

CITY OF LAS VEGAS, NEVADA  
GENERAL OBLIGATION (LIMITED TAX)  
TRANSPORTATION REFUNDING BONDS  
(ADDITIONALLY SECURED WITH PLEDGED REVENUES)  
SERIES 2002D  
2002 TRANSPORTATION REFUNDING BOND ORDINANCE



032582

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Summary - an ordinance authorizing the issuance of the additionally secured City of Las Vegas, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D.

**BILL NO. 2002-112  
ORDINANCE 5532**

**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) TRANSPORTATION REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2002D," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TRANSPORTATION IMPROVEMENT BONDS OF THE CITY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, AND THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM CERTAIN TAXES IMPOSED ON THE REVENUES FROM THE RENTAL OF TRANSIENT LODGING; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; 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 Council (the "Council") has determined pursuant to NRS 244.3351 and Clark County Ordinance No. 1265 adopted on April 16, 1991 (collectively the "Project Act") the City is authorized and empowered to use certain proceeds of the tax imposed pursuant to NRS 244.3351 on the gross receipts from the rental of transient lodging throughout the City, and not within any transportation district created by the City, upon all persons in the business

of providing lodging (the "Room Tax"); for projects related to the construction and maintenance of sidewalks, streets, avenues, boulevards, highways and other public rights-of-way used primarily for vehicular traffic, including, without limitation, overpass projects, street projects or underpass projects as defined in NRS 244A.037, 244A.053 and 244A.055, within the boundaries of the City, or within one mile outside those boundaries if the Council finds that such projects outside those boundaries will facilitate transportation within those boundaries and the payment of principal and interest on notes, bonds or other obligations incurred to fund such projects; and to evidence such borrowing by the issuance of bonds in accordance with the provisions of NRS § 350.500 through §§ 350.720, cited in § 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

**WHEREAS**, the City has previously issued its City of Las Vegas, Nevada General Obligation (Limited Tax) Transportation Improvement Bonds (Additionally Secured by Pledged Revenues) Series November 1, 1993 (the "1993 Bonds"), and other than the Outstanding 1993 Bonds, there are no Outstanding obligations which are secured in whole or in part by the revenues derived from the Room Tax (the "Pledged Revenues"); and

**WHEREAS**, interest rates have declined since the issuance of the 1993 Bonds; and

**WHEREAS**, NRS 350.684 provides that the City may issue refunding bonds to refund, pay and discharge all or any part of the outstanding bonds of any one or more issues for the purpose of reducing interest costs or effecting other economies; and

**WHEREAS**, if it is determined by the City's Director of Finance and Business Services (the "Finance Director"), the City's chief financial officer, that the City will achieve interest rate savings, the Finance Director is hereby authorized to specify in the Certificate of the Finance Director (defined below) which maturities of the 1993 Bonds, if any, will be refunded (the "Refunded Bonds"); and

**WHEREAS**, if after receiving bids for the purchase of the City's General Obligation (Limited Tax) Transportation Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2002D (the "Bonds" or "2002 Bonds") herein authorized to be issued for the purpose of refunding, paying and discharging the Refunded Bonds (the "Refunding Project"; or the "Project"), it is determined that interest rate savings will be effected, the Finance Director is authorized to accept a binding bid for the Bonds from the best bidder therefor (the "Purchaser"); the Bonds to bear interest

at the rates per annum provided in the bond purchase proposal submitted by the Purchaser (the "Bond Purchase Proposal") and accepted by the Finance Director, at a purchase price equal to the principal amount thereof, plus accrued interest to the date of delivery of the Bonds, less a discount or plus a premium not to exceed 9 percent of the principal amount of the Bonds, all as specified by the Finance Director in a certificate dated on or before the date of delivery of the Bonds (the "Certificate of the Finance Director"), which purchase price does not result in an effective interest rate on the Bonds in excess of 3% over the index of Twenty Bonds most recently published in The Bond Buyer prior to the time bids were received for the Bonds; and

**WHEREAS**, there have been filed with the City Clerk:

(i) the form of an escrow agreement (the "Escrow Agreement") between the City and BNY Western Trust Company (the "Escrow Bank"); and

(ii) the form of the Official Statement (the "Official Statement") for the Bonds; 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:

A0 It is necessary and for the best interests of the City to effect the Project and to issue the Bonds;

B0 Each of the limitations and other conditions to the issuance of the Bonds in the Charter, the City Bond Law, 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 § 350.708, Bond Act, 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

C0 This Ordinance pertains to the sale, issuance and payment of the Bonds.

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

## ARTICLE I

### SHORT TITLE, DEFINITIONS, INTERPRETATION, RATIFICATION, TRANSMITTAL, AND EFFECTIVE DATE

Section 101. Short Title. This ordinance shall be known as and may be designated by the short title "2002 Transportation Refunding Bond Ordinance" (this "Ordinance").

Section 102. Meanings and Construction.

A0 Definitions. The terms in this section 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 herein specified:

(1) "annual principal and interest requirements" means the sum of the principal of and interest on the Outstanding Bonds and any other Outstanding designated securities payable from the Pledged Revenues having a lien thereon superior to or on a parity with the lien thereon of the Bonds, to be paid during any Bond Year, but excluding any reserve requirements to secure such payments unless otherwise expressly provided and excluding any amount payable from capitalized interest. In calculating this amount, the principal amount of bonds required to be redeemed prior to maturity pursuant to a mandatory redemption schedule contained in the ordinance or other instrument authorizing the issuance of such bonds shall be treated as maturing in the Bond Year in which such bonds are so required to be redeemed, rather than in the Bond Year in which the stated maturity of such bonds occurs.

(2) "Bond Act" means NRS 350.500 through 350.720, and all laws amendatory thereof, designated in § 350.500 thereof as the Local Government Securities Law.

(3) "Bond Fund" or "2002 Bond Fund" means the special account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, Pledged Revenues Interest and Principal Retirement Fund," created in § 401A hereof, and required to be

accumulated and maintained in § 604 hereof which shall be held separate and apart from the Transportation Improvement Revenue Fund.

(4) "1993 Bond Fund" means the special account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Improvement Bonds, Series November 1, 1993, Pledged Revenues Interest and Principal Retirement Fund," created in § 401A of the ordinance authorizing the issuance of the 1993 Bonds.

(5) "Bond Requirements" means the principal of, any prior redemption premiums due in connection with, and the interest on the Bonds and any additional bonds or other additional securities payable from the Pledged Revenues and hereafter issued, as such principal, premiums and interest become due at maturity or on a Redemption Date designated in a mandatory redemption schedule, in a notice of prior redemption, or otherwise.

(6) "Bond Year" means the 12 months commencing on July 2 of any calendar year and ending on July 1 of the next succeeding calendar year.

(7) "Bonds" means the securities issued hereunder and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds (Additionally Secured With Pledged Revenues), Series 2002D."

(8) "1993 Bonds" means the securities designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Improvement Bonds (Additionally Secured With Pledged Revenues), Series November 1, 1993."

(9) "Budget Act" means NRS 354.470 to 354.626, inclusive, and all laws amendatory thereof, designated in § 354.470 thereof as the Local Government Budget Act.

(10) "City" means the City of Las Vegas in the County of Clark and in the State, and constituting a political subdivision thereof, or any successor municipal corporation; and where the context so indicates, either such term means the geographical area comprising the City of Las Vegas.

(11) "City Finance Director" or "Finance Director" means the de jure or de facto director of finance and business services of the City and designated as such by the City.

(12) "City Treasurer" or "Treasurer" means the de jure or de facto city treasurer of the City and designated as such by the City.

(13) "Clerk" or "City Clerk" means the de jure or de facto city clerk of the City and designated as such by the City, or her successor in functions, if any.

(14) "combined maximum annual principal and interest requirements" means the greatest of the annual principal and interest requirements to be paid during any Bond Year for the period beginning with the Bond Year in which such computation is made and ending with the Bond Year in which any bond last becomes due at maturity or on a Redemption Date on which any bond thereafter maturing is called for prior redemption. If any outstanding bonds are subject to variable interest rates, for the purpose of such computation, such interest rates shall be determined by an Independent Accountant, an independent feasibility consultant or the City Finance Director. Any such computation shall be adjusted as provided in § 803C hereof, and shall be made by an Independent Accountant, an independent feasibility consultant or the City Finance Director if expressly so required.

(15) "commercial bank" means a state or national bank or trust company which is a member of the Federal Deposit Insurance Corporation and which is located within the United States; and such term includes, without limitation, any "trust bank" as herein defined.

(16) "Comparable Bond Year" means, in connection with any Fiscal Year, the Bond Year which commences in the Fiscal Year. For example, for the Fiscal Year commencing on July 1, 2003, the Comparable Bond Year commences on July 2, 2002 and ends on July 1, 2003.

(17) "Council" means the City Council of City of Las Vegas, in the State of Nevada, including any successor of the City.

(18) "Development Agreement" means the Development Agreement among the City, The Fremont Street Experience Limited Liability Company, Fremont

Street Parking Corporation and the City of Las Vegas Downtown Redevelopment Agency.

(19) "Escrow Account" means the special account designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D Escrow Account.

(20) "Events of Default" means the events stated in § 1103 hereof.

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

(22) "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.

(23) "Fiscal Year" means the 12 months commencing on July 1 of any calendar year and ending on June 30 of the next succeeding calendar year; but if the Nevada legislature changes the statutory fiscal year relating to the City, the Fiscal Year shall conform to such modified statutory fiscal year from the time of each such modification, if any.

(24) "General Tax Interest Account" means the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, General Tax Interest Account," created in § 501 hereof.

(25) "General Tax Principal Account" means the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, General Tax Principal Account," created in § 501 hereof.

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

(27) "hereby," "herein," "hereinabove," "hereinafter," "hereinbefore," "hereof," and any similar term refer to this Ordinance and not solely to the particular

portion thereof in which the word is used; "heretofore" means before the adoption of this Ordinance; and "hereafter" means after the adoption of this Ordinance.

(28) "improve" or "improvement" means the extension, widening, lengthening, betterment, alteration, reconstruction or other major improvement, or any combination thereof, of the Project, or the acquisition of any properties relating to the Project, or an interest therein, but does not mean renovation, reconditioning, patching, general maintenance or other minor repair occurring periodically at annual or shorter intervals.

(29) "Independent Accountant" means any certified public accountant, or any firm of certified public accountants, duly licensed to practice and practicing as such under the laws of the State, as from time to time appointed and compensated by the City:

(a) Who or which is, in fact, independent and not under the domination of the City;

(b) Who or which does not have any substantial interest, direct or indirect, with the City, and

(c) Who or which is not connected with the City as an officer or employee thereof, but who may be regularly retained to make annual or similar audits of any books or records of the City.

(30) "Mayor" means the de jure or de facto Mayor of the City, or her successor in functions, if any.

(31) "NRS" means Nevada Revised Statutes.

(32) "newspaper" means a newspaper printed in the English language, published at least once each calendar week.

(33) "Outstanding" when used with reference to the Bonds or any other designated securities and as of any particular date means all the Bonds or any such other securities payable from the Pledged Revenues or otherwise relating to the Project, as the case may be, in any manner theretofore and thereupon being executed and delivered:

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

(b) Except any Bond or other security the payment of which is then due or past due and moneys fully sufficient to pay the same are on deposit with the Paying Agent;

(c) Except any Bond or other security for the payment or the redemption of which moneys at least equal to the City's Bond Requirements to the date of maturity or to any Redemption Date, shall have heretofore been deposited with a trust bank in escrow or in trust for that purpose, as provided in § 1001 hereof; and

(d) 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 pursuant to §§ 306 or 1209 hereof.

(34) "owner" or any similar term, when used in conjunction with any Bonds, or any other designated securities, means the registered owner of any Bonds or other security which is registrable for payment if it shall at the time be registered for payment otherwise than to bearer.

(35) "parity bonds" or securities" means bonds or securities which have a lien on the Pledged Revenues that is on a parity with the lien thereon of the Bonds herein authorized.

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

(37) "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.

(38) "Pledged Revenues" means all income and revenue derived by the City from the levy of the Room Tax imposed pursuant to the Project Act.

The Pledged Revenues means all or a portion of the Pledged Revenues. The designated term indicates sources of revenues and does not necessarily indicate all or any portion or other part of such revenues in the absence of further qualification. "Pledged Revenues" includes income derived from any additional Room Tax imposed by or on behalf of the City if the Council elects to include the additional tax in "Pledged Revenues" for the remaining term of the Bonds.

(39) "Project" means the refunding of the Refunded Bonds.

(40) "Project Act" means, collectively, NRS 244.3351, NRS 268.446 and Clark County Ordinance No. 1265 adopted on April 16, 1991.

(41) "Purchaser" means the entity identified as the purchaser in the Certificate of the Finance Director.

(42) "Rebate Account" means the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, Rebate Account" created in § 607 hereof.

(43) "Redemption Date" means a date fixed for the redemption prior to their respective maturities of any Bonds or other designated securities payable from any Pledged Revenues in any mandatory redemption schedules, or in any notice of prior redemption or otherwise fixed and designated by the City.

(44) "Redemption Price" means, when used with respect to a Bond or other designated security payable from any Pledged 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.

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

(46) "Regular Record Date" means the 15th day of the calendar month next preceding each interest payment date.

(47) "Room Tax" means the tax imposed pursuant to NRS 244.3351 and Clark County Ordinance No. 1265 adopted on April 16, 1991, at the rate of one

percent of the gross receipts from the rental of transient lodging throughout the City upon all persons in the business of providing lodging.

(48) "Special Record Date" means a special date fixed by the Paying Agent to determine the names and addresses of owners of the Bonds for the payment of any defaulted interest on any of the Bonds, as further provided in § 302 hereof. At least 10 days' notice will be given by the Paying Agent by first-class regular mail to each owner of a Bond as stated on the Registrar's registration list at the close of business on a date fixed by the Paying Agent, stating the date of the Special Record Date and the due date fixed for the payment of such defaulted interest.

(49) "State" means the State of Nevada, in the United States; and where the context so indicates, "State" means the geographical area comprising the State of Nevada.

(50) "subordinate bonds" or "subordinate securities" means bonds or securities which have a lien on the Pledged Revenues that is subordinate and junior to the lien thereon of the Bonds herein authorized.

(51) "superior bonds" or "superior securities" means bonds or securities which have a lien on the Pledged Revenues that is superior to the lien thereon of the Bonds herein authorized.

(52) "Tax Code" means the Internal Revenue Code of 1986, as amended.

(53) "Taxes" means General Taxes.

(54) "Transportation Improvement Revenue Fund" means the special account designated as the "City of Las Vegas, Nevada, Pledged Revenues Transportation Improvement Revenue Fund," created in § 602 hereof which shall be held separate and apart from the Bond Fund.

(55) "trust bank" means a "commercial bank," as defined herein, which bank is authorized to exercise and is exercising trust powers, and also means any branch of the Federal Reserve Bank.

B0 Construction. This Ordinance, except where the context by clear implication herein otherwise requires, shall be construed as follows:

(1) Words in the singular number include the plural, and words in the plural include the singular.

(2) Words in the masculine gender include the feminine and the neuter, and when the sense so indicates words of the neuter gender refer to any gender.

(3) The titles and leadlines applied to articles, sections, subsections and paragraphs of this Ordinance are inserted only as a matter of convenience and ease in reference and in no way define, limit or describe the scope or intent of any provisions of this Ordinance.

(4) Any securities payable from any Pledged Revenues and held by the City shall not be deemed to be Outstanding for the purpose of redemption nor Outstanding for the purpose of consents hereunder or for other purposes provided herein.

Section 103. Successors. Whenever herein the City is named or is referred to, such provision shall be deemed to include any successors of the City, respectively, whether so expressed or not. All of the covenants, stipulations, obligations and agreements by or on behalf of and other provisions for the benefit of the City contained herein shall bind and inure to the benefit of any officer, board, district, commission, authority, agent or instrumentality to whom or to which there shall be transferred by or in accordance with law any right, power or duty of the City or of their respective successors, if any, the possession of which is necessary or appropriate in order to comply with any such covenants, stipulations, obligations, agreements or other provisions hereof.

Section 104. Parties Interested Herein. Except as herein otherwise expressly provided, nothing herein expressed or implied confers upon or gives to any Person (other than the Paying Agent, the owners from time to time of the Bonds, and the owners of any other securities payable from Pledged Revenues when reference is expressly made thereto, as well as the City) any right, remedy or claim under or by reason hereof or any covenant, condition or stipulation hereof. All the covenants, stipulations, promises and agreements herein contained by and on behalf of the City shall be for the sole and exclusive benefit of the City, the Paying Agent, any owner of any Bonds and any owner of any such other security in the event of such a reference.

Section 105. Ratification. All action heretofore taken (not inconsistent with the provisions of this Ordinance) by the City, the officers of the City, and otherwise by the City directed toward the Project and toward the sale of the Bonds to the Purchaser for that purpose, hereby is ratified, approved and confirmed.

Section 106. Ordinance Irrepealable. After any of the Bonds are issued, this Ordinance shall constitute an irrevocable contract between the City and the owner or owners of the Bonds; and this Ordinance (subject to the provisions of § 1001 and of Article XII hereof), 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, except as herein otherwise expressly provided.

Section 107. Repealer. All bylaws, orders and other instruments, or parts thereof, inconsistent herewith are hereby repealed to the extent only of the inconsistency. This repealer shall not be construed to revive any bylaw, order or other instrument, or part thereof, heretofore repealed. No provision in this Ordinance shall be construed so as to impair the rights granted to The Fremont Street Experience Limited Liability Company by the Development Agreement.

Section 108. Severability. If any section, subsection, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, subsection, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Section 109. Publication of Proposed Ordinance. When first proposed, this Ordinance must be read to the Council by title and referred to a committee of the Council designated by the Mayor, 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)

**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) TRANSPORTATION REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2002D," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TRANSPORTATION IMPROVEMENT BONDS OF THE CITY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM CERTAIN TAXES IMPOSED ON THE REVENUES FROM THE RENTAL OF TRANSIENT LODGING; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; 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 October 2, 2002, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on the October 16, 2002.

/s/ Barbara Jo Ronemus  
City Clerk

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

Section 110. Publication of Adoption of Ordinance; Effective Date. This Ordinance, immediately upon its final passage and adoption, shall be recorded in the official records of the City kept for that purpose, shall be signed by the Mayor, shall be attested by the City Clerk, and the seal of the City shall be affixed thereto. After final adoption of this Ordinance, this Ordinance shall be in effect on the day after its publication by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in a newspaper published and having a general circulation in the City, and such publication to be in substantially the following form:

(Form of Publication of Adoption of Ordinance)

**ORDINANCE NO.**

**(of Las Vegas, Nevada)**

**AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) TRANSPORTATION REFUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2002D," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TRANSPORTATION IMPROVEMENT BONDS OF THE CITY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM CERTAIN TAXES IMPOSED ON THE REVENUES FROM THE RENTAL OF TRANSIENT LODGING; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.**

**PUBLIC NOTICE IS HEREBY GIVEN**, and that such Ordinance was proposed on October 2, 2002, and was passed at the meeting held on October 16, 2002 by the following vote of the City Council:

Those Voting Aye:

Oscar Goodman  
Michael J. McDonald  
Gary Reese  
Larry Brown  
Lynette Boggs-McDonald  
Lawrence Weekly  
Michael Mack

Those Voting Nay:

\_\_\_\_\_

Those Absent:

\_\_\_\_\_

This Ordinance shall be in full force and effect from and after the \_\_\_\_ day of October, 2002, i.e., the day after the publication of such Ordinance by its title only.

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

DATED this October 16, 2002.

Attest:

/s/ Oscar Goodman  
Mayor

/s/ Barbara Jo Ronemus  
City Clerk

(End of Form of Publication)

## ARTICLE II

### CITY'S DETERMINATIONS, AUTHORITY FOR AND AUTHORIZATION OF PROJECT, NECESSITY OF PROJECT AND BONDS

Section 201. Authorization for this Ordinance. This Ordinance is adopted by virtue of the Project Act and the Bond Act and pursuant to their provisions; and the City has ascertained and hereby determines that each and every matter and thing as to which provision is made herein is necessary in order to carry out and to effectuate the purposes of the City in accordance with the Project Act and the Bond Act, and as provided in NRS 350.708 all limitations in the Bond Act imposed upon the issuance of bonds or other securities thereunder have been met.

Section 202. Life of the Project. The City has determined and does hereby declare:

A0 Estimated Life. The estimated life or estimated period of usefulness of the Project to be refinanced with the proceeds of the Bonds is not less than 10 years; and

B0 Bond Term. The Bonds shall mature at times not exceeding such estimated life or estimated period of usefulness.

Section 203. Necessity of Project and Bonds. It is necessary and for the best interests of the City and the inhabitants thereof that the City effect the Project and defray the cost thereof by issuing the Bonds therefor; and it is hereby so determined and declared.

Section 204. Acceptance of Offer; Authorization of Use of Preliminary and Final Official Statements. In accordance with the Project Act and with this Ordinance, the offer for the purchase of the Bonds submitted by the Purchaser is formally accepted; distribution, use of and execution of the Preliminary Official Statement is hereby authorized, ratified and confirmed; distribution, use of and execution of the Final Official Statement for the Bonds in substantially the form of the Preliminary Official Statement, with such amendments, additions and deletions as are consistent with the facts and not inconsistent herewith as may be approved by the Mayor by her execution of the Final Official Statement, is hereby authorized.

Section 205. Bids From Financial Advisor; Authorization of Project. The City does hereby determine to proceed with the Project as hereinabove delineated; and the Project is hereby so authorized. Pursuant to NRS 350.810 and MSRB G-23, the Council hereby consents to receiving a

bid on the Bonds from Zions Bank, and this consent shall constitute a written agreement required by NRS 350.810.

Section 206. Bonds Equally Secured. The covenants and agreements herein set forth to be performed on behalf of the City 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 of any of the Bonds over any other thereof, except as otherwise expressly provided in or pursuant to this Ordinance.

Section 207. General Obligations. The full faith and credit of the City are hereby pledged to the payment of the Bond Requirements of the Bonds; they shall constitute general obligations of the City and shall be payable from General Taxes on all taxable property within the City (except to the extent any Pledged Revenues or other moneys are available therefor), subject to the limitations imposed by the Constitution and statutes of the State.

Section 208. Additional Security. The payment of the Bond Requirements of the Bonds is additionally secured by an irrevocable pledge of and by a first lien (but not necessarily an exclusively first lien) on the Pledged Revenues, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities.

Section 209. No Pledge of Property. The payment of the Bonds is not secured by an encumbrance, mortgage or other pledge of property of the City, except the proceeds of General Taxes, the Pledged Revenues, and any other moneys pledged for the payment of the Bonds. No property of the City, subject to such exceptions, shall be liable to be forfeited or taken in payment of the Bonds.

Section 210. 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 City or any officer or other agent of the City, past, present or future, either directly or indirectly through 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 their issuance specially waived and released.

## ARTICLE III

### AUTHORIZATION, TERMS, EXECUTION AND ISSUANCE OF BONDS

Section 301. Authorization of Bonds. The "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds (Additionally Secured With Pledged Revenues), Series 2002D," in the aggregate principal amount set forth in the Certificate of the Finance Director (not to exceed the amount necessary to effect the Refunding Project), are hereby authorized to be issued, pursuant to the Project Act and the Bond Act; and the City pledges irrevocably, but not necessarily exclusively, the Pledged Revenues to the payment of the Bond Requirements of the Bonds, the proceeds of the Bonds to be used solely to defray wholly or in part the cost of the Project.

Section 302. Bond Details. The Bonds shall be issued payable in fully registered form, i.e., registered as to both principal and interest and shall be dated as of the first of the month of the date of delivery of the Bonds. Except as provided in § 307 hereof, the Bonds shall be issued in the denominations of \$5,000 and any integral multiples thereof (but no Bond may be in a denomination which exceeds the principal coming due on any maturity date, and no individual Bond will be issued for more than one maturity). The Bonds shall bear interest (calculated on the basis of a 360-day year of twelve 30-day months at the rates set forth in the Certificate of the Finance Director from their date until their respective fixed maturity dates, payable on January 1 and July 1 of each year, commencing on July 1, 2003, except that Bonds which are reissued upon transfer, exchange or other replacement shall bear interest at the rates shown below from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of the Bonds. The Bonds shall mature on July 1 in the amounts and years designated in the Certificate of the Finance Director (not to exceed 10 years). The principal of and redemption premium, if any, on any Bond, shall be payable to the registered owner thereof as shown on the registration books kept by the Registrar, upon maturity or prior redemption thereof and upon presentation and surrender at 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 the Bond until the principal thereof is paid in full. Except as provided in § 307 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 or before each interest payment date (or, if such interest payment date is not a business day, on or before the next succeeding business day), to the registered owner thereof at his or her address as shown on the registration books kept by the Registrar at the close of business on the Regular Record Date for such interest payment date; but any such interest not so timely paid or duly provided for shall cease to be payable to the Person who is the registered owner thereof at the close of business on the Regular Record Date and shall be payable to the Person who is the registered owner thereof at the close of business on a Special Record Date for the payment of any such defaulted interest. Such Special Record Date shall be fixed by the Paying Agent whenever money becomes available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the registered owners of the Bonds not less than 10 days prior thereto by first-class mail to each such registered owner as shown on the Registrar's registration books on 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 upon 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.

Section 303. Prior Redemption.

A. Optional Redemption. Bonds, or portions thereof, maturing on and after the date set forth in the Certificate of the Finance Director shall be 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 at any time or in part at any time, from such maturities as are selected by the City, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), in such manner as the Paying Agent may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium, if any, computed in accordance with the schedule set forth in the Certificate of the Finance Director.

B. Mandatory Redemption. The Bonds maturing on the date set forth in the Certificate of the Finance Director (the "Term Bonds") are 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 Bond Fund on or before the date set forth in the Certificate of the Finance Director and on or before each principal payment date thereafter to and including the date set forth in the Certificate of the Finance Director, a sum which, together with other moneys available in the Bond Fund, is sufficient to redeem 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 (but lot in such 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 304 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 cancelled 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 cancelled or in the event the Bonds are registered in the name of Cede & Co. as provided in Section 307 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. If any Bond is in a denomination larger than \$5,000, a portion of such Bond (\$5,000 of principal amount thereof, or any integral thereof) may be redeemed pursuant to subsection A or B hereof, as appropriate, in which case the Registrar, except as provided in § 307 hereof, shall, 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 subsection A or B hereof, 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, 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 is deemed adequate by the Registrar and any Bond or Bonds issued in exchange for, or to replace, any Bond so called for prior redemption shall likewise be stamped or otherwise identified.

Section 304. Redemption Notice. Unless waived by any registered owner of a Bond to be redeemed, notice of prior redemption shall be given by the Registrar, by first class, registered or certified, postage prepaid mail, at least 30 days but not more than 60 days prior to the Redemption Date to the Municipal Securities Rulemaking Board (“MSRB”) and to the registered owner of any Bond (initially Cede & Co.) all or a part of which is called for prior redemption at his or her address as it last appears on the registration records kept by the Registrar. The notice shall identify the Bonds and state that on such date the principal amount thereof, and premium, if any, thereon will become due and payable at the Paying Agent (accrued interest to the Redemption Date being payable by mail or as otherwise provided in this Ordinance), and that after such Redemption Date interest will cease to accrue. After such notice and presentation of said Bonds, the Bonds called for redemption will be paid. Actual receipt of mailed notice by the MSRB or any registered owner of Bonds shall not be a condition precedent to redemption of such Bonds. Failure to give such notice by mailing to the registered owner of any Bond designated for redemption, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bond. A certificate by

the Registrar that notice of call and redemption has been given as provided in this Section shall be conclusive as against all parties; and no owner whose Bond is called for redemption or any other owner of any Bond may object thereto or may object to the cessation of interest on the Redemption Date on the ground that he failed actually to receive such notice of redemption.

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 305. Negotiability. Subject to § 307 hereof and to the registration provisions herein provided, the Bonds shall be fully negotiable within the meaning of and for the purposes of the Uniform Commercial Code--Investment Securities, and each owner shall possess all rights enjoyed by owners of negotiable instruments under the Uniform Commercial Code--Investment Securities.

Section 306. Registration, Transfer and Exchange of Bonds. Except as otherwise provided in § 307 hereof:

A. Registration and Transfer. Records for the registration and transfer of the Bonds shall be kept by the Registrar. Upon the surrender for transfer 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 registered owner or his 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 § 302 hereof. The Registrar shall authenticate and deliver a Bond or Bonds which the registered 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 City or 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 each new Bond. No such charge shall be levied in the case of an exchange resulting from an optional or mandatory prior redemption of a Bond.

B. Limitations upon Registration. 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 15 days before the day of the mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption as herein provided.

C. Effect of Registration. The person in whose name any Bond shall be registered, in the registration records kept by the Registrar, shall be deemed and regarded as the absolute owner thereof for the purpose of making payments thereof (except to the extent otherwise provided in § 302 hereof with respect to interest payments) and for all other purposes; 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 registered owner thereof or his legal representative, but such registration may be changed upon transfer of such Bond in the manner and subject to the conditions and limitation provided herein. 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. Replacement of Bond. 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, the Registrar 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. Cancellation of Bond upon Payment or Reissuance. 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 City.

Section 307. Custodial Deposit.

A. Notwithstanding the foregoing provisions of §§ 302 to 306 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. 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 City and 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; or

(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 of 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 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 § 302 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 to the beneficial owner 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 308. Execution of Bonds. The Bonds shall be executed as follows:

A. Filings with Secretary of State. Pursuant to the Bond Act, and to the act cited as the Uniform Facsimile Signatures of Public Officials Act, cited as chapter 351 of NRS, and prior to the execution of any Bonds by facsimile signature, the Mayor of the City Council of the City, the City Clerk and the City Treasurer shall each file with the Secretary of State of the State of Nevada his or her manual signature certified by him or her under oath.

B. Manner of Execution. Each Bond shall be approved, signed and executed in the name of and on behalf of the City with the manual or facsimile of the signature of the Mayor shall be countersigned and executed with the manual or facsimile of the signatures of the City Treasurer and shall be authenticated with the manual or facsimile impression of the official seal of the City; and shall be signed, executed, and attested with such a manual or facsimile signature of the City Clerk.

C. Authentication. 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. The Registrar's certificate of authentication shall be deemed to have been duly executed by it if manually signed by an authorized officer or employee of the Registrar, but it shall not be necessary that the same officer or employee sign the certificate of authentication on all of the Bonds issued hereunder. By authenticating any of the Bonds delivered pursuant to the Ordinance, the Registrar shall be deemed to have assented to all of the provisions of this Ordinance.

Section 309. Use of Predecessor's Signature. The Bonds bearing the signatures of the officers in office at the time of the signing thereof shall be the valid and binding obligations of the City, notwithstanding that before the delivery thereof and the payment therefor any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Each the Mayor, the City Treasurer and City Clerk, at the time of the execution of the Bonds and of a signature certificate pertaining thereto by the Mayor, the Treasurer and the City Clerk, respectively, may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office if such facsimile signature appears upon any of the Bonds.

Section 310. Incontestable Recital in Bonds. Pursuant to § 350.628, Bond Act, each Bond shall recite that it is issued pursuant to the Project Act, to the Bond Act, and to the

Supplemental Bond Act, which recital shall be conclusive evidence of the validity of the Bonds and the regularity of their issuance.

Section 311. State Tax Exemption. Pursuant to § 350.710, Bond Act, 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 312. Bond Execution. The Mayor, the City Treasurer, and the City Clerk are hereby authorized and directed to prepare and to execute the Bonds as herein provided.

Section 313. Bond Delivery. After such registration of the Bonds by the Registrar pursuant to § 306 and after their execution and authentication pursuant to § 308 and other provisions herein supplemental thereto, the Treasurer shall cause the Bonds to be delivered to the Purchaser thereof, upon payment being made therefor on the terms of the sale of the Bonds.

Section 314. Bond Form. Subject to the provisions of this Ordinance, each Bond shall be in substantially the following form with such omissions, insertions, endorsements, and variations as to any recitals of fact or other provisions 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)  
TRANSPORTATION REFUNDING BOND  
(ADDITIONALLY SECURED WITH PLEDGED REVENUES)  
SERIES 2002**

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

\$ \_\_\_\_\_

Interest Rate

Maturity Date

Dated As Of

CUSIP

\_\_\_% per  
annum

July 1, \_\_\_\_

\_\_\_\_\_ 1, 2002

**REGISTERED OWNER: \*\*CEDE & CO.\*\***

**PRINCIPAL AMOUNT:**

**DOLLARS**

The City of Las Vegas in Clark County and the State of Nevada (the "City", the "County" and the "State", respectively), for value received hereby acknowledges itself to be indebted and promises to pay to the Registered Owner specified above the Principal Amount specified above, on the Maturity Date specified above (unless called for earlier redemption), and to pay interest thereon on January 1 and July 1 of each year commencing on July 1, 2003, at the Interest Rate per annum specified above, until the principal sum is paid or payment has been provided therefor. This Bond will bear interest from the most recent interest payment date to which interest has been paid or provided for, or, if no interest has been paid, from the date of this Bond. The principal of and redemption premium, if any, on this Bond are payable to the Registered Owner hereof 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 interest payment 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 is registered (the "Registered Owner") in the registration records of the City maintained by the Registrar and at the address appearing thereon at 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 hereof at the close of business on a Special Record Date for the payment of any defaulted

interest. Such Special Record Date shall be fixed by the Paying Agent for the Bonds whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Registered Owners of the Bonds of the series of which this is one (the "Bonds") not less than ten days prior thereto. All payments of the principal of, interest on and redemption premiums due in connection with this Bond (the "Bond Requirements") shall be made in lawful money of the United States of America without deduction for the services of the Paying Agent.

The Bonds are issuable solely as fully registered Bonds in denominations of \$5,000 each or any integral multiple thereof. The Bonds are exchangeable for fully registered Bonds of the same maturity in equal aggregate principal amounts and in authorized denominations at the aforesaid office of the Paying Agent and Registrar but only in the manner, subject to the limitations, and on payment of the charges provided in the City's ordinance designated by the short title "2002 Transportation Refunding Bond Ordinance," adopted and approved on October 16, 2002 authorizing the issuance of the Bonds (the "Ordinance").

\*The Registrar will not be required to transfer or exchange (i) any Bond subject to redemption during a period beginning at the opening of business 15 days before the day of the mailing by the Registrar of a notice of prior redemption of Bonds and ending at the close of business on the day of such mailing, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for prior redemption.\*

\*\*The Bonds shall not be transferable or exchangeable, except as set forth in the Ordinance.\*\*

Bonds, or portions thereof, maturing on or after the date set forth in the Certificate of the Finance Director shall be 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 at any time or in part at any time, from such maturities as are selected by the City, and if less than all of the Bonds of a maturity are to be redeemed, the Bonds of such maturity are to be redeemed by lot within a maturity (giving proportionate weight to Bonds in denominations larger than \$5,000), in such manner as the Paying Agent may determine, for the principal amount of each Bond or portion thereof so redeemed and accrued interest thereon to the redemption date, and a premium, if any, computed in accordance with the schedule set forth in the Certificate of the Finance Director.

\*\*\*Certain of the Bonds shall be subject to mandatory sinking fund redemption as provided in the Certificate of the Finance Director and the Ordinance.\*\*\*

\*In the case of Bonds of a denomination larger than \$5,000, a portion of such Bond (\$5,000 of the principal amount thereof, or any integral multiple thereof) may be redeemed, in which case the Registrar shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof. Redemption shall be made upon not less than thirty (30) days' prior notice as provided in the Ordinance.\*

**\*\*Upon any partial prior redemption of this 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 payment.\*\***

**\*\*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 ("DTC"), to the City 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.\*\***

This Bond must be registered in the name of the Registered Owner as to both principal and interest on the registration records kept by the Registrar in conformity with the provisions stated herein and endorsed hereon and subject to the terms and conditions set forth in the Ordinance. 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 attorney duly authorized in writing.

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 making payment (except to the extent otherwise provided hereinabove and in the Ordinance with respect to Regular and Special Record Dates for the payment of interest) and for all other purposes and the City, and Paying Agent and Registrar shall be not affected by notice to the contrary.

The Bonds are issued by the City and upon the credit thereof, for the purpose of defraying wholly or in part the cost of refunding certain outstanding bonds of the City which were issued to improve transportation facilities within the boundaries of the City, or within one mile outside those boundaries if the City Council finds that such projects outside those boundaries, under the authority of and in full conformity with the Constitution and laws of the State and the City and pursuant to the Ordinance.

It is hereby certified, recited and warranted that the total indebtedness of the City, including that of this Bond, does not exceed any limit of indebtedness prescribed by the Constitution or laws of the State; that provision has been made for the levy and collection of annual general (ad valorem) taxes ("General Taxes") sufficient to pay the Bond Requirements of this Bond when the same become due (except to the extent other moneys are available therefor), subject to the limitations imposed by the Constitution and statutes of the State; and that the full faith and credit of the City are hereby irrevocably pledged to the punctual payment of the Bond Requirements according to the terms of this Bond.

The payment of the Bonds, as to all Bond Requirements, is additionally secured by an irrevocable pledge of revenues derived by the City from the Pledged Revenues (as defined in the Ordinance).

Payment of the Bond Requirements due in connection with the Bonds may be made from and as security for such payment there is irrevocably and exclusively pledged, pursuant to the Ordinance, a special account thereby created and identified as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, Pledged Revenues Interest and Principal Retirement Fund", into which account the City covenants to pay from the revenues derived from the Pledged Revenues sums sufficient to pay when due the Bond Requirements of the Bonds, except to the extent other moneys are available therefor.

The Bonds are equitably and ratably secured by a lien on the Pledged Revenues, and the Bonds constitute an irrevocable lien (but not necessarily an exclusive lien) upon the Pledged Revenues, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities. Bonds and other securities, in addition to the Bonds, subject to expressed conditions, may be issued and made payable from the Pledged Revenues having a lien thereon subordinate and junior to the lien or, subject to additional expressed conditions, having a lien thereon superior to or on a parity with the lien, of the Bonds, in accordance with the provisions of the Ordinance.

The City covenants and agrees with the owner of this Bond and with each and every person who may become the owner hereof that it will keep and will perform all of the covenants of the Ordinance.

Reference is made to the Ordinance, and to any and all modifications and amendments thereof, to NRS 244.3351 and Clark County Ordinance No. 1265 adopted April 16, 1991, and all laws amendatory thereof (the "Project Act"), and to an act cited as NRS 350.500 through 350.720, and all laws amendatory thereof, designated in section 350.500 thereof as the Local Government Securities Law, to Chapter 348 of NRS (the "Supplemental Bond Act"), and to all laws supplemental thereto, for an additional description of the nature and extent of the security for the Bonds, the General Taxes, accounts, funds and revenues pledged, the nature and extent and manner of enforcement of the pledge, the rights and remedies of the owners of the Bonds with respect thereto, the terms and conditions upon which the Bonds are issued, and a statement of rights and remedies of the owners of the Bonds.

The Bonds are issued pursuant to the Project Act, the Local Government Securities Law, and the Supplemental Bond Act, and pursuant to NRS 350.628, Local Government Securities Law, this recital is conclusive evidence of the validity of the Bonds and the regularity of their issuance; and pursuant to NRS 350.710, Local Government Securities Law, 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.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance or any instrument amendatory thereof or supplemental thereto may be modified or amended by action of the City taken in the manner and subject to the conditions and exceptions prescribed in the Ordinance. The pledge of revenues and other obligations of the City under the Ordinance may be discharged at or prior to the respective maturities of the Bonds upon the making of provision for the payment thereof on the terms and conditions set forth in the Ordinance.

It is further 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 it is issued pursuant to and in strict conformity with the Constitution and laws of the State, particularly under the terms and provisions of the Project Act, the Local Government Securities Law, the Supplemental Bond Act, and all laws supplemental thereto, and with the Ordinance; and that this Bond does not contravene any constitutional or statutory limitation.

No recourse shall be had for the payment of the Bond Requirements of this Bond or for any claim based thereon or otherwise upon the Ordinance or other instrument relating thereto, against any individual member of the City Council of the City, any individual member of the City, or any officer or other agent of the City, past, present or future, either directly or indirectly through such board 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 this Bond and as a part of the consideration of its issuance specially waived and released.

This Bond shall not be valid or obligatory for any purpose until a manual signature of a duly authorized officer of the Registrar has been affixed on the certificate of authentication hereon.

IN WITNESS WHEREOF, the City has caused this Bond to be signed and executed in its name and upon its behalf with the manual or facsimile signature of the Mayor, to be countersigned and executed with the manual or facsimile signature of the City Treasurer and has caused a manual impression or a facsimile of the seal of the City to be affixed hereon; and has



(Form of 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

(End of Form of 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, in accordance with the terms of the Ordinance authorizing the issuance of this Bond.

---

| <u>Date of<br/>Prepayment</u> | <u>Principal</u> | <u>Signature of<br/>Authorized<br/>Representative of DTC</u> |
|-------------------------------|------------------|--|
|                               |                  |  |
|                               |                  |  |
|                               |                  |  |

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**(End of Form of Prepayment Panel)\*\***

\*(Form of Assignment for Bonds)

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

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

Signature Guaranteed:

\_\_\_\_\_

Name and 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)\*

## ARTICLE IV

### USE OF BOND PROCEEDS AND RESERVE FUNDS

Section 401. Disposition of Bond Proceeds. The proceeds of the Bonds upon the receipt thereof at any time or from time to time, shall be accounted for in the following manner and priority and are hereby pledged therefor:

A. Bond Fund. First, unless needed in the Escrow Account for the cost of the Project, there shall be credited to a separate and special account hereby created and to be known as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, Pledged Revenues Interest and Principal Retirement Fund", all moneys, if any, received as accrued interest on the Bonds from their sale by the City from the date of the Bonds to the date of their delivery to the Purchaser, to apply to the payment of interest on the Bonds as the same becomes due after their delivery, in accordance with § 604 hereof. Such Bond Fund shall be maintained by the City Treasurer separate and apart from all other City funds, including the Transportation Improvement Revenue Fund.

B. Escrow Account. Second, Bond proceeds, together with other available moneys of the City, in an amount sufficient to establish an initial cash balance and to purchase the Federal Securities (as hereinafter defined) designated in the Escrow Agreement, shall be deposited into the Escrow Account held by the Escrow Bank to be used as provided in the Escrow Agreement and herein.

C. Expense Account. Third, the remaining proceeds of the Bonds shall be accounted for by deposit into a special account hereby created in the treasury of the City and designated as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D Expense Account" (the "Expense Account") and shall be applied solely to defray wholly or in part the costs of issuing the Bonds and establishing the Escrow Account, including any premium for insuring the Bonds, which the Council hereby determines are necessary and desirable and pertain to the Refunding Project. After the payment of such costs, any unexpended moneys remaining in the Expense Account shall be deposited into the Principal Account hereinafter created for the payment of the principal of the Bonds as the same becomes due. The Purchaser shall

in no manner be responsible for the application of the proceeds of the Bonds by the City, or by any of its officers, agents and employees.

Section 402. 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 redemption date for the Refunded Bonds set forth in the Escrow Agreement (the "Refunded Bonds Redemption Date"), and to redeem on the Refunded Bonds Redemption Date all of the Refunded Bonds at a redemption price equal to the principal amount thereof, accrued interest to the redemption date and a premium of 1% of the principal amount so redeemed.

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 Date and on the Refunded Bonds Redemption Date, the City shall call for prior redemption of all the 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 Refunding 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 moneys for Project.

Section 403. 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 the Refunded Bonds Redemption Date all of the 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 a notice of prior redemption and defeasance of all the Refunded Bonds as set forth herein, in accordance with the provisions of the ordinance authorizing the issuance of the Refunded Bonds.

C. The notice of prior redemption and defeasance shall be given by certified or registered mail to the registered owner of each of the Refunded Bonds and to the insurer of the Refunded Bonds, and by first class mail to the Municipal Securities Rulemaking Board and one or more national information repositories.

Section 404. 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 acquisition of the improvements, or any part thereof, or to the completion of the Project. The Purchaser of the Bonds, any associate thereof, and any subsequent owner of any Bonds shall in no 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 herein designated.

Section 405. Lien on Bond Proceeds. Until proceeds of the Bonds are applied as hereinabove provided the Bond proceeds shall be subject to a lien thereon and pledge thereof for the benefit of the owners of the Bonds from time to time as provided in § 601 hereof.

## ARTICLE V

### GENERAL TAXES

Section 501. General Tax Levies. Pursuant to § 350.596, Bond Act, the Bond Requirements of the Bonds falling due at any time when there are not on hand from General Tax levies sufficient funds to pay the same, shall be paid out of the general fund of the City or out of any other funds that may be available for such purpose. For the purpose of repaying any moneys so paid from any such fund or funds (other than any moneys available for the payment of such Bond Requirements on other than a temporary basis) and for the purpose of the payment thereafter of the Bonds and the interest thereon, there are hereby created the separate and special accounts known respectively as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, General Tax Principal Account" (the "General Tax Principal Account") and as the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, General Tax Interest Account" (the "General Tax Interest Account"). Pursuant to §§ 350.592 and 350.594, Bond Act, there shall be levied in the calendar year 2002, 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 fully sufficient to reimburse such funds for such installments of Bond Requirements, together with the revenue which will result from application of the rate to the net proceeds of minerals, to pay the interest on the Bonds, and to pay and retire the same as hereinabove provided, and after there are made due allowances for probable delinquencies. The proceeds of the annual levies shall be duly credited to such separate accounts for the payment of the Bond Requirements, including any mandatory sinking fund payments pursuant to § 303B hereof, if any. In the preparation of the annual budget or appropriation resolution or ordinance for the City, the City 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 limitations imposed by NRS 361.453 and § 2, Article. 10, Nevada Constitution, and the amount of money necessary for this purpose shall be a first charge against all the revenues received by the City.

Section 502. 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 may exceed the limitation of \$3.64 on each \$100 of assessed valuation, or a lesser or greater amount fixed by the State board of examiners if the State board of examiners is directed by law to fix a lesser or greater amount for that Fiscal Year as provided in NRS 361.453, and it shall become 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 503. Correlation of Levies. Such General Taxes shall be levied and collected in the same manner and at the same time as other General Taxes are levied and collected, and the proceeds thereof for the Bonds shall be kept by the City Treasurer in the General Tax Principal Account and in the General Tax Interest Account, which shall be used for no other purpose than the payment of principal of and interest on the Bonds, and any other parity securities hereinafter issued in accordance with § 910 hereof, respectively, as the same fall due.

Section 504. Use of General Fund. Any sums becoming due on the Bonds at any time when there are on hand from such tax levy or levies (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 Taxes herein provided for have been collected, pursuant to § 350.596, Bond Act.

Section 505. Use of Other Funds. Nothing herein prevents the City from applying any funds (other than General Taxes) that may be available for that purpose to the payment of such interest or principal, as the same, respectively, mature, including, without limitation, the payment of the Bonds as provided in § 604 hereof and elsewhere herein, and upon such payments, the levy or levies herein provided may thereupon to that extent be diminished, pursuant to § 350.598, Bond Act.

Section 506. Legislative Duties. In accordance with § 350.592 Bond Act, and NRS 361.463, it shall be the duty of the City 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 City 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 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 provided.

Section 507. Appropriation of General Taxes. In accordance with § 350.602, Bond Act, there is hereby specially appropriated the proceeds of the General Taxes to the payment of such principal and interest; and such appropriations shall not be repealed nor the General Taxes postponed or diminished (except as herein otherwise expressly provided) until the principal of and interest on the Bonds have been wholly paid.

## ARTICLE VI

### ADMINISTRATION OF AND ACCOUNTING FOR PLEDGED REVENUES

Section 601. Pledge Securing Bonds. Subject only to the right of the City to cause amounts to be withdrawn to pay the Cost of the Project as provided herein, the Pledged Revenues and all moneys and securities paid or to be paid to or held or to be held in any account under this article or under § 401 hereof, excluding, however, all amounts held in the Rebate Account, are hereby pledged to secure the payment of the Bond Requirements of the Bonds; and this pledge shall be valid and binding from and after the date of the first delivery of any Bonds, and the moneys, as received by the City and hereby pledged, 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 and the obligation to perform the contractual provisions hereby made shall have priority over any or all other obligations and liabilities of the City and, except for any Outstanding 1993 Bonds and Outstanding securities hereafter authorized the liens of which on the Pledged Revenues are superior to or on a parity with the lien thereon of the Bonds; 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.

Section 602. Transportation Improvement Revenue Fund Deposits. So long as any of the Bonds shall be Outstanding, as to any Bond Requirements, the entire Pledged Revenues, upon their receipt from time to time by the City, shall continue to be set aside and credited immediately to a special fund hereby created and designated as the "City of Las Vegas, Nevada, Pledged Revenues Transportation Improvement Revenue Fund" (the "Transportation Improvement Revenue Fund"). Such Transportation Improvement Revenue Fund shall be maintained by the City Treasurer separate and apart from all other City funds, including the Bond Fund.

Section 603. Administration of Transportation Improvement Revenue Fund. So long as any of the Bonds hereby authorized shall be Outstanding, as to any Bond Requirements, each Fiscal Year the Transportation Improvement Revenue Fund shall be administered, and the moneys on deposit therein shall be applied in the following order of priority, all as provided in §§ 604 through 608 hereof.

Section 604. Superior Bond Fund, 1993 Bond Fund and 2002 Bond Fund Payments.

A. First, from any moneys in the Transportation Improvement Revenue Fund, i.e., from the Pledged Revenues, there shall be credited to any bond fund, reserve fund, rebate account, or other fund created in connection with the issuance of any superior bonds or superior securities issued in accordance with the provisions of this Ordinance.

B. Second, and concurrently with the transfers to the 1993 Bond Fund required by the bond ordinance authorizing the issuance of the 1993 Bonds, the following transfers shall be credited to the 2002 Bond Fund:

1. Quarterly, commencing on January 1, 2003, an amount in equal quarterly installments necessary, together with any other moneys from time to time available therefor from whatever source, including, without limitation, the moneys, if any, provided in § 401A hereof, to pay the next maturing installment of interest on the Bonds, and quarterly thereafter, commencing on each interest payment date, one-half of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next maturing installment of interest on the Bonds then Outstanding.

2. Quarterly, commencing on January 1, 2003, an amount in equal monthly installments necessary, together with any other moneys from time to time available therefor from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, and quarterly thereafter, commencing on each principal payment date, one-fourth of the amount necessary, together with any other moneys from time to time available therefor and on deposit therein from whatever source, to pay the next installment of principal of the Bonds coming due at maturity, or pursuant to § 303B hereof, if any.

The moneys credited to the 2002 Bond Fund shall be used to pay the Bond Requirements of the Bonds as the Bond Requirements become due, including any mandatory sinking fund payments pursuant to § 303B hereof, if any.

Section 605. Termination of Deposits. No payment need be made into the Bond Fund, or if the amounts in the Bond Fund totals a sum at least equal to the entire amount of the

Outstanding Bonds as to all Bond Requirements, to their respective maturities, and both accrued and not accrued, in which case moneys in such funds in an amount at least equal to such Bond Requirements shall be used solely to pay such Bond Requirements as the same become due; and any moneys in excess thereof in this fund and any other moneys derived from the Pledged Revenues shall be applied as hereafter provided.

Section 606. Payment of Additional Securities. Third, and subject to the provisions hereinabove in this Article, but either concurrently with or subsequent to the payments required by § 604 hereof, as provided in Article VIII hereof, any moneys remaining in the Transportation Improvement Revenue Fund may be used by the City for the payment of Bond Requirements of parity bonds or securities or other subordinate bonds or securities payable from the Pledged Revenues and hereafter authorized to be issued in accordance with Article VIII and any other provisions herein supplemental thereto, including reasonable reserves for such securities, as the same accrue. The lien of such additional bonds or other additional securities on the Pledged Revenues and the pledge thereof for the payment of such additional securities shall be on a parity with or subordinate to the lien and pledge of the Bonds as herein provided. Payments for bond funds for additional parity securities shall be made concurrently with the payments for the Bonds required by § 604 hereof, payments for reserve funds for additional parity securities shall be made after payments required by § 604 hereof and before payments required by § 607 hereof, and payments for bond and reserve funds for additional subordinate securities shall be made after the payments required by § 604 and 607 hereof, and after payments required for reserve funds for additional parity securities.

Section 607. Payment of Rebate. Fourth, and subject to the provisions hereinabove in this Article, there shall be transferred into the "City of Las Vegas, Nevada, General Obligation (Limited Tax) Transportation Refunding Bonds, Series 2002D, Rebate Account," hereby created, after making in full the monthly deposits required by §§ 604 and 606, but prior to the transfer of any Pledged Revenues to the payment of subordinate securities, such amounts as are required to be deposited therein to meet the City's obligations under the covenant contained in § 922 hereof, in accordance with Section 148(f) of the Tax Code. Amounts in the Rebate Account shall be used for the purpose of making the payments to the United States required by such covenant and Section 148(f) of the Tax Code. Any amounts in the Rebate Account in excess of those required to

be on deposit therein by § 922 hereof and Section 148(f) of the Tax Code may be withdrawn therefrom and used for any lawful purpose relating to the Project. Payments for rebate accounts for the 1993 Bonds and any additional parity securities shall be made concurrently with payments required by this § 607 and payments for rebate accounts for additional subordinate securities shall be made after the payments required by this § 607.

Section 608. Use of Remaining Revenues. After the payments hereinabove required to be made in this Article VI are made, any remaining Pledged Revenues in the Transportation Improvement Revenue Fund may be used at any time during any Fiscal Year whenever in the Fiscal Year there shall have been credited to the 1993 Bond Fund, to the 2002 Bond Fund, to the Rebate Account, and to each other bond fund, rebate account and reserve fund, if any, for the payment of any other securities payable from the Pledged Revenues, all amounts required to be deposited in those special accounts for such portion of the Fiscal Year, as hereinabove provided in this Article, for any one or any combination of lawful purposes relating to the Project, or otherwise, as the City may from time to time determine, including, without limitation, for the creation of capital reserves, the payment of capital costs and major maintenance cost, the payment of any Bond Requirements of any bonds or other securities relating to transportation projects, general obligations or special obligations, and regardless of whether the respective proceedings authorizing or otherwise relating to the issuance of the securities provides for their payment from Pledged Revenues.

ARTICLE VII  
GENERAL ADMINISTRATION

Section 701. Administration of Accounts. The special accounts designated in Articles IV and VI hereof, except the Escrow Account, shall be administered as provided in this Article. The Escrow Account shall be administered as provided in the Escrow Agreement.

Section 702. Places and Times of Deposits. Each of the special accounts hereinabove designated in Articles IV and VI hereof, except for the Escrow Account, shall be maintained as a book account and kept separate from all other accounts as a trust account solely for the purposes herein designated therefor, and the moneys accounted for in such special book accounts shall be deposited in one bank account or more in a commercial bank or commercial banks as determined and designated by the City (except as otherwise expressly stated herein). Nothing herein prevents the commingling of moneys accounted for in any two or more book accounts relating to the Project or any other City accounts in any bank account or any investment in Securities hereunder. Each bank account shall be continuously secured to the fullest extent required or permitted by the laws of the State for the securing of public funds and shall be irrevocable and not withdrawable by anyone for any purpose other than the respective designated purposes. Each periodic payment shall be credited to the proper book account not later than the date therefor herein designated, except that when any such date shall be a Saturday, a Sunday or a legal holiday, then the payment shall be made on or before the next preceding secular day. Notwithstanding any other provision herein to the contrary, moneys sufficient to pay the Bond Requirements then coming due on the Outstanding Bonds shall be deposited with the Paying Agents at least on the day of each interest payment date herein designated and, in any event, in sufficient time to make timely payment of such Bond Requirements.

Section 703. Investment of Moneys. Any moneys in any account, except for the Escrow Account, designated in Articles IV and VI hereof, and not needed for immediate use, may be invested or reinvested by the City Treasurer in any investments permitted under the laws of the State. For the purpose of any such investment or reinvestment, the securities shall be deemed to mature at

the earliest date on which the obligor is, on demand, obligated to pay a fixed sum in discharge of the whole of such obligations.

Section 704. Required and Permissive Investments. The City Treasurer shall not have any obligation to make any investment or reinvestment hereunder, unless any moneys on hand and accounted for in any one account exceeds \$5,000 and at least \$5,000 therein will not be needed for a period of not less than 60 days. In that event the City Treasurer shall invest or reinvest in securities to the extent practicable not less than substantially all the amount which will not be needed during such 60-day period, except for any moneys on deposit in an interest-bearing account in any commercial bank, regardless of whether such moneys are evidenced by a certificate of deposit or otherwise, pursuant to § 707 hereof. The City Treasurer may invest or reinvest any moneys on hand at any time as provided in § 703 hereof even though he is not obligated to do so.

Section 705. Accounting for Investments. The securities purchased as an investment or reinvestment of moneys in any such account shall be deemed at all times to be a part of the account and held in trust therefor. Except as herein or in the Development Agreement otherwise provided, any interest or other gain in any account resulting from any such investments and reinvestments in securities and from any deposits of moneys in any commercial bank pursuant to this Article shall be credited to that Fund, and any loss in any account resulting from any such investments and reinvestments in securities and from any such deposits in any commercial bank shall be charged or debited to that Fund. Any interest or other gain in the Bond Fund or the Transportation Improvement Revenue Fund shall be credited to such fund or account of the City as designated by the City Treasurer. No loss or profit in any account on any investments or reinvestments in securities or any certificates of deposit shall be deemed to take place as a result of fluctuations in the market quotations of the investments, reinvestments or certificates before the sale or maturity thereof. In the computation of the amount in any account for any purpose hereunder, except as herein otherwise expressly provided, securities and certificates of deposit shall be valued at the cost thereof (including any amount paid as accrued interest at the time of purchase of the obligation) and other bank deposits shall be valued at the amounts deposited, exclusive of any accrued interest or any other gain to the City until such gain is realized. The expenses of purchase,

safekeeping, sale and all other expenses incident to any investment or reinvestment of moneys pursuant to this Article shall be accounted for as an expense of the Project.

Section 706. Redemption or Sale of Investment Securities. The City Treasurer having jurisdiction over moneys designated herein shall present for redemption at maturity or sale on the prevailing market at the best price obtainable any securities and certificates of deposit so purchased as an investment or reinvestment of moneys in any account whenever it shall be necessary to do so in order to provide moneys to meet any withdrawal, payment or transfer from such account. The City Treasurer and each other officer of the City shall not be liable or responsible for any loss resulting from any such investment or reinvestment made in accordance with this Ordinance.

Section 707. Character of Funds. The moneys in any account herein authorized shall consist either of lawful money of the United States or permitted securities, or both. Moneys deposited in a demand or time deposit account in or evidenced by a certificate of deposit of any commercial bank pursuant to § 703 hereof, appropriately secured according to the laws of the State, shall be deemed lawful money of the United States.

Section 708. Accelerated Payments. Nothing contained in Article VI hereof prevents the accumulation in any account herein designated of any monetary requirements at a faster rate than the rate or minimum rate provided in Article VI therefor, as the case may be; but no payment shall be so accelerated if such acceleration shall cause the City to default in the payment of any obligation of the City relating to the Pledged Revenues or the Project. Nothing contained herein, in connection with the Pledged Revenues received in any Fiscal Year, requires the accumulation in any account for the payment in the Comparable Bond Year of Bond Requirements due in connection with any series of bonds or other securities payable from the Pledged Revenues and heretofore, herein or hereafter authorized, in excess of the Bond Requirements due in the Comparable Bond Year, and of any reserves required to be accumulated and maintained therefor, and of any existing deficiencies, and payable from such account, as the case may be, except as may be otherwise provided in § 604 or elsewhere herein.

Section 709. Payment of Securities Requirements. The moneys credited to any account designated in Article VI hereof for the payment of the Bond Requirements due in connection with any series of bonds or other securities payable from the Pledged Revenues and heretofore,

herein or hereafter authorized shall be used, without requisition, voucher, warrant or further order or authority (other than is contained herein), or any other preliminaries, to pay promptly the Bond Requirements payable from such account as such bonds or other securities become due, upon the respective interest payment dates and Redemption Dates, if any, on which the City is obligated to pay the bonds or other securities, or upon the respective interest payment and maturity dates of such bonds or other securities, as provided therefor herein or otherwise, except to the extent any other moneys are available therefor, including, without limitation, moneys accounted for in the Bond Fund.

Section 710. Payment of Redemption Premiums. Notwithstanding any other provision herein, this Ordinance requires the accumulation in any account designated in Article VI hereof for the payment of any series of bonds or other securities payable from the Pledged Revenues of amounts sufficient to pay not only the principal thereof and interest thereon payable from such account but also the prior redemption premiums due in connection therewith, if any, as the same become due, whenever the City shall have exercised or shall have obligated itself to exercise a prior redemption option relating thereto, except to the extent provision is otherwise made therefor, if any prior redemption premium is due in connection therewith. In that event moneys shall be deposited into such account in due season for the payment of all such Bond Requirements without default as the same become due.

ARTICLE VIII  
SECURITIES LIENS AND ADDITIONAL SECURITIES

Section 801. Lien on the Bonds. The Bonds authorized herein constitute an irrevocable lien (but not necessarily an exclusive lien) upon the Pledged Revenues, subject to and after any superior liens upon such Pledged Revenues of any superior bonds or superior securities.

Section 802. Equality of Bonds. The Bonds, the 1993 Bonds and any parity securities hereafter authorized to be issued and from time to time Outstanding are equally and ratably secured by a lien on the Pledged Revenues and shall not be entitled to any priority one over the other in the application of the Pledged Revenues, regardless of the time or times of the issuance of the Bonds, the 1993 Bonds and any other such securities, it being the intention of the City that there shall be no priority among the Bonds, the 1993 Bonds and any such parity securities, regardless of the fact that they may be actually issued and delivered at different times.

Section 803. Issuance of Superior or Parity Securities. Nothing herein, subject to the limitations stated in §§ 811 and 812 hereof, prevents the issuance by the City of additional bonds or other additional securities payable from the Pledged Revenues and constituting a lien thereon superior to or on a parity with, the lien thereon of the Bonds, nor prevents the issuance of bonds or other securities refunding all or a part of the Bonds (or funding or refunding any other then Outstanding securities payable from Pledged Revenues), except as provided in §§ 807 through 812 hereof; but before any such additional superior or parity bonds or other additional superior or parity securities are authorized or actually issued (excluding any superior or parity refunding securities other than any securities refunding subordinate bonds or other subordinate securities, as permitted in § 810C hereof):

A. Absence of Default. At the time of the adoption of the supplemental instrument authorizing the issuance of the additional securities, the City shall not be in default in making any payments required by §§ 604, 606 or 607 hereof with respect to any superior or parity securities.

B. Earnings Test. Except as hereinafter otherwise provided: (1) the Pledged Revenues derived in the Fiscal Year immediately preceding the date of the issuance of the additional

superior or parity securities shall have been at least sufficient to pay an amount equal to the combined maximum annual principal and interest requirements (to be paid during any one Bond Year, commencing with the Bond Year in which the additional superior or parity securities are issued and ending on the first day of July of the year in which any then Outstanding Bonds last mature) of the Outstanding Bonds and any other Outstanding superior or parity securities of the City and the bonds or other securities proposed to be issued (excluding the reserves therefor); or, (2) the Pledged Revenues estimated by the City Finance Director, independent feasibility consultant or an Independent Accountant to be derived in the first five Fiscal Years immediately succeeding the issuance of the other additional superior or parity securities proposed to be issued, shall be at least equal to such combined maximum annual principal and interest requirements to be paid during such Comparable Bond Year.

C. Adjustment of Pledged Revenues. In any computation of such earnings test as to whether or not additional superior or parity securities may be issued as provided in subsection B of this Section, the amount of the Pledged Revenues for the next preceding Fiscal Year shall be decreased and may be increased by the amount of any loss or gain conservatively estimated by the City Finance Director, independent feasibility consultant or Independent Accountant making the computations under this Section, which loss or gain results from any change in the rate of the levy of the Room Tax constituting a part of the Pledged Revenues which change took effect during the next preceding Fiscal Year or thereafter prior to the issuance of such superior or parity securities, as if such modified rate shall have been in effect during the entire next preceding Fiscal Year, if such change shall have been made by the City before the computation of the designated earnings test but made in the same Fiscal Year as the computation is made or in the next preceding Fiscal Year.

Section 804. Certification of Revenues. A written certification or written opinion by the City Finance Director, an independent feasibility consultant or an Independent Accountant, based upon estimates thereby as provided in § 803B and § 803C hereof, that the annual revenues when adjusted as hereinabove provided in § 803C hereof, are sufficient to pay such amounts as provided in § 803B hereof, shall be conclusively presumed to be accurate in determining the right of the City to authorize, issue, sell and deliver additional bonds or additional securities superior to or on a parity with the Bonds.

Section 805. Subordinate Securities Permitted. Nothing herein, subject to the limitations stated in §§ 811 and 812 hereof, prevents the City from issuing additional bonds or other additional securities payable from the Pledged Revenues having a lien thereon subordinate, inferior and junior to the lien thereon of the Bonds.

Section 806. Superior Securities Permitted. Nothing herein, subject to the requirements stated in Article VIII hereof, prevents the City from issuing additional bonds or other additional securities payable from the Pledged Revenues having a lien thereon prior and superior to the lien thereon of the Bonds; however, such additional superior bonds or other additional superior securities shall not be issued as general obligations of the City.

Section 807. Issuance of Refunding Securities. 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 securities payable from and constituting a lien upon any Pledged 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 Bonds or other 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 §§ 806 and 808 through 812 hereof).

Section 808. Partial Refundings. The refunding bonds or other refunding securities so issued, unless issued as subordinate securities, 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.

Section 809. Limitations Upon Refundings. Any refunding bonds or other refunding securities payable from any Pledged Revenues shall be issued with such details as the City may by instrument provide, subject to the provisions of §§ 811 and 812 hereof, and subject to the inclusion of any such rights and privileges designated in § 808 hereof, 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).

Section 810. Protection of Securities Not Refunded. If only a part of the Outstanding Bonds and other Outstanding securities of any issue or issues payable from the Pledged 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:

A. Requirements Not Increased. Unless the refunding securities do not increase for any Bond Year the annual 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, if any, of the unrefunded securities, and unless the lien of any refunding bonds or other refunding securities on the Pledged Revenues is not raised to a higher priority than the lien thereon of the bonds or other securities thereby refunded; or

B. Subordinate Lien. Unless the lien on any Pledged Revenues for the payment of the refunding securities is subordinate to each such lien for the payment of any securities not refunded; or

C. Default and Earnings Test. Unless the refunding bonds or other refunding securities are issued in compliance with § 803 hereof (including subsections A through C thereof) and § 804 hereof.

Section 811. Payment Dates of Additional Securities. Any additional superior, parity or subordinate bonds or other additional superior, parity or subordinate securities (including, without limitation, any funding or refunding securities) issued in compliance with the terms hereof shall bear interest payable at the times and shall mature on the dates designated by the City in the Supplemental Ordinance authorizing such securities as provided in § 812 hereof.

Section 812. Supplemental Ordinance. Additional bonds or other additional securities payable from the Pledged Revenues shall be issued only after authorization thereof by a supplemental instrument of the City stating the purpose or purposes of the issuance of the additional bonds or other additional securities, directing the application of the proceeds thereof to such purpose or purposes, directing the execution thereof, and fixing and determining the date, principal amount,

maturity or maturities, designation and numbers thereof, the maximum rate or rates of interest to be borne thereby, any prior redemption privileges of the City with respect thereto, and other provisions thereof not in conflict with this Ordinance. All additional bonds or other additional securities shall bear such date, shall bear such numbers and series designation, letters or symbols prefixed to their numbers distinguishing them from each other security, shall be payable at such place or places at such times, may be subject to redemption prior to maturity on such terms and conditions, and shall bear interest at such rate or at such different and varying rates per annum, as may be fixed by instrument or other document of the City.

## ARTICLE IX

### MISCELLANEOUS PROTECTIVE COVENANTS

Section 901. General. The City hereby particularly covenants and agrees with the owners of the Bonds and makes provisions which shall be a part of its contract with such owners to the effect and with the purposes set forth in the following provisions and sections of this article.

Section 902. Performance of Duties. The City shall faithfully and punctually perform or cause to be performed all duties with respect to the Pledged Revenues and the Project required by the Constitution and laws of the State and the various resolutions, ordinances and other instruments of the City, including, without limitation, the proper segregation of the proceeds of the Bonds and the Pledged Revenues and their application from time to time to the respective accounts provided therefor.

Section 903. Further Assurances. At any and all times the City, except when otherwise required by law, shall, so far as it may be authorized by law, pass, make, do, execute, acknowledge, deliver and file or record all and every such further instruments, acts, deeds, conveyances, assignments, transfers, other documents and assurances as may be necessary or desirable for the better assuring, conveying, granting, assigning and confirming all and singular the rights, the Pledged Revenues, and other moneys and accounts hereby pledged or assigned, or which the City may hereafter become bound to pledge or to assign, or as may be reasonable and required to carry out the purposes of this Ordinance and to comply with the Project Act, the Bond Act and all laws supplemental thereto. The City shall at all times, to the extent permitted by law, defend, preserve and protect the pledge of the Pledged Revenues and other moneys and accounts pledged hereunder and all the rights of every owner of any Bonds against all claims and demands of all Persons whomsoever.

Section 904. Conditions Precedent. Upon the date of issuance of any Bonds, all conditions, acts and things required by the Constitution or statutes of the State, including without limitation, the Project Act and the Bond Act, or this Ordinance, to exist, to have happened, and to have been performed precedent to or in the issuance of the Bonds shall exist, have happened, and have been performed; and the Bonds, together with all other obligations of the City, shall not contravene any debt or other limitation prescribed by the State Constitution or statutes.

Section 905. Covenant to Perform. The City shall observe and perform all of the terms and conditions contained in this Ordinance and the Project Act, the Bond Act and all laws supplemental thereto and shall comply with all valid acts, rules, regulations, orders and directives of any legislative, executive, administrative or judicial body applicable to the Project, to any such other facilities, or to the City.

Section 906. Protective Security. The City and the officers, agents and employees of the City shall not take any action in such manner or to such extent as might prejudice the security for the payment of the Bond Requirements of the Bonds and any other securities payable from the Pledged Revenues according to the terms thereof. No contract shall be entered into nor any other action taken by which the rights of any owner of any Bond or other security payable from the Pledged Revenues might be prejudicially and materially impaired or diminished.

Section 907. Accumulation of Interest Claims. In order to prevent any accumulation of coupons or claims for interest after maturity, the City shall not directly or indirectly extend or assent to the extension of the time for the payment of any coupon or claim for interest on any of the Bonds or any other securities payable from the Pledged Revenues; and the City shall not directly or indirectly be a party to or approve any arrangements for any such extension or for the purpose of keeping alive any of such coupons or other claims for interest. If the time for the payment of any such coupons or of any other such installment of interest shall be extended in contravention of the foregoing provisions, such coupon or installment or installments of interest after such extension or arrangement shall not be entitled in case of default hereunder to the benefit or the security of this Ordinance, except upon the prior payment in full of the principal of all Bonds and any such other securities then Outstanding and of all matured interest on such securities the payment of which has not been extended.

Section 908. Prompt Payment of Bonds. The City shall promptly pay the Bond Requirements of every Bond issued hereunder and secured hereby at the places, on the dates, and in the manner specified herein and in the Bonds according to the true intent and meaning hereof.

Section 909. Use of 2002 Bond Fund. The 2002 Bond Fund shall be used solely, and the moneys credited to such account are hereby pledged, for the purpose of paying the Bond

Requirements of the Bonds, subject to the provisions concerning surplus moneys in §§ 605, 608 and 1001 hereof.

Section 910. Additional Securities. Any other securities hereafter authorized to be issued and payable from the Pledged Revenues shall not hereafter be issued, unless the additional securities are also issued in conformance with the provisions of Articles VI and VIII hereof.

Section 911. Other Liens. Other than as provided herein, there are no liens or encumbrances of any nature whatsoever on or against the Project, or any part thereof, or on or against the Pledged Revenues derived or to be derived.

Section 912. Corporate Existence. The City shall maintain its corporate identity and existence so long as any of the Bonds remain Outstanding, unless another body corporate and politic by operation of law succeeds to the powers, privileges, rights, liabilities, disabilities, duties and immunities of the City and is obligated by law to fix and collect the Pledged Revenues as herein provided without adversely affecting to any substantial degree at any time the privileges and rights of any owner of any Outstanding Bond.

Section 913. Treasurer's Report. If the City defaults in paying promptly the Bond Requirements of the Bonds and any other securities payable from the Pledged Revenues as the same fall due, or in the keeping of any covenants herein contained, and if such default continues for a period of 60 days, or if the Pledged Revenues in any Fiscal Year fail to equal at least the amount of the Bond Requirements of the Outstanding Bonds and any other securities (including all reserves therefor specified in the authorizing proceedings) payable from the Pledged Revenues in the Comparable Bond Year, the City Treasurer shall (a) submit to the Council a report on such deficiency and a proposal setting forth a plan to produce Pledged Revenues in the following Fiscal Year sufficient to pay such amounts, to the extent practicable and (b) submit to the Council quarterly reports on the progress made in implementing the plan so long as such default continues or so long as the Pledged Revenues are less than the amount hereinabove designated in this Section.

Section 914. Budgets. The City and officials of the City shall annually and at such other times as may be provided by law prepare and adopt a budget relating to the Project.

Section 915. Adequacy and Applicability of Room Tax. There shall be imposed the Room Tax at a rate not more than one percent of the gross receipts from the rental of transient

lodging throughout the City upon all persons in the business of providing lodging which will generate an amount sufficient to produce Pledged Revenues to pay in each Fiscal Year:

A. Principal, Interest and Reserves. An amount equal to the sum of the annual principal and interest requirements on the Bonds and any other securities payable from the Pledged Revenues in the Comparable Bond Year and any amounts required to be accumulated from the Pledged Revenues in such Bond Year into any reserves for such securities;

B. Deficiencies. Any amounts required to meet then existing deficiencies relating to any account relating to the Pledged Revenues or any securities payable therefrom; but the foregoing rate maintenance covenant is subject to compliance by the City with any legislation of the United States or the State or any regulation or other action taken by the Federal Government or any State agency or public body 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 due to the City as a result of the imposition of the Room Tax, including, without limitation, increases in the amounts of such charges. All of such Pledged Revenues shall be subject to distribution to the payment of the Bond Requirements of all securities payable from the Pledged Revenues, including reasonable reserves therefor, as herein provided and the payment of expenses of the Project.

Section 916. Collection of Room Taxes. The Council, on behalf of the City; shall cause the Pledged Revenues, to be collected as soon as reasonable, shall prescribe and enforce rules and regulations or impose contractual obligations for the payment thereof, including without limitation, the imposition of penalties for any defaults, to the end that the Pledged Revenues shall be adequate to meet the requirements of this Ordinance and of any other instruments supplemental hereto.

Section 917. Levy of Charges. The City shall continue or cause to be continued the establishment, fixing and levying of the rates and other charges which are required by § 915 hereof, if such action is necessary therefor. No reduction in the initial or existing levy of Room Tax may be made unless:

A. No Default. The City has fully complied with the provisions of Article VI hereof for at least the full Fiscal Year immediately preceding such reduction of the rate; and

B. Sufficient Revenues. The estimated revenues resulting from the proposed rate, after its proposed reduction, for the Project shall be sufficient in the full Fiscal Year immediately preceding such reduction to meet the obligation of § 915 hereof.

Section 918. Records. So long as any of the Bonds and any other securities payable from the Pledged Revenues remain Outstanding, proper books of record and account 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 Project or the Pledged Revenues, or to both. Such books shall include (but not necessarily be limited to) monthly records showing:

A. Receipts. The revenues received from the Pledged Revenues, and

B. Expenses. A detailed statement of the expenditures from the Pledged Revenues.

Section 919. Maintenance and Inspection of Records. All requisitions, requests, certificates, opinions and other documents received by any individual on behalf of the City in connection with the Project under the provisions of this Ordinance shall be retained in the City's official records. Any owner of any of the Bonds or any other securities payable from the Pledged Revenues, or any duly authorized agent or agents of such owner, or the Purchaser, shall have the right at all reasonable times to inspect all records, accounts and data relating thereto, concerning the Project and the Pledged Revenues, to make copies of such records, accounts and data, and to inspect the Project and all properties comprising the Project.

Section 920. Tax Levies. The City annually shall levy, or cause to be levied, General Taxes on all taxable property in the City fully sufficient to pay the Bond Requirements of Outstanding Bonds (and any other indebtedness or other obligations of the City), except to the extent other revenues are available therefor, including, without limitation, the Pledged Revenues pledged for the payment of the Bonds, as the Bond Requirements accrue, reasonable allowance being made for delinquent tax collections anticipated at the time of each levy, at the time and in the manner provided by law for levying other Taxes; and the City and the Council shall require the officers of the City to levy, extend, and collect General Taxes in the manner provided by law for the purpose of creating funds for the payment of the Bond Requirements of the Bonds, other indebtedness, or

general obligations. General Taxes for the Bonds, when collected, shall be kept for and applied only to the payment of the Bond Requirements of the Bonds, as herein provided.

Section 921. Completion of Project. The City, with the proceeds derived from the sale of the Bonds and any other available moneys, shall proceed to cause the Project to be completed without delay to the best of the City's ability and with due diligence, as herein provided.

Section 922. Tax Covenant. The County 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 County or any project financed or 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 Section 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 Section 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 Section 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 County in fulfilling the above covenant under the Tax Code have been met.

Section 923. 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 Treasurer is authorized to execute and deliver such certificate on behalf of the City.

ARTICLE X  
MISCELLANEOUS

Section 1001. Defeasance. When all Bond Requirements of any Bond have been duly paid, the pledge and 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 due payment of any Outstanding Bond or other security 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 Federal Securities in which such amount wholly or in part may be initially invested) to meet all Bond Requirements of the Bond or other security, as the same become due to the final maturity of the Bond or other security, 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 Bonds or other securities 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 owners thereof to assure availability as so 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.

Section 1002. Delegated Powers. The Mayor, the Finance Director, the Clerk and Treasurer of the City, and other officers and agents of the City hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including, without limitation:

A. Printing Bonds. The printing of the Bonds, including, without limitation, the printing on each Bond, if requested by the Purchaser, of a statement of insurance, if applicable, pertaining to the Bonds; and

B. Final Certificates. The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to

- (1) The signing of the Bonds,
- (2) The tenure and identity of the officials of the City,
- (3) The delivery of the Bonds to The Depository Trust Company and the receipt of the bond purchase price,
- (4) The exclusion of the interest on the Bonds from gross income for federal income tax purposes,
- (5) If it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity therefor, and
- (6) The accuracy and completeness of the statements made in the Final Official Statement.

C. Escrow Agreement. The execution of the Escrow Agreement by the City Finance Director in substantially the form as is currently on file with the Clerk, with such changes which are agreed to by the City Finance Director.

Section 1003. Statute of Limitations. No action or suit based upon the Bonds or other obligation of the City shall be commenced after it is barred by any statute of limitations relating thereto. Any trust or fiduciary relationship between the City and the owner of any Bonds or other obligee regarding any such other obligation shall be conclusively presumed to have been repudiated on the maturity date or other due date thereof unless the Bonds are presented for payment or demand for payment of any such other obligation is otherwise made before the expiration of the applicable limitation period. Any moneys from whatever source derived remaining in any account reserved, pledged or otherwise held for the payment of any such obligation, action or suit for the collection of which has been barred, shall revert to the Transportation Improvement Revenue Fund, unless the City shall otherwise provide by instrument of the City. Nothing herein prevents the payment of any such obligation after any action or suit for its collection has been barred if the City deems it in the best interests of the public to do so and orders such payment to be made.

Section 1004. Evidence of Ownership. Any request, consent or other instrument which this Ordinance may require or may permit to be signed and to be executed by the owner of any Bonds or other securities may be in one or more instruments of similar tenor and shall be signed or shall be executed by each such owner in person or by his or her attorney appointed in writing. Proof

of the execution of any such instrument or of an instrument appointing any such attorney, or the holding by any Person of the securities, shall be sufficient for any purpose of this Ordinance (except as otherwise herein expressly provided) if made in the following manner, but the City may, nevertheless, in its discretion require further or other proof in cases when it deems the same desirable:

A. Proof of Execution. The fact and the date of the execution by any owner of any Bonds or other securities or his or her attorney of such instrument may be provided by the certificate, which need not be acknowledged or verified, of an officer of a bank or trust company satisfactory to the Paying Agent and Registrar or of and notary public or other officer authorized to take acknowledgments of deeds to be recorded in the state in which he purports to act, that the individual signing such request or other instrument acknowledged to him the execution thereof, or by an affidavit of a witness of such execution, duly sworn to before the notary public or other officer; the authority of the individual or individuals executing any such instrument on behalf of a corporate owner of any securities may be established without further proof if the instrument is signed by an individual purporting to be the president or a vice president of the corporation with a corporate seal affixed and attested by an individual purporting to be its secretary or an assistant secretary; and the authority of any Person or Persons executing any such instrument in any fiduciary or representative capacity may be established without further proof if the instrument is signed by a Person or Persons purporting to act in such fiduciary or representative capacity; and

B. Proof of Ownership. The ownership of any of the Bonds or other securities held by any Persons executing any instrument as a holder of securities, and the numbers, date and other identification thereof, together with the date of his or her holding the securities, shall be proved by the registration books at the City kept by the Registrar.

Section 1005. Warranty upon Issuance of Bonds. Any Bonds authorized as herein provided, when duly executed and delivered for the purpose provided for in this Ordinance shall constitute a warranty by and on behalf of the City for the benefit of each and every future holder of any of the Bonds that the Bonds have been issued for a valuable consideration in full conformity with law.

Section 1006. Immunities of Purchaser. The Purchaser and any associate thereof are under no obligation to any holder of the Bonds for any action that they may or may not take or in respect of anything that they may or may not do by reason of any information contained in any reports or other documents received by them under the provisions of this Ordinance. The immunities and exemptions from liability of the Purchaser and any associate thereof hereunder extend to their partners, directors, successors, employees and agents.

Section 1007. Police Power. Nothing herein prohibits or otherwise limits or inhibits the exercise by the Federal Government, the State, any agency thereof or any public body thereof, including, without limitation, the City, of the police power, i.e., essential governmental powers for the public welfare. The provisions hereof are subject to any proper exercise hereafter of the police power thereby. The City cannot contract away the police power thereof nor limit or inhibit by contract the proper exercise of the police power thereby, and this Ordinance does not purport to do so.

Section 1008. Replacement of Registrar or Paying Agent. If the Registrar or Paying Agent so appointed shall resign, or if the City shall reasonably determine that the Registrar or Paying Agent has become incapable of performing its duties hereunder, the City may, upon notice mailed to each owner of any Bond at his or her address last shown on the registration records, appoint a successor Registrar or Paying Agent or both. Every such successor Registrar or Paying Agent shall be a trust bank. It shall not be required that the same institution serve as both Registrar and Paying Agent hereunder, but the City shall have the right to have the same institution serve as both Registrar and Paying Agent hereunder. No resignation or dismissal of the Registrar or the Paying Agent may take effect until a successor is appointed.

Any successor corporation or association into which the Registrar or Paying Agent may be converted or merged, or with which they may be consolidated, or to which they may sell or transfer their corporate trust business and assets as a whole or substantially as a whole, or any corporation or association resulting from any such conversion, sale, merger, consolidation or transfer, to which they are a party, shall be and become the successor Registrar or Paying Agent

under this Ordinance, without the execution or filing of any instrument or any further act, deed, or conveyance on the part of any of the parties hereto, anything in this Ordinance to the contrary notwithstanding.

ARTICLE XI  
PRIVILEGES, RIGHTS AND REMEDIES

Section 1101. Bondowner's Remedies. Each owner of any Bond issued hereunder shall be entitled to all of the privileges, rights and remedies provided or permitted in the Project Act and the Bond Act, and as otherwise provided or permitted by law or in equity or by other statutes, except as provided in §§ 207 through 211 hereof, but subject to the provisions herein concerning the pledge of and the covenants and the other contractual provisions concerning the Pledged Revenues and the proceeds of the Bonds.

Section 1102. Right to Enforce Payment. Nothing in this article affects or impairs the right of any owner of any Bond to enforce the payment of the Bond Requirements due in connection with his Bond or the obligation of the City to pay the Bond Requirements of each Bond to the owner thereof at the time and the place expressed in the Bond.

Section 1103. Events of Default. Each of the following events is hereby declared an "event of default":

A. Nonpayment of Principal and Premium. Payment of the principal of any of the Bonds, or any prior redemption premium due in connection therewith, or both, is not made when the same becomes due and payable, at maturity, on the mandatory redemption dates specified in § 303B hereof, or by proceedings for optional prior redemption, or otherwise;

B. Nonpayment of Interest. Payment of any installment of interest on the Bonds is not made when the same becomes due and payable;

C. Incapable to Perform. The City for any reason is rendered incapable of fulfilling its obligations hereunder;

D. Nonperformance of Duties. The City fails to carry out and to perform (or in good faith to begin the performance of) all acts and things lawfully required to be carried out or to be performed by it under any contract relating to the Pledged Revenues, or otherwise, including, without limitation, this Ordinance, and such failure continues for 60 days after receipt of notice from the owners of 10% in principal amount of the Bonds then Outstanding;

E. Appointment of Receiver. An order or decree is entered by a court of competent jurisdiction with the consent or acquiescence of the City appointing a receiver or receivers for the Pledged Revenues and any other moneys subject to the lien to secure the payment of the Bonds, or if an order or decree having been entered without the consent or acquiescence of the City is not vacated or discharged or stayed on appeal within 60 days after entry; and

F. Default of Any Provision. The City makes any default in the due and punctual performance of any other of the representations, covenants, conditions, agreements and other provisions contained in the Bonds or in this Ordinance on its part to be performed, and if the default continues for 60 days after written notice specifying the default and requiring the same to be remedied is given to the City by the owners of 10% in principal amount of the Bonds then Outstanding.

Section 1104. Remedies for Default. Upon the happening and continuance of any of the events of default, as provided in § 1103 hereof, then and in every case the owner or owners or not less than 10% in principal amount of the Bonds then Outstanding, including, without limitation, a trustee or trustees therefor, may proceed against the City and its agents, officers and employees to protect and to enforce the rights of any owner of Bonds under this Ordinance by mandamus or by other suit, action or special proceedings in equity or at law, in any court of competent jurisdiction, either for the appointment of a receiver or for the specific performance of any covenant or agreement contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as the owner or owners may deem most effectual to protect and to enforce the rights aforesaid, or thereby to enjoin any act or thing which may be unlawful or in violation of any right of any owner of any Bond, or to require the City to act as it if were the trustee of an express trust, or any combination of such remedies. All proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all owners of the Bonds and any parity securities then Outstanding.

Section 1105. Receiver's Rights and Privileges. Any receiver appointed in any proceedings to protect the rights of owners hereunder, the consent to any such appointment being hereby expressly granted by the City, shall receive and apply all Pledged Revenues arising after the appointment of the receiver in the same manner as the City itself might do.

Section 1106. Rights and Privileges Cumulative. The failure of any owner of any Outstanding bond to proceed in any manner herein provided shall not relieve the City or any officers, agents or employees thereof of any liability for failure to perform or carry out any duty, obligation or other commitment. Each right or privilege of any owner (or trustee thereof) is in addition and is cumulative to any other right or privilege, and the exercise of any right or privilege by or on behalf of any owner shall not be deemed a waiver of any other right or privilege thereof.

Section 1107. Duties upon Defaults. Upon the happening of any of the events of default as provided in § 1103 hereof, the City, in addition, shall do and perform all proper acts on behalf of and for the owners of the Bonds to protect and to preserve the security created for the payment of their Bonds and to insure the payment of the Bond Requirements promptly as the same become due. During any period of default, so long as any of the Bonds issued hereunder, as to any Bond Requirements, are Outstanding, except to the extent it may be unlawful to do so, all Pledged Revenues shall be paid into the 2002 Bond Fund, or, in the event of securities heretofore and hereafter issued and Outstanding during that period of time on a parity with the Bonds, shall be paid into the bond accounts for all parity securities on an equitable and prorated basis, and used for the purposes therein provided. If the City fails or refuses to proceed as in this Section provided, the owner or owners of not less than 10% in principal amount of the Bonds then Outstanding, after demand in writing, may proceed to protect and to enforce the rights of the owners of the Bonds as hereinabove provided; and to that end any such owners of Outstanding Bonds shall be subrogated to all rights of the City under any agreement, lease or other contract the Pledged Revenues entered into before the effective date of this Ordinance or thereafter while any of the Bonds are Outstanding.

Section 1108. Prejudicial Action Unnecessary. Nothing in this article requires the City to proceed as provided therein if the City determines in good faith and without any gross abuse of its discretion that if the City so proceeds it is more likely than not to incur a net loss rather than a net gain, or the action is otherwise likely to affect materially and prejudicially the owners of the Outstanding Bonds and any Outstanding parity securities.

ARTICLE XII  
AMENDMENT OF ORDINANCE

Section 1201. Privilege of Amendments. This Ordinance may be amended or supplemented by instruments adopted by the City in accordance with the laws of the State, without receipt by the City of any additional consideration, but with the written consent of the owners of a majority in aggregate principal amount of the Bonds authorized by this Ordinance and Outstanding at the time of the adoption of the amendatory or supplemental instrument, excluding, pursuant to paragraph (4) of § 102B hereof, any 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.

Section 1202. Limitations upon Amendments. No such instrument shall permit without the written consent of all owners of the Bonds adversely and materially affected thereby:

A. Changing Payment. A change in the maturity or in the terms of redemption of the principal of any Outstanding Bond or any installment of interest thereon; or

B. Reducing Return. A reduction in the principal amount of any Bond, the rate of interest thereon, or any prior redemption premium payable in connection therewith, without the consent of the owner of the bond; or

C. Modifying Any Bond. A reduction of the percentages or otherwise affecting the description of Bonds the consent of the owners of which is required for any modification or amendment; or

D. Priorities between Bonds. The establishment of priorities as between Bonds issued and Outstanding under the provisions of this Ordinance; or

E. Partial Modification. The modifications of or otherwise materially and prejudicially affecting the rights or privileges of the owners of less than all of the Bonds then Outstanding.

Section 1203. Notice of Amendment. Whenever the City proposes to amend or modify this Ordinance under the provisions of this Article, it shall cause notice of the proposed

amendment to be given not later than 30 days prior to the date of the proposed enactment of the amendment:

A. Publication. By publication one time in each:

(1) A newspaper published and of general circulation in the City of Las Vegas, Nevada, and

(2) A financial newspaper or journal published in the City of New York, in the State of New York, as determined by the City; and

B. Mailing. By mailing to each:

(1) The Paying Agent,

(2) The Registrar, and

(3) The owner of each of the Bonds Outstanding.

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 Clerk for public inspection.

Section 1204. Time for Amendment. Whenever at any time within one year from the date of the publication of such notice in the City of New York, New York, there shall be filed in the office of the Clerk an instrument or instruments executed by the owners of at least a majority 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 City may adopt the amendatory instrument and the instrument shall become effective.

Section 1205. Binding Consent to Amendment. If the owners of at least a majority 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 owner of any Bond, whether or not the owner shall have consented to or shall have revoked any consent as in this article provided, 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.

Section 1206. Time Consent Binding. Any consent given by the owner of a Bond pursuant to the provisions of this Article shall be irrevocable for a period of 6 months from the date of the publication of the notice above provided for in paragraph 2 of § 1203 A hereof, and shall be conclusive and binding upon all future owners of the same Bond during that period. The consent may be revoked at any time after 6 months from the date of the publication of the notice in a financial newspaper or journal published in New York, New York, by the owner who gave the consent or by a successor in title by filing notice of the revocation with the Clerk, but the revocation shall not be effective if the owners of a majority in aggregate principal amount of the Bonds Outstanding, before the attempted revocation, consented to and approved the amendatory instrument referred to in the revocation.

Section 1207. Unanimous Consent. Notwithstanding anything contained in the foregoing provisions of this Article, the terms and the provisions of this Ordinance or of any instrument amendatory hereof or supplemental hereto and the rights and the obligations of the City and of the owners of the Bonds hereunder may be modified or amended in any respect upon the adoption by the City and upon the filing with the Clerk of an instrument to that effect and with the consent of the owners of all the then Outstanding Bonds, the consent to be given as provided in § 1004 hereof; and no notice to owners of Bonds, either by mailing or publication, shall be required as provided in § 1203 hereof, nor shall the time of consent be limited except as may be provided in the consent.

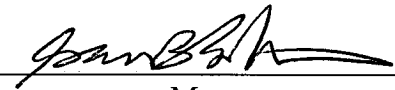
Section 1208. Exclusion of City's Bonds. At the time of any consent or of other action taken under this Article, the City shall furnish to the Clerk a certificate of the City Treasurer, upon which the City may rely, describing all Bonds to be excluded, for the purpose of consent or of other action or of any calculation of Outstanding Bonds provided for in this Article, and the City shall not be entitled with respect to such Bonds to give any consent or to take any other action provided for in this Article, pursuant to paragraph (4) of § 102B hereof.

Section 1209. Notation on Bonds. Bonds authenticated and delivered after the effective date of any action taken as in this Article provided 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 or her Bond for the purpose at the principal office of the Secretary, suitable notation shall be made on the Bond by the Secretary 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, authenticated 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 the Bonds.

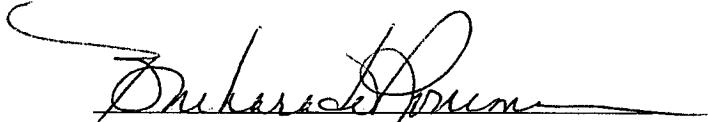
Section 1210. Proof of Ordinances and Bonds. The fact and date of execution of any instrument under the provisions of this Article, the amount and number of the Bonds held by any Person executing the instrument, and the date of his holding the same may be proved as provided by § 1004 hereof.

PASSED, ADOPTED, SIGNED AND APPROVED this November 6, 2002.



Mayor

Attest:

  
City Clerk

This Ordinance shall be in force and effect from and after the 10<sup>th</sup> day of November, 2002, i.e., the date after the publication of such Ordinance by its title only.

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 October 2, 2002 and finally adopted and approved on November 6, 2002.

2. The following members of the Council were present at the October 2, 2002 Council meeting:

|                |                 |                        |
|----------------|-----------------|------------------------|
| Those Present: | Mayor:          | Oscar Goodman          |
|                | Councilmembers: | Gary Reese             |
|                |                 | Michael J. McDonald    |
|                |                 | Larry Brown            |
|                |                 | Lynette Boggs-McDonald |
|                |                 | Lawrence Weekly        |
|                |                 | Michael Mack           |
| Those Absent:  |                 | NONE                   |

3. The foregoing Ordinance was first proposed and read by title to the City Council on October 2, 2002, and referred to a committee for recommendation; thereafter the said committee reported favorably on said Ordinance on November 6, 2002, 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 November 6, 2002 meeting and voted upon the adoption of the Ordinance as follows:

|                   |                        |
|-------------------|------------------------|
| Those Voting Aye: | Oscar Goodman          |
|                   | Gary Reese             |
|                   | Michael J. McDonald    |
|                   | Larry Brown            |
|                   | Lawrence Weekly        |
|                   | Michael Mack           |
| Those Voting Nay: | NONE                   |
| Those Absent:     | Lynette Boggs-McDonald |

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 October 2, 2002, and November 6, 2002. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three working days before the meetings 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 Hall  
Las Vegas, Nevada
- (ii) Senior Citizens Center  
Las Vegas, Nevada
- (iii) Clark County Government Center  
Las Vegas, Nevada
- (iv) Downtown Transportation Center  
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 October 2, 2002, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on November 6, 2002, 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 November 6, 2002.

(SEAL)

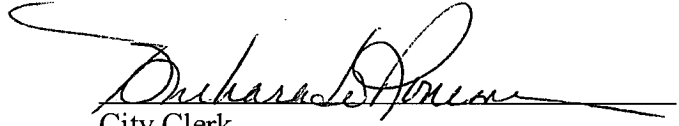
  
City Clerk

EXHIBIT A

(Attach Copy of Notice of October 2, 2002 Meeting)

# CITY COUNCIL AGENDA

OCTOBER 2, 2002  
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**CITY COUNCIL AGENDA**

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

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

COUNCILMEMBERS: MICHAEL J. McDONALD (Ward 1), LARRY BROWN (Ward 4), LYNETTE BOGGS McDONALD (Ward 2),  
LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6)

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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.

**OCTOBER 2, 2002**

**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 ARE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES ARE 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 JOHN PAUL WARREN, VOICE OF THE NATIONS
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF CITIZEN OF THE MONTH

**BUSINESS ITEMS**

1. Any items from the morning session that the Council, staff and/or the applicant wishes 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 September 4, 2002

## **CONSENT AGENDA**

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

### **ADMINISTRATIVE - CONSENT**

3. Approval of the waiver of City clean-up and staging equipment fees for the October 12, 2002 Hispanic Day Parade (Not to exceed \$2,500 – Special Revenue Fund)

### **CITY ATTORNEY - CONSENT**

4. Approval to pay the Plaintiff \$92,500 to settle Leavitt v. City of Las Vegas and Union Pacific Railroad, Eighth Judicial District Court Case No. A392180 (Tort Liability Fund)

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

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of a Special Event Liquor License for Rich, Wightman & Co., Location: 1301 South Jones Blvd., Date: October 4, 2002, Type: Special Event Beer/Wine, Event: 20th Anniversary/Ground Breaking Ceremony, Responsible Person in Charge: Bridget Chapman - Ward 1 (M. McDonald)
7. Approval of a Special Event Liquor License for Castaways Casino, Location: 2800 Fremont Street Parking Lot, Date: October 3-6, 2002, Type: Special Event Beer/Wine, Event: Zelzah Shrine Center Circus, Responsible Person in Charge: Laura Svihula - Ward 3 (Reese)
8. Approval of a Special Event Liquor License for Northshore Entertainment Group, LLC, Location: Steiner's A Nevada Style Pub, 8410 West Cheyenne Ave. Parking Lot, Date: October 4, 2002, Type: Special Event General, Event: 5th Annual Oktoberfest Party, Responsible Person in Charge: Linda Gagliardi - Ward 4 (Brown)
9. Approval of a Special Event Liquor License for Latin American Enterprises, Location: Lorenzi Park, 3333 West Washington Ave., Date: October 20, 2002, Type: Special Event General, Event: Hispanic Heritage Celebration, Responsible Person in Charge: Mike Johnson - Ward 5 (Weekly)
10. Approval of a new Tavern Liquor License subject to the provisions of the planning and fire codes and Health Dept. regulations, Jillian's Management Company, Inc., dba Jillian's Management Company, Inc., 450 Fremont Street, #130, Ronald D. Widman, Dir, Pres, Secy, Treas, Jillian's, Inc., 100%, Ronald D. Widman, Asst Treas - Ward 5 (Weekly)
11. Approval of Franchise Manager for a Beer/Wine/Cooler Off-sale Liquor License subject to the provisions of the fire codes and Health Dept. regulations, 7-Eleven of Nevada, Inc., dba 7-Eleven Food Store #20687G, 1600 North Rancho Drive, Jay S. Petty, Franchise Mgr - Ward 5 (Weekly)
12. Approval of Key Employee for a Tavern Liquor License, Cornerstone Productions, Inc., dba TGI Friday's, 4570 West Sahara Ave., Richard A. Olivas, Gen Mgr - Ward 1 (M. McDonald)
13. Approval of Key Employee for a Tavern Liquor License, Power Company, Inc., dba Crazy Horse Too, 2476 Industrial Road, Albert J. Rapuano, Gen Mgr - Ward 1 (M. McDonald)

## FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

14. Approval of Key Employee for a Beer/Wine/Cooler Off-sale Liquor License, Mighty Mart, Inc., dba Mighty Mart, 515 East Oakey Blvd., Danny A. Moreau, Mgr - Ward 3 (Reese)
15. Approval of Key Employee for a Package Liquor License, 7-Eleven of Nevada, Inc., dba 7-Eleven Food Store #29667A, 30 West Wyoming Ave., Sandra M. Britton, Mgr - Ward 1 (M. McDonald)
16. Approval of Key Employee for a Tavern Liquor License, Lone Star Steakhouse & Saloon of Las Vegas, Inc., dba Lone Star Steakhouse & Saloon, 3131 North Rainbow Blvd., Joey D. Nelson, Gen Mgr - Ward 6 (Mack)
17. Approval of Change of Ownership and Change of Business Name for a Tavern Liquor License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes and Health Dept. regulations, From: Charles Eric Von Goerken, dba Spirits Lounge and Grill, Charles E. Von Goerken, 100%, To: Da Silva-Brammall, Inc., dba Beefy's, 4601 West Sahara Ave., Suites W,X,Y & Z, Christina M. da Silva Brammall, Dir; Pres, Secy, Treas, 98%, Peter H. H. Brammall, Dir, 2% - Ward 1 (M. McDonald)
18. Approval of a Special Event Liquor License for Las Vegas Founders' Club, Location: 1700 Village Center Circle, Date: October 7-13, 2002, Type: Special Event General, Event: PGA Golf Tournament, Responsible Person in Charge: David Roush - Ward 2 (L.B. McDonald)
19. Approval of Officer for a Tavern Liquor License and a Non-restricted Gaming License, Stratosphere Gaming Corporation, dba Stratosphere Tower, Casino & Hotel, 2000 Las Vegas Blvd., South, Richard P. Brown, EVP, CFO - Ward 1 (M. McDonald)
20. Approval of Officer for a Tavern Liquor License and a Non-restricted Gaming License, GNLV Corporation, dba Golden Nugget, 129 Fremont Street, Bryan L. Wright, Asst Secy - Ward 1 (M. McDonald)
21. Approval of Key Employee for a Tavern Liquor License and a Restricted Gaming License for 15 slots, Red Rock Properties, Incorporated, dba Club Barajas Bar & Grille, 5350 West Charleston Blvd., Esau M. Barajas, Mgr - Ward 1 (M. McDonald)
22. Approval of Key Employee for a Tavern Liquor License and a Non-restricted Limited Gaming License for 20 slots, Loose Caboose-Nellis, Inc., dba Loose Caboose Saloon, 15 North Nellis Blvd., Suite A1, Michele D. Richardson, Gen Mgr - Ward 3 (Reese)
23. Approval of Key Employee for a Tavern Liquor License and a Non-restricted Limited Gaming License for 35 slots, Golden - PT's Pub Stewart-Nellis 2, LLC, dba PT's Slot Casino, 347 North Nellis Blvd., Charles H. Rush, Bar Mgr - Ward 3 (Reese)
24. Approval of Key Employee for a Tavern Liquor License and a Restricted Gaming License for 15 slots, Hoosiers, Inc., dba Club 50, 865 North Lamb Blvd., Suites 6, 7, 8 & 9, David W. Francum, Mgr - Ward 3 (Reese)
25. Approval of Key Employee for a Tavern Liquor License and a Restricted Gaming License for 15 slots, Buffalo Investments, Inc., dba Roadrunner Saloon Buffalo, 921 North Buffalo Dr., Bobbie S. Rihel, Gen Mgr - Ward 4 (Brown)
26. Approval of Key Employee for a Tavern Liquor License and a Restricted Gaming License for 15 slots, Golden - PT's Pub Summerlin 6, LLC, dba PT's Pub, 8584 West Lake Mead Blvd., Gary A. Berger, Bar Mgr - Ward 4 (Brown)
27. Approval of Key Employee for a Tavern Liquor License and a Non-restricted Limited Gaming License for 22 slots, 49er, Inc., dba 49er Saloon & Casino, 1556 North Eastern Ave., Terry J. Bradshaw, Mgr - Ward 5 (Weekly)
28. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots, Sunset Coin, Inc., db at Northside Nathan's, 7531 West Lake Mead Blvd., Suite 300 - Ward 4 (Brown)
29. Approval of a new Locksmith License, Kenneth L. Albright, dba Albright Lock & Key, 7201 William Anders Ave., Kenneth L. Albright, 100% - Ward 1 (M. McDonald)

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

30. Approval of a new Massage Establishment License, Herbal Works, dba Herbal Works, 5900 West Charleston Blvd., Suite 13, Nadia D. Gross, Dir, Pres, Secy, Treas, 100% - Ward 1 (M. McDonald)
31. Preapproval of Bid Number 02.15341.10-LED, Mirabelli Senior Center to the lowest responsive & responsible bidder and approve the construction conflicts and contingency reserve set by Finance & Business Services - Department of Public Works (monetary range \$1,400,000 to \$1,900,000 - Special Revenue Fund) - Ward 1 (M. McDonald)
32. Approval of award of Bid Number 03.1730.05-RC, Downtown Streets Rehabilitation, Phase 2 and approve the construction conflicts & contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: DARBY NEAGLE ENTERPRISES (\$1,281,688 - Special Revenue Fund) - Ward 5 (Weekly)
33. Approval of Contract Modification Number One to Bid Number 01.1762.05-RC, Annual AC Pavement Reconstruction - Department of Field Operations - Award recommended to: SOUTHERN NEVADA PAVING, INC. (\$350,000 - Capital Projects Fund) - All Wards
34. Approval of the issuance of a purchase order for replacement of communications hardware and software (JDF) - Department of Fire & Rescue - Award recommended to TRITECH SOFTWARE SYSTEMS (\$289,728 - Internal Service Fund)
35. Approval of rejection of bid and award of Bid Number 020080-DAR, Annual Requirements Contract for White Traffic Zone Paint - Department of Public Works - Award recommended to: TMT PATHWAY, LLC (Estimated annual amount of \$50,000 - General Fund)
36. Approval of award of Bid Number 030025-DAR, Annual Requirements Contract for Automotive Batteries - Department of Field Operations - Award Recommended to: STANDARD BATTERIES OF LAS VEGAS - (Estimated annual amount of \$50,000 - General Fund)
37. Approval of the issuance of a purchase order and agreement for bi-annual professional monitoring and maintenance of sewer system flow monitors - Department of Public Works - Award recommended to: ADS CORPORATION (\$49,356 - General Fund)
38. Approval of award of Bid Number 030006-CW, Annual Requirements Contract for Audio Equipment - Department of Leisure Services - Award recommended to: THE LENZ GROUP (Estimated annual amount of \$43,000 - General Fund)
39. Approval of the issuance of a purchase order for an Annual Requirements Contract for Hayward Gordon equipment and parts (TB) - Department of Public Works - Award recommended to: GOBLE SAMPSON ASSOCIATES (Estimated annual amount of \$100,000 - Sanitation Fund)
40. Approval of award of Bid Number 01.1762.08-RC, CMAQ Paving Project, Federal Project No. CM-003 (73) and approve the construction conflicts and contingency reserve set by Finance & Business Services - Department of Field Operations - Award recommended to: WELLS CARGO, INC. (\$995,500 - Capital Projects Fund) - Wards 1, 3 and 5 (M. McDonald, Reese and Weekly)

## **HUMAN RESOURCES DEPARTMENT - CONSENT**

41. Approval of payment for a permanent partial disability award - Claim #WC01050154, as required under the workers' compensation statutes (\$34,344 - Workers' Compensation Internal Service Fund)
42. Approval to create the position of Senior ITS Technician (\$76,800 - Special Revenue/NDOT Reimbursement)
43. Approval to create the position of Senior Systems Analyst (\$81,900 - Special Revenue/NDOT Reimbursement)

## NEIGHBORHOOD SERVICES DEPARTMENT - CONSENT

44. Approval of an agreement with the Las Vegas Housing Authority (HUD) authorizing use of Payment In Lieu of Taxes (PILOT) for \$80,037 annually for 5 years toward the purpose of repayment of loan taken to satisfy HUD Repayment Agreement - All Wards

## PUBLIC WORKS DEPARTMENT - CONSENT

45. Approval of an Engineering Design Services Agreement with Martin & Martin, Inc. for engineering services for the Charleston Boulevard Sewer Rehabilitation Phase II and the Bruce Street Sanitary Sewer Diversion Construction (\$539,246 - Sanitation Funds) - Ward 3 (Reese)
46. Approval of an Engineering Design Services Agreement with Black & Veatch for engineering services for the Sahara Avenue Sewer, Phase III (\$305,192 - Sanitation Funds) - Ward 3 (Reese)
47. Approval of a Bill of Sale to the Las Vegas Valley Water District for transfer of ownership of water distribution facilities installed in conjunction with the Elkhorn Springs Neighborhood Park - Ward 6 (M. Mack)
48. Approval to appraise and purchase or condemn traffic easement parcels for the Oakey/Community College Drive Traffic Improvements Project located at the intersection of Oakey Boulevard and Community College Drive/Verdinal Drive (\$10,000 - Traffic Improvements Capitol Project Fund) - Ward 1 (M. McDonald)
49. Approval of Supplemental Interlocal Contract #288b between the City of Las Vegas and the Regional Transportation Commission of Southern Nevada for the construction of Buffalo Drive, Cheyenne Avenue to Lone Mountain Road (\$6,967,000 - Regional Transportation Commission of Southern Nevada) - Ward 4 (Brown)
50. Approval of a Declaration of Covenants, Conditions and Restrictions, Grant of Easements for Parks in Pine Meadows and Parks Construction and Maintenance Agreement - Ward 6 (Mack)
51. Approval of a Professional Services Agreement with Carpenter Sellers Associates for the design services of Huntridge Circle Park located at Maryland Parkway and Francis Avenue (\$105,610 - Las Vegas Convention and Visitors Authority) - Ward 3 (Reese)

## RESOLUTIONS - CONSENT

52. R-97-2002 - Approval of a Resolution directing the City Treasurer to prepare the First Assessment Lien Apportionment Report for Special Improvement District No. 1482 - Gowan Road (Metro Park) from Hualapai Way to Jensen Street (Levy Assessments) - Ward 4 (Brown)
53. R-98-2002 - Approval of a Resolution approving the First Assessment Lien Apportionment Report for Special Improvement District No. 1482 - Gowan Road (Metro Park) from Hualapai Way to Jensen Street (Levy Assessments) - Ward 4 (Brown)
54. R-99-2002 - Approval of a Resolution directing the City Treasurer to prepare the Nineteenth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
55. R-100-2002 - Approval of a Resolution approving the Nineteenth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
56. R-101-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twentieth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
57. R-102-2002 - Approval of a Resolution approving the Twentieth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)

## RESOLUTIONS - CONSENT

58. R-103-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
59. R-104-2002 - Approval of a Resolution approving the Twenty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
60. R-105-2002 - Approval of a Resolution directing the City Treasurer to prepare the Seventy-First Assessment Lien Apportionment Report for Special Improvement District No. 707 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
61. R-106-2002 - Approval of a Resolution approving the Seventy-First Assessment Lien Apportionment Report for Special Improvement District No. 707 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
62. R-107-2002 - Approval of a Resolution Fixing Parking Meter Fees

## DISCUSSION / ACTION ITEMS

### ADMINISTRATIVE - DISCUSSION

63. Report from the City Manager on emerging issues
64. Discussion and possible action on ratification of the non-supervisory contract between the City of Las Vegas and the International Association of Firefighters (IAFF) Local 1285 (\$3,823,000 - General Fund & Communication Internal Service Fund)

### CITY ATTORNEY - DISCUSSION

65. Discussion and possible action on Appeal of Work Card Denial: Kimberli Marie Bautista, 1109 Emerywood Court #B, Las Vegas, Nevada 89117
66. Discussion and possible action to pay the State of Nevada \$985,347 in unclaimed property for parking ticket overpayments (Parking Enterprise Fund)

### FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

67. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Package Liquor License subject to Health Dept. regulations, From: Van Lee, dba X. O. Liquor, Van Lee, 100%, To: Allan Tran, dba 2000 X O Liquor, 1616 Las Vegas Blvd., South, Allan Tran, 100% - Ward 1 (M. McDonald)
68. ABEYANCE ITEM - Discussion and possible action regarding a Review of a Supper Club Liquor License, Lightcoin, Inc., dba Club 2100, 2100 Fremont Street, Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100% - Ward 3 (Reese)
69. Discussion and possible action regarding Approval of Franchise Manager for a Beer/Wine/Cooler Off-sale Liquor License subject to Health Dept. regulations, 7-Eleven of Nevada, Inc., dba 7-Eleven Food Store #13681G, 4950 West Charleston Blvd., Harold J. Spickler, Franchise Mgr - Ward 1 (M. McDonald)
70. Discussion and possible action regarding Approval of Key Employee for a Tavern Liquor License and a Restricted Gaming License for 15 slots, Pacific Rainbow, LLC, dba Timbers, 2200 North Rainbow Blvd., Timothy W. McCullough, Gen Mgr - Ward 6 (Mack)

## **FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION**

71. Discussion and possible action regarding a One-Year Review of a Restricted Gaming License for 7 slots, E-T-T, Inc., db at Texaco Star Mart, 9991 West Charleston Blvd., Mixed Nuts Hospitality Group, LLC, Participant in Gaming Revenue, William R. Phillips, Mmbr, Mgr, 100% - Ward 2 (L.B. McDonald)
72. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale Liquor License subject to the provisions of the fire codes and Health Dept. regulations, From: CFL Enterprises, LLC, dba A Taste of Italy Restaurant, Carmine M. Ferrara, Mmbr, 100%, To: Caramella, Inc., dba Marco's Taste of Italy, 4343 North Rancho Drive, Suite 124, Candis S. Armour, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)
73. ABEYANCE ITEM - Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the fire codes, Hai Bin Liu, dba Asian Princess Spa, 2212 Paradise Road, Hai Bin Liu, 100% - Ward 3 (Reese)
74. Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning and fire codes, Cathay Massage, Inc., dba Cathay Massage, Inc., 7450 West Cheyenne Ave., Suite 113, Chen H. Liu, Dir, Pres, Secy, Treas, 100% - Ward 4 (Brown)

## **PUBLIC WORKS DEPARTMENT - DISCUSSION**

75. Discussion and possible action on a request to install Speed Humps on 11th Street between St. Louis Avenue and Griffith Avenue (\$18,000 - Neighborhood Traffic Management Program) - Ward 3 (Reese)

## **RESOLUTIONS - DISCUSSION**

76. R-108-2002 - Discussion and possible action on a Resolution expressing the City Council's support for passage of the Fair Share Funding for Transportation question - All Wards
77. R-109-2002 - Discussion and possible action regarding a Resolution supporting the passage of statewide question No. 1 regarding the issuance of state bonds for conservation and resource protection

## **BOARDS & COMMISSIONS - DISCUSSION**

78. ABEYANCE ITEM - ETHICS REVIEW BOARD - Earle W. White, Jr., Term Expiration 4-14-2001; Robert J. Fleming, Term Expiration 4-14-2001; Linda Young, Term Expiration 5-12-2001; Louis Johnson, Term Expiration 9-5-2005 (Resigned)
79. ABEYANCE ITEM - Discussion and possible action on the two or four year appointment of the Ward 6 representative on the Ethics Review Board in accordance with Ordinance No. 5436, adopted August 1, 2001

## **RECOMMENDING COMMITTEE REPORTS - DISCUSSION**

### **BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

80. Bill No. 2002-96 - Expands the grounds for denial of a privileged license, adds temporary licensing provisions and amends the waiver of suitability provisions. Proposed by: Mark Vincent, Director, Finance and Business Services
81. Bill No. 2002-97 - Updates the portion of the Town Center Development Standards Manual that pertains to signs. Proposed by: Robert S. Genzer, Director of Planning and Development

## RECOMMENDING COMMITTEE REPORTS - DISCUSSION

### BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

82. Bill No. 2002-98 – Expands the boundaries of the Special Signage Sub-district within the Downtown Casino Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
83. Bill No. 2002-100 – Amends Ordinance No. 3992 (creating Special Improvement District No. 707 - Summerlin Area), and approves the First Amendment to the Development and Financing Agreement related thereto. Proposed by: Richard D. Goecke, Director of Public Works
84. Bill No. 2002-102 – Establishes the Downtown Entertainment Overlay District and corresponding regulatory provisions, and establishes a “tavern-limited” liquor license pertaining to the District. Sponsored by: Mayor Oscar B. Goodman

## RECOMMENDING COMMITTEE REPORTS - 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.**

85. Bill No. 2002-95 – Repeals and replaces LVMC Chapter 6.50, relating to liquor control, and revises related zoning provisions. Proposed by: Mark Vincent, Director, Finance and Business Services
86. Bill No. 2002-101 – Annexation No. A-0013-02(A) – Property location: 330 feet north of Buckskin Avenue and 640 feet east of Cliff Shadows Parkway; Petitioned by: Donald and Beth Sylvester; Acreage: 2.54 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Larry Brown
87. Bill No. 2002-103 – Ordinance Creating Special Improvement District No. 1481 - El Capitan Way (Centennial Parkway to US-95) Sponsored by: Step Requirement (\$3,824,708.11 - Capital Projects Fund/Special Assessments)
88. Bill No. 2002-104 – Ordinance Creating Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) Sponsored by: Step Requirement (\$161,922.91 - Capital Projects Fund/Special Assessments)

## NEW BILLS

**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.**

89. Bill No. 2002-105 – Adopts the 2003 Edition of the Southern Nevada Pool Code. Proposed by: Paul K. Wilkins, Director of Building and Safety
90. Bill No. 2002-106 – Adopts the 2000 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code. Proposed by: Paul K. Wilkins, Director of Building and Safety
91. Bill No. 2002-107 – Adopts the 2002 Edition of the National Electrical Code, together with amendments and supplementary material. Proposed by: Paul K. Wilkins, Director of Building and Safety
92. Bill No. 2002-108 – Adopts the 2000 Edition of the Uniform Mechanical Code and certain Appendices, together with amendments thereto, as the City's Mechanical Code. Proposed by: Paul K. Wilkins, Director of Building and Safety

## NEW BILLS

**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.**

93. Bill No. 2002-109 – Adopts the Conservation Element of the Las Vegas 2020 Master Plan. Proposed by: Robert S. Genzer, Director of Planning and Development
94. Bill No. 2002-110 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Fire Refunding Bonds, Series 2002C, not to exceed the amount necessary to effect the Refunding Project plus the cost of issuance of the Bonds, for the purpose of achieving interest rate savings - Various wards
95. Bill No. 2002-111 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2002B, not to exceed the amount necessary to effect the Refunding Project, for the purpose of achieving interest rate savings - Various wards
96. Bill No. 2002-112 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Transportation Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2002D, not to exceed the amount necessary to effect the Refunding Project, for the purpose of achieving interest rate savings - Various wards
97. Bill No. 2002-113 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues), Series 2002A, not to exceed \$25,000,000, for the purpose of defraying wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping building projects in the City, including without limitation, buildings to accommodate offstreet parking projects - Ward 3 (Reese)

## CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss negotiations on the CEA, LVPOA, PPA, IAFF Non-Supervisory and IAFF Supervisory contracts

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

98. Any items from the afternoon session that the Council, staff and/or the applicant wishes to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

## PUBLIC HEARINGS - DISCUSSION

99. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 4550 East Washington Avenue. PROPERTY OWNER: AZRA INVESTMENTS CORPORATION - Ward 3 (Reese)
100. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 3104 Merritt Avenue. PROPERTY OWNER: HILARIO TRINIDAD AND FREDY MORALES LUNA - Ward 1 (M. McDonald)
101. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 340 Arnold Street. PROPERTY OWNER: GILBERT AND SANDRA M. O. PEREZ - Ward 5 (Weekly)

## PLANNING & DEVELOPMENT DEPARTMENT

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 DEPARTMENT – DISCUSSION

102. ABEYANCE ITEM - EXTENSION OF TIME - REZONING - Z-0045-94(7) - J AND K VILLANI TRUST - Request for an Extension of Time on an approved Rezoning (Z-0045-94) FROM: U (Undeveloped) [SC (Service Commercial) General Plan Designation] TO: C-1 (Limited Commercial) on 1.05 acres on the north side of Lake Mead Boulevard, approximately 640 feet west of Torrey Pines Drive (APN: 138-23-201-003), PROPOSED USE: MINOR AUTOMOTIVE REPAIR GARAGE FACILITY, Ward 6 (Mack). The Planning Commission (3-2 vote) recommends DENIAL. Staff recommends APPROVAL
103. MAJOR MODIFICATION TO THE LONE MOUNTAIN WEST MASTER PLAN - PUBLIC HEARING - Z-0024-99(43) - SOUTHWEST DESERT EQUITIES, LIMITED LIABILITY COMPANY - Request for a Major Modification to the Lone Mountain West Master Development Plan to add approximately 15 acres into the Plan and have the subject area designated as Medium Low Density Residential on the south side of Lone Mountain Road, approximately 330 feet west of Cliff Shadows Parkway (APN: 137-01-101-002, 003, and 004), Ward 4 (Brown). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
104. ABEYANCE ITEM - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - MSH-0005-02 - SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY ON BEHALF OF RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request to amend the Master Plan of Streets and Highways to designate Frontage Road as a 70-foot wide Secondary Collector Roadway between Ackerman Avenue and approximately 1000 feet south of Horse Drive, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
105. ABEYANCE ITEM - VACATION RELATED TO MSH-0005-02 - PUBLIC HEARING - VAC-0060-02 - SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY ON BEHALF OF RICHMOND AMERICAN HOMES - Petition to vacate a portion of Ackerman Avenue located east of Rancho Drive (U.S. Highway 95), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
106. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-0037-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Variance to allow three parking spaces where the proposed uses require 14 parking spaces on property located at 2111 South Maryland Parkway (APN: 162-02-410-072), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
107. ABEYANCE ITEM - VARIANCE RELATED TO V-0037-02 - PUBLIC HEARING - V-0038-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Variance to allow an existing building zero feet from the side property line, where five feet is the minimum setback required on property located at 1205 Exley Avenue (APN: 162-02-410-071), R-2 (Medium-Low Density Residential) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
108. ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO V-0037-02 AND V-0038-02 - PUBLIC HEARING - U-0073-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Special Use Permit TO ALLOW A PSYCHIC ARTS BUSINESS on property located at 2111 South Maryland Parkway (APN: 162-02-410-072), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
109. REQUIRED ONE YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-0170-00(1) - COSTCO WHOLESALE CORPORATION - Required One Year Review of an approved Special Use Permit which allowed gasoline sales in conjunction with a Costco Wholesale Store on 16.95 acres at the northwest corner of the intersection of Charleston Boulevard and Pavilion Center Drive (APN: 137-35-714-001), PC (Planned Community) Zone, Ward 2 (L.B. McDonald). Staff recommends APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

110. REQUIRED ONE YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-0171-00(1) - COSTCO WHOLESALE CORPORATION - Required One Year Review of an approved Special Use Permit which allowed the sale of Package Liquor in conjunction with a Costco Wholesale Store on 16.95 acres at the northwest corner of the intersection of Charleston Boulevard and Pavilion Center Drive (APN: 137-35-714-001), PC (Planned Community) Zone, Ward 2 (L.B. McDonald). Staff recommends APPROVAL
111. REQUIRED ONE YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-0172-00(1) - COSTCO WHOLESALE CORPORATION - Required One Year Review of an approved Special Use Permit which allowed minor auto repair in conjunction with a Costco Wholesale Store on 16.95 acres at the northwest corner of the intersection of Charleston Boulevard and Pavilion Center Drive (APN: 137-35-714-001), PC (Planned Community) Zone, Ward 2 (L.B. McDonald). Staff recommends APPROVAL
112. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0167-01 - GILBERT LEVY ON BEHALF OF REAGAN NATIONAL ADVERTISING - Appeal filed by Reagan National Advertising from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 24-FOOT BY 28-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 401 West Bonanza Road (APN: 139-27-401-016), M (Industrial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend DENIAL
113. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0086-02 - DECATUR SHOPPING CENTER ASSOCIATION ON BEHALF OF JUAN JOSE DIAZ - Request for a Special Use Permit TO ALLOW A BANQUET FACILITY on property located at 1401 North Decatur Boulevard, Suite 13 (APN 138-25-503-007), C-1(Limited Commercial) Zone, Ward 1 (M. McDonald). The Planning Commission (7-0 vote) and staff recommend APPROVAL
114. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0089-02 - KRISHNA INC. ON BEHALF OF BAHRAM-GANJEI - Appeal filed by Bahram Ganjei from the denial by the Planning Commission on a request for a Special Use Permit FOR THE SALE OF BEER AND WINE FOR OFF-PREMISE CONSUMPTION IN CONJUNCTION WITH AN EXISTING MARKET on property located at 124 South 6th Street (APN: 139-34-611-051), C-2 (General Commercial), Ward 5 (Weekly). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
115. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0092-02 - JOSE E. ARAGON ON BEHALF OF CINGULAR WIRELESS - Appeal filed by Cingular Wireless from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 63 FOOT TALL WIRELESS COMMUNICATION MONOPOLE on property located at 808 South First Street (APN: 139-34-310-009) C-M (Commercial/Industrial) Zone, Ward 1 (M. McDonald). The Planning Commission (7-0 vote) and staff recommend DENIAL
116. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0095-02 - WENDY'S LAS VEGAS INC. ON BEHALF OF CINGULAR WIRELESS - Appeal filed by Cingular Wireless from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 63 FOOT TALL WIRELESS COMMUNICATION MONOPOLE on property located at 4400 West Sahara Avenue (APN: 162-06-402-007) C-1 (Limited Commercial) Zone, Ward 1 (M. McDonald). The Planning Commission (7-0 vote) and staff recommend DENIAL
117. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-0045-02 - BRIAN AND JULIE LEE & GARY LICKER - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (TAVERN) adjacent to the southeast corner of Alexander Road and Cliff Shadows Parkway (APN: 137-12-101-003), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
118. ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO U-0045-02 - PUBLIC HEARING - U-0047-02 - BRIAN AND JULIE LEE & GARY LICKER - Request for a Special Use Permit FOR AN OFF-PREMISE LIQUOR ESTABLISHMENT IN CONJUNCTION WITH A PROPOSED DRUG STORE adjacent to the southeast corner of Alexander Road and Cliff Shadows Parkway (APN: 137-12-101-003), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

119. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO U-0045-02 AND U-0047-02 - PUBLIC HEARING - Z-0068-01(1) - BRIAN AND JULIE LEE & GARY LICKER - Request for a Site Development Plan Review and a Reduction in the Amount of Landscape Planter Finger Islands FOR A 22,920 SQUARE FOOT COMMERCIAL CENTER adjacent to the southeast corner of Alexander Road and Cliff Shadows Parkway (APN: 137-12-101-003), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
120. ABEYANCE ITEM - REZONING - PUBLIC HEARING - Z-0034-02 - GRAND TETON THOM, LIMITED LIABILITY COMPANY ET AL ON BEHALF OF THOMAS W. FEHRMAN - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD3 (Residential Planned Development - 3 Units per Acre) of 7.49 acres located adjacent to the west side of Thom Boulevard, approximately 660 feet north of Grand Teton Road (APN's: 125-12-801-018 & 019), PROPOSED USE: SINGLE-RESIDENTIAL, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
121. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0034-02 - PUBLIC HEARING - Z-0034-02(1) - GRAND TETON THOM, LIMITED LIABILITY COMPANY ET AL ON BEHALF OF THOMAS W. FEHRMAN - Request for a Site Development Plan Review FOR A PROPOSED 26-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 7.49 acres located adjacent to the west side of Thom Boulevard, approximately 660 feet north of Grand Teton Road (APN's: 125-12-801-018 & 019), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
122. ABEYANCE ITEM - REZONING - PUBLIC HEARING - Z-0066-02 - CAMINAR - LAS VEGAS - Request for a Rezoning FROM: U (Undeveloped) [M (Medium Density Residential) General Plan Designation TO: R-3 (Medium Density Residential) on 1.26 acres at 2140 Vegas Drive (APN: 139-20-802-007), [PROPOSED USE: CONVALESCENT CARE FACILITY ADDITION TO AN EXISTING GROUP HOME], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
123. ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO Z-0066-02 - PUBLIC HEARING - U-0088-02 - CAMINAR - LAS VEGAS - Request for a Special Use Permit FOR A CONVALESCENT CARE FACILITY at 2140 Vegas Drive (APN: 139-20-802-007), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
124. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0066-02 AND U-0088-02 - PUBLIC HEARING - SD-0033-02 - CAMINAR - LAS VEGAS - Request for a Site Development Plan Review FOR AN 8-UNIT CONVALESCENT CARE FACILITY ADDITION TO AN EXISTING GROUP HOME on 1.26 acres at 2140 Vegas Drive (APN: 139-20-802-007), U (Undeveloped) Zone [M (Medium Density Residential) General Plan Designation] [PROPOSED: R-3 (Medium Density Residential)], Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
125. 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

## ADDENDUM

### CITIZENS PARTICIPATION

Items raised under this portion of the City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes

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

Las Vegas Library, 833 Las Vegas Boulevard North  
Senior Citizen Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Parkway  
Court Clerk's Office Bulletin Board, City Hall Plaza  
City Hall Plaza, Special Outside Posting Bulletin Board

EXHIBIT B

(Attach Copy of Notice of November 6, 2002 Meeting)

# CITY COUNCIL AGENDA

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**CITY COUNCIL AGENDA**

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>

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

COUNCILMEMBERS: MICHAEL J. McDONALD (Ward 1), LARRY BROWN (Ward 4), LYNETTE BOGGS McDONALD (Ward 2),  
LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6)

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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.

**NOVEMBER 6, 2002**

**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 ARE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES ARE 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 TOM UNMÄCHT, THE LAKES LUTHERAN CHURCH
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF CITIZEN OF THE MONTH
- SPECIAL PRESENTATION RELATED TO THE CITY'S CANINE PROGRAM
- RECOGNITION OF CENTENNIAL HILLS IDOL CONTEST PARTICIPANTS
- PRESENTATION BY THE LAS VEGAS PHILHARMONIC

**BUSINESS ITEMS**

1. Any items from the morning session that the Council, staff and/or the applicant wishes to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the Regular City Council Meeting of October 2, 2002

## **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 an agreement with Embeck Media to place media on City of Las Vegas parking meters

### **BUSINESS DEVELOPMENT - CONSENT**

4. Approval to accept and authorization for the Mayor to execute the Grant Funding Agreement for a \$150,000 grant from the Nevada Commission on Cultural Affairs for the renovation and adaptive re-use of the Downtown Heritage Center (Federal Building-Post Office) at 301 Stewart Avenue (APN#139-34-501-002) - Ward 5 (Weekly)
5. Approval to accept and authorization for the Mayor to execute the Grant Funding Agreement for a \$20,000 grant from the Historic Preservation Fund for the renovation and adaptive re-use of the Downtown Heritage Center (Federal Building-Post Office) at 301 Stewart Avenue (APN#139-34-501-002) - Ward 5 (Weekly)

### **FIELD OPERATIONS DEPARTMENT - CONSENT**

6. Approval of Third Amendment to a Professional Services Agreement with Kitchell Contractor's Inc. for construction management and review of construction bid documents for the construction of the Stewart Avenue Parking Garage (\$75,000 - Capital Projects Fund) - Ward 5 (Weekly)

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

7. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
8. Approval to appropriate funding in the amount of \$290,000 (City Facilities Capital Projects Fund) for the remodel of the facilities at 416 N. 7th Street to meet occupancy requirements - Ward 5 (Weekly)
9. Approval to transfer funding in the amount of \$200,000 (Parks & Leisure Activities Capital Projects Fund) from the Arbor Hills project to the Bonanza-Sandhill Ballfield project, and to increase prior pre-approved contract award from \$2,200,000 to \$2,232,000 plus conflicts and contingency reserve as set by Purchasing and Contracts Division - Ward 3 (Reese)
10. Approval to transfer up to \$200,000 (Parks & Leisure Activities Capital Projects Fund) to the Community College of Southern Nevada (CCSN) towards paving the parking lot adjacent to and for the joint benefit of Opportunity Village, subject to an agreement to be executed by the City Manager - Ward 1 (M. McDonald)
11. Approval of the fourth quarterly approval of Qualified Contractors for the period November 6, 2002 through January 1, 2004 pursuant to City of Las Vegas Qualification Plan
12. Approval of a Special Event Liquor License for Mission of St. Charbel, Location: Our Lady of Las Vegas Catholic Church, 3050 Alta Drive, Date: November 9, 2002, Type: Special Event General, Event: Fund-raising Dinner, Responsible Person in Charge: Antoine Abi-Nader - Ward 1 (M. McDonald)
13. Approval of a new Package Liquor License subject to the provisions of the planning and fire codes and Health Dept. regulations, The Vons Companies, Inc., dba Vons #2613, 6450 Sky Pointe Drive, Thomas Keller, Pres, David J. Zylstra, VP, Thomas B. Acevedo, Secy, Bradley S. Fox, Treas - Ward 6 (Mack)

## FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

14. Approval of Change of Ownership for a Beer/Wine/Cooler On-sale Liquor License, From: Cholwon Lee, 100%, To: L & C Investment Co., dba Shogun Japanese Restaurant, 4941 West Craig Road, Cholwon Lee, Dir, Treas, 50%, Bo Sun Lee, Pres, Secy, 50% - Ward 6 (Mack)
15. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to approval by the Nevada Gaming Commission, United Coin Machine Co., db at Mojave Plaza Laundromat, 27 North Mojave Road - Ward 3 (Reese)
16. Approval of a new Hypnotist License, John Gatesman, dba John Gatesman, 416 South Jones Blvd., John R. Gatesman, 100% - Ward 1 (M. McDonald)
17. Approval of a new Martial Arts Instruction Business License, Fernando Villalpando, dba Wolf School of Tae Kwon Do, 7024 West Charleston Blvd., Fernando Villalpando, 100% - Ward 1 (M. McDonald)
18. Approval of a new Massage Establishment License, Touch of Life, LLC, dba Touch of Life, 911 North Buffalo Drive, Suite 208, Sharon I. Padilla, Mmbr, 50%, Heather R. Criswell, Mmbr, 50% - Ward 4 (Brown)
19. Approval of a new Pistol Permit License, Kent G. Wagner, dba Kent's, 26 South Water Street, Suite A, Kent G. Wagner, 100% - Henderson
20. Approval of award of Bid Number 02.1730.26-RC, Vegas Drive/Owens Avenue, Rancho Drive to I-15 and approve the construction conflicts and contingency reserve set by Finance & Business Services - Department of Public Works - Award recommended to: FREHNER CONSTRUCTION COMPANY (\$11,588,472 - Regional Transportation Commission, Clark County Regional Flood Control District, Sanitation Fund, SID 1478) - Ward 5 (Weekly)
21. Approval to Award Bid Number 03.1730.03-RC, Durango Drive - Phase 2, Lone Mountain Road to Tropical Parkway and approve the construction conflicts & contingency reserve set by Finance & Business Services - Department of Public Works - Award recommended to: LAS VEGAS PAVING CORPORATION (\$3,534,129 - Regional Transportation Commission) - Ward 6 (Mack)
22. Approval of award of Bid Number 030027-DAR, Open End Contract for Miscellaneous Vehicles - Department of Fire & Rescue - Award recommended to: FAIRWAY CHEVROLET for Lots 1, 2, 3, 6 & 7; BILL HEARD CHEVROLET for Lot 5; and GAUDIN FORD for Lot 4 (Aggregate amount of \$628,857 - Fire Equipment Acquisition Fund)
23. Approval of change order to Bid Number 01.15301.18-LED, Doolittle Community Center Renovation for additional equipment & additional work and increase the conflicts & contingency reserve - Department of Public Works - Award recommended to: RICHARDSON CONSTRUCTION, INC. (\$550,000 - Parks Capital Improvements Projects and 99 Parks Bonds) - Ward 5 (Weekly)
24. Approval of issuance of a purchase order for twelve (12) one-ton heavy duty utility trucks under the open end provision of Bid Number 020011-TC (DAR) - Department of Field Operations - Award recommended to: FAIRWAY CHEVROLET (\$349,512 - Internal Service Fund)
25. Approval of award of Contract CLV-03-0002 (LR) for Security and Operations Support Services at the Neonopolis Garage - Department of Field Operations - Award recommended to: FREMONT STREET EXPERIENCE PARKING CORPORATION (\$222,830 - Parking Enterprise Fund) - Ward 5 (Weekly)
26. Approval of revision number one to purchase order number 212909 (DAR) for the annual requirements contract for custodial services - Department of Field Operations - Award recommended to: BEST JANITORIAL SERVICES (\$200,000 - General Fund)
27. Approval of rejection of bid and award of Bid Number 030148-DAR, Open End Contract for one Asphalt Patch Truck - Department of Field Operations - Award recommended to: TRUCK CENTER OF NEVADA (\$106,253 - Internal Service Fund)

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

28. Approval of award of Bid Number 030157-DAR, Annual Requirements Contract for Automotive Parts - Department of Field Operations - Award recommended to: CLARK COUNTY WHOLESALE (\$200,000 - General Fund) and CHARLESTON AUTO PARTS (\$100,000 - General Fund)
29. Approval of change order to Bid No. 01.15301.24-LED, Garehime Heights Park for skatepark components and additional landscaping - Department of Public Works - Award recommended to: LAS VEGAS PAVING CORP. (\$100,000 - Capital Projects Fund) - Ward 4 (Brown)
30. Approval of award of Bid Number 030010-CW, Annual Requirements Contract for Exercise Equipment - Various Departments - Award recommended to: ADVANTAGE FITNESS for Lots I-V; NEVADA FITNESS for Lot VI; ADVANCED EXERCISE EQUIPMENT for Lots VII and VIII (Estimated aggregate annual amount of \$85,000 - General Fund)
31. Approval of issuance of a blanket purchase order for an annual requirements contract for Custodial and Landscape Maintenance of the Downtown Post Office Building (DAR) - Department of Field Operations - Award recommended to: OPPORTUNITY VILLAGE (Estimated annual amount of \$80,000 - General Fund) - Ward 5 (Weekly)
32. Approval of revision number one to purchase order number 215173 to provide for contingency funding for an automatic fueling dispensing and key processing system under the terms and conditions of Request for Proposals 010029-JDF - Department of Field Operations - Award recommended to: SER-CON Inc. (\$50,000 - Internal Service Fund)
33. Approval of award of Bid Number 030149-DAR, James Gay Park Fescue Sod Installation - Department of Field Operations - Award recommended to: VALLEY SOD FARMS (\$32,400 - General Fund) - Ward 5 (Weekly)
34. Approval of revision number one to purchase order number 214372 for Loss Control Management Services (LR) to assist the City in developing and implementing an enhanced safety/loss control program - Department of Human Resources - Awarded recommended to: OHMS, A BLUE CROSS/BLUE SHIELD SUBSIDIARY (\$30,000 - Internal Service Fund)
35. Approval of rejection of all bids received for Bid Number 030014-DAR, Annual Requirements Contract for Alta Drive West Landscape Maintenance - Department of Public Works - Ward 1 (M. McDonald)

## **FIRE AND RESCUE DEPARTMENT - CONSENT**

36. Approval of the Federal Emergency Management Agency (FEMA) Emergency Management Preparedness Grant in the amount of \$129,006 (\$64,503 FEMA/\$64,503 City contribution - General Fund) - All Wards

## **HUMAN RESOURCES DEPARTMENT - CONSENT**

37. Approval to create one regular full time Customer Service Representative (CSR) position (\$19,200 - General Fund)

## **NEIGHBORHOOD SERVICES DEPARTMENT - CONSENT**

38. Approval of allocating Community Development Block Grant (CDBG) funds to BBC Research and Consulting to conduct an Analysis of Impediments to Fair Housing Study for compliance with Housing and Urban Development (HUD) federal regulations (\$55,250 - Community Development Block) - All Wards
39. Approval of the transfer of FY2002 HOPWA grant funds in the amount of \$41,815 from Pahump Family Resource Center to Salvation Army - Ward 1 (M. McDonald)

## PUBLIC WORKS DEPARTMENT - CONSENT

40. Approval of a Declaration of Utilization from the Bureau of Land Management for portions of the Southwest Quarter (SW 1/4) of Section 18, the Northeast Quarter (NE 1/4) of Section 19 and the Northwest Quarter (NW 1/4) of Section 20, Township 19 South, Range 60 East, M.D.M., for road, sewer and drainage purposes generally located on the south side of Elkhorn Road between the Grand Canyon Drive alignment and the El Capitan Way alignment, and on the west side of Grand Canyon north of the Elkhorn Road alignment – APNs 125-18-403-003, 125-19-501-001, -002, -005, -007 and 125-20-101-001 through -005 – Ward 6 (Mack)
41. Approval to file an amendment to Right-of-Way Grant No. N-74862 with the Bureau of Land Management for an access road on portions of land lying within the Southeast Quarter (SE1/4) of Section 2, T20S, R59E, M.D.M., generally located on north side of the Alexander Road alignment, west of the Puli Road alignment – APN 137-02-000-001 - Ward 4 (Brown)
42. Approval to file a Right-of-Way Grant with the Bureau of Land Management for road, sewer and drainage purposes on portions of land lying within the Southwest Quarter (SW 1/4) of Section 6, the Northwest Quarter (NW 1/4) of Section 7 and the Northeast Quarter (NE 1/4) of Section 8, Township 20 South, Range 60 East, M.D.M., generally located on the north and south sides of Alexander Road between Hualapai Way and Durango Drive and the new Hualapai Way alignment between Alexander Road and Cheyenne Avenue (Alexander Road/Hualapai Way Road Improvements Project) - APNs 138-06-301-001, -401-006, -801-009, 138-07-201-010 and 138-08-501-005 - Ward 4 (Brown)
43. Approval of a Dedication from the City of Las Vegas, a Municipal Corporation for a portion of the Southeast Quarter (SE ¼) of Section 27, T20S, R61E, M.D.M., for street right-of-way and a sewer easement located on the northwest corner of Bonanza Road and 9th Street - APN 139-27-805-001 – Ward 5 (Weekly)
44. Approval of a Dedication from the City of Las Vegas, a Municipal Corporation for a portion of the Southeast Quarter (SE ¼) of Section 21, T20S, R61E, M.D.M., for street right-of-way, drainage easement and a pedestrian walkway easement located on the south side of Lake Mead Boulevard, east of Martin L. King Boulevard - APN 139-21-701-002-003 – Ward 5 (Weekly)
45. Approval of a Bill of Sale to the Las Vegas Valley Water District (LVVWD) for transfer of ownership of water distribution facilities installed in conjunction with the Lewis Avenue Corridor Improvements - Ward 5 (Weekly)
46. Approval of a task-oriented Professional Services Agreement with Stantec Consulting, Inc. for Engineering Services, Professional Surveying and Underground Utility Potholing (\$100,000 - City of Las Vegas, Regional Transportation Commission, Clark County Regional Flood Control District) - All Wards
47. Approval of a Sewer Connection and Interlocal Contract with Clark County Sanitation District - Acclaim Materials Testing & Inspection, LLP on behalf of William J. Papineau, owner (northwest corner of Cimarron Road and Red Coach Avenue, APN 138-04-103-012) - County (near Ward 4 - Brown)
48. Approval of a Sewer Connection and Interlocal Contract with Clark County Sanitation District - Christopher and Jessica Cave, owners (5975 North Campbell Road, APN 125-29-302-003) - County (near Ward 6 - Mack)
49. Approval of a Sewer Connection and Interlocal Contract with Clark County Sanitation District - CivilWorks, Inc. on behalf of Las Vegas Valley Water District, owner (southwest corner of Butler Street and Tropical Parkway, APN 125-28-303-001) - County (near Ward 4 - Brown)
50. Approval of an Encroachment Request from VTN Nevada, Incorporated, on behalf of Quarterhorse Falls II, LLC, owner (El Capitan Way between O'Hare Avenue and Log Cabin Way) - Ward 6 (Mack)
51. Approval of a Sewer Connection and Interlocal Contract with Clark County Sanitation District - Michael J. and Robin L. Gramly, owners (southwest corner of Butler Street and Helena Avenue, APN 138-04-301-018) - County (near Ward 4 - Brown)

## PUBLIC WORKS DEPARTMENT - CONSENT

52. Approval of a Sewer Connection and Interlocal Contract with Clark County Sanitation District - G.C. Wallace, Inc. on behalf of Silverstone I, L.P., c/o Pinnacle Homes, Inc., owners (southeast corner of El Capitan Way and Ann Road, APN 125-32-501-001, 125-32-501-002, 125-32-501-012, 125-32-501-013, 125-32-501-024 and 125-32-501-025) - County (near Ward 6 - Mack)
53. Approval of Contract Modification #1 with Capriati Construction, to install fifty additional water laterals as part of the Mayfair Neighborhood - Phase.2 project (\$70,000 - Las Vegas Valley Water District) - Ward 5 (Weekly)
54. Approval of Interlocal Agreement No. 108656 with the Las Vegas Valley Water District for water service for the Bonanza - Sandhill Park (\$208,667 - Residential Construction Tax) - Ward 3 (Reese)
55. Approval of a Designated Services Agreement with Western Technologies Inc. for the Special Inspection Services for the new Mirabelli Senior Center located at Hargrove and Garwood, within the existing Mirabelli Park site (\$35,168 - Clark County Interlocal Agreement) - Ward 1 (M. McDonald)
56. Approval of a Fifth Amendment to the Professional Services Agreement with VTN Nevada for professional services related to the continuation of engineering services in support of the construction of the Durango Drive Improvements - Lone Mountain Road to US-95 (\$150,000 - Regional Transportation Commission) - Ward 6 (Mack)
57. Approval of a Designated Services Agreement with KGA Architecture for preliminary design phases for the Office District Parking Garage located at 3rd Street, between Bonneville Avenue and Garces Avenue (\$446,000 - General Obligation Parking Bonds) - Ward 1 (M. McDonald)

## RESOLUTIONS - CONSENT

58. TABLED ITEM - R-105-2002 - Approval of a Resolution directing the City Treasurer to prepare the Seventy-First Assessment Lien Apportionment Report for Special Improvement District No. 707 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
59. TABLED ITEM - R-106-2002 - Approval of a Resolution approving the Seventy-First Assessment Lien Apportionment Report for Special Improvement District No. 707 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
60. R-112-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-Second Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
61. R-113-2002 - Approval of a Resolution approving the Twenty-Second Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
62. R-114-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-Third Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
63. R-115-2002 - Approval of a Resolution approving the Twenty-Third Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
64. R-116-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-Fourth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
65. R-117-2002 - Approval of a Resolution approving the Twenty-Fourth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)

## RESOLUTIONS - CONSENT

66. R-118-2002 - Approval of a Resolution directing the City Treasurer to prepare the Twenty-Fifth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
67. R-119-2002 - Approval of a Resolution approving the Twenty-Fifth Assessment Lien Apportionment Report for Special Improvement District No. 808 Summerlin Area (Levy Assessments) - Ward 2 (L.B. McDonald)
68. R-120-2002 - Approval of a Resolution Awarding Bid for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to Interstate 15) (\$206,361.87 - Capital Projects Fund - Special Assessment) - Ward 5 (Weekly)

## REAL ESTATE COMMITTEE - CONSENT

69. Approval authorizing staff to amend a current lease application to be submitted to the Bureau of Land Management (BLM) for a Fire Training Center on the southwest corner of Deer Springs Way and Alpine Ridge Way to include an additional 30 acres - County (near Ward 6 - Mack)
70. Approval authorizing staff to apply for a land lease for a public park located on a portion of Parcel Number 126-13-701-001 in the vicinity of Hualapai Way and Farm Road with the Bureau of Land Management (BLM) (\$100 - Public Works/Real Estate/Rental of Land) - County (near Ward 6 - Mack)
71. Approval authorizing staff to apply for a land lease for a public park located on a portion of Parcel Number 126-24-201-002 in the vicinity of Deer Springs Way and Shaumber Road with the Bureau of Land Management (BLM) (\$100 - Public Works/Real Estate/Rental of Land) - County (near Ward 6 - Mack)
72. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a fire hydrant to be located on Sandhill Road to serve the Bonanza Sandhill Ballfields, APN 140-31-102-002 - Ward 3 (Reese)
73. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a fire hydrant to be located on Bonanza Road to serve the Bonanza Sandhill Ballfields, APN 140-31-102-002 - Ward 3 (Reese)
74. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for water lines and appurtenance(s) to serve the Bonanza Sandhill Ballfields, APN 140-31-102-002 - Ward 3 (Reese)
75. Approval authorizing staff to sell the home located at 8690 Azure to the highest qualified buyer - Ward 6 (Mack)
76. Approval of an Agreement for the Purchase and Sale of Real Property between The Arts Factory, LLC, and the City of Las Vegas for the sale of City owned parcel number 139-34-410-046 located at 123 East Charleston Boulevard - Ward 1 (M. McDonald)
77. Approval of a lease agreement with The Neon Museum, for lease of approximately 587 square feet of office space located at Reed Whipple Cultural Center, 821 Las Vegas Boulevard North - Ward 5 (Weekly)

## DISCUSSION / ACTION ITEMS

### ADMINISTRATIVE - DISCUSSION

78. Report from the City Manager on emerging issues

## CITY ATTORNEY - DISCUSSION

79. Discussion and possible action on Appeal of Work Card Denial: Robert Barragan, 1105 Princess Katy, Las Vegas, Nevada 89109
80. Discussion and possible action on Appeal of Work Card Denial: Dienesia Denice Paynes, 1001 W. McWilliams Avenue #52, Las Vegas, Nevada 89106
81. Discussion and possible action on Appeal of Work Card Denial: David S. Manes, 320 South 1st Street, Las Vegas, Nevada 89101
82. Discussion and possible action on Appeal of Work Card Denial: Bruce Joe Bolden, 1904 Holmes Street, Las Vegas, Nevada 89106
83. Hearing, discussion and possible action regarding disciplinary complaint against Abraham Ogbamichael and Mohamed Nagi Obeid al Dhali d/b/a Kings Market, 2333 North Martin Luther King Boulevard, Las Vegas, Clark County, Nevada, for violations of Title 6 of the Las Vegas Municipal Code – Ward 5 (Weekly)

## FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

84. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale Liquor License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: KT Restaurants, Inc., LLC, dba Godfather's Pizza, Pat L. Kelley, Mmbr, 50%, Darren L. Taylor, Mmbr, 50%, To: Core Associates, Inc., dba Red Apple Grill, 3051 North Rainbow Blvd., John P. Baietti, Dir, Pres, Secy, Treas, 83% - Ward 6 (Mack)
85. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern Liquor License subject to the provisions of the fire codes and Health Dept. regulations, From: Gemini, Inc., dba Lady Luck Casino, John M. Gallaway, Dir, Pres, Secy, Treas, LL Holding Corporation, 100%, a wholly owned subsidiary of Isle of Capri Casinos, Inc., PTC, Bernard Goldstein, Dir, COB, CEO, John M. Gallaway, Dir, Pres, COO, Allan B. Solomon, Dir, EVP, General Counsel, Secy, Rexford A. Yeisley, SVP, CFO, Treas, Timothy M. Hinkley, SVP Operations, To: Hospitality Systems, LLC, dba Lady Luck, 206 North 3rd Street, Martin R. Gross, VP, COO, Hospitality Systems Management, LLC, Mmbr, 24.5%, Investment Advisory Consultants, LLC, Mmbr, 24.5%, Beacon Bay Holdings, LLC, Mmbr, 51% - Ward 5 (Weekly)
86. Discussion and possible action regarding a Six Month Review of an Independent Massage Therapist License, Rogelio M. Blanco, Jr., dba Rogelio M. Blanco, Jr., 217 Fig Court, Rogelio M. Blanco, Jr., 100% - Ward 2 (L.B. McDonald)
87. Discussion and possible action regarding a moratorium on the issuance of new licenses and change of location to existing licenses for payday loan, check cashing and auto title loan businesses

## LEISURE SERVICES DEPARTMENT - DISCUSSION

88. ABEYANCE ITEM - Report on the status of the Community Schools Transition Plan

## NEIGHBORHOOD SERVICES DEPARTMENT - DISCUSSION

89. Discussion and possible action regarding an Agreement between the Economic Opportunity Board of Clark County's Child Care Assistance Division (EOB CCAD) and the City of Las Vegas awarding the City \$280,000 in Child Care Improvement Grant (CCIG) funds - All Wards

## **PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION**

90. Discussion and possible action on the recommendation of lands to be disposed of by the Bureau of Land Management (BLM) in the November 2003 Public Sale - Wards 4 and 6 (Brown and Mack)
91. Discussion and possible action on the Agreement regarding Conformity of City of Las Vegas Plans With the Southern Nevada Regional Policy Plan - All Wards

## **PUBLIC WORKS DEPARTMENT - DISCUSSION**

92. ABEYANCE ITEM - Report on the Bonneville/Clark and Casino Center/Fourth Street One-Way Couplet Project - Wards 1 and 5 (M. McDonald and Weekly)

## **RESOLUTIONS - DISCUSSION**

93. R-121-2002 - Discussion and possible action regarding a Resolution reestablishing the Traffic Signal Capital Improvements Advisory Committee in conjunction with the City's Traffic Signal Capital Improvements Plan
94. R-122-2002 - Public hearing and possible action regarding a temporary interfund loan from the City Facilities Capital Projects Fund (CPF) to the City's Affordable Housing Special Revenue Fund in an amount not to exceed \$2,000,000 for a period not to exceed one year - Ward 1 (M. McDonald)

## **BOARDS & COMMISSIONS - DISCUSSION**

95. ABEYANCE ITEM - PARK & RECREATION ADVISORY COMMISSION – Cedric Cole, Term Expiration 3-24-2003 (Resigned)
96. Discussion and possible action on the appointment of nine committee members to the Traffic Signal Capital Improvements Advisory Committee - All Wards

## **REAL ESTATE COMMITTEE - DISCUSSION**

97. Discussion and possible action on a Purchase Contract between Priority One Commercial (on behalf of the City of Las Vegas) and Diane and Stanley Kloza for real property consisting of 40 separate parcels depicted on Exhibit "B" on purchase contract located within Shalimar Gardens, in the vicinity of Laurelhurst Drive and Westmoreland Drive, for \$1,600,000 plus closing costs - Affordable Housing Special Revenue Fund (SRF) - Ward 1 (M. McDonald)
98. Discussion and possible action on a Purchase Contract between Priority One Commercial (on behalf of the City of Las Vegas) and Felice and Tara M. Baldasarro, Co-Trustees of the Baldasarro 2000 Community Property Trust for real property known as Parcel Number 138-25-515-007 located at 1509 Laurelhurst Drive Unit 7 for \$54,000 plus closing costs - Affordable Housing Special Revenue Fund (SRF) - Ward 1 (M. McDonald)
99. Discussion and possible action on a Purchase Contract between Priority One Commercial (on behalf of the City of Las Vegas) and Charles E. and Sharon Sinky for real property known as Parcel Number 138-25-515-005 located at 1509 Laurelhurst Drive Unit 5 for \$52,000 plus closing costs - Affordable Housing Special Revenue Fund (SRF) - Ward 1 (M. McDonald)
100. Discussion and possible action to direct staff to proceed with the process of amending the Covenants, Conditions and Restrictions for the Las Vegas Technology Center to permit the sale of the open space common areas totaling approximately 7.0 acres (APN#138-15-710-028, APN#138-15-810-013) - Ward 4 (Brown)

## RECOMMENDING COMMITTEE REPORTS - DISCUSSION

### BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

101. Bill No. 2002-105 – Adopts the 2003 Edition of the Southern Nevada Pool Code. Proposed by: Paul K. Wilkins, Director of Building and Safety
102. Bill No. 2002-106 – Adopts the 2000 Edition of the Uniform Plumbing Code, together with amendments thereto, as the City's Plumbing Code. Proposed by: Paul K. Wilkins, Director of Building and Safety
103. Bill No. 2002-107 – Adopts the 2002 Edition of the National Electrical Code, together with amendments and supplementary material. Proposed by: Paul K. Wilkins, Director of Building and Safety
104. Bill No. 2002-108 – Adopts the 2000 Edition of the Uniform Mechanical Code and certain Appendices, together with amendments thereto, as the City's Mechanical Code. Proposed by: Paul K. Wilkins, Director of Building and Safety
105. Bill No. 2002-109 – Adopts the Conservation Element of the Las Vegas 2020 Master Plan. Proposed by: Robert S. Genzer, Director of Planning and Development
106. Bill No. 2002-110 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Fire Refunding Bonds, Series 2002C, not to exceed the amount necessary to effect the Refunding Project plus the cost of issuance of the Bonds, for the purpose of achieving interest rate savings - Proposed by: Mark Vincent, Director of Finance & Business Services - Various Wards
107. Bill No. 2002-111 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Sewer Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2002B, not to exceed the amount necessary to effect the Refunding Project, for the purpose of achieving interest rate savings - Proposed by: Mark Vincent, Director of Finance & Business Services - Various Wards
108. Bill No. 2002-112 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Transportation Refunding Bonds (Additionally Secured by Pledged Revenues), Series 2002D, not to exceed the amount necessary to effect the Refunding Project, for the purpose of achieving interest rate savings - Proposed by: Mark Vincent, Director of Finance & Business Services - Various Wards
109. Bill No. 2002-113 – Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered, Negotiable, General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues), Series 2002A, not to exceed \$25,000,000, for the purpose of defraying wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping building projects in the City, including without limitation, buildings to accommodate offstreet parking projects - Proposed by: Mark Vincent, Director of Finance & Business Services - Ward 3 (Reese) NOTE: The correct Ward designation is Ward 1 (M. McDonald)
110. Bill No. 2002-116 – Annexation No. A-0014-02(A) – Property location: On the south side of Lone Mountain Road, 670 feet east of Puli Road; Petitioned by: Southwest Desert Equities, LLC; Acreage: 5.38 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Larry Brown
111. Bill No. 2002-117 – Annexation No. A-0021-02(A) – Property location: On the southwest corner of Fort Apache Road and Deer Springs Road; Petitioned by: SPKQL8R, LLC; Acreage: 5.05 acres; Zoned: R-E (County zoning), U (L-TC) (City equivalent). Sponsored by: Councilman Michael Mack
112. Bill No. 2002-119 – Annexation No. A-0027-02(A) – Property location: On the south side of Lone Mountain Road, 330 feet east of Puli Road; Petitioned by: William Parker; Acreage: 5.39 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack
113. Bill No. 2002-121 - Bond Ordinance providing for the issuance by the City of Las Vegas of its Taxable General Obligation (Limited Tax) Fremont Street Experience Refunding Bonds (Additionally Secured with Pledged Revenues) Series 2002, not to exceed the amount necessary to effect the Refunding Project, for the purpose of achieving interest rate savings - Proposed by: Mark Vincent, Director of Finance & Business Services - Ward 1 (M. McDonald) NOTE: The correct Ward designation is Wards 1 and 5 (M. McDonald and Weekly)

## RECOMMENDING COMMITTEE REPORTS - 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.**

114. Bill No. 2002-114 – Annexation No. A-0010-02(A) – Property location: 330 feet south of Alexander Road and 1,400 feet west of Hualapai Way; Petitioned by: Southwest Desert Equities, LLC; Acreage: 2.64 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Larry Brown
115. Bill No. 2002-115 – Annexation No. A-0012-02(A) – Property location: 290 feet south of Alexander Road and 300 feet west of Cimarron Road; Petitioned by: Alexander and Phillip Mackovski; Acreage: 2.66 acres; Zoned: R-E (County zoning), U (ML) (City equivalent). Sponsored by: Councilman Larry Brown
116. Bill No. 2002-118 – Annexation No. A-0026-02(A) – Property location: On the east side of Fort Apache Road, 660 feet south of Elkhorn Road; Petitioned by: David B. Ober Family Trust, et al.; Acreage: 5.09 acres; Zoned: R-E (County zoning), U (ML-TC) (City equivalent). Sponsored by: Councilman Michael Mack
117. Bill No. 2002-120 – Annexation No. A-0028-02(A) – Property location: On the northwest corner of Jones Boulevard and Horse Drive; Petitioned by: Miceli Family Trust, et al.; Acreage: 10.56 acres; Zoned: R-E / RNP 1 (County zoning), U (DR) (City equivalent). Sponsored by: Councilman Michael Mack

## NEW BILLS

**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.**

118. Bill No. 2002-122 - Bond Ordinance providing for the issuance by the City of Las Vegas of its Registered Local Improvement District Bonds Series 2002, for Special Improvement District (SID) numbers 1463, 1470, 1471, 1473, 1477 in an amount not to exceed \$4,750,500 - Various Wards
119. Bill No. 2002-123 – Annexation No. A-0003-02(A) – Property location: On the west side of Jones Boulevard, approximately 1,300 feet north of Cheyenne Avenue; Petitioned by: Kenneth and Myrna Christensen; Acreage: 0.74 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack
120. Bill No. 2002-124 – Annexation No. A-0004-02(A) – Property location: On the south side of Oakey Boulevard, 600 feet east of Jones Boulevard; Petitioned by: John Rohay; Acreage: 0.72 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael McDonald
121. Bill No. 2002-125 – Annexation No. A-0006-02(A) – Property location: On the northwest corner of Rainbow Boulevard and Farm Road; Petitioned by: Ralph L. and Marcella V. Cooper 1992 Living Trust; Acreage: 2.52 acres; Zoned: R-E/RNP-1 (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack
122. Bill No. 2002-126 – Annexation No. A-0007-02(A) – Property location: Near the southeast corner of O'Bannon Drive and Mohawk Street; Petitioned by: Charlene Williams, et al.; Acreage: 1.27 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael McDonald
123. Bill No. 2002-127 – Annexation No. A-0022-02(A) – Property location: On the east side of Queen Irene Court, 200 feet south of Regena Avenue; Petitioned by: City of Las Vegas, as previous owner; Acreage: 0.46 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

## NEW BILLS

**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.**

124. Bill No. 2002-128 – Annexation No. A-0023-02(A) – Property location: On the north side of Wittig Avenue, 660 feet east of Grand Canyon Drive; Petitioned by: Pardee Homes of Nevada; Acreage: 2.52 acres; Zoned: R-E (County zoning), U (L) (City equivalent). Sponsored by: Councilman Michael Mack
125. Bill No. 2002-129 – Designates Neighborhood Services as the departmental liaison for the Senior Citizens Advisory Board. Proposed by: Elizabeth Fretwell, Deputy City Manager
126. Bill No. 2002-130 – Updates various design standards adopted as part of the Downtown Centennial Plan and applicable to the Downtown Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
127. Bill No. 2002-131 – Updates the zoning regulations pertaining to temporary commercial uses. Proposed by: Robert S. Genzer, Director of Planning and Development
128. Bill No. 2002-132 – Allows the sale of motorcycles and motor scooters in the C-1 Zoning District by means of special use permit. Proposed by: Robert S. Genzer, Director of Planning and Development
129. Bill No. 2002-133 – Adopts the latest revision to the Uniform Regulations for the Control of Drainage. Proposed by: Richard D. Goecke, Director of Public Works

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

130. Any items from the afternoon session that the Council, staff and/or the applicant wishes to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time

## PUBLIC HEARINGS - DISCUSSION

131. Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building located at 3936 Alameda Avenue. PROPERTY OWNER: JASON DUCKSWORTH - Ward 3 (Reese)

## PLANNING & DEVELOPMENT DEPARTMENT

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 DEPARTMENT – 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.**

132. EXTENSION OF TIME - VARIANCE - V-0032-00(1) - CITY OF LAS VEGAS HOUSING AUTHORITY - Request for an Extension of Time of an approved Variance (V-0032-00) which allowed a reduction of the minimum residential lot size on 8.88 acres located adjacent to the northeast corner of 28th Street and Sunrise Avenue (APN: 139-36-303-003), R-2 (Medium-Low Density Residential) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
133. EXTENSION OF TIME - VARIANCE - V-0034-00(1) - CITY OF LAS VEGAS HOUSING AUTHORITY - Request for an Extension of Time of an approved Variance (V-0034-00) which allowed a reduction in required setbacks on 8.88 acres located adjacent to the northeast corner of 28th Street and Sunrise Avenue (APN: 139-36-303-003), R-2 (Medium-Low Density Residential) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

### PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

134. SITE DEVELOPMENT PLAN REVIEW - SD-0046-02 - REVIEW REQUESTED BY THE CITY COUNCIL FOR THE APPLICATION OF MARY BARTSAS ON BEHALF OF SUBWAY OF NEVADA LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and a Reduction of the On-Site Landscape Requirements FOR A PROPOSED FAST FOOD RESTAURANT WITH DRIVE THROUGH on 0.55 acres located on property at 3201 North Rancho Road (APN: 138-12-801-011), C-2 (General Commercial) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommended APPROVAL
135. WAIVER OF THE SUBDIVISION STANDARDS (TITLE 18) - PUBLIC HEARING - WVR-0005-02 - PARDEE HOMES OF NEVADA - Request for a Waiver of the Subdivision Standards (Title 18) TO ALLOW FOR EIGHT MODEL HOMES WHERE SIX ARE THE MAXIMUM ALLOWED AND TO ALLOW A TEMPORARY TRELLIS STRUCTURE TO OCCUPY TWO ADJOINING PARCELS on property located adjacent to the northeast corner of Tee Pee Lane and Severance Lane (APNs: 125-18-701-012 and 014), U (Undeveloped) Zone [(TC (Town Center) General Plan Designation)] under Resolution of Intent to T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
136. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - Z-0137-94(5) - RONALD AND JUDITH VITTO, ET AL ON BEHALF OF JAMES E. STROH, ARCHITECTS, INC. - Request for a Site Development Plan Review and a Reduction in Parking Lot Landscaping Requirements FOR A MIXED USE DEVELOPMENT CONSISTING OF 72,171 SQUARE FEET OF OFFICE SPACE AND 29,440 SQUARE FEET OF RETAIL SPACE on 7.86 acres adjacent to the west side of Rancho Drive approximately 600 feet south of Craig Road (APN: 138-02-701-009), R-E (Residence Estates) and C-2 (General Commercial) Zones under Resolution of Intent to C-2 (General Commercial), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

137. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - Z-0072-00(2) - CITY OF LAS VEGAS ON BEHALF OF CHARTER SCHOOL DEVELOPMENT FOUNDATION - Request for a Site Development Plan Review FOR A 57,838 SQUARE FOOT ADDITION TO THE ANDRE AGASSI COLLEGE PREPARATORY ACADEMY CONSISTING OF A 4,406 SQUARE FOOT ADDITION TO AN EXISTING ELEMENTARY SCHOOL, A 26,203 SQUARE FOOT MIDDLE SCHOOL, AND A 27,229 SQUARE FOOT MULTI-PURPOSE BUILDING on 7.96 acres at 1201 Lake Mead Boulevard (APN: 139-21-702-001, 002, 003, 004, 005, and 139-21-701-003), R-E (Residence Estates) Zone under Resolution of Intent to C-V (Civic), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
138. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - Z-0044-01(1) - BUFFALO WASHINGTON, LIMITED LIABILITY COMPANY ON BEHALF OF THE LONGFORD GROUP - Request for a Site Development Plan Review and a Reduction in the Amount of On-site Landscape Requirements FOR A 110,282 SQUARE FOOT MEDICAL OFFICE COMPLEX on 5.06 acres adjacent to the east side of the Buffalo Drainage Channel, approximately 1,500 feet south of Washington Avenue (APN: 138-27-301-012 and a portion of 138-27-301-013), U (Undeveloped) Zone [O (Office) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (L.B. McDonald). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
139. MASTER SIGN PLAN - PUBLIC HEARING - MSP-0008-02 - MONEYPARTNER, INC. ON BEHALF OF ROBERT BALLEW - Request for a Master Sign Plan FOR AN APPROVED FINANCIAL INSTITUTION at 2950 West Sahara Avenue (APN: 162-05-816-006), R-1 (Single Family Residential) under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 1 (M. McDonald). The Planning Commission (7-0 vote) and staff recommend APPROVAL
140. VACATION - PUBLIC HEARING - VAC-0064-02 - U.S. HOME CORPORATION - Petition to vacate a portion of Maverick Street between Elkhorn Road and Eisner Drive and Severance Lane from Jones Boulevard to Maverick Street, Ward 6 (Mack). The Planning Commission (4-0-2 vote) and staff recommend APPROVAL
141. VACATION - PUBLIC HEARING - VAC-0065-02 - EL CAPITAN ASSOCIATES, LIMITED LIABILITY COMPANY - Petition to vacate U.S. Government Patent Reservations generally located west of El Capitan Way, approximately 660 feet north of Deer Springs Way, Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
142. VACATION - PUBLIC HEARING - VAC-0066-02 - McNAMEE FAMILY PARTNERSHIP - Petition to vacate a portion of Al Carrison Street (Silk Purse Road) and an unnamed right-of-way generally located south of Racel Street, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL
143. VACATION - PUBLIC HEARING - VAC-0067-02 - LOG CABIN WAY, LIMITED PARTNERSHIP - Petition to vacate a portion of Leon Avenue between Iron Mountain Road and Gilbert Lane, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL
144. VACATION - PUBLIC HEARING - VAC-0068-02 - M.B. HOLDINGS, LIMITED LIABILITY COMPANY ON BEHALF OF KB HOME NEVADA, INC. - Petition to vacate U.S. Government Patent Reservations generally located adjacent to the north side of Alexander Road, approximately 700 feet west of Vegas Vista Trail, Ward 4 (Brown). The Planning Commission (4-0-2 vote) and staff recommend APPROVAL
145. VACATION - PUBLIC HEARING - VAC-0069-02 - P N II, INC. - Petition to vacate public utility easements generally located north of Grand Teton Drive, west of Rainbow Boulevard, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL
146. VACATION - PUBLIC HEARING - VAC-0070-02 - CORNERSTONE COMPANY ON BEHALF OF CHETAK DEVELOPMENT - Petition of Vacation to vacate a public alley generally located north of Sahara Avenue, west of Paradise Road, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
147. VACATION - PUBLIC HEARING - VAC-0071-02 - SALVATION ARMY - Petition of Vacation to vacate a portion of Public Right-Of-Way located on the south side of Owens Avenue, east of the Union Pacific Railroad, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

148. REQUIRED TWO YEAR REVIEW - VARIANCE - PUBLIC HEARING - V-0086-95(2) - RANDY BLACK, SR. ON BEHALF OF SUSA PARTNERSHIP - Required Two Year Review of an approved Variance WHICH ALLOWED AN OFF-PREMISE ADVERTISING (BILLBOARD) SIGN TO BE RAISED TO A HEIGHT OF 55 FEET, AND ALLOWED THE SIGN TO BE 150 FEET FROM RESIDENTIAL ZONING DISTRICT WHERE 300 FEET IS THE MINIMUM SEPARATION ALLOWED at 1399 North Rainbow Boulevard (APN: 138-27-502-007), C-1 (Limited Commercial) Zone, Ward 2 (L.B. McDonald). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
149. REQUIRED FIVE YEAR REVIEW - VARIANCE - PUBLIC HEARING - V-0066-97(1) - REESE FAMILY TRUST - Required Five Year Review of an approved Variance WHICH ALLOWED AN EXISTING 55 FOOT HIGH NON-CONFORMING OFF-PREMISE ADVERTISING (BILLBOARD) SIGN TO BE RAISED TO A HEIGHT OF 85 FEET WHICH IS 60 FEET ABOVE THE ELEVATED FREEWAY GRADE WHERE 30 FEET ABOVE THE ELEVATED GRADE IS THE MAXIMUM HEIGHT ALLOWED; AND TO ALLOW THE BILLBOARD 520 FEET FROM AN EXISTING OFF-PREMISE ADVERTISING (BILLBOARD) SIGN AND 30 FEET FROM AN "R" DESIGNATED DISTRICT WHERE 750 FEET AND 300 FEET ARE THE MINIMUM DISTANCE SEPARATIONS REQUIRED at 616 "H" Street (APN: 139-27-310-069), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
150. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-0037-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Variance to allow three parking spaces where the proposed uses require 14 parking spaces on property located at 2111 South Maryland Parkway (APN: 162-02-410-072), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
151. ABEYANCE ITEM - VARIANCE RELATED TO V-0037-02 - PUBLIC HEARING - V-0038-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Variance to allow an existing building zero feet from the side property line, where five feet is the minimum setback required on property located at 1205 Exley Avenue (APN: 162-02-410-071), R-2 (Medium-Low Density Residential) Zone, Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
152. ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO V-0037-02 AND V-0038-02 - PUBLIC HEARING - U-0073-02 - I AND K HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Special Use Permit TO ALLOW A PSYCHIC ARTS BUSINESS on property located at 2111 South Maryland Parkway (APN: 162-02-410-072), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (6-1 vote) and staff recommend APPROVAL
153. VARIANCE - PUBLIC HEARING - V-0057-02 - ROBERT AND VIRGINIA GOOD - Request for a Variance TO ALLOW 82 PARKING SPACES WHERE 138 PARKING SPACES ARE REQUIRED FOR A MIX OF EXISTING AND PROPOSED USES on property located at 901 South Rancho Drive (APN: 139-32-804-001), PD (Planned Development) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
154. VARIANCE - PUBLIC HEARING - V-0063-02 - RAFAEL RUIZ - Appeal filed by Rafael Ruiz from the Denial by the Planning Commission on a Request for a Variance TO ALLOW CONSTRUCTION OF AN ADDITION EIGHT FEET FROM THE REAR PROPERTY LINE, WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED on property located at 1230 South Seventh Street (APN: 162-03-515-007), R-1 (Single Family Residential) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL
155. VARIANCE - PUBLIC HEARING - V-0067-02 - VALERIE L JUICK - Appeal filed by Valerie Juick from the denial by the Planning Commission on a request for a Variance TO ALLOW A 28-FOOT FRONT YARD SETBACK, WHERE 50 FEET IS THE MINIMUM SETBACK REQUIRED for a proposed attached garage addition on property located at 5112 Royer Ranch Road (APN: 125-33-302-005), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

- 156.VARIANCE - PUBLIC HEARING - V-0068-02 - SCHNIPPEL FAMILY LIMITED PARTNERSHIP ON BEHALF OF NEVADA HAND - Request for a Variance TO ALLOW 80 PARKING SPACES, WHERE 116 SPACES ARE THE MINIMUM REQUIRED in conjunction with a proposed high density residential senior housing development (Bonanza Pines) on 3.14 acres, located adjacent to the north side of Bonanza Road, approximately 1,000 feet east of Sandhill Road (APN: 140-30-802-006), R-E (Residence Estates) Zone under Resolution of Intent to R-PD25 (Residential Planned Development - 25 Units per Acre), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL
- 157.VARIANCE - PUBLIC HEARING - V-0070-02 - JOHN AMORE - Request for a Variance TO ALLOW FOR A FOUR-FOOT FRONT YARD SETBACK WHERE TWENTY FEET IS THE MINIMUM REQUIRED AND A 4.5-FOOT SIDE YARD SETBACK WHERE FIVE FEET IS THE MINIMUM REQUIRED for an existing carport on 0.11 acres located at 620 Princeton Street (APN: 138-25-713-135), R-1 (Single Family Residential) Zone, Ward 1 (M. McDonald). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL
- 158.REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-0027-95(2) - STEVEN AND RAYNELL PHILLIPS ON BEHALF OF LAMAR OUTDOOR ADVERTISING - Required Two Year Review on an approved Special Use Permit WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the southeast corner of Charleston Boulevard and Redwood Street (APN: 163-02-104-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation], Ward 1 (M. McDonald). The Planning Commission (4-3 vote) and staff recommend APPROVAL
- 159.REQUIRED TWO YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-0041-95(2) - BOYS CLUB OF CLARK COUNTY, INC. ON BEHALF OF LAMAR OUTDOOR ADVERTISING - Required Two Year Review of an approved Special Use Permit WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2800 Marlin Avenue (APN: 139-36-213-001), R-4 (High Density Residential) Zone, Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend APPROVAL
- 160.SPECIAL USE PERMIT - PUBLIC HEARING - U-0115-02 - DANA KANNE, ET AL ON BEHALF OF PMD ASSOCIATES, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR PRIVATE STREETS WITHIN A PROPOSED SINGLE FAMILY DEVELOPMENT adjacent to the west side of Torrey Pines Drive, approximately 600 feet north of Ann Road (APN: 125-26-403-013), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 161.SPECIAL USE PERMIT - PUBLIC HEARING - U-0117-02 - LODGE LAS VEGAS SHRINE ON BEHALF OF LUIS PEDEMONTE - Request for a Special Use Permit FOR A WAIVER OF THE MINIMUM 400-FOOT SEPARATION REQUIREMENT FROM A CITY PARK FOR A RESTAURANT SERVICE BAR IN CONJUNCTION WITH AN EXISTING RESTAURANT at 2319 South Eastern Avenue (APN: 162-01-401-003), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 162.SPECIAL USE PERMIT - PUBLIC HEARING - U-0119-02 - I RENT B & E, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PAWN SHOP on property located at 520 North Eastern Avenue (APN: 139-36-110-004), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2 vote) and staff recommend APPROVAL
- 163.SITE DEVELOPMENT PLAN REVIEW RELATED TO U-0119-02 - PUBLIC HEARING - SD-0041-02 - I RENT B & E, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and a Reduction of the On-Site Landscape Requirements FOR A PROPOSED RETAIL BUILDING ADDITION on 0.55 acres, located at 520 North Eastern Avenue (APN: 139-36-110-004), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (4-2 vote) and staff recommend APPROVAL
- 164.SPECIAL USE PERMIT - PUBLIC HEARING - U-0121-02 - MELVIN AND DARLA TURNER ON BEHALF OF TELOS ENTERPRISES INC. - Request for a Special Use Permit FOR RECREATIONAL VEHICLE/BOAT STORAGE on property located at 1721 North Decatur Boulevard (APNs: 138-24-804-005, 006 and 017), U (Undeveloped) Zone [GC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, and R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

165. REZONING - PUBLIC HEARING - Z-0061-02 - KB HOME NEVADA, INC., ET AL - Request for a Rezoning FROM: U (Undeveloped) [L (Low Density Residential) and ML (Medium-Low Density Residential) General Plan Designations] TO: R-PD5 (Residential Planned Development - 5 Units Per Acre) and R-PD8 (Residential Planned Development - 8 Units Per Acre) on approximately 20.0 acres adjacent to the southwest corner of Tenaya Way and Craig Road (APN: 138-03-303-003), Ward 4 (Brown). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
166. REZONING RELATED TO Z-0061-02 - PUBLIC HEARING - Z-0078-02 - KB HOME NEVADA, INC. - Request for a Rezoning FROM: U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD7 (Residential Planned Community – 7 Units Per Acre) TO: R-PD8 (Residential Planned Community – 8 Units Per Acre) of approximately 29 acres adjacent to the west side of Tenaya Way between Craig Road and Alexander Road (a portion of APN: 138-03-402-002), Ward 4 (Brown). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
167. VARIANCE RELATED TO Z-0061-02 AND Z-0078-02 - PUBLIC HEARING - V-0051-02 - KB HOME NEVADA, INC., ET AL - Request for a Variance TO ALLOW 4.71 ACRES OF OPEN SPACE WHERE 9.75 ACRES IS THE MINIMUM REQUIRED on approximately 80 acres at the southwest corner of Tenaya Way and Craig Road (APN: 138-03-303-003 and a portion of 138-03-402-002), U (Undeveloped) Zone [L (Low Density Residential) and ML (Medium-Low Density Residential) General Plan Designations] under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units Per Acre), R-PD7 (Residential Planned Development - 7 Units Per Acre) and U (Undeveloped) Zone [L (Low Density Residential) and ML (Medium-Low Density Residential) General Plan Designations] [PENDING: R-PD5 (Residential Planned Development - 5 Units Per Acre) and R-PD8 (Residential Planned Development - 8 Units Per Acre)] Ward 4 (Brown). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
168. SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0061-02, Z-0078-02 AND V-0051-02 - PUBLIC HEARING - Z-0061-02(1), Z-0076-01(2) and Z-0078-02(1) - KB HOME NEVADA, INC., ET AL - Request for a Site Development Plan Review FOR A SINGLE-FAMILY RESIDENTIAL SUBDIVISION on approximately 60 acres adjacent to the southwest corner of Tenaya Way and Craig Road (APN: 138-03-303-003 and a portion of 138-03-402-001), U (Undeveloped) Zone [L (Low Density Residential) and ML (Medium-Low Density Residential) General Plan Designations] under Resolution of Intent to R-PD5 (Residential Planned Development - 5 Units Per Acre) and R-PD7 (Residential Planned Development - 7 Units Per Acre) and U (Undeveloped) Zone [L (Low Density Residential) and ML (Medium-Low Density Residential) General Plan Designations] PENDING: R-PD5 (Residential Planned Development - 5 Units Per Acre) and R-PD8 (Residential Planned Development - 8 Units Per Acre), Ward 4 (Brown). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
169. ABEYANCE ITEM - REZONING - PUBLIC HEARING - Z-0054-02 - NELLIS LAND COMPANY - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD5 (Residential Planned Development, 5 Units per Acre) of 7.65 acres adjacent to the northeast corner of Bonanza Road and Marion Drive (APN:140-29-801-004), Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommend APPROVAL
170. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0054-02 - PUBLIC HEARING - Z-0054-02(1) - NELLIS LAND COMPANY - Request for a Site Development Plan Review FOR A PROPOSED 37-LOT RESIDENTIAL SUBDIVISION on 7.65 acres adjacent to the northeast corner of Bonanza Road and Marion Drive (APN:140-29-801-004), PROPOSED R-PD5 (Residential Planned Development - 5 Units per Acre) Zone, Ward 3 (Reese). The Planning Commission (5-2 vote) and staff recommends APPROVAL
171. REZONING - PUBLIC HEARING - Z-0065-02 - SHIRON CORPORATION - 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 approximately 10 acres adjacent to the southwest corner of Rome Boulevard and Tenaya Way (APN: 125-22-404-002), PROPOSED USE: 20-LOT SINGLE FAMILY SUBDIVISION, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

172. SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0065-02 - PUBLIC HEARING - Z-0065-02(1) - SHIRON CORPORATION - Request for a Site Development Plan Review FOR A 20-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on approximately 10 acres adjacent to the southwest corner of Rome Boulevard and Tenaya Way (APN: 125-22-404-002), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
173. ABEYANCE ITEM - REZONING - PUBLIC HEARING - Z-0069-02 - CONCORDIA HOMES NEVADA, INC. - Request for a Rezoning FROM: U (Undeveloped) Zone [ML-TC (Medium Low Density Residential - Town Center) General Plan Designation] TO: TC (Town Center) on approximately 20.27 acres located adjacent to the northwest and southeast corners of Deer Springs Way and Campbell Road (APNs: 125-20-301-006 and 007, 125-20-201-011 and 012), PROPOSED USE: 142-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
174. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0069-02 - PUBLIC HEARING - Z-0069-02(1) - CONCORDIA HOMES NEVADA, INC. - Request for a Site Development Plan Review FOR A 142-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on approximately 20.27 acres located adjacent to the northwest and southeast corners of Deer Springs Way and Campbell Road (APNs: 125-20-301-006 and 007, 125-20-201-011 and 012), U (Undeveloped) Zone [ML-TC (Medium Low Density Residential - Town Center) General Plan Designation], [PROPOSED: T-C (Town Center)], Ward 6 (Mack). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
175. REZONING - PUBLIC HEARING - Z-0070-02 - GREATER NEW JERUSALEM MISSIONARY BAPTIST CHURCH - Request for a Rezoning FROM: R-4 (High Density Residential) TO: C-V (Civic) on 1.3 acres at 302, 306, 308, and 400 Jefferson Avenue and 1100 and 1122 "D" Street (APN: 139-27-211-024, 025, 027, 028, 029, 030 and 031), PROPOSED USE: FAMILY LIFE CENTER IN CONJUNCTION WITH AN EXISTING CHURCH, Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend APPROVAL
176. SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0070-02 - PUBLIC HEARING - Z-0070-02(1) - GREATER NEW JERUSALEM MISSIONARY BAPTIST CHURCH - Request for a Site Development Plan Review and a Reduction in the Perimeter Landscaping Requirements FOR A 1,300 SQUARE FOOT FAMILY LIFE CENTER WITHIN AN EXISTING BUILDING on 0.17 acres at 308 Jefferson Avenue (APN: 139-27-211-029), R-4 (High Density Residential) Zone [PROPOSED: C-V (Civic)], Ward 5 (Weekly). The Planning Commission (5-2 vote) and staff recommend APPROVAL
177. REZONING - PUBLIC HEARING - Z-0076-02 - ROSE GRAVANTE ON BEHALF OF RL HOMES - Request for a Rezoning FROM: U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] TO: R-PD7 (Residential Planned Development - 7 Units per Acre) on 5.0 acres located adjacent to the south side of Gilmore Avenue, approximately 950 feet east of Grand Canyon Drive (APN: 138-07-601-003), PROPOSED USE: 34-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
178. VARIANCE RELATED TO Z-0076-02 - PUBLIC HEARING - VAR-1006 - ROSE GRAVANTE ON BEHALF OF RL HOMES - Request for a Variance TO ALLOW NO OPEN SPACE WHERE 0.56 ACRES IS REQUIRED FOR A PROPOSED 34-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION adjacent to the south side of Gilmore Avenue, approximately 950 feet east of Grand Canyon Drive (APN: 138-07-601-003) [PROPOSED: R-PD7 (Residential Planned Development - 7 Units per Acre) Zone], Ward 4 (Brown). The Planning Commission (6-1 vote) and staff recommend APPROVAL
179. SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0076-02 AND VAR-1006 - PUBLIC HEARING - SDR-1022 - ROSE GRAVANTE ON BEHALF OF RL HOMES - Request for a Site Development Plan Review and a Waiver of the six-foot Perimeter Landscape Requirement FOR A 34-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 5.0 acres adjacent to the south side of Gilmore Avenue, approximately 950 feet east of Grand Canyon Drive (APN: 138-07-601-003) [PROPOSED: R-PD7 (Residential Planned Development - 7 Units per Acre) Zone], Ward 4 (Brown). The Planning Commission (6-1 vote) and staff recommend APPROVAL

## PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

180. REZONING - PUBLIC HEARING - Z-0080-02 - PATRICK AND CECILIA DIFFER - Request for a Rezoning FROM: R-2 (Medium-Low Density Residential) TO: R-3 (Medium Density Residential) on 1.25 acres located adjacent to the south side of Van Buren Avenue, approximately 307 feet east of Lamb Boulevard (APN: 140-29-101-009), PROPOSED USE: 10-UNIT APARTMENT COMPLEX, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
181. SITE DEVELOPMENT PLAN REVIEW RELATED TO Z-0080-02 - PUBLIC HEARING - SD-0037-02 - PATRICK AND CECILIA DIFFER - Request for a Site Development Plan Review FOR A PROPOSED 10 UNIT APARTMENT DEVELOPMENT on 1.25 acres located adjacent to the south side of Van Buren Avenue, approximately 307 feet east of Lamb Boulevard (APN: 140-29-101-009), R-2 (Medium-Low Density Residential) Zone, [PROPOSED: R-3 (Medium Density Residential)], Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
182. GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-0031-02 - JOHNSON FAMILY TRUST ON BEHALF OF JOE RISNER - Request to amend a portion of Southeast Sector Plan FROM: SC (Service Commercial) TO: GC (General Commercial) on approximately 0.52 acres located at 2834 East Charleston Boulevard (APN: 139-36-402-013), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL
183. REZONING RELATED TO GPA-0031-02 - PUBLIC HEARING - Z-0074-02 - JOHNSON FAMILY TRUST ON BEHALF OF JOE RISNER - Request for a Rezoning FROM: C-1 (Limited Commercial) TO: C-2 (General Commercial) on approximately 0.52 acres located at 2834 East Charleston Boulevard (APN: 139-36-402-013), PROPOSED USE: INDOOR/OUTDOOR STORAGE, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend DENIAL
184. NOT TO BE HEARD BEFORE 3:00 P.M. - GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-0023-02 - WILLARD R. AND MARY VIRGINIA JONES 1990 TRUST - Request to amend a portion of the Centennial Hills Sector Plan FROM: DR (Desert Rural Density Residential) TO: R (Rural Density Residential) on 21.25 acres adjacent to the northeast corner of Durango Drive and La Madre Way (APN: 125-33-301-001, 004, 125-33-302-001 and 007), Ward 6 (Mack). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
185. NOT TO BE HEARD BEFORE 3:00 P.M. - REZONING RELATED TO GPA-0023-02 - PUBLIC HEARING - Z-0048-02 - WILLARD R. AND MARY VIRGINIA JONES 1990 TRUST - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD3 (Residential Planned Development – 3 Units Per Acre) on 21.25 acres adjacent to the northeast corner of Durango Drive and La Madre Way (APN: 125-33-301-001, 004, 125-33-302-001 and 007), PROPOSED USE: SINGLE FAMILY RESIDENTIAL SUBDIVISION, Ward 6 (Mack). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
186. NOT TO BE HEARD BEFORE 3:00 P.M. - VARIANCE RELATED TO GPA-0023-02 AND Z-0048-02 - PUBLIC HEARING - V-0071-02 - WILLARD R. AND MARY VIRGINIA JONES 1990 TRUST - Request for a Variance TO ALLOW 0.52 ACRES OF OPEN SPACE WHERE 0.91 ACRES ARE REQUIRED FOR A 55 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 21.25 acres adjacent to the northeast corner of Durango Drive and La Madre Way (APN: 125-33-301-001, 004, 125-33-302-001 and 007), Ward 6 (Mack). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
187. NOT TO BE HEARD BEFORE 3:00 P.M. - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-0023-02, Z-0048-02 AND V-0071-02 - PUBLIC HEARING - Z-0048-02(1) - WILLARD R. AND MARY VIRGINIA JONES 1990 TRUST - Request for a Site Development Plan Review FOR A 66-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 21.25 acres adjacent to the northeast corner of Durango Drive and La Madre Way (APN: 125-33-301-001, 004, 125-33-302-001 and 007), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development – 3 Units Per Acre)], Ward 6 (Mack). The Planning Commission (5-1-1 vote) and staff recommend DENIAL
188. 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

## ADDENDUM

### CITIZENS PARTICIPATION

Items raised under this portion of the City Council Agenda cannot be deliberated or acted upon until the notice provisions of the Open Meeting Law have been met. If you wish to speak on a matter not listed on the agenda, please step up to the podium and clearly state your name and address. In consideration of others, avoid repetition, and limit your comments to no more than three (3) minutes. To ensure all persons equal opportunity to speak, each subject matter will be limited to ten (10) minutes

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

Las Vegas Library, 833 Las Vegas Boulevard North  
Senior Citizen Center, 450 E. Bonanza Road  
Clark County Government Center, 500 S. Grand Central Parkway  
Court Clerk's Office Bulletin Board, City Hall Plaza  
City Hall Plaza, Special Outside Posting Bulletin Board

EXHIBIT C

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

RECEIVED  
CITY CLERK

2002 OCT 29 A 11: 57

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  
2466184

2296311LV

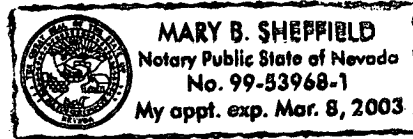
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 10/24/2002 to 10/24/2002, on the following days: OCT. 24, 2002

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 25

day of October 2002

Mary B. Sheffield  
Notary Public



BILL NO. 2002-112  
AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) TRANSPORTATION RE-FUNDING BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2002D," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TRANSPORTATION IMPROVEMENT BONDS OF THE CITY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM CERTAIN TAXES IMPOSED ON THE REVENUES FROM THE RENTAL OF TRANSIENT LODGING; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; 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 Stewart Avenue, Las Vegas, Nevada, and that such Ordinance was proposed on October 2, 2002, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on the November 6, 2002.  
/s/ Barbara Jo Ronemus  
City Clerk  
PUB: October 24, 2002  
LV Review-Journal

EXHIBIT D

(Attach Affidavit of Publication of Adoption of Bond Ordinance)

RECEIVED  
CITY CLERK

2002 NOV 15 P 12: 30

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  
2493327

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/09/2002 to 11/09/2002, on the following days: NOV. 9, 2002

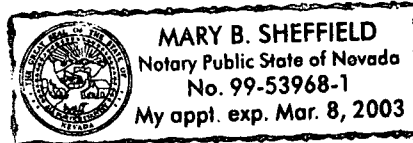
Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 11

day of November 2002

Mary B. Sheffield

Notary Public



BILL NO. 2002-112  
ORDINANCE NO. 5532

AN ORDINANCE AUTHORIZING THE ISSUANCE BY THE CITY OF LAS VEGAS, NEVADA, OF ITS NEGOTIABLE "CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) TRANSPORTATION IMPROVEMENT BONDS (ADDITIONALLY SECURED WITH PLEDGED REVENUES), SERIES 2002D," FOR THE PURPOSE OF REFUNDING CERTAIN OUTSTANDING TRANSPORTATION IMPROVEMENT BONDS OF THE CITY; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS, THE SECURITY THEREFOR, AND OTHER DETAILS IN CONNECTION THEREWITH; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT THEREOF; ADDITIONALLY SECURING THEIR PAYMENT BY A PLEDGE OF REVENUES DERIVED FROM CERTAIN TAXES IMPOSED ON THE REVENUES FROM THE RENTAL OF TRANSIENT LODGING; RATIFYING ACTION PREVIOUSLY TAKEN TOWARD ISSUING THE PROPOSED BONDS AND EFFECTING THE PURPOSE OF THEIR ISSUANCE; PROVIDING OTHER MATTERS RELATING THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

PUBLIC NOTICE IS HEREBY GIVEN and that such Ordinance was proposed on October 2, 2002, and was passed at the meeting held on November 6, 2002 by the following vote of the City Council:

Those Voting Aye:  
Oscar Goodman  
Gary Reese  
Michael J. McDonald  
Larry Brown  
Lawrence Weekly  
Michael Mack  
Those Voting Nay: NONE  
Those Absent: Lynette Boggs-McDonald

This Ordinance shall be in full force and effect from and after the 10th day of November 2002, i.e., the day after the publication of such Ordinance by its title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only. DATED this November 6, 2002.

/s/ Oscar Goodman  
Mayor  
Attest:  
/s/ Barbara Jo Ronemus  
City Clerk  
PUB: Nov. 9, 2002  
LV Review-Journal