with NRS ' 350.602, there is hereby specially appropriated the proceeds of such General Taxes to the payment of such

principal of and interest on the Bonds; and such appropriations will not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the Bond Requirements for the Bonds have been wholly paid.

SECTION 35. Pledge of Net Revenues. Subject only to the provisions of this Ordinance permitting the application thereof for or to the purposes and on the terms and conditions set forth herein, there are hereby additionally pledged to secure the payment of principal of and interest on the Bonds in accordance with their terms and the provisions of this Ordinance, all of the Net Revenues of the Sewer System. This pledge shall be valid and binding from and after the date of the delivery of the Bonds to the Purchaser; and the Net Revenues, as received by the City shall immediately be subject to the lien of this pledge without any physical delivery thereof, any filing or further act; and the lien of this pledge shall be valid and binding as against all parties having claims of any kind in tort, contract or otherwise against the City (except as herein otherwise provided) irrespective of whether such parties have notice thereof. The lien of this pledge and the obligation to perform the contractual provisions hereby made shall have priority over any and all other obligations and liabilities of the City payable from the Net Revenues, except as herein otherwise provided.

SECTION 36. Revenue Fund. So long as any of the Bonds shall be Outstanding, the entire Gross Revenues (as herein defined), upon their receipt from time to time by the City, shall be set aside and credited immediately to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Sanitary Sewer System Gross Revenues Fund" (the "Revenue Fund"). So long as any of the Bonds hereby authorized shall be Outstanding, the Revenue Fund shall be administered and the moneys on deposit therein shall be applied in the order of priority specified in Sections 37 through 42.

SECTION 37. Operation and Maintenance Fund. First, from time to time there shall be transferred and credited to a separate account heretofore created in the treasury of the City and designated as the "City of Las Vegas Sanitary Sewer System Operation and Maintenance Fund" (the "Operation and Maintenance Fund"), moneys sufficient to pay Operation and Maintenance Expenses (as hereinafter defined), as budgeted and approved in accordance with law, as such expenses become due and payable, and thereupon they shall be promptly paid. Any surplus remaining in the Operation

and Maintenance Fund at the end of the fiscal year of the City and not needed for Operation and Maintenance Expenses shall be transferred to the Revenue Fund.

SECTION 38. Interest Account. Second, from any moneys thereafter remaining in the Revenue Fund, i.e., from the Net Revenues, there shall be transferred and credited to the Interest Account, the Interest Account created for the payment of the bonds (the "January 1997 Bonds") authorized by Ordinance No. 4047 of the City, the Interest Account created for the payment of the bonds (the "December 1997 Bonds") authorized by Ordinance No. 5027 of the City, the Interest Account created for the payment of the bonds (the "2001 Bonds") authorized by Ordinance No. 5298 of the City, the Interest Account created for the payment of the bonds (the "2002 Bonds") authorized by Ordinance No. 5531 of the City, the Interest Account created for the payment of the bonds (the "2004 Bonds") authorized by Ordinance No. 5691 of the City, and to any other fund or account established for the payment of interest on any other Parity Securities monthly, commencing the first day of the month immediately succeeding the delivery to the Purchaser of the Bonds, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) the amount necessary to pay the installment of interest next due on the Bonds and such Parity Securities.

SECTION 39. Principal Account. Third, from any moneys thereafter remaining in the Revenue Fund, there shall be transferred and credited to the Principal Account, the Principal Account created for the payment of the January 1997 Bonds, the Principal Account created for the payment of the December 1997 Bonds, the Principal Account created for the payment of the 2001 Bonds, the Principal Account created for the payment of the 2002 Bonds, the Principal Account created for the payment of the 2004 Bonds, and to any other fund or account established for the payment of principal or sinking fund installments on any other Parity Securities monthly, commencing on the first day of the month immediately succeeding the delivery of the Bonds to the Purchaser, the amount necessary to accumulate by substantially equal monthly installments (together with any other moneys from time to time available therefor from whatever sources) to pay the installment of principal next due on the Bonds and such Parity Securities.

SECTION 40. Rebate Fund. Fourth, from any money thereafter remaining in the Revenue Fund, there shall be transferred and credited to the rebate funds created by ordinances

authorizing the issuance of the Outstanding Parity Securities the amounts required to be deposited therein, and concurrently with such transfers, there shall be transferred and credited to a special and separate account hereby created and designated as the "City of Las Vegas, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2005A, Rebate Fund" (the "2005 Rebate Fund") and to any other fund or account hereafter established for payment of amounts due the United States under ' 148(f) of the Tax Code in connection with any future Parity Securities such amounts as are required to be deposited therein to meet the City's obligations under the covenant contained in ' 54 hereof, in accordance with ' 148(f) of the Tax Code. Such deposits shall be made at such times as are required by ' 148(f) of the Tax Code and such covenant and amounts in the 2005 Rebate Fund shall be used for the purpose of making the payments to the United States required by such covenant and ' 148(f) of the Tax Code. Any amounts in the 2005 Rebate Fund in excess of those required to be on deposit therein may be withdrawn therefrom and deposited into the Revenue Fund.

SECTION 41. Payment of Subordinate Securities. Fifth, any moneys thereafter remaining in the Revenue Fund may be used by the City for the payment of the principal of and interest on Subordinate Securities; and may be used to create reasonable reserves and to pay rebate for such securities.

SECTION 42. Surplus Revenues. Sixth, any moneys thereafter remaining in the Revenue Fund may be used by the City at the end of any fiscal year of the City, or whenever there shall have been credited all amounts required to be deposited in the respective foregoing separate accounts for all of that fiscal year, for any lawful purposes of the City, as the City Council may from time to time determine, including, without limitation, for the creation of operation and maintenance reserves and capital reserves, the payment of capital costs and major maintenance costs of the Sewer System, to pay any other obligations pertaining to the System or otherwise.

SECTION 43. Termination of Deposits. No payment need be made into the Interest Account or Principal Account if the amounts in those funds total a sum at least equal to the entire amount of the Outstanding Bonds as to all Bond Requirements to their respective maturities both accrued and not accrued, in which case moneys in such account in an amount, except for any interest or other gain to accrue from any investment of moneys in Federal Securities (as herein defined) from

the time of any such investment to the time or respective times the proceeds of any such investment or deposit shall be needed for such payment, at least equal to such Bond Requirements, shall be used, together with any such gain from such investments, solely to pay such Bond Requirements as the same become due.

SECTION 44. Equal Security. The Bonds and any Parity Securities from time to time Outstanding shall be equally and ratably secured by the pledge of Net Revenues hereunder and shall not be entitled to any priority one over the other in the application of the Net Revenues regardless of the time or times of the issuance of the Bonds and any such Parity Securities.

SECTION 45. Defraying Delinquencies. If at any time the City shall for any reason fail to pay into the Interest Account, the Principal Account, or the 2005 Rebate Fund the full amount above stipulated from the Net Revenues, then an amount shall be paid first into the Interest Account and Principal Account and second into the 2005 Rebate Fund at such time equal to the difference between that paid from the Net Revenues and the full amount so stipulated. If securities (other than the Bonds) are Outstanding, the payment of which are secured by a lien on the Net Pledged Revenues which lien is on a parity with the lien hereon of the Bonds, and if the proceedings authorizing issuance of those securities require the replacement of moneys in a Interest Account, Principal Account, reserve fund or rebate fund therefor, then the moneys replaced in such funds shall be replaced on a pro rata basis related to the principal amount of the then Outstanding Bonds and the then Outstanding other Parity Securities, as moneys become available therefor, first into all of such interest, principal, and reserve funds and second into all such rebate funds.

SECTION 46. Conditions to Additional Parity Securities.

A. Nothing herein, except as expressly hereinafter provided, shall prevent the issuance by the City of additional securities payable from Net Revenues and constituting a lien thereon on a parity with, but not prior or superior to, the lien thereon of the Bonds, provided, however, that the following are express conditions to the authorization and issuance of any such Parity Securities:

(1) At the time of adoption of the instrument authorizing the issuance of the additional Parity Securities, the City shall not be in default in the payment of principal of or interest on the Bonds.

(2) The Net Revenues (subject to adjustments as hereinafter provided) projected by the City Finance Director, the Director of Public Works or an independent accountant or consulting engineer to be derived in the later of (i) the Fiscal Year immediately following the Fiscal Year in which the facilities to be financed with the proceeds of the additional Parity Securities are projected to be completed or (ii) the first Fiscal Year for which no interest has been capitalized for the payment of any Parity Securities, including the Parity Securities proposed to be issued, will be sufficient to pay at least an amount equal to the principal (or redemption price) and interest requirements (to be paid during that Fiscal Year) of the Outstanding Bonds, any other Outstanding Parity Securities of the City and the Parity Securities proposed to be issued (excluding any reserves therefor).

B. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, consideration shall be given to any probable estimated increase or reduction in Operation and Maintenance expenses that will result from the expenditure of the funds proposed to be derived from the issuance and sale of the additional Parity Securities.

C. In any determination of whether or not additional Parity Securities may be issued in accordance with the foregoing earnings test, the respective annual principal (or redemption price) and interest requirements shall be reduced to the extent such requirements are scheduled to be paid with moneys held in trust or in escrow for that purpose by any trust bank within or without the State, including the known minimum yield from any investment in Federal Securities (as herein defined).

D. A written certificate or written opinion by the City's Finance Director, the City's Director of Public Works, or an independent accountant or consulting engineer that the foregoing earnings test is met, shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver additional Parity Securities.

E. In connection with the authorization of any such additional securities the Council may on behalf of the City adopt any additional covenants or agreements

with the holders of such additional securities; provided, however, that no such covenant or agreement may be in conflict with the covenants and agreements of the City herein and no such covenant or agreement may be materially adverse to the interests of the holders of the Bonds. Any finding of the Council to the effect that the foregoing requirements are met shall, if made in good faith, conclusively establish that the foregoing requirements have been met for purposes of this Ordinance.

F. Nothing herein permits the issuance of securities having a lien on the Net Revenues superior to the lien thereon of the Bonds.

SECTION 47. Subordinate Securities for the Sewer System. Nothing herein, except as expressly hereinafter provided, shall prevent the City from issuing additional securities payable from Net Revenues and constituting a lien thereon subordinate to the lien thereon of the Bonds and any Outstanding Parity Securities; provided, however, that the proceeds of any such Subordinate Securities shall be used only to pay the cost (including, without limitation, incidental expenses) of a project for the betterment, enlargement, extension, other improvement or equipment of the Sewer System, or any combination thereof.

SECTION 48. Issuance of Refunding Bonds.

A. At any time after the Bonds, or any part thereof, are issued and remain Outstanding, if the City shall find it desirable to refund any Outstanding Bonds or other Outstanding Parity or Subordinate Securities payable from and constituting a lien upon any Gross Revenues, such Bonds or other securities, or any part thereof, may be refunded only if the Bonds or other securities at the time or times of their required surrender for payment shall then mature or shall be then callable for prior redemption for the purpose of refunding them at the City's option upon proper call, unless the owner or owners of all such Outstanding securities consent to such surrender and payment, regardless of whether the priority of the lien for the payment of the refunding securities on the Pledged Revenues is changed (except as provided in Section 46F hereof).

B. The refunding bonds or other refunding securities so issued shall enjoy complete equality of lien with the portion of any securities of the same issue

which is not refunded, if there is any; and the owner or owners of the refunding securities shall be subrogated to all of the rights and privileges enjoyed by the owner or owners of the unrefunded securities of the same issue partially refunded by the refunding securities.

C. Any refunding bonds or other refunding securities payable from any Gross Revenues shall be issued with such details as the Council may by ordinance provide, subject to the provisions of this section but without any impairment of any contractual obligation imposed upon the City by any proceedings authorizing the issuance of any unrefunded portion of the Outstanding securities of any one or more issues (including, without limitation, the Bonds).

D. If only a part of the Outstanding Bonds and other Outstanding securities of any issue or issues payable from the Gross Revenues is refunded, then such securities may not be refunded without the consent of the owner or owners of the unrefunded portion of such securities:

(1) Unless the refunding bonds or other refunding securities do not increase for any Bond Year the aggregate principal and interest requirements evidenced by the refunding securities and by the Outstanding securities not refunded on and before the last maturity date or last Redemption Date, if any, whichever is later, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Net Revenues is not raised to a higher priority than the lien thereon of the Bonds or other securities thereby refunded; or

(2) Unless the lien on any Gross Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

(3) Unless the refunding bonds or other refunding securities are issued in compliance with Section 46 hereof.

SECTION 49. Operation of the System. The City shall at all times operate the Sewer System properly and in a sound and economical manner and shall maintain, preserve and keep the Sewer System properly, or cause the same so to be maintained, preserved and kept, in good

repair, working order and condition. The City also shall from time to time make or cause to be made all necessary and proper repairs, replacements and renewals so that at all times the operation of the Sewer System may be properly and advantageously conducted in conformity with standards customarily followed by municipalities operating sanitary sewer facilities of like size and character.

Except for the use of the Sewer System or services pertaining thereto in the normal course of business, neither all nor a substantial part of the Sewer System shall be sold, leased, mortgaged, pledged, encumbered, alienated or otherwise disposed of until all the Bonds have been paid in full, or unless provision has been made therefor as hereinafter provided.

SECTION 50. Payment of Taxes, Etc. The City shall pay or cause to be paid all taxes, assessments and other municipal or governmental charges, if any, lawfully levied or assessed upon or in respect of the Sewer System or any part thereof, or upon any portion of the Gross Revenues, when the same shall become due. The City shall duly observe and comply with all valid requirements of any municipal or governmental authority relative to the Sewer System or any part thereof, except for any period during which the validity of the same is being contested in good faith by proper legal proceedings. The City shall not create or suffer to be created any lien or charge on the Sewer System or any part thereof, or upon the Gross Revenues, except the pledge and lien created by this Ordinance for the payment of the Bonds and any other outstanding Parity or Subordinate Securities issued in accordance herewith, and except as herein otherwise permitted. The City shall pay or cause to be discharged or shall make adequate provision to satisfy and to discharge within 60 days after the same shall become payable, all lawful claims and demands for labor, materials, supplies or other objects which, if unpaid, might by law become a lien upon the Sewer System or any part thereof, or upon the Gross Revenues. Nothing herein contained requires the City to pay or cause to be discharged or to make provision for any such tax, assessment, lien, charge or demand before the time when payment thereon shall be due, or so long as the validity thereof shall be contested in good faith by appropriate legal proceedings.

SECTION 51. No Competing Facilities. The City shall neither construct nor permit to be constructed other facilities or structures to be operated by the City separate from the Sewer System and competing for Gross Revenues otherwise available for the payment of the Bonds or any

other securities payable from Net Revenues; provided, however, that nothing herein contained shall impair the police powers of the City or otherwise cause the City to violate any applicable law.

SECTION 52. Rate Covenant. The City shall charge against users or against purchasers of services or commodities pertaining to the Sewer System such fees, rates and other charges as shall be sufficient to produce Gross Revenues annually which, together with any other funds available therefor, will be in each fiscal year of the City at least equal to the sum of:

- (a) an amount equal to the annual Operation and Maintenance Expenses for such fiscal year;
- (b) an amount equal to the Bond Requirements and other debt service due in such fiscal year on the then Outstanding Bonds and any Outstanding Parity Securities; and
- (c) any other amounts payable from the Net Revenues and pertaining to the Sewer System, including, without limitation, debt service on any Subordinate Securities and any other securities pertaining to the Sewer System, operation and maintenance reserves, capital reserves and prior deficiencies pertaining to any account relating to Gross Revenues.

The foregoing rate covenant is subject to compliance by the City with any legislation of the United States of America, the State or other governmental body, or any regulation or other action taken by the United States, the State or any agency or political subdivision of the State pursuant to such legislation, in the exercise of the police power thereof for the public welfare, which legislation, regulation or action limits or otherwise inhibits the amounts of fees, rates and other charges collectible by the City for the use of or otherwise pertaining to, and all services rendered by, the Sewer System.

Subject to the foregoing, the City shall cause all fees, rates and other charges pertaining to the Sewer System to be collected as soon as reasonable and shall provide methods of collection and penalties to the end that the Gross Revenues shall be adequate to meet the requirements hereof.

SECTION 53. Records and Accounts. So long as any of the Bonds remain Outstanding, proper records and accounts shall be kept by the City, separate and apart from all other

records and accounts, showing complete and correct entries of all transactions relating to the Sewer System and to all moneys pertaining thereto, including, without limitation, the Gross Revenues.

SECTION 54. Tax Covenant. The City covenants for the benefit of the owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities refinanced with the proceeds of the Bonds if such action or omission (i) would cause the interest on the Bonds to lose its exclusion from gross income for federal income tax purposes under ' 103 of the Tax Code, or (ii) would cause interest on the Bonds to lose its exclusion from alternative minimum taxable income as defined in ' 55(b)(2) of the Tax Code except to the extent such interest is required to be included in the adjusted current earnings adjustment applicable to corporations under ' 56 of the Tax Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Tax Code have been met.

SECTION 55. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge, the lien, and all obligations hereunder as to that Bond shall thereby be discharged and the Bond shall no longer be deemed to be Outstanding within the meaning of this Ordinance. There shall be deemed to be such due payment when the City has placed in escrow or in trust with a trust bank located within or without the State, an amount sufficient (including the known minimum yield available for such purpose from direct obligations of, or obligations the principal of or interest on which are unconditionally guaranteed by, the United States of America (the "Federal Securities") in which such amount may be initially invested wholly or in part) to meet all Bond Requirements of the Bond, as the same become due to the final maturity of the Bond, or upon any redemption date as of which the City shall have exercised or shall have obligated itself to exercise its prior redemption option by a call of Bond for payment then. The Federal Securities shall become due before the respective times on which the proceeds thereof shall be needed, in accordance with a schedule established and agreed upon between the City and the bank at the time of the creation of the escrow or trust, or the Federal Securities shall be subject to redemption at the option of the holders thereof to assure availability as needed to meet the schedule. For the purpose of this section "Federal Securities" shall include only Federal Securities which are not callable for redemption prior to their

maturities except at the option of the owner thereof. When such defeasance is accomplished the Paying Agent shall mail written notice of the defeasance to the registered owner of the Bond at the address last shown on the registration records for the Bonds maintained by the Registrar.

SECTION 56. Amendments. This Ordinance may be amended or supplemented by instruments adopted by the City, without receipt by the City of any additional consideration, but with the written consent of the insurer of the Bonds, if any, or the owners of 66% in aggregate principal amount of the Bonds Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding Bonds which may then be held or owned for the account of the City, but including such refunding securities as may be issued for the purpose of refunding any of the Bonds if the refunding securities are not owned by the City. No such instrument shall permit without the consent of the insurer of the Bonds, if any, or all of the bondowners adversely affected thereby:

(a) A change in the maturity or in the terms of redemption of the principal or any installment thereof of any Outstanding Bond or any installment of interest thereon;

(b) A reduction in the principal amount of any bond or the rate of interest thereon, without the consent of the owner of the Bond; or

(c) A reduction of the principal amount or percentages or otherwise affecting the description of Bonds the consent of the owners of which is required for any modification or amendment; or

(d) The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

(e) The modification of, or other action which materially and prejudicially affects the rights or privileges of the owners of less than all of the Bonds then Outstanding.

Whenever the City proposes to amend or modify this Ordinance under the provisions hereof, it shall cause notice of the proposed amendment (i) to be published one time in each of a newspaper published and of general circulation in Clark County, in the State of Nevada, and a financial newspaper or journal published in the City of New York, in the State of New York, as determined by the Council; and (ii) to be mailed by first class mail within 30 days to the insurer of

the Bonds, if any, or each registered owner of each registered Bond. The notice shall briefly set forth the nature of the proposed amendment and shall state that a copy of the proposed amendatory instrument is on file in the office of the City Clerk for public inspection.

Whenever at any time within one year from the date of such notice there shall be filed in the office of the City Clerk an instrument or instruments executed by the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds then Outstanding, which instrument or instruments shall refer to the proposed amendatory instrument described in the notice and shall specifically consent to and approve the adoption of the instrument; thereupon, but not otherwise, the Council may adopt the amendatory instrument and the instrument shall become effective.

If the insurer of the Bonds, if any, or the owners of at least 66% in aggregate principal amount of the Bonds Outstanding, at the time of the adoption of the amendatory instrument, or the predecessors in title of such owners, shall have consented to and approved the adoption thereof as herein provided, no insurer or owner of any Bond, whether or not the insurer or owner shall have consented thereto, shall have any right or interest to object to the adoption of the amendatory instrument or to object to any of the terms or provisions therein contained or to the operation thereof or to enjoin the City from taking any action pursuant to the provisions thereof. Any consent given by the insurer of the Bonds, if any, or the owner of a Bond pursuant to the provisions hereof shall be irrevocable.

Bonds authenticated and delivered after the effective date of any action taken as provided in this Section 56 may bear a notation by endorsement or otherwise in form approved by the City as to the action; and if any Bond so authenticated and delivered shall bear such notation, then upon demand of the owner of any Bond Outstanding at such effective date and upon presentation of his bond, suitable notation shall be made on the Bond as to any such action. If the City so determines, new bonds so modified as in the opinion of the City to conform to such action shall be prepared, registered and delivered; and upon demand of the owner of any Bond then Outstanding, shall be exchanged without cost to the owner for Bonds then Outstanding upon surrender of such Bonds.

SECTION 57. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent shall resign, or if the Council shall reasonably determine that said Registrar or Paying Agent has become incapable of performing its duties hereunder, or if for any other reason the City determines to retain a successor Registrar or Paying Agent, the Council may, upon notice mailed to each owner of any Bond at his address last shown on the registration records, appoint a successor Registrar or Paying Agent. No resignation or dismissal of the Registrar or Paying Agent may take effect until a successor is appointed. It shall not be required that the same person or institution serve as Registrar and Paying Agent thereunder, but the City shall have the right to have the same person or institution serve as Registrar and Paying Agent. Any successor Registrar and Paying Agent must be an officer or employee of the City or a commercial bank authorized to execute trust powers.

SECTION 58. Maintenance and Use of Escrow Account.

A. The Escrow Account shall be maintained by the City in an amount at the time of those initial deposits therein and at all times subsequently at least sufficient, together with the known minimum yield to be derived from the initial investment and any temporary reinvestment of the deposits therein or any part thereof in Federal Securities, to pay the interest due in connection with the Refunded Bonds, both accrued and not accrued, as the same become due up to and including the respective redemption dates for the Refunded Bonds set forth in the Escrow Agreement (the "Refunded Bonds Redemption Dates"), and to redeem on the respective Refunded Bonds Redemption Dates all of the applicable Refunded Bonds at a redemption price equal to the principal amount thereof, accrued interest to the redemption date and any premium required by the ordinances authorizing the issuance of the Refunded Bonds.

B. Moneys shall be withdrawn by the Escrow Bank from the Escrow Account in sufficient amounts and at such times to permit the payment of the principal and interest requirements of the Refunded Bonds on and before the Refunded Bonds Redemption Dates and on the Refunded Bonds Redemption Dates, the City shall call for prior redemption of all the applicable Refunded Bonds. Any moneys remaining in the Escrow Account after provision shall have been made for

the redemption in full of the Refunded Bonds shall be applied to any lawful purpose of the City as the Council may hereafter determine.

C. If for any reason the amount in the Escrow Account shall at any time be insufficient for the purposes of effecting the Project, the City shall forthwith from the first moneys available therefor deposit in such account such additional moneys as shall be necessary to permit the payment in full of the principal, interest and redemption premium due in connection with the Refunded Bonds as herein provided.

**SECTION 59. Exercise of Option; Notice of Redemption.**

A. The Council has elected and does hereby declare its intent to exercise on the behalf and in the name of the City its option to redeem on each of the Refunded Bonds Redemption Dates all of the applicable Refunded Bonds. The Council is hereby obligated so to exercise such option, which option shall be deemed to have been exercised when notice is duly given and completed forthwith after the issuance of the Bonds as herein provided.

B. The Treasurer, forthwith upon issuance of the Bonds, is authorized and directed to give forthwith upon the issuance of the Bonds notices of prior redemption and defeasance of the Refunded Bonds as set forth herein, in accordance with the provisions of the ordinances authorizing the issuance of the Refunded Bonds.

C. The notices of prior redemption and defeasance shall be given as required by the ordinances authorizing the issuance of the Refunded Bonds.

**SECTION 60. Delegated Powers.** The officers of the City are hereby authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. The printing of the Bonds, including, without limitation, and if appropriate, a statement of insurance, if any;

B. The execution of the certificates as may be reasonably required by the purchaser, relating, inter alia,

(1) to the signing of the Bonds,

- (2) to the tenure and identity of the officials of the City,
- (3) to the assessed valuation of the taxable property in and the indebtedness of the City,
- (4) to the rate of taxes levied against the taxable property within the City,
- (5) to the exemption of interest on the Bonds from federal income taxation,
- (6) to the delivery of the Bonds to The Depository Trust Company and the receipt of the Bond purchase price,
- (7) to the completeness and accuracy of any information provided the Purchaser in connection with the Bonds as of the date of delivery of the Bonds, and
- (8) if it is in accordance with the fact, to the absence of litigation, pending or threatened, affecting the validity of the Bonds;

C. The execution of the Escrow Agreement by the City's Finance Director, on behalf of the City, as issuer, of the Bonds;

D. The execution by the City's Finance Director of the Bond Purchase Proposal for the sale of the bonds with the Purchaser thereof;

E. The completion and execution by the City's Finance Director of the Certificate of the Finance Director; and

F. The assembly and dissemination of financial and other information concerning the City and the Bonds.

SECTION 61. Continuing Disclosure Undertaking and Certificate. The City covenants for the benefit of the holders and beneficial owners of the Bonds to comply with the provisions of the final Continuing Disclosure Certificate in substantially the form now on file with the City Clerk to be executed and delivered in connection with the delivery of the Bonds and the City Finance Director is authorized to execute and deliver such certificate on behalf of the City.

SECTION 62. Publication of Proposed Ordinance. When first proposed, this Ordinance must be read to the Council by title, after which an adequate number of copies of this

Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Deposit of an Ordinance)

**BILL NO. \_\_\_\_\_**

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

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY-S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on March 2, 2005, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on March 16, 2005.

/s/ Barbara Jo Ronemus  
City Clerk

(End of Form of Publication of Notice of Deposit of An Ordinance)

**SECTION 63. Publication of Ordinance and Effective Date. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published by title only, together with the names of the members of the Council who voted for or against its adoption. This Ordinance shall be in effect on and after the publication of adoption of this Ordinance. Such publication of adoption of this Ordinance shall be made at least once in a newspaper published and having general circulation in the City and such publication shall be in substantially the following form:**

(Form of Publication of Adoption of Ordinance)

BILL NO. \_\_\_\_\_

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

(of Las Vegas, Nevada)

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled ordinance are available for public examination and distribution upon request at the office of the City Clerk of the City of Las Vegas, Nevada, at her office at 400 East Stewart Avenue, Las Vegas, Nevada; and that the above-numbered and entitled Ordinance was passed and adopted at a regular meeting of the City Council of the City of Las Vegas on March 16, 2005, by the following vote of the City Council:

Those Voting Aye:

Oscar Goodman  
Gary Reese  
Larry Brown  
Lawrence Weekly  
Michael Mack  
Steve Wolfson  
Lois Tarkanian

Those Voting Nay:

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

Those Absent:

This Ordinance shall be in full force and effect on and after the \_\_\_\_ day of March, 2005.

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

DATED this March 16, 2005.

/s/ Oscar Goodman  
Mayor

Attest:

/s/ Barbara Jo Ronemus  
City Clerk

(End of Form of Publication)

SECTION 64. Ordinance Irrepealable. This Ordinance, if any Bonds are in fact issued, shall be and shall remain irrepealable until the Bonds, as to all Bond Requirements, shall be fully paid, canceled and discharged, as herein provided.

SECTION 65. Implied Repealer. All resolutions and ordinances, bylaws and orders, or parts thereof, inconsistent herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution, ordinance, bylaw, order, or part thereof, heretofore repealed.

SECTION 66. Severability. If any section, paragraph, clause or 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 provision shall not affect any of the remaining provisions of this Ordinance.

(SEAL)

Attest:

  
\_\_\_\_\_  
Mayor

  
\_\_\_\_\_  
City Clerk

This Ordinance shall be in force and effect on and after the 20<sup>TH</sup> day of March, 2005.

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on March 2, 2005 and finally adopted and approved on March 16, 2005.

2. The following members of the Council were present at the March 2, 2005 Council meeting:

Mayor:	Oscar Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Steve Wolfson
	Lois Tarkanian

3. The foregoing Ordinance was first proposed and read by title to the City Council on March 2, 2005, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on March 16, 2005, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the March 16, 2005 meeting and voted upon the adoption of the Ordinance as follows:

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

Those Voting Nay:  
Those Absent:

NONE  
NONE

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 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 Council were given due and proper notice of the meetings held on March 2, 2005, and March 16, 2005. Pursuant to ' 241.020, Nevada Revised Statues, 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 working days before the meetings on the City's website, at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Clerk's Bulletin Board  
City Hall Plaza, 2<sup>nd</sup> Floor Skybridge  
Las Vegas, Nevada
- (ii) Court Clerk's Office Bulletin Board  
City Hall Plaza  
Las Vegas, Nevada
- (iii) Las Vegas Library District  
833 Las Vegas Boulevard North  
Las Vegas, Nevada
- (iv) Clark County Government Center  
500 S. 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 working days before the meetings to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of such notice so given of the meeting of the Council on March 2, 2005, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on March 16, 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 March 16, 2005.

  
City Clerk

(SEAL)

**EXHIBIT A**

**(Attach Copy of Notice of March 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), STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1)

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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.

**MARCH 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](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO 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 CYNDI DeLONG, RELIGIOUS SCIENCE
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF AMERICAN RED CROSS MONTH
- RECOGNITION OF PURCHASING AND SUPPLY MANAGEMENT MONTH
- RECOGNITION OF WOMEN'S HISTORY MONTH
- RECOGNITION OF NEVADA YOUTH READING WEEK

### 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 December 15, 2004 and the Special City Council Meeting of June 24, 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 SERVICES - CONSENT**

3. Approval of the ratification of Robin W. Munier in a Council support position as a Council Liaison to the Ward 1 office - Ward 1 (Tarkanian)

### **BUSINESS DEVELOPMENT - CONSENT**

4. Approval of a Second Amendment to the Operating Agreement between the City of Las Vegas and the Las Vegas Technology Center Owners Association (LVTCOA) extending the agreement 60 days to allow finalization of issues related to transfer of the "Common Areas", located at the intersection of Tenaya Way and Prairie Falcon Road, required by the Operating Agreement approved by the City Council on March 1, 1995, and as amended on February 2, 2000 - Ward 4 (Brown)

### **FIELD OPERATIONS - CONSENT**

5. Approval of Amendment to an Interlocal Agreement with Regional Transportation Commission of Southern Nevada (RTC) to reduce the frequency of collection and probing service at the Downtown Transportation Center (\$4,920 savings - General Fund) - Wards 1, 3 and 5 (Tarkanian, Reese and Weekly)

### **FINANCE & BUSINESS SERVICES - CONSENT**

6. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
7. Approval of a Special Event License for Whole Foods Market, Inc., Location: Whole Foods Market, 8855 West Charleston Boulevard, Dates: March 17, 24 and April 16, 20, 2005, Type: Special Event Beer/Wine, Events: Wine Tastings on March 17, 24 and April 20, BBQ Benefit for the Southern Nevada Fire Fighters Burn Foundation on April 16, 2005, Responsible Persons in Charge: Michael Minggia, Peter Sturges, David A. Laning - Ward 2 (Wolfson)
8. Approval of a Special Event License for Mexican Patriotic Committee, Location: Freedom Park, 850 North Mojave Road, Date: March 20, 2005, Type: Special Event Beer/Wine, Event: Family Picnic, Responsible Person in Charge: Eddie Escobedo - Ward 3 (Reese)
9. Approval of a Special Event License for Enrique Tinoco, Location: Tinocos Restorant, 103 East Charleston Boulevard, Suite 107, Date: March 4, 2005, Type: Special Event Beer/Wine, Event: First Friday of March, Responsible Person in Charge: Enrique Tinoco - Ward 1 (Tarkanian)
10. Approval of a Special Event License for Aida Cardenas, Location: East Las Vegas Community Senior Center, 250 North Eastern Avenue, Date: March 12, 2005, Type: Special Event Beer/Wine, Event: Sweet 15 (Quinceañera), Responsible Person in Charge: Gerardo Macias - Ward 3 (Reese)
11. Approval of a Special Event License for St. Anne Catholic School, Location: St. Ann Catholic School, 1813 South Maryland Parkway, Dates: April 23, 24, 2005, Type: Special Event Beer/Wine, Event: St. Anne Catholic School Fun Fair 2005 Fundraiser, Responsible Person in Charge: Carol Rose - Ward 3 (Reese)

## FINANCE & BUSINESS SERVICES - CONSENT

12. Approval of Change of Business Name for a Beer/Wine/Cooler On-sale License, Inno International, Inc., dba From: Tokyoto Sushi & Roll Japanese Restaurant, To: Tokyoto Sushi, 1000 South Rampart Boulevard, Suite 16, Do Y. Kim, Dir, Pres, Secy, Treas, 100% - Ward 2 (Wolfson)
13. Approval of award of Contract No. 050520 for Sewage Waste Disposal Services - Department of Public Works - Award recommended to: REPUBLIC SILVER STATE DISPOSAL, INC. (Estimated Annual Amount \$1,058,000 - Sanitation Enterprise Fund)
14. Approval of Use Agreement No. 050549 authorizing use of Clark County Bid Number 5200-02, Volumetric Regenerative Street Sweepers - Department of Field Operations - Award to: H&E EQUIPMENT SERVICES - (Estimated Annual Amount of \$235,234 - Automotive Services Internal Service Fund)
15. Approval of ratification of a purchase order for fiberglass flights, non-metallic chain and components - Department of Public Works - Award recommended to: US FILTER ENVIREX PRODUCTS (\$55,490 - Sanitation Enterprise Fund)
16. Approval of issuance of a purchase order for Promax Final Cut Pro Non-linear Editors - Office of Communications - Award recommended to: PROMAX SYSTEMS INC (\$54,179 - Video Production Enterprise Fund)
17. Approval of the rejection of bid and award of Bid No. 050068-TG, Galvanized Steel Sign Posts - Department of Public Works - Award recommended to: PACIFIC PRODUCTS & SERVICES (Estimated annual amount \$50,000 - General Fund)
18. Approval of issuance of a purchase order for Sewage Grinders - Department of Detention and Enforcement - Award recommended to: JWC ENVIRONMENTAL (\$42,459 - General Fund)
19. Approval of the award of Bid No. 050513-GL, Printing of Metro Multi-Systems Guidebook, MSG-4 - Department of Information Technology, Graphic Arts - Award recommended to: SCHIELE GRAPHICS (\$38,155 - General Fund)

## FIRE & RESCUE - CONSENT

20. Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with Mike O'Callaghan Federal Hospital for the transfer of interoperable radio equipment for public safety communications - All Wards

## HUMAN RESOURCES - CONSENT

21. Approval of payment for a permanent partial disability award - Claim WC04010014 - as required under the workers' compensation statutes (\$44,563.77 - Workers' Compensation Internal Service Fund)
22. Approval of payment for a permanent partial disability award - Claim WC03040091 - as required under the workers' compensation statutes (\$62,622.91 - Workers' Compensation Internal Service Fund)

## NEIGHBORHOOD SERVICES - CONSENT

23. Approval of a Direct Loan Agreement expending \$26,000 of HOME Investment Partnership Program (HOME) funds for housing rehabilitation activities at 1701 Loch Lomand Way, Stella Butterfield, owner - Ward 1 (Tarkanian)
24. Approval of a Department of Justice sponsored Weed and Seed Interlocal Agreement between the City of Las Vegas and the Las Vegas Metropolitan Police Department to allocate \$112,500 of Weed and Seed Funds - Wards 3 and 5 (Reese and Weekly)

## PLANNING & DEVELOPMENT - CONSENT

25. Approval of annexation report for the proposed annexation area generally located on the north side of Moccasin Road, between the Buffalo Drive Alignment to the east and Spin Ranch Road to the west (ANX-3026) - Ward 6 (Mack)
26. Approval of annexation report for the proposed annexation area bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north (ANX-5528) - Ward 6 (Mack)

## PUBLIC WORKS - CONSENT

27. Approval of a Dedication from the City of Las Vegas, for a portion of the Northeast Quarter of Section 29, Township 20 South, Range 60 East, Mount Diablo Meridian, for right-of-way located at the southwest corner of Vegas Drive and Durango Drive for a right turn lane, APN 138-29-501-007 - Ward 4 (Brown)
28. Approval of an Encroachment Request from Landtek, LLC, on behalf of Cliffs Edge, LLC, owner (Hualapai Way between Grand Teton Drive and Dorrell Lane) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Landtek, LLC, on behalf of Cliffs Edge, LLC, owner (Grand Teton Drive between Puli Road and Hualapai Way) - Ward 6 (Mack)
30. Approval of a Rule 9 Line Extension Agreement with Nevada Power Company (NPC) for the installation of NPC facilities to provide power for streetlight and traffic signal services for Jones Boulevard - Beltway to Elkhorn Road (\$7,556 - Regional Transportation Commission [RTC]) - Ward 6 (Mack)
31. Approval of an Engineering Design Services Agreement with CH2M Hill for the Regional Transportation Commission of Southern Nevada Interlocal Contract 482 - Bus Turnout Project FY 2005 within Charleston Boulevard from Nellis Boulevard to Fremont Street (\$399,559 - Regional Transportation Commission [RTC]) - Ward 3 (Reese)
32. Approval of a First Amendment to Professional Services Agreement with Carollo Engineers for additional services on the design expansion of the Lone Mountain Lift Station (\$49,979 - Sanitation Fund) - Ward 6 (Mack)

## RESOLUTIONS - CONSENT

33. R-21-2005 - Approval of a Resolution directing the City Treasurer to prepare the Forty-Ninth Assessment Lien Apportionment Report for Special Improvement District No. 404 Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
34. R-22-2005 - Approval of a Resolution approving the Forty-Ninth Assessment Lien Apportionment Report for Special Improvement District No. 404 Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
35. R-23-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$211,114.49 - Capital Projects Fund/Special Assessments) - Ward 6 (Mack)
36. R-24-2005 - Approval of a Resolution Determining the Cost and Directing the Director of Public Works to Prepare the Final Assessment Roll for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2006) (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)
37. R-25-2005 - Approval of a Resolution fixing the time and place when complaints, protests, and objections to the Final Assessment Roll will be heard for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2006) (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)
38. R-26-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 6 (Mack)

## REAL ESTATE COMMITTEE - CONSENT

39. Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
40. Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 3.165 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-018 to The Salvation Army for development and construction of an affordable family housing community for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
41. Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 1.0 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-21-804-004 to The Shade Tree, Inc., (Shade Tree) for their off-site expansion (\$10 revenue - General Fund) - Ward 5 (Weekly)
42. Approval of the City of Las Vegas (City) entering into negotiations with RS Consulting regarding a possible agreement whereby the City sells RS Consulting approximately 0.86 acres of land known as APN 138-03-510-003 located at the southeast corner of Lone Mountain Road and Balsam Street - Ward 6 (Mack)
43. Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 2.81 acres of land located in the vicinity of Hualapai Way and Gilmore Avenue known as APN 138-07-103-006 to Lone Mountain Villas, LLC, (Lone Mountain) to develop future housing (\$758,700 revenue less shared closing costs - General Fund) - Ward 4 (Brown)

## DISCUSSION / ACTION ITEMS

### ADMINISTRATIVE - DISCUSSION

44. Report and possible action concerning the status of 2005 legislative issues
45. Discussion and possible action regarding an Interlocal Agreement with Clark County to transfer a two percent rental car tax to the City of Las Vegas for the purposes of supporting a performing arts center - All Wards

### CITY ATTORNEY - DISCUSSION

46. Discussion and possible action on Appeal of Work Card Denial: Kristin R. Curley, 5370 E. Craig Road #2122-69, Las Vegas, Nevada 89115
47. Discussion and possible action on Appeal of Work Card Denial: Bobby Ray Warren, Jr., 3975 N. Nellis Boulevard #4-2157, Las Vegas, Nevada 89115
48. Discussion and possible action on Appeal of Work Card Denial: Jennifer Deeann Stitt, 6666 Washington #124, Las Vegas, Nevada 89107
49. Discussion and possible action on Appeal of Work Card Denial: Casey Joseph Loop, 4185 Paradise Road #2109, Las Vegas, Nevada 89109
50. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Tiffany Avice Johnson-Rorie, P.O. Box 669, Las Vegas, Nevada 89125
51. Discussion and possible action on Appeal of Work Card Denial: Charles J. Irion, 1020 Hassett Avenue, Las Vegas, Nevada 89104

## CITY ATTORNEY - DISCUSSION

52. Discussion and possible action on Appeal of Work Card Denial: Christin June Delay, 6105 E. Sahara Avenue #75, Las Vegas, Nevada 89142

## FINANCE & BUSINESS SERVICES - DISCUSSION

53. Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Cisco's Supper Club, Incorporated, dba Ciscos Mexican Seafood and Cantina, 2100 Fremont Street, Michelle E. Gomez, Dir, Pres, VP, Secy, Treas, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 129 - SUP-5802) - Ward 3 (Reese)
54. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License, From: Sushi on Tropicana, Inc., dba Sushi on Summerlin, Hideki Otsuka, Dir, Pres, Secy, Treas, 100%, Hatsumi Otsuka, Dir, To: Sushi Island, Inc., dba Sushi in Summerlin, 7450 West Cheyenne Avenue, Suite 118, Alvin L. Silva, Dir, Pres, 50%, Christina M. Silva, Dir, Secy, Treas, 50% - Ward 4 (Brown)
55. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes, Samuel M. Martinez, dba Camino Real Mexican Grill, 5000 West Charleston Boulevard, Suite D, Samuel M. Martinez, 100%, Armida R. Martinez, Principal - Ward 1 (Tarkanian)
56. Discussion and possible action regarding Change of Location and Business Name for a Massage Establishment License subject to the provisions of the planning and fire codes, Xiao Ping Wang, LLC, dba From: Far East Massage Center, 5000 West Oakey Boulevard, D2, To: New China Spa & Massage, 570 South Decatur Boulevard, Xiao P. Wang, Mmbr, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 124 - SUP-5739) - Ward 1 (Tarkanian)
57. Discussion and possible action regarding a new Psychic Art and Science License subject to the provisions of the planning and fire codes, Nana Adams, dba World Psychic, 2901 West Washington Avenue, Booth T129, Nana Adams, 100% - Ward 5 (Weekly)
58. Discussion and possible action regarding a Six Month Review of a Package License and a Restricted Gaming License for 7 slots, Speakeasy Liquor Partnership, dba Speakeasy Liquor, 1006 East Charleston Boulevard, Raid B. Bidi, Ptnr, 50%, Said Y. Sipo, Ptnr, 50% - Ward 3 (Reese)
59. Discussion and possible action regarding a Six Month Review of a Tavern License, Crest Lodge, Inc., dba Fong's Garden Cafe de Manila, 2021 East Charleston Boulevard, Lourdes S. Guevara, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)

## NEIGHBORHOOD SERVICES - DISCUSSION

60. ABEYANCE ITEM - Report regarding Federal and State funded programs administered by the Neighborhood Services Department on behalf of the city of Las Vegas - All Wards
61. Discussion and possible action on a conditional allocation of \$5,807,332 in FY 2005-2006 Community Development Block Grant (CDBG) funds subject to award of the funding to the city of Las Vegas by the Department of Housing and Urban Development (HUD) and \$160,000 in anticipated Program Income Funds - All Wards
62. Discussion and possible action on a conditional allocation of \$223,918 in FY 2005-2006 Emergency Shelter Grant (ESG) funds subject to award of the funding to the city of Las Vegas by the Department of Housing and Urban Development (HUD) and \$27,283 of FY 2004-2005 Reprogrammed ESG funds - All Wards
63. Discussion and possible action on a conditional allocation of \$886,000 in FY 2005-2006 Housing Opportunities For Persons With AIDS (HOPWA) grant funds subject to award of the funding to the city of Las Vegas by the Department of Housing and Urban Development (HUD) and \$38,286 of FY 2004-2005 Reprogrammed HOPWA funds - All Wards

**PLANNING & DEVELOPMENT - DISCUSSION**

64. Discussion and possible action on the revised Southern Nevada Water Authority Drought Plan - All Wards
65. Report regarding top ranked projects as determined by the Parks, Trails and Natural Areas subgroup in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) - All Wards

**RESOLUTIONS - DISCUSSION**

66. R-27-2005 - Discussion and possible action on a Resolution Supporting the Retention of All Proceeds from Land Sales Under the 1998 Southern Nevada Public Land Management Act

**BOARDS & COMMISSIONS - DISCUSSION**

67. HISTORIC PRESERVATION COMMISSION - Dorothy Wright, Term Expiration 3/24/2005; Mary Hausch, Term Expiration 3/6/2005; Felix DeHerrera, Term Expiration 3/8/2007 (Resigned)
68. CONSERVATION DISTRICT OF SOUTHERN NEVADA (CDSN) BOARD - Dirick Van Gorp, Term Expires 3-17-2005
69. PARK & RECREATION ADVISORY COMMISSION - Walter R. Sapling, Term Expiration 1-8-2006 (Deceased)

**REAL ESTATE COMMITTEE - DISCUSSION**

70. ABEYANCE ITEM - 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 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.**

71. Bill No. 2005-9 - Eliminates the inclusion of street rights-of-way and open space in the acreage used to determine allowable units per acre in residential subdivisions. Proposed by: Margo Wheeler, Director of Planning and Development
72. Bill No. 2005-10 - Eliminates redevelopment area status as a determinant of development standards relating to residential adjacency and certain setback requirements. Sponsored by: Councilman Lawrence Weekly
73. Bill No. 2005-11 - Clarifies the rules that apply to the remodeling, alteration, expansion or reuse of parking-impaired developments. Proposed by: Margo Wheeler, Director of Planning and Development

## 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.**

74. Bill No. 2005-12 - Annexation No. ANX-5656 - Property location: On the west side of Al Carrison Street, 50 feet south of McNamee Avenue; Petitioned by: Michael E. Burke; Acreage: 2.08 acres; Zoned: R-A (County zoning), R-A (City equivalent). Sponsored by: Councilman Michael Mack
75. Bill No. 2005-13 - Annexation No. ANX-5674 - Property location: On the northeast corner of Centennial Parkway and Kevin Way; Petitioned by: Project K, LLC; Acreage: 2.52 acres; Zoned: R-E (County zoning), U (TC) (City equivalent). Sponsored by: Councilman Michael Mack
76. Bill No. 2005-14 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilman Larry Brown
77. Bill No. 2005-15 - Authorizes the issuance of City of Las Vegas General Obligation (Limited Tax) Sewer Refunding Bonds, (Additionally Secured by Pledged Revenues) Series 2005A. Proposed by: Mark R. Vincent, Director of Finance and Business Services - All Wards
78. Bill No. 2005-16 - Authorizes the issuance of City of Las Vegas General Obligation (Limited Tax) Various Purpose Refunding Bonds (Additionally Secured by Pledged Revenues) Series 2005B. Proposed by: Mark R. Vincent, Director of Finance and Business Services - All Wards

## 1:00 P.M. - AFTERNOON SESSION

## BUSINESS ITEMS - AFTERNOON

79. 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

80. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 960 G Street. PROPERTY OWNER: ELSIE BATIE - Ward 5 (Weekly)
81. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1408 Hiawatha Road. PROPERTY OWNERS: ANTHONY & LISA ANN YORK - Ward 1 (Tarkanian)
82. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 5968 N. Rainbow Boulevard. PROPERTY OWNERS: JAMES & GEORGIA CHILDRESS FAM TR - JAMES D. & GEORGIA CHILDRESS TRS - Ward 6 (Mack)
83. Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply regarding 230 N. 8th Street (Units 230, 232, 234, 236, 238, and 240). PROPERTY OWNERS: A GRACE II INC - C/O R. KENNEDY - 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 - DISCUSSION

84. TMP-5798 - PUBLIC HEARING - FRANKLIN PARK AT PROVIDENCE - APPLICANT/OWNER: COLEMAN-TOLL, LIMITED PARTNERSHIP - Request for a Tentative Map FOR A 234-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION AND WAIVERS OF TITLE 18.12.105 FOR A 350-FOOT PRIVATE DRIVE WHERE A MAXIMUM OF 200 FEET IS ALLOWED AND A WAIVER OF TITLE 18.12.160 FOR INTERNAL INTERSECTION OFFSETS OF APPROXIMATELY 84 FEET AND 104 FEET WHERE A MINIMUM OF 125 FEET IS REQUIRED on 40.3 acres adjacent to the northwest corner of Elkhorn Road and Shaumber Road (APN 126-13-410-001), PD (Planned Development) Zone [L (Low Density Residential) Cliff's Edge Special Land Use Designation], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
85. ROC-5940 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CHARLESTON FESTIVAL, LLC - Request for a Review of Condition Number 17 of an approved Site Development Plan Review (SDR-3790) TO ALLOW DELIVERY HOURS BETWEEN 5:30 A.M. AND 10 P.M. WHERE THE HOURS WERE RESTRICTED TO 8:00 A.M. TO 8:00 P.M. for an approved 94,978 square foot retail center on 9.74 acres adjacent to the north side of Charleston Boulevard, approximately 375 feet east of Torrey Pines Drive (APN 138-358-01-002 and 138-358-03-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL
86. ROC-5951 - PUBLIC HEARING - APPLICANT/OWNER: REBEL OIL CO., INC. - Request for a Review of Condition Number 8 of an approved Special Use Permit (SUP-2288) TO ALLOW THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE WHERE SUCH WAS PROHIBITED for an approved convenience store on 1.1 acres adjacent to the northeast corner of Sahara Avenue and Hualapai Way (APN 163-06-416-008), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). Staff recommends DENIAL
87. ROC-5975 - PUBLIC HEARING - APPLICANT/OWNER: PHSSA, LLC - Request for a Review of Conditions for an approved Rezoning (ZON-3176) FROM: R-E (RESIDENCE ESTATES) TO: O (OFFICE) on 4.26 acres adjacent to the northeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-101-015), Ward 1 (Tarkanian). Staff has no recommendation
88. ROC-5976 - PUBLIC HEARING - APPLICANT/OWNER: PHSSA, LLC - Request for a Review of Conditions for an approved Site Development Plan Review (SDR-3177) FOR A PROPOSED 42,500 SQUARE FOOT OFFICE AND RETAIL BUILDING on 4.26 acres adjacent to the northeast corner of Buffalo Drive and Del Rey Avenue (APN 163-03-101-015), O (Office) Zone, Ward 1 (Tarkanian). Staff has no recommendation
89. ROC-5988 - PUBLIC HEARING - APPLICANT/OWNER: WEISS REVOCABLE LIVING TRUST - Request for a Review of Condition of Condition Number 2 for an approved Special Use Permit (U-0096-00) TO ALLOW 58 HORSES WHERE A MAXIMUM OF 28 HORSES WERE ALLOWED for a commercial horse boarding and training facility at 5770 West Rosada Way (APN 125-36-301-010), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends APPROVAL
90. ROC-6006 - PUBLIC HEARING - APPLICANT: PULTE HOMES - OWNER: PN II, INC. - Request for a Review of Condition Number 8 for an approved Rezoning (Z-0075-91) TO ELIMINATE THE REQUIREMENT FOR A 10 FOOT WIDE LANDSCAPE PLANTER OUTSIDE THE PERIMETER WALL for an approved Master Plan Development adjacent to the east side of Coke Street, approximately 1,200 feet north of Racel Street (APN 125-09-697-001 and 125-09-797-001), R-PD3 (Residential Planned Development - 3 Units per Acre), Ward 6 (Mack). Staff recommends DENIAL

## PLANNING & DEVELOPMENT - DISCUSSION

91. SDR-5503 - PUBLIC HEARING - APPLICANT: SHAG'S CARWASH - OWNER: HARRY & GERALDINE GORDON REVOCABLE FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED 3,208 SQUARE-FOOT CAR WASH/DRIVE-THROUGH DELI/COFFEE SHOP AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN REQUIREMENTS FOR MINIMUM FLOOR AREA RATIO, THE FRONT YARD BUILD-TO REQUIREMENT, MINIMUM GLAZING REQUIREMENT, MINIMUM GROUND-FLOOR RETAIL REQUIREMENT, UNDERGROUND UTILITIES AND SCREENING OF AUTO-RELATED FACILITIES on 0.23 acres adjacent to the east side of Main Street, approximately 175 feet north of Bonneville Avenue (APN 139-34-311-001 and 002), C-M (Commercial/Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
92. SDR-5517 - PUBLIC HEARING - APPLICANT: CHARTERED DEVELOPMENT - OWNER: WILLOWS TOWN CENTER, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 188-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 8.81 acres adjacent to the southeast corner of Bath Drive and Fort Apache Road (APN 125-20-301-022), T-C (Town Center) Zone [M-TC (Medium Density Residential - Town Center) Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
93. SDR-5519 - PUBLIC HEARING - APPLICANT: CHARTERED DEVELOPMENT - OWNER: PR LONE MOUNTAIN WEST, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 98-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 5.27 acres at 10620 West Alexander Road (APN 137-01-401-010), PD (Planned Development) Zone [Multi-Family Medium Lone Mountain West Special Land Use Designation], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL - PULLED DUE TO INCOMPLETE BACKUP
94. SDR-5774 - PUBLIC HEARING - APPLICANT: MARCO BRAMBILLA - OWNER: TOROS YERANOSIAN - Request for a Site Development Plan Review FOR A PROPOSED 30,000 SQUARE-FOOT COMMERCIAL/RETAIL BUILDING AND A WAIVER OF FOUNDATION LANDSCAPING on 2.13 acres adjacent to the east side of Rancho Drive, approximately 1,160 feet north of Torrey Pines Drive (APN 138-02-102-004), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
95. SDR-5794 - PUBLIC HEARING - APPLICANT: LAMB MISSIONARY BAPTIST CHURCH - OWNER: LAMB BOULEVARD BAPTIST CHURCH - Request for a Site Development Plan Review FOR A PROPOSED EXPANSION OF AN EXISTING CHURCH/HOUSE OF WORSHIP on 2.06 acres at 500 North Lamb Boulevard (APN 140-32-103-003), R-E (Residence Estates) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
96. MOD-5581 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE TO: MULTI-FAMILY MEDIUM on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL
97. SDR-5579 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 136-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL
98. SNC-5832 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Street Name Change FROM: GILBERT LANE TO: SHELEHEDA AVENUE, between Jones Boulevard and Bradley Road, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

**PLANNING & DEVELOPMENT - DISCUSSION**

99. VAC-5030 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIO - OWNER: RINKAI AMERICA, INC. - Petition to vacate a 20-foot (20') wide public alley generally located north of Sahara Avenue, west of Paradise Road, Ward 3 (Reese). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
100. VAC-5721 - PUBLIC HEARING - APPLICANT: OVATION DEVELOPMENT - OWNER: TASS C. HARDIN AND LOIS I. HARDIN, ET AL - Petition to Vacate a portion of the south half of Red Coach Avenue between Painted Desert Drive and Rancho Drive, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
101. VAC-5791 - PUBLIC HEARING - APPLICANT: JOHN C. COOLIDGE - OWNER: C & C INVESTMENT, COMPANY - Petition to Vacate a portion of a 15-foot wide public utility easement at 3505 East Charleston Boulevard, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
102. RQR-5732 - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: RIEGER 1982 REVOCABLE TRUST - Required Four Year Review on an approved Variance (V-0131-90) WHICH ALLOWED AN 80-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN WHERE 40 FEET IS THE MAXIMUM HEIGHT ALLOWED at 1405 "A" Street (APN 139-27-501-003), M (Industrial) Zone, Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend APPROVAL
103. VAR-5795 - PUBLIC HEARING - APPLICANT/OWNER: BRUCE STEVEN GILBERT - Request for a Variance TO ALLOW A FOUR-FOOT WROUGHT IRON FENCE (50% OPEN) ON TOP OF A TWO-FOOT HIGH SOLID WALL WHERE FOUR FEET (TOP TWO FEET, 50% OPEN) IS THE MAXIMUM HEIGHT ALLOWED IN THE FRONT YARD on 0.17 acres at 1924 South Sixth Street (APN 162-03-315-039), R-1 (Single-Family Residential) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
104. VAR-5808 - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Variance TO ALLOW A 37-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 84 FEET FOR A PROPOSED OFFICE/WAREHOUSE DEVELOPMENT on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
105. SDR-5813 - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 38,000 SQUARE-FOOT OFFICE/WAREHOUSE DEVELOPMENT AND FOR A WAIVER OF THE BUILDING PLACEMENT, PERIMETER, AND PARKING LOT LANDSCAPING REQUIREMENTS on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
106. VAR-5812 - PUBLIC HEARING - APPLICANT/OWNER: ALBERT & KAMRAN INVESTMENTS, LLC - Request for a Variance TO ALLOW A TRASH ENCLOSURE TO BE ZERO FEET FROM A PROTECTED RESIDENTIAL PROPERTY WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 50 FEET FOR AN APPROVED RETAIL DEVELOPMENT on 0.43 acres at 2187 North Decatur Boulevard (APN 138-24-611-073), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
107. 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 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
108. RQR-5787 - ABEYANCE ITEM - 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

**PLANNING & DEVELOPMENT - DISCUSSION**

109. RQR-5734 - PUBLIC HEARING - APPLICANT: FAMILY AND CHILD TREATMENT OF SOUTHERN NEVADA - OWNER: FURBER DEVELOPMENT - Required One-Year Review of an approved Special Use Permit (SUP-3405), WHICH ALLOWED A SEX OFFENDER COUNSELING FACILITY at 1050 South Rainbow Boulevard (APN 138-34-820-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend APPROVAL
110. 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 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend DENIAL
111. RQR-5680 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: RICHARD W. ATTISANI - Required Two-Year Review of an approved Special Use Permit (U-0155-96) WHICH ALLOWED A 40-FOOT TALL, 12-FOOT X 24-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1217 South Commerce Street (APN 162-03-110-120), C-M (Commercial/Industrial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
112. RQR-5682 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: SYUFY ENTERPRISES - 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-0136-90) WHICH ALLOWED A 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 5183 West Charleston Boulevard (APN 163-01-502-008), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend DENIAL
113. RQR-5741 - PUBLIC HEARING - APPLICANT/OWNER: RANCHO ALLEN, LLC - Required Two-Year Review of an approved Special Use Permit (U-0080-96) WHICH ALLOWED FOUR (4) 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGNS adjacent to the east side of Rancho Drive, south of Coran Lane (APN 139-19-705-001), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. (NOTE: Only two billboards remain and are the subject of this review)
114. RQR-5767 - PUBLIC HEARING - APPLICANT: LAMAR ADVERTISING - OWNER: AMBER INVESTMENT COMPANY - 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-0052-95) WHICH ALLOWED A 40 FOOT TALL, 14-FOOT X 48-FOOT OFF PREMISE ADVERTISING (BILLBOARD) SIGN at 336 West Sahara Avenue (APN 162-04-807-002), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-1 vote) and staff recommend DENIAL
115. 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 (Tarkanian). The Planning Commission (5-0 vote) and staff recommend APPROVAL
116. RQR-5745 - PUBLIC HEARING - APPLICANT/OWNER: VEGAS SOL, INC., ET AL - Request for a Five-Year Review of an approved Special Use Permit (U-0088-99) WHICH ALLOWED AN EXISTING COMMERCIAL EQUESTRIAN CENTER at 6901 North Jones Boulevard (APN 125-23-601-012, 017, 018, 019, 020, and 024), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
117. SUP-5564 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PEP BOYS - OWNER: WACHOVIA DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED CAR WASH (SELF-SERVICE) AND WAIVER TO ALLOW BAY OPENINGS AND VACUUM BAYS TO FACE THE PUBLIC RIGHT-OF-WAY at 4141 Rancho Drive (APN 138-02-814-003), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

**PLANNING & DEVELOPMENT - DISCUSSION**

118. SDR-5562 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PEP BOYS - OWNER: WACHOVIA DEVELOPMENT CORPORATION - Request for a Site Development Plan Review FOR A PROPOSED CAR WASH (SELF SERVICE) on 1.86 acres at 4141 Rancho Drive (APN 138-02-814-003), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
119. 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 (Tarkanian). The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL
120. SUP-5627 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CHEK LINE ENTERPRISES, INC. - OWNER: DECATUR CROSSING CENTER, LLC. - Request for a Special Use Permit FOR A PROPOSED AUTO TITLE LOAN AND A WAIVER OF THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM A RESIDENTIAL USE at 282 South Decatur (APN 138-36-516-004), C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
121. SUP-5686 - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Special Use Permit TO ALLOW A PROPOSED MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT AND A WAIVER TO ALLOW GROUND-FLOOR RESIDENTIAL UNITS adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to 102 and 105 to 110), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
122. SUP-5690 - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Special Use Permit TO ALLOW LIVE/WORK UNITS WITHIN A PROPOSED BUILDING adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to 102 and 105 to 110), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
123. SDR-5692 - PUBLIC HEARING - APPLICANT: CITYMARK DEVELOPMENT LLC - OWNER: OFFICE DISTRICT PARKING 1, INC. - Request for a Site Development Plan Review FOR A 15-STORY MIXED-USE DEVELOPMENT TO INCLUDE 342 RESIDENTIAL UNITS, 13 LIVE/WORK UNITS, AND 8,600 SQUARE FEET OF COMMERCIAL SPACE AND A WAIVER OF THE DOWNTOWN CENTENNIAL PLAN BUILDING STEP-BACK REQUIREMENTS on 2.38 acres adjacent to the northeast corner of Garces Avenue and Third Street (APN 139-34-311-095 to 102 and 105 to 110), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
124. SUP-5739 - PUBLIC HEARING - APPLICANT: XIAO PING WANG, LLC - OWNER: CHARLESTON HEIGHTS SHOPPING CENTER - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER OF THE REQUIRED 400-FOOT DISTANCE SEPARATION FROM A CHILD CARE FACILITY AND RESIDENTIAL ZONING at 570 South Decatur Boulevard (APN 138-36-701-018), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). (NOTE: Item to be heard in conjunction with Morning Session Item 56) The Planning Commission (5-0-2 vote) and staff recommend APPROVAL. (NOTE: Waiver from child care is an error and not necessary)
125. SUP-5759 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: BELL REAL ESTATE, LLC - Request for a Special Use Permit FOR AN EXISTING 40-FOOT HIGH, 12-FOOT X 24-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2100 Industrial Road (APN 162-04-802-003), M (Industrial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
126. SUP-5761 - PUBLIC HEARING - APPLICANT/OWNER: HIRMIS B. HARON - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED WITHIN AN EXISTING GROCERY STORE AND A WAIVER OF THE 200-FOOT MINIMUM DISTANCE SEPARATION FROM A RESIDENTIAL USE at 2021 East Stewart Avenue (APN 139-35-611-086 and 087), C-1 (Limited Commercial) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

## PLANNING & DEVELOPMENT - DISCUSSION

127. SUP-5771 - PUBLIC HEARING - APPLICANT: MIGUEL NUNEZ - OWNER: AGRELLA PROPERTIES, LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE SALES) at 6700 West Charleston Boulevard, Suite F (APN 138-34-820-014), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
128. SUP-5799 - PUBLIC HEARING - APPLICANT: CAFE DE TOUT - OWNER: TRIPLE FIVE INTERCONTINENTAL, LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (ON-PREMISE CONSUMPTION) at 9330 West Sahara Avenue, Suite #160 (APN 163-06-816-019), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
129. SUP-5802 - PUBLIC HEARING - APPLICANT: MICHELLE GOMEZ - OWNER: MARK H. MINTZ AND THE MINTZ FAMILY TRUST OF 1992 - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB at 2100 Fremont Street (APN 139-35-803-015), C-2 (General Commercial) Zone, Ward 3 (Reese). (NOTE: Item to be heard in conjunction with Morning Session Item 53) The Planning Commission (7-0 vote) and staff recommend APPROVAL
130. SUP-5904 - PUBLIC HEARING - APPLICANT/OWNER: D.2801 WESTWOOD, INC. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF MINIMUM DISTANCE SEPARATION REQUIREMENTS at 2801 Westwood Drive (APN 162-08-604-001), M (Industrial) Zone, Ward 1 (Tarkanian). Staff recommends Denial. The Planning Commission (5-2 vote) recommends APPROVAL
131. ZON-5653 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK, LLC - Request for a Rezoning FROM: U(UNDEVELOPED) ZONE [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] TO: C-2 (GENERAL COMMERCIAL) on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
132. SUP-5853 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK, LLC - Request for a Special Use Permit TO ALLOW A PROPOSED MIXED-USE COMMERCIAL AND RESIDENTIAL DEVELOPMENT adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), U (Undeveloped) [GC (General Commercial) General Plan Designation] Zone, [Proposed: C-2 (General Commercial)], Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
133. SDR-5657 - PUBLIC HEARING - APPLICANT: JMA ARCHITECTURE STUDIOS - OWNER: GREAT WASH PARK, LLC - Request for a Site Development Plan Review TO ALLOW A MIXED-USE DEVELOPMENT TO INCLUDE 700,000 SQUARE FEET OF COMMERCIAL SPACE AND 375 RESIDENTIAL CONDOMINIUM UNITS IN (1) 10-STORY AND (2) 5-STORY RESIDENTIAL CONDOMINIUM BUILDINGS on 30.21 acres adjacent to the northeast corner of Alta Drive and Rampart Boulevard (APN 138-32-601-003), U (Undeveloped) Zone [GC (General Commercial) General Plan Designation], [Proposed: C-2 (General Commercial)], Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
134. ZON-5742 - PUBLIC HEARING - APPLICANT/OWNER: JAMEY L. STARCHER AND ALPHA C. STARCHER - Request for a Rezoning FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) TO: R-2 (MEDIUM-LOW DENSITY RESIDENTIAL) on 0.16 acres at 610 Biltmore Drive (APN 139-27-810-021), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend DENIAL
135. ZON-5796 - PUBLIC HEARING - APPLICANT/OWNER: SHELDON W. PAUL AND RAYMOND MARK TURNER - Request for a Rezoning FROM: U (UNDEVELOPED) [DR (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 5.0 acres adjacent to the northwest corner of Grand Canyon Drive and Alexander Road (APN 138-06-401-006), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
136. SDR-5797 - PUBLIC HEARING - APPLICANT/OWNER: SHELDON W. PAUL AND RAYMOND MARK TURNER - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.0 acres adjacent to the northwest corner of Grand Canyon Drive and Alexander Road (APN 138-06-401-006), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

**PLANNING & DEVELOPMENT - DISCUSSION**

137. ZON-5817 - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Rezoning FROM: R-1 (SINGLE-FAMILY RESIDENTIAL) TO: R-MHP (RESIDENTIAL MOBILE/ MANUFACTURED HOME PARK) on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
138. VAR-5825 - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Variance TO ALLOW 3,000 SQUARE-FOOT MINIMUM SPACES WHERE 4,000 SQUARE FEET IS THE MINIMUM REQUIRED AND TO ALLOW 40-FOOT WIDE SPACES WHERE 45 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED MOBILE HOME PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
139. SDR-5821 - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 51-PAD MOBILE/MANUFACTURED HOME PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
140. GPA-5082 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: NESHAMINY CONSULTING, INC. - OWNER: BON BON, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 1.58 acres and TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 4.4 acres south of Bonanza Road and east of Pecos Road (APN 140-31-121-003), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
141. VAC-5101 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: NESHAMINY CONSULTING, INC. - OWNER: BON BON, LLC - Petition to Vacate a portion of a 10-foot wide public drainage easement and ingress/egress easements generally located south of Bonanza Road, east of Pecos Road, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
142. VAR-5099 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 4.40 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
143. ZON-5092 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE) on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), Ward 3 (Reese). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
144. VAR-5300 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Variance TO ALLOW ZERO ACRES OF OPEN SPACE WHERE 0.68 ACRES IS THE MINIMUM REQUIRED in conjunction with a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN a portion of 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). The Planning Commission (4-3 vote) recommends DENIAL. Staff recommends APPROVAL

## PLANNING & DEVELOPMENT - DISCUSSION

145. WVR-5299 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Waiver of Title 18.12.130 TO ALLOW A PUBLIC STREET TO TERMINATE WITHOUT A CIRCULAR CUL-DE-SAC OR EMERGENCY ACCESS GATE WHERE ONE IS REQUIRED FOR STREETS TERMINATING OTHER THAN AT AN INTERSECTION WITH ANOTHER PUBLIC STREET in conjunction with a proposed 41-lot single-family residential development on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN a portion of 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant has requested this item be withdrawn without prejudice)
146. SDR-5098 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Site Development Plan Review FOR A PROPOSED 41-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.40 acres adjacent to the east side of Pecos Road approximately 290 feet south of Bonanza Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone [PROPOSED: R-PD9 (Residential Planned Development - 9 Units per Acre)], Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL
147. SUP-5096 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Special Use Permit FOR A SUPPER CLUB adjacent to the south of Bonanza Road approximately 290 feet east of Pecos Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
148. SDR-5093 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: BON BON, LLC - Request for a Site Development Plan Review FOR A SUPPERCLUB on 1.58 acres south of Bonanza Road approximately 290 feet east of Pecos Road (APN 140-31-121-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
149. GPA-5804 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request to amend a portion of the Centennial Hills Sector Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL of ML (Medium-Low Density Residential)
150. GPA-5830 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to Amend the Master Plan Recreation Trails Element and the Downtown North Land Use Plan of the General Plan to revise the Pioneer Trail alignment, Wards 1 and 5 (Tarkanian and Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
151. GPA-5597 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request to amend a portion of the Southeast Sector Map of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL
152. ZON-5598 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL
153. SUP-5600 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Special Use Permit FOR A PROPOSED MOTOR VEHICLE SALES (USED) USE at 2400 Hinkle Drive (APN 139-26-508-002), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL
154. SDR-5599 - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Site Development Plan Review FOR A PROPOSED 1,880 SQUARE-FOOT COMMERCIAL BUILDING AND WAIVERS TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED; A FIVE-FOOT REAR YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED; AND OF PERIMETER AND FOUNDATION LANDSCAPING REQUIREMENTS on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL

**PLANNING & DEVELOPMENT - DISCUSSION**

155. GPA-5803 - PUBLIC HEARING - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DEUTSCH FAMILY TRUST - Request to Amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL) on 1.93 acres adjacent to the northeast corner of Buffalo Drive and Buckskin Avenue (APN 138-10-301-010), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: The Planning Commission approved O (Office)]
156. ZON-5805 - PUBLIC HEARING - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DEUTSCH FAMILY TRUST - Request for a Rezoning FROM: U (UNDEVELOPED) [MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: C-1 (LIMITED COMMERCIAL) on 1.93 acres adjacent to the northeast corner of Buffalo Drive and Buckskin Avenue (APN 138-10-301-010), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: The Planning Commission approved O (Office)]
157. VAR-5852 - PUBLIC HEARING - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DEUTSCH FAMILY TRUST - Request for a Variance TO ALLOW AN EIGHT-FOOT SETBACK FROM RESIDENTIAL USES WHERE A MINIMUM OF 50 FEET FOR A PROPOSED TRASH ENCLOSURE IS REQUIRED AND TO ALLOW 58-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRES A MINIMUM OF 63 FEET FOR A PROPOSED 21-FOOT HIGH COMMERCIAL BUILDING on 1.93 acres adjacent to the northeast corner of Buffalo Drive and Buckskin Avenue (APN 138-10-301-010), U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] [PROPOSED: C-1 (Limited Commercial) Zone], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: the proposed zoning has changed to O (Office)]
158. SDR-5811 - PUBLIC HEARING - APPLICANT: INVESTMENT EQUITY BUILDERS - OWNER: DEUTSCH FAMILY TRUST - Request for a Site Development Plan Review FOR TWO PROPOSED 10,000 SQUARE-FOOT, SINGLE-STORY PROFESSIONAL OFFICE BUILDINGS on 1.93 acres adjacent to the northeast corner of Buffalo Drive and Buckskin Avenue (APN 138-10-301-010), U (Undeveloped) Zone [MLA (Medium-Low Attached Density Residential) General Plan Designation] [PROPOSED: C-1 (Limited Commercial) Zone], Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
159. GPA-5823 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SF INVESTMENTS, LLC, ET AL - Request to amend a portion of the Centennial Hills Sector Plan) of the General Plan FROM: O (OFFICE) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road (APN 138-03-510-001, 002 and 031), Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend DENIAL
160. ZON-5827 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SF INVESTMENTS, LLC, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) AND U (UNDEVELOPED) [O (OFFICE) GENERAL PLAN DESIGNATION] TO: R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE) on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road (APN 138-03-510-001, 002 and 031), Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend DENIAL
161. SDR-5826 - PUBLIC HEARING - APPLICANT: ROYAL CONSTRUCTION - OWNER: SF INVESTMENTS, LLC, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 78-LOT SINGLE-FAMILY ATTACHED RESIDENTIAL DEVELOPMENT on 7.80 acres adjacent to the southwest corner of Balsam Street and Lone Mountain Road (APN 138-03-510-001, 002 and 031), R-E (Residence Estates) and U (Undeveloped) Zones [O (Office) General Plan Designation] [PROPOSED: R-PD10 (Residential Planned Development - 10 Units Per Acre) Zone], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend DENIAL

**SET DATE**

162. 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

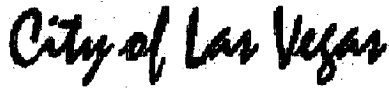
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**THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:**

- City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
- 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 March 16, 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), STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1)

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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.

**MARCH 16, 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](http://www.kclv.tv). THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO 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 - DOCTOR-PASTOR ANNE JONES, LIFE CHRISTIAN CENTER
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE EMPLOYEE OF THE MONTH
- RECOGNITION OF THE ST. ELIZABETH ANN SETON GIRLS CHAMPIONSHIP BASKETBALL TEAM
- RECOGNITION OF THE REBEL JUNIORS 96 GIRLS SOCCER TEAM
- RECOGNITION OF THE BISHOP GORMAN HIGH SCHOOL AAAA STATE BASKETBALL CHAMPIONS
- RECOGNITION OF THE FAITH LUTHERAN JR./SR. HIGH SCHOOL AAA STATE BASKETBALL CHAMPIONS
- RECOGNITION OF PROGRAMS AND STAFF AWARDS IN THE LEISURE SERVICES DEPARTMENT

### 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 January 5, 2005 and the Special City Council Meeting of November 1, 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.

### **BUSINESS DEVELOPMENT - CONSENT**

3. Approval of the Assignment of Landscaping Covenants and Agreement Regarding Parkway Center Landscaping Obligations between City Parkway V (CP) and Union Pacific Railroad Company(UPRR)(Augmentation required of \$155,000 - City Parkway V) - Ward 5 (Weekly)

### **FIELD OPERATIONS - CONSENT**

4. Approval of an Access and Maintenance Agreement with the Sun City Summerlin Community Association, Inc., (SCSCA) whereby the city will install fencing and a gate which will allow for improved emergency vehicle response and SCSCA will maintain the area after construction (\$50,041 - Capital Project Funds) - Ward 4 (Brown)

### **FINANCE & BUSINESS SERVICES - CONSENT**

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of a Special Event License for Hector Hernandez, Location: East Las Vegas Senior Center, 250 North Eastern Avenue, Date: July 16, 2005, Type: Special Event Beer/Wine, Event: Sweet 15 Birthday Party, Responsible Person in Charge: Jesus Hernandez - Ward 3 (Reese)
7. Approval of a Special Event License for Leisure Services/Cultural Affairs, Location: Post Office, 301 Stewart Avenue, Date: May 14, 2005, Type: Special Event General, Event: Centennial Post Office Celebration, Responsible Person in Charge: Christine Dare-Garness - Ward 5 (Weekly)
8. Approval of Change of Ownership and Business Name for a Tavern License subject to Health Dept. regulations, From: Ramon Nuñez, dba Rodeo Bar, Ramon Nuñez, 100%, To: El Rodeo Nightclub, Inc., dba El Rodeo Club & Grill, 1815 East Charleston Boulevard, Alejandro Alvarez, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
9. Approval of Change of Location and Business Name for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, Kelly & Kelly, Inc., dba From: The Trap House, 6131 Clarice Avenue (Non-operational), To: Kelly's Kasino II, 5855 West Craig Road, Suite 108, Allan M. Kelly, Dir, Pres, 33.5%, Charlotte M. Kelly, Dir, Secy, Treas, 33.5%, Patrick R. Kelly, 33% - Ward 6 (Mack)
10. Approval of a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, Kelly & Kelly, Inc., dba Kelly's Kasino II, 5855 West Craig Road, Suite 108, Allan M. Kelly, Dir, Pres, 33.5%, Charlotte M. Kelly, Dir, Secy, Treas, 33.5%, Patrick R. Kelly, 33% - Ward 6 (Mack)
11. Approval of a new Burglar Alarm Service License, Brantley, Incorporated, dba Brantley, Incorporated, 2805 Jeffery Pines Street, Mark A. Brantley, Dir, Pres, Secy, Treas, 100% - Ward 5 (Weekly)
12. Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Jennifer Diamond, dba Hi Desert Appliance, From: 1205 Western Avenue, To: 1425 South Main Street, Jennifer L. Diamond, 100% - Ward I (Tarkanian)

## FINANCE & BUSINESS SERVICES - CONSENT

13. Approval of award of Agreement No. 050121 for Premier CAD, PMDC, and Infotrak RMS System - Department of Detention and Enforcement - Award recommended to: MOTOROLA, INC. (\$469,909 - Detention and Enforcement, Control Center Upgrade Fund)
14. Approval of Use Agreement No. 050558 authorizing use of State of Nevada Bid Number 6710, Paratransit Vehicles Pricing Agreement - Department of Field Operations - Award to: SUNSET BUS & COMMERCIAL, INC. (Estimated annual amount of \$263,252 - Automotive Service Internal Service Fund)
15. Approval of Use Agreement No. 050557 authorizing use of State of Nevada Bid Number 6849, Fleet Vehicle Pricing Agreement - Department of Field Operations - Award to: Jones West Ford (\$226,429 - Special Revenue and General Fund)
16. Approval of award of Modification No. 1 to Contract No. 050088 for Union Park Master Development Project Consulting Services - City Parkway V, Inc. - Award recommended to: HUNTER INTERESTS INCORPORATED (\$50,000 - City Parkway V) - Ward 5 (Weekly)
17. Approval of award of Contract No. 050538 for Preparation of Quarterly Socio-Economic and Real Estate Data Fact Sheets - Office of Business Development - Award recommended to: RESTREPO CONSULTING GROUP, LLC (\$49,000 - Industrial Revenue Fund)
18. Approval of award of Modification No. 1 to Contract No. 050108 for Historic Preservation Consulting Services for the Post Office at 301 Stewart Ave - Public Works - Award recommended to: CHATTEL ARCHITECTURE, PLANNING & PRESERVATION, INC. (\$38,193 - Parks and Leisure Activities Capital Project Fund) - Ward 5 (Weekly)
19. Approval of revision to purchase order 220570 for Oracle 11i Software Migration Implementation Service - Department of Information Technologies - Award to: SOLBOURNE COMPUTER, INC. (\$95,000 - Computer Services Internal Service Fund)
20. Approval of issuance of a purchase order for Idler Sprockets - Department of Public Works - Award recommended to: VC CHAINS, CORP (\$30,000 - Sanitation Enterprise Fund)

## PLANNING & DEVELOPMENT - CONSENT

21. Approval of a Master Plan Amendment for drainage facilities within the Las Vegas Wash Middle Branch Area - Ward 6 (Mack)

## PUBLIC WORKS - CONSENT

22. Approval of Fourth Supplemental Interlocal Contract 321d between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding for Vegas Drive - Rancho Drive to I-15 (\$200,000 - Regional Transportation Commission of Southern Nevada) - Ward 5 (Weekly)
23. Approval of Third Supplemental Interlocal Contract LAS09T04 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to increase construction funding for the Freeway Channel Charleston Lateral (\$487,400 - Clark County Regional Flood Control District) - Ward 5 (Weekly)
24. Approval of Fifth Supplemental Interlocal Contract LAS19B01 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to reallocate funding within the Interlocal Contract for Owens Avenue System - Rancho Drive to I-15 - Ward 5 (Weekly)
25. Approval of Fifth Supplemental Interlocal Contract LAS10H98 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the date of completion to allow time for final billing for Gowan North Buffalo Branch - Ward 4 (Brown)

## PUBLIC WORKS - CONSENT

26. Approval of an Interlocal Agreement between the City of Las Vegas and the Clark County Water Reclamation District (District) to allow a temporary sewer connection to the City of Las Vegas 27-inch sewer in Sahara Avenue - Ward 3 (Reese)
27. Approval to appraise and purchase or condemn right-of-way parcels for the Lone Mountain Lift Station project on the north side of Lone Mountain Road, west of Decatur Boulevard (\$20,000 - Sanitation Funds) - Ward 6 (Mack)
28. Approval of a Rule 9 Line Extension Agreement with Nevada Power Company (NPC) for the installation of NPC facilities to provide power for streetlight and traffic signal services for the Durango Drive Phase 4, Special Improvement District 1503 project (Durango Drive - Tropical Parkway to I-215) (\$16,344 - Regional Transportation Commission [RTC]) - Ward 6 (Mack)
29. Approval of Interlocal Agreement 109344 with the Las Vegas Valley Water District (LVVWD) for the modification of existing water facilities and the installation of new water facilities in conjunction with the Elkhorn Road Overpass over US 95 project - Ward 6 (Mack)
30. Approval of a Non-Refundable Contribution in Aid of Construction Agreement with Nevada Power Company for Jones Boulevard - Rome Boulevard to Elkhorn Road (\$29,313 - Regional Transportation Commission [RTC]) - Ward 6 (Mack)
31. Approval of an Encroachment Request from Tetra Tech, Incorporated, on behalf of MTC 118, Incorporated, owner (southeast corner of Durango Drive and Elkhorn Road) - Ward 6 (Mack)
32. Approval of an Encroachment Request from AF Construction on behalf of Clark County, owner (Lewis Avenue between Casino Center Boulevard and Third Street) - Ward 1 (Tarkanian)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman & Turner, Incorporated, on behalf of Marcel C. Ezeoke and Uzoma G. Ezeoke, owners (southwest corner of Fort Apache Road and Hickam Avenue, APN 138-06-801-003) - County (near Ward 4 - Brown)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - D.L. Moore Construction, Incorporated, on behalf of Robert D. Hooke and Donna J. Hooke, owners (east of Jensen Street, south of Elkhorn Road, APN 125-19-102-016) - County (near Ward 6 - Mack)

## RESOLUTIONS - CONSENT

35. R-28-2005 - Approval of a Resolution directing the City Treasurer to prepare the First Assessment Lien Apportionment Report for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (Levy Assessments) - Ward 4 (Brown)
36. R-29-2005 - Approval of a Resolution approving the First Assessment Lien Apportionment Report for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (Levy Assessments) - Ward 4 (Brown)

## REAL ESTATE COMMITTEE - CONSENT

37. Approval of a first amendment to the Exclusive Negotiating Agreement (ENA) between City Parkway V, Inc., and Related Las Vegas for the Union Park property bounded by Grand Central Parkway, Bonneville Avenue and the Union Pacific Rail Road Rail line, APNs 139-34-110-002 and 003 - Ward 5 (Weekly)
38. Approval of an Easement and Rights-of-Way whereby Sierra Crossings Home Owners Association grants approximately 0.29 acres of land located south of Gilmore Avenue and west of the I-215 known as APN 137-12-697-029 to the City of Las Vegas (City) for a pedestrian bridge, walking path and drainage purposes - County (near Ward 4 - Brown)
39. Approval of a Grant, Bargain, Sale Deed whereby the City of Las Vegas (City) grants approximately 21,587 square feet of land to Astoria Alexander LLC, (Astoria) on APN 137-12-297-028 located on Gilmore Avenue east of Cliff Shadows Parkway and west of the I-215 - County (near Ward 4 - Brown)

**REAL ESTATE COMMITTEE - CONSENT**

40. Approval of an Extension of Lady Luck Parking Garage Lease and Consent to Assignment whereby the City of Las Vegas (City) and The Henry Brent Company, a Nevada LLC, (Company) agree to the assignment of the lease and extension thereof on property located at 333 East Ogden Avenue commonly known as the Ogden Parking Garage - Ward 5 (Weekly)
41. ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
42. ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 3.165 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-018 to The Salvation Army for development and construction of an affordable family housing community for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)

**DISCUSSION / ACTION ITEMS**

**ADMINISTRATIVE - DISCUSSION**

43. Report and possible action concerning the status of 2005 legislative issues

**CITY ATTORNEY - DISCUSSION**

44. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Laurnel C. Crocker, 2817 W. Sahara, Apt. #2, Las Vegas, Nevada 89102
45. Discussion and possible action on Appeal of Work Card Denial: Monique Armstrong, 5152 Paradise Valley Avenue, Las Vegas, Nevada 89156
46. Discussion and possible action on Appeal of Work Card Denial: Diana Janice Asuncion, 8400 West Charleston Boulevard #122, Las Vegas, Nevada 89117
47. Discussion and possible action on Appeal of Work Card Denial: Dean A. Kolettis, 2901 South Industrial Road, Las Vegas, Nevada 89109
48. Discussion and possible action on Appeal of Work Card Denial: V'Andre H. Bonner, 2901 Industrial Road, Las Vegas, Nevada 89109
49. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Jennifer Deeann Stitt, 6666 Washington #124, Las Vegas, Nevada 89107
50. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Casey Joseph Loop, 4185 Paradise Road #2109, Las Vegas, Nevada 89109
51. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Charles J. Irion, 1020 Hassett Avenue, Las Vegas, Nevada 89104
52. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Christin June Delay, 6105 E. Sahara Avenue #75, Las Vegas, Nevada 89142

## FINANCE & BUSINESS SERVICES - DISCUSSION

53. Discussion and possible action regarding Temporary Approval of a new 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, Meat House One, LLC, dba Montana Meat Company, 6371 Centennial Center Boulevard, Gaming Investors, LLC, Mgr, Mmbr, 100%, Garry V. Goett, Mgr, Steven S. Meatovich, Mgr, Barry R. Moore, Mgr, Robert J. Buist, Jr., Mgr, Guy Inzalaco, Mgr, Olympia Entertainment, LLC, Mmbr, 50%, Garry V. Goett, Mgr, Mmbr, 54%, Guy Inzalaco, Mgr, Mmbr, 36%, BBS Gaming, LLC, Mmbr, 50%, Barry R. Moore, Mmbr, 40%, Steven S. Meatovich, Mmbr, 30%, Robert J. Buist, Jr., Mmbr, 30% - Ward 6 (Mack)
54. Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Viengsamai Monsay, dba Lan Xang Cafe, 2327 South Eastern Avenue, Viengsamai Monsay and Gniam Monsay, 100% jointly as husband and wife (NOTE: Item to be heard in the afternoon session in conjunction with Item 120 - SUP-5868) - Ward 3 (Reese)
55. Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Samcon, Inc., dba Tomfoolery Irish Pub and Eatery, 4300 Meadows Lane, Suite 2430, Sean T. Higgins, Dir, Pres, Secy, Treas, 100% - Ward 1 (Tarkanian)
56. Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, Toma Herfi, Incorporated, dba Durango Market, 6955 North Durango Drive, Suites 1113 and 1114, Samir Toma, Dir, Pres, 50%, Louie G. Herfi, Dir, Secy, Treas, 50% - Ward 6 (Mack)
57. Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
58. Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Dick's Liquors, Inc., dba Cooler Lounge, 1903 North Decatur Boulevard, Jo Ann Milton, Key Employee - Ward 5 (Weekly)
59. Discussion and possible action regarding a Six Month Review of a Burglar Alarm Service License, All Secure, Inc., dba All Secure, Inc., 3904 Wharton Street, Noel Emanuel, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)
60. Discussion and possible action regarding a Six Month Review of a Psychic Art and Science License, Nina Demetro, dba Psychic World, 1820 Hassett Avenue, Nina Demetro, 100% - Ward 3 (Reese)
61. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Cisco's Supper Club, Incorporated, dba Ciscos Mexican Seafood and Cantina, 2100 Fremont Street, Michelle E. Gomez, Dir, Pres, VP, Secy, Treas, 100% - Ward 3 (Reese)
62. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes, Samuel M. Martinez, dba Camino Real Mexican Grill, 5000 West Charleston Boulevard, Suite D, Samuel M. Martinez, 100%, Armida R. Martinez, Principal - Ward 1 (Tarkanian)
63. Discussion and possible action regarding a Review of a Temporary Tavern License, Crest Lodge, Inc., dba Fong's Garden Cafe de Manila, 2021 East Charleston Boulevard, Lourdes S. Guevara, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)

## NEIGHBORHOOD SERVICES - DISCUSSION

64. Report and possible action regarding the proposed expansion of the Educational and Vocational Opportunities Leading to Valuable Experiences (EVOLVE) program to provide services to the chronic inebriates and homeless - All Wards

**PLANNING & DEVELOPMENT - DISCUSSION**

65. Discussion and possible action on parcels recommended for disposal at the Spring 2006 Bureau of Land Management Public Land Sale - Wards 2 and 4 (Wolfson and Brown)

**RESOLUTIONS - DISCUSSION**

66. R-30-2005 - Discussion and possible action on a Resolution Supporting Certain Types of Legislative Proposals to Provide Property Tax Relief

**BOARDS & COMMISSIONS - DISCUSSION**

67. ABEYANCE ITEM - HISTORIC PRESERVATION COMMISSION - Felix DeHerrera, Term Expiration 3/8/2007 (Resigned)
68. ABEYANCE ITEM - PARK & RECREATION ADVISORY COMMISSION - Walter R. Sapling, Term Expiration 1-8-2006 (Deceased)
69. ANIMAL ADVISORY COMMITTEE - Susan Butche, Term Expiration 4-5-2005
70. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES - Dr. Melvin Pohl, Term Expiration 4-7-2005; Andrea Arthurholtz, Term Expiration 4-18-2005; M. Frances Sponer, Term Expiration 4-18-2005

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

71. Bill No. 2005-9 - Eliminates the inclusion of street rights-of-way and open space in the acreage used to determine allowable units per acre in residential subdivisions. Proposed by: Margo Wheeler, Director of Planning and Development
72. Bill No. 2005-10 - Eliminates redevelopment area status as a determinant of development standards relating to residential adjacency and certain setback requirements. Sponsored by: Councilman Lawrence Weekly
73. Bill No. 2005-11 - Clarifies the rules that apply to the remodeling, alteration, expansion or reuse of parking-impaired developments. Proposed by: Margo Wheeler, Director of Planning and Development
74. Bill No. 2005-13 - Annexation No. ANX-5674 - Property location: On the northeast corner of Centennial Parkway and Kevin Way; Petitioned by: Project K, LLC; Acreage: 2.52 acres; Zoned: R-E (County zoning), U (TC) (City equivalent). Sponsored by: Councilman Michael Mack
75. Bill No. 2005-15 - Authorizes the issuance of City of Las Vegas General Obligation (Limited Tax) Sewer Refunding Bonds, (Additionally Secured by Pledged Revenues) Series 2005A. Proposed by: Mark R. Vincent, Director of Finance and Business Services - All Wards
76. Bill No. 2005-16 - Authorizes the issuance of City of Las Vegas General Obligation (Limited Tax) Various Purpose Refunding Bonds (Additionally Secured by Pledged Revenues) Series 2005B. Proposed by: Mark R. Vincent, Director of Finance and Business Services - All Wards

## 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.**

77. Bill No. 2005-12 - Annexation No. ANX-5656 - Property location: On the west side of Al Carrison Street, 50 feet south of McNamee Avenue; Petitioned by: Michael E. Burke; Acreage: 2.08 acres; Zoned: R-A (County zoning), R-A (City equivalent). Sponsored by: Councilman Michael Mack
78. Bill No. 2005-14 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. 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.**

79. Bill No. Z-2005-1 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Margo Wheeler, Director of Planning and Development
80. Bill No. Z-2005-2 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Margo Wheeler, Director of Planning and Development

## 1:00 P.M. - AFTERNOON SESSION

### BUSINESS ITEMS - AFTERNOON

81. 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

82. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 601 S. Casino Center Boulevard. PROPERTY OWNERS: CLUB RENAISSANCE PARTNERS LLC - Ward 1 (Tarkanian)
83. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 4300 Beth Avenue. PROPERTY OWNER: PAMELA C. MILLER TRUST - PAMELA C. MILLER TRS - Ward 5 (Weekly)
84. Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)
85. Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 5801 W. Craig Road (APN: 138-01-312-002). PROPERTY OWNERS: REGAL PLAZA LLC - C/O TOWER REALTY & DEV - Ward 6 (Mack)
86. Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 5861 W. Craig Road (APN: 138-01-312-004). PROPERTY OWNERS: CONSTRUCTION GROUP INC - Ward 6 (Mack)

## HEARINGS - DISCUSSION

87. Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply located at 5881 W. Craig Road (APN: 138-01-312-005). PROPERTY OWNERS: REGAL PLAZA LLC - C/O TOWER REALTY & DEV - Ward 6 (Mack)
88. ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply regarding 230 N. 8th Street (Units 230, 232, 234, 236, 238, and 240). PROPERTY OWNERS: A GRACE II INC - C/O R. KENNEDY - 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.**

89. EOT-6009 - APPLICANT: LDID - OWNER: ASIAN DEVELOPMENT, LLC - Request for an Extension of Time for an approved Variance (VAR-1916) TO ALLOW NO STEPBACKS WHERE STEPBACKS ARE REQUIRED AFTER THE FOURTH STORY IN THE TOWN CENTER DEVELOPMENT STANDARDS on 3.08 acres adjacent to the north side of Deer Springs Way, approximately 330 feet west of Durango Drive (APNs 125-20-201-015, 017 and 018), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL
90. EOT-6008 - APPLICANT: LDID - OWNER: ASIAN DEVELOPMENT, LLC - Request for an Extension of Time for an approved Special Use Permit (SUP-1915) FOR A FIFTEEN STORY OFFICE BUILDING WHERE TOWN CENTER DEVELOPMENT STANDARDS ALLOW A MAXIMUM OF TWELVE STORIES IN THE UC-TC (Urban Center Mixed-Use - Town Center) DISTRICT on 3.08 acres adjacent to the north side of Deer Springs Way, approximately 330 feet west of Durango Drive (APNs 125-20-201-015, 017 and 018), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL
91. EOT-6007 - APPLICANT: LDID - OWNER: ASIAN DEVELOPMENT, LLC - Request for an Extension of Time for an approved Site Development Plan Review (SDR-1914) FOR A FIFTEEN STORY OFFICE/RETAIL BUILDING WITH PARKING GARAGE on 3.08 acres adjacent to the north side of Deer Springs Way, approximately 330 feet west of Durango Drive (APNs 125-20-201-015, 017 and 018), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL
92. EOT-6046 - APPLICANT/OWNER: GOOD EARTH ENTERPRISE, INC. - Request for an Extension of Time for an approved Variance (VAR-1295) TO ALLOW 35 PARKING SPACES WHERE 70 PARKING SPACES ARE REQUIRED FOR A PROPOSED 330 UNIT ASSISTED LIVING APARTMENT COMPLEX at 233 South 6th Street and 232 South 7th Street (APNs 139-34-611-034, 036, 037 and 039), R-4 (High Density Residential) and C-2 (General Commercial) Zones, Ward 1 (Tarkanian). Staff recommends APPROVAL
93. EOT-6047 - APPLICANT/OWNER: GOOD EARTH ENTERPRISE, INC. - Request for an Extension of Time for an approved Special Use Permit (SUP-1531) FOR A 330 UNIT ASSISTED LIVING APARTMENT COMPLEX at 233 South 6th Street and 232 South 7th Street (APNs 139-34-611-036 and 037), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends APPROVAL
94. EOT-6043 - APPLICANT: RENATO B. MORALES, JR. - OWNER: V R A A M, LLC - Request for a Reinstatement and Extension of Time for an approved Rezoning (Z-0062-02) FROM: R-E (Residence Estates) TO: C-1 (Limited Commercial) on 1.79 acres at 540 North Eastern Avenue (APN 139-36-110-003), Ward 3 (Reese). Staff recommends APPROVAL

## PLANNING & DEVELOPMENT - DISCUSSION

95. ROC-6073 - PUBLIC HEARING - APPLICANT: BRUCE A. MORRIS - OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD - Request for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] TO ELIMINATE THE REQUIREMENT FOR A DECORATIVE BLOCK WALL ALONG THE SOUTH PROPERTY LINE for an existing church on 11.22 acres at 2900 North Torrey Pines Drive (APNs 138-14-601-005, 006, 013 and 014), U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under Resolution of Intent to C-V (Civic) and C-V (Civic) Zone, Ward 5 (Weekly). Staff recommends DENIAL
96. ROC-6074 - PUBLIC HEARING - APPLICANT: THE MONTECITO COMPANIES - OWNER: AZURE SOUTH, INC. - Request for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], WHICH PROHIBITED CERTAIN USES, TO ELIMINATE THE CONDITION ENTIRELY for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive (APN 125-27-222-006), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL
97. ROC-6076 - PUBLIC HEARING - APPLICANT: DAVID VAN ZANTEN - OWNER: JAMES POLLINS - Request for a Review of Condition Number 6 of an approved Special Use Permit (SUP-5215) TO ELIMINATE THE REQUIREMENT TO REMOVE THE EXISTING OFF-PREMISE ADVERTISING SIGN ONE YEAR FROM THE ISSUANCE OF A LICENSE FOR A PROPOSED TAVERN at 9 West Charleston Boulevard (APN 162-03-110-109), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL
98. ROC-6081 - PUBLIC HEARING - APPLICANT/OWNER: MERITAGE HOMES - Request for a Review of Condition Number 3 of an approved Site Development Plan Review (SDR-1336) WHICH REQUIRES DEVELOPMENT TO BE IN CONFORMANCE WITH THE SITE PLAN AND BUILDING ELEVATIONS for a 66 lot single family development on 20.16 acres adjacent to the southeast corner of Grand Canyon Drive and Elkhorn Road (APN 125-19-599-014), R-PD3 (Residential Planned Development - 3 units per acre) Zone, Ward 6 (Mack). Staff recommends DENIAL
99. SDR-5611 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: USA - Request for a Site Development Plan Review FOR AN ELEMENTARY SCHOOL on 10.0 acres adjacent to the southwest corner of Campbell Road and Severence Lane (APN 125-17-401-002), T-C (Town Center) Zone [PF-TS (Public Facilities - Town Center) Special Land Use Designation], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
100. SDR-5503 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: SHAG'S CARWASH - OWNER: HARRY & GERALDINE GORDON REVOCABLE FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED 3,208 SQUARE-FOOT CAR WASH/DRIVE-THROUGH DELI/COFFEE SHOP AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN REQUIREMENTS FOR MINIMUM FLOOR AREA RATIO, THE FRONT YARD BUILD-TO REQUIREMENT, MINIMUM GLAZING REQUIREMENT, MINIMUM GROUND-FLOOR RETAIL REQUIREMENT, UNDERGROUND UTILITIES AND SCREENING OF AUTO-RELATED FACILITIES on 0.23 acres adjacent to the east side of Main Street, approximately 175 feet north of Bonneville Avenue (APNs 139-34-311-001 and 002), C-M (Commercial/Industrial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
101. SDR-5711 - PUBLIC HEARING - APPLICANT: SANSONE DEVELOPMENT - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Site Development Plan Review FOR A 40,125 SQUARE-FOOT COMMERCIAL DEVELOPMENT AND WAIVERS OF THE BUILD-TO LINE, FRONT LANDSCAPING; AND FRONT, SIDE AND REAR SETBACK STANDARDS on 4.18 acres adjacent to the southwest corner of Lake Mead Boulevard and Rock Springs Drive (APN 138-22-701-005), U (Undeveloped) [PF (Public Facilities) General Plan Designation] Under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown). The Planning Commission (6-1 vote) and staff recommend APPROVAL
102. SDR-5782 - PUBLIC HEARING - APPLICANT/OWNER: TRACIE J. LOCKETT-GREEN - Request for a Site Development Plan Review FOR PROPOSED CONVERSION OF AN 821 SQUARE-FOOT HOUSE TO A PROFESSIONAL OFFICE AND WAIVERS OF THE DOWNTOWN CENTENNIAL PLAN REQUIREMENTS FOR UNDERGROUND UTILITIES, AND PARKING LOT AND STREETScape LANDSCAPING AND TREATMENTS on 0.17 acres adjacent to the southwest corner of Casino Center Boulevard and Hoover Avenue (APN 139-34-410-032), R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

## PLANNING & DEVELOPMENT - DISCUSSION

103. SDR-5835 - PUBLIC HEARING - APPLICANT/OWNER: KAREN M. BAILEY AND THOMAS PRATO - Request for a Site Development Plan Review FOR 1,710 SQUARE FEET OF PROPOSED PAINT BOOTHS ASSOCIATED WITH AN EXISTING MANUFACTURING/WAREHOUSE FACILITY AND WAIVERS OF PERIMETER, FOUNDATION, AND PARKING LOT LANDSCAPING REQUIREMENTS on 1.47 acres adjacent to the southwest corner of Charleston Boulevard and Commerce Street (APN 162-04-506-008), M (Industrial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
104. SDR-5883 - PUBLIC HEARING - APPLICANT: GREAT AMERICAN CAPITAL - OWNER: KING'S CROSSING, LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 440-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 18.07 acres at 2150 North Tenaya Way (APN 138-22-601-001, 002 and 003), R-3 (Medium Density Residential) Zone, Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
105. SDR-5890 - PUBLIC HEARING - APPLICANT: DESERT SHORES HOLDINGS, LLC - OWNER: DESERT SHORES L.L.C. - Request for a Site Development Plan Review FOR THE CONVERSION OF A 424-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 19.23 acres adjacent to the southeast corner of Rampart Boulevard and Cheyenne Avenue (APN 138-16-110-001), R-PD5 (Residential Planned Development - 5 Units Per Acre) Zone, Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
106. SDR-5896 - PUBLIC HEARING - APPLICANT: AMSOURCE COMPANIES - OWNER: WAL-MART STORES, INC. - Request for a Site Development Plan Review FOR A PROPOSED 12,360 SQUARE-FOOT COMMERCIAL DEVELOPMENT AND WAIVERS OF FOUNDATION LANDSCAPING AND THE 20-FOOT PERIMETER LANDSCAPING REQUIREMENT on 1.76 acres adjacent to the northeast corner of Craig Road and Jones Boulevard (APN a portion of 138-01-219-002), C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
107. SDR-5898 - PUBLIC HEARING - APPLICANT: CHABAD HEBREW CENTER - OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A TEMPORARY MODULAR HOUSE OF WORSHIP on 4.24 acres adjacent to the southwest corner of Vegas Drive and Durango Drive (APN a portion of 138-29-501-007), C-V (Civic) Zone, Ward 4 (Brown). The Planning Commission (6-1 vote) and staff recommend APPROVAL
108. SDR-5899 - PUBLIC HEARING - APPLICANT/OWNER: COLIN AND JENNIFER FRANK - Request for a Site Development Plan Review FOR A CHILD CARE FACILITY AND WAIVERS OF THE BUILD-TO STANDARD, FOUNDATION LANDSCAPING, AND PERIMETER LANDSCAPING on 0.65 acres adjacent to the southeast corner of Martin Luther King Boulevard and Miller Avenue (APN 139-21-510-078, 079), C-2 (General Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
109. MOD-5854 - PUBLIC HEARING - APPLICANT: GREEN WORLD CLEANERS - OWNER: LONE MOUNTAIN PLAZA, LLC - Request for a Major Modification to the Lone Mountain Master Development Plan Use Table TO ADD "DRY CLEANERS" AS A PERMITTED USE IN NEIGHBORHOOD COMMERCIAL AND VILLAGE COMMERCIAL SPECIAL LAND USE DESIGNATIONS, Ward 4(Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
110. VAC-5834 - PUBLIC HEARING - OWNER/APPLICANT: BEAZER HOMES - Petition to Vacate U.S. Government Patent Easements generally located at the southeast corner of Elkhorn Road and Fort Apache Road, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
111. VAR-5825 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Variance TO ALLOW 3,000 SQUARE-FOOT MINIMUM SPACES WHERE 4,000 SQUARE FEET IS THE MINIMUM REQUIRED AND TO ALLOW 40-FOOT WIDE SPACES WHERE 45 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED MOBILE HOME PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

**PLANNING & DEVELOPMENT - DISCUSSION**

112. SDR-5821 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: NEVADA BY DESIGN - OWNER: HOUSING AUTHORITY OF THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 51-PAD MOBILE/MANUFACTURED HOME PARK EXPANSION on 5.40 acres adjacent to the east side of the Interstate 515 freeway, approximately 620 feet south of Stewart Avenue (APN 140-31-303-002), R-1 (Single-Family Residential) Zone [PROPOSED: R-MHP (Residential Mobile/Manufactured Home Park) Zone], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
113. VAR-5886 - PUBLIC HEARING - APPLICANT/OWNER: ERICH F. FELTON AND SARAH JAMES FELTON - Request for a Variance TO ALLOW A SIX-FOOT REAR YARD SETBACK WHERE 15 FEET IS THE MINIMUM REQUIRED FOR AN EXISTING ATTACHED STORAGE SHED on 0.18 acres at 5320 Backwoodsman Avenue (APN 125-25-810-024), R-1 (Single Family Residential) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
114. VAR-5888 - PUBLIC HEARING - APPLICANT/ OWNER: BONANZA PINES III LIMITED PARTNERSHIP - Request for a Variance TO ALLOW A 10-FOOT REAR YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED SENIOR HOUSING DEVELOPMENT on 1.29 acres on the north side of Bonanza Road approximately 1,300 feet west of Lamb Boulevard (APN 140-30-802-007), R-E (Residence Estates) Zone under Resolution of Intent to R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
115. VAR-5889 - PUBLIC HEARING - APPLICANT/ OWNER: BONANZA PINES III LIMITED PARTNERSHIP - Request for a Variance TO ALLOW A 154-FOOT RESIDENTIAL ADJACENCY SETBACK WHERE 165 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED SENIOR HOUSING DEVELOPMENT on 1.29 acres on the north side of Bonanza Road approximately 1,300 feet west of Lamb Boulevard (APN 140-30-802-007), R-E (Residence Estates) Zone under Resolution of Intent to R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
116. SDR-5891 - PUBLIC HEARING - APPLICANT/ OWNER: BONANZA PINES III LIMITED PARTNERSHIP - Request for a Site Development Plan Review FOR A 62-UNIT, FIVE-STORY SENIOR HOUSING DEVELOPMENT on 1.29 acres on the north side of Bonanza Road approximately 1,300 feet west of Lamb Boulevard (APN 140-30-802-007), R-E (Residence Estates) Zone under Resolution of Intent to R-5 (Apartment) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
117. 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 (Tarkanian). The Planning Commission (5-0 vote) recommends DENIAL. Staff recommends APPROVAL
118. SUP-5771 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: MIGUEL NUNEZ - OWNER: AGRELLA PROPERTIES, LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE SALES) at 6700 West Charleston Boulevard, Suite F (APN 138-34-820-014), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and staff recommend APPROVAL
119. SUP-4930 - PUBLIC HEARING - APPLICANT: YOUR CREDIT, INC. D/B/A LAS VEGAS FINANCE - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED FINANCIAL INSTITUTION, SPECIFIED AND FOR WAIVERS OF THE 1,000-FOOT DISTANCE SEPARATION REQUIREMENT BETWEEN SIMILAR USES, THE 200-FOOT DISTANCE SEPARATION REQUIREMENT FROM RESIDENTIAL USES AND THE 1,500 SQUARE-FOOT MINIMUM FLOOR AREA REQUIREMENT at 4750 West Sahara Avenue, Suite V29 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

**PLANNING & DEVELOPMENT - DISCUSSION**

120. SUP-5868 - PUBLIC HEARING - APPLICANT: VIENGSAMAI MONSAY - OWNER: ZELZAH SHRINE TEMPLE - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB AND A WAIVER OF THE 400-FOOT MINIMUM SEPARATION DISTANCE REQUIREMENT FROM AN EXISTING PARK at 2327 South Eastern Avenue (APN 162-01-401-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). (NOTE: Item to be heard in conjunction with Morning Session Item 54) The Planning Commission (7-0 vote) and staff recommend APPROVAL
121. SUP-5895 - PUBLIC HEARING - APPLICANT: LAGUNA RESTAURANTS, LLC - OWNER: SEA BREEZE VILLAGE, LLC - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 1750 N. Buffalo Drive (APN 138-22-418-008), C-1 (Limited Commercial) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
122. ZON-5809 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE) on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Request is now for R-PD8)
123. VAR-5810 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Variance TO ALLOW 0.51 ACRES OF OPEN SPACE WHERE 1.09 ACRES IS THE MINIMUM AMOUNT REQUIRED IN CONJUNCTION WITH A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)
124. SDR-5807 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)
125. ZON-5849 - PUBLIC HEARING - APPLICANT/ OWNER: BRADLEY VILLAS, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE-FAMILY RESIDENTIAL) on 4.77 acres adjacent to the east side of Bradley Road, between Deer Springs Way and Rome Boulevard (APN 125-24-701-005), Ward 6 (Mack). The Planning Commission (6-1 vote) and staff recommend APPROVAL
126. WVR-5850 - PUBLIC HEARING - APPLICANT/ OWNER: BRADLEY VILLAS, LLC - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 175 FEET BETWEEN INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED for property adjacent to the east side of Bradley Road, between Deer Springs Way and Rome Boulevard (APN 125-24-701-005), R-E (Residence Estates) Zone [PROPOSED: R-1 (Single Family Residential) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
127. GPA-5597 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request to amend a portion of the Southeast Sector Map of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: GC (GENERAL COMMERCIAL) on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL
128. ZON-5598 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: C-2 (GENERAL COMMERCIAL) on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL

**PLANNING & DEVELOPMENT - DISCUSSION**

129. SUP-5600 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Special Use Permit FOR A PROPOSED MOTOR VEHICLE SALES (USED) USE at 2400 Hinkle Drive (APN 139-26-508-002), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL.
130. SDR-5599 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: CARLOS ALBERTO CODARINI - Request for a Site Development Plan Review FOR A PROPOSED 1,880 SQUARE-FOOT COMMERCIAL BUILDING AND WAIVERS TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE 10 FEET IS THE MINIMUM REQUIRED; A FIVE-FOOT REAR YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED; AND OF PERIMETER AND FOUNDATION LANDSCAPING REQUIREMENTS on 0.17 acres at 2400 Hinkle Drive (APN 139-26-508-002), C-1 (Limited Commercial) Zone [PROPOSED: C-2 (General Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend DENIAL.
131. GPA-5612 - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: UNITED STATES OF AMERICA - Request to amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: PF (PUBLIC FACILITIES) on 15.02 acres adjacent to the south side of Horse Drive, approximately 290 feet west of Bradley Road (APN 125-12-301-005), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL.
132. ZON-5613 - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: UNITED STATES OF AMERICA - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-V (CIVIC) on 15.02 acres adjacent to the south side of Horse Drive, approximately 290 feet west of Bradley Road (APN 125-12-301-005), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL.
133. SDR-5614 - PUBLIC HEARING - APPLICANT: CLARK COUNTY SCHOOL DISTRICT - OWNER: UNITED STATES OF AMERICA - Request for a Site Development Plan Review FOR A PROPOSED PUBLIC SCHOOL, PRIMARY on 15.02 acres adjacent to the south side of Horse Drive, approximately 290 feet west of Bradley Road (APN 125-12-301-005), R-E (Residence Estates) Zone [PROPOSED: C-V (Civic) Zone], Ward 6 (Mack). The Planning Commission (6-1 vote) recommends DENIAL. Staff recommends APPROVAL.
134. GPA-5814 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: B-A.S.K.D. #2 NEVADA, LLC - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 5.30 acres adjacent to the east side of Torrey Pines Drive, approximately 230 feet south of Lake Mead Boulevard (a portion of APN 138-23-720-004), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.
135. ZON-5816 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: B-A.S.K.D. #2 NEVADA, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO C-1 (LIMITED COMMERCIAL) TO: R-PD9 (RESIDENTIAL PLANNED DEVELOPMENT - 9 UNITS PER ACRE) on 5.30 acres adjacent to the east side of Torrey Pines Drive, approximately 230 feet south of Lake Mead Boulevard (a portion of APN 138-23-720-004), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.
136. VAR-5819 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: B-A.S.K.D. #2 NEVADA, LLC - Request for a Variance TO ALLOW 0.38 ACRES OF OPEN SPACE WHERE 0.78 ACRES IS THE MINIMUM REQUIRED FOR A PROPOSED 47-UNIT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.30 acres adjacent to the east side of Torrey Pines Drive, approximately 230 feet south of Lake Mead Boulevard (a portion of APN 138-23-720-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) [Proposed R-PD9 (Residential Planned Development - 9 Units Per Acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL.

**PLANNING & DEVELOPMENT - DISCUSSION**

- 137. SDR-5815 - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: B-A.S.K.D. #2 NEVADA, LLC - Request for a Site Development Plan Review FOR A PROPOSED 47-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.30 acres adjacent to the east side of Torrey Pines Drive, approximately 230 feet south of Lake Mead Boulevard (a portion of APN 138-23-720-004), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) [Proposed: R-PD9 (Residential Planned Development - 9 Units Per Acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
- 138. GPA-5820 - PUBLIC HEARING - APPLICANT: RCD HOLDINGS, LLC - OWNER: THE BORSACK GROUP, INC., ET AL - Request to amend a portion of the Centennial Hills Sector Plan of the General Plan FROM: O (OFFICE) TO: MLA (MEDIUM-LOW ATTACHED DENSITY RESIDENTIAL) on 10.76 acres adjacent to the northwest corner of Ann Road and Balsam Street (APN 125-27-802-002, 003, 004, 005; 125-27-802-008, 009, 012 and 014), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 139. ZON-5880 - PUBLIC HEARING - APPLICANT: RCD HOLDINGS LLC - OWNER: JUDIE K. COLLINS, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [O (OFFICE) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO O (OFFICE) AND R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO O (OFFICE) TO: R-PD8 (RESIDENTIAL PLANNED DEVELOPMENT- 8 UNITS PER ACRE) on 10.76 acres adjacent to the northeast corner of Rio Vista Street and Ann Road (APN 125-27-802-002 through 005, 008, 009, 012 and 014), Ward 6 (Mack). The Planning Commission (6-1 vote) and staff recommend APPROVAL
- 140. SDR-5881 - PUBLIC HEARING - APPLICANT: RCD HOLDINGS LLC - OWNER: JUDIE K. COLLINS, ET AL - Request for a Site Development Plan Review FOR A 93-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.76 acres adjacent to the northeast corner of Rio Vista Street and Ann Road (APN 125-27-802-002 through 005, 008, 009, 012 and, 014), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to O (Office) and R-E (Residence Estates) Zone under Resolution of Intent to O (Office) Zone, [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre) Zone], Ward 6 (Mack). The Planning Commission (6-1 vote) and staff recommend APPROVAL

**SET DATE**

- 141. 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

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

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

**(Attach Affidavit of Publication of Notice of Deposit of the Bond Ordinance)**

RECEIVED  
CITY CLERK

2005 MAR 15 A 11: 02

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,

LV CITY CLERK  
3883144

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/05/2005 to 03/05/2005, on the following days: MARCH 5, 2005

**BILL NO. 2005-15**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA

PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, and that an adequate number of typewritten copies of the above-numbered and entitled proposed Ordinance are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, at her office in City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on March 2, 2005, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas held on March 16, 2005.

/s/ Barbara Jo Ronemus  
City Clerk  
PUB: March 5, 2005  
LV Review-Journal

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 14

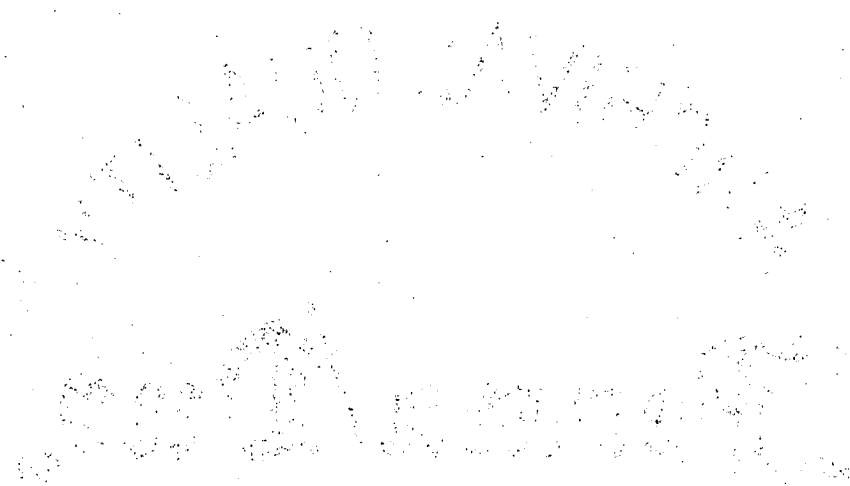
day of March 2005

Mary B. Sheffield  
Notary Public

 **MARY B. SHEFFIELD**  
Notary Public State of Nevada  
No. 99-53968-1  
My appt. exp. Mar. 8, 2007

**EXHIBIT D**

**(Attach Affidavit of Publication of Adoption of Bond Ordinance)**



RECEIVED  
CITY CLERK

2005 MAR 25 P 1:16

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,

LV CITY CLERK  
3909128

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 03/19/2005 to 03/19/2005, on the following days: MARCH 19, 2005

Signed: \_\_\_\_\_

*Donna Stark*

SUBSCRIBED AND SWORN BEFORE ME THIS THE \_\_\_\_\_

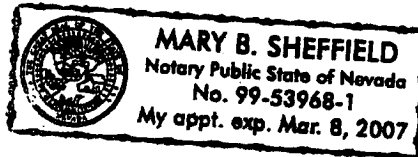
*24*

day of \_\_\_\_\_ 2005

*March*

*Mary B. Sheffield*

Notary Public



**BILL NO. 2005-15**  
**ORDINANCE NO. 5757**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA PROVIDING FOR THE ISSUANCE OF ITS GENERAL OBLIGATION (LIMITED TAX) SEWER REFUNDING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES), SERIES 2005A FOR THE PURPOSE OF REFUNDING CERTAIN OF THE CITY'S OUTSTANDING SEWER BONDS; PROVIDING THE FORM, TERMS AND CONDITIONS THEREOF AND PROVIDING FOR THEIR SALE; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM THE CITY'S SEWER SYSTEM; AND PROVIDING OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN, that an adequate number of typewritten copies of the above-numbered and entitled ordinance are available for public examination and distribution upon request at the office of the City Clerk of the City of Las Vegas, Nevada, at her office at 400 East Stewart Avenue, Las Vegas, Nevada; and that the above-numbered and entitled Ordinance was passed and adopted at a regular meeting of the City Council of the City of Las Vegas on March 16, 2005, by the following vote of the City Council:

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

This Ordinance shall be in full force and effect on and after the 20th day of March, 2005.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only, DATED this March 16, 2005.

/s/ Oscar Goodman,  
Mayor  
Attest: /s/ Barbara Jo Ronemus, City Clerk  
PUB: March 19, 2005  
LV Review-Journal