Summary - An ordinance authorizing local improvement refunding bonds for the City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) in an aggregate principal amount not to exceed $35,700,000, and providing for other matters relating thereto.

**BILL NO. 2013-17**

**ORDINANCE NO. 6247**

**AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE); AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2013; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS RELATING THERETO.**

**WHEREAS**, the City of Las Vegas, Nevada (the "City"), is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada (the "State"); and

**WHEREAS**, the City Council of the City (the "Council") has heretofore, pursuant to the requisite preliminary proceedings, created the City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) (the "District") for the purpose of acquiring and improving streets, sanitary sewers, storm sewers, and water mains (the "Improvement Project") and has provided that the entire cost and expense of the Improvement Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts, and parcels of land in the District; and

**WHEREAS**, the Council has heretofore provided for the payment of the cost and expense of the Improvement Project by assessing the cost of the Improvement Project against the assessable lots, tracts and parcels of land benefited by the Improvement Project in the District; and

**WHEREAS**, the City has previously issued its "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Local Improvement Bonds, Series 2004" in the aggregate principal amount of $51,185,000 (the "2004 Bonds") to finance the costs of the Improvement Project; and

**WHEREAS**, for the purpose of reducing interest costs or effecting other economies, the City desires to refund all of the outstanding 2004 Bonds maturing on and after June 1, 2014 (the "Refunded Bonds"); and

**WHEREAS**, Nevada Revised Statutes ("NRS") 271.488 authorizes the City to issue bonds to refund the outstanding bonds of a local improvement district; and

**WHEREAS**, the 2004 Bonds are subject to redemption prior to their maturities, at the option of the City, in whole or in part on June 1, 2013 (the "Redemption Date"), at a price equal to the principal amount of each 2004 Bond so redeemed, accrued interest thereon to the Redemption Date, and a premium equal to three percent (3.0%) of the principal amount of each 2004 Bond or portion thereof so redeemed; and

**WHEREAS**, pursuant to NRS 271.488, the City is authorized to issue bonds in order to refund, pay and discharge certain outstanding bonds of the City for the purpose of reducing interest rates and effecting other economies and to evidence such borrowing by the issuance of bonds in accordance with the provisions of NRS 350.500 to 350.720, inclusive, cited in NRS 350.500 thereof by the short title "Local Government Securities Law" (the "Bond Act"); and

**WHEREAS**, the Council hereby determines to refund the Refunded Bonds on the Redemption Date; and

**WHEREAS**, the Council desires to issue its "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Local Improvement Refunding Bonds, Series 2013" in the maximum aggregate principal amount of $35,700,000 (the "Bonds") to provide funds, together with other legally available funds, to pay the cost and expense of refunding the Refunded Bonds (the "Refunding Project"); and

**WHEREAS**, the Bonds are to be payable from the sources permitted by the Consolidated Local Improvements Law, Chapter 271, NRS, and all laws amendatory thereof and supplemental thereto (the "Act"), as more fully described herein; and

**WHEREAS**, the Bonds are to be sold by the City to Stifel, Nicolaus & Company, Incorporated (the "Purchaser"), on the terms set forth in the Bond Purchase Agreement by and between the Purchaser and the City to be dated the date of sale of the Bonds in substantially the form filed with the City Clerk prior to the date of adoption of this Ordinance (the "Bond Purchase Agreement"); and

**WHEREAS**, the City's Chief Financial Officer (the "CFO"), or, in his absence, the City Manager, is authorized to sell the Bonds to the Purchaser at a price equal to the principal amount of the Bonds, plus accrued interest on the Bonds from their date to the date of their delivery, plus a premium or less a discount not exceeding 9% of the principal amount thereof, all as specified by the City's Chief Financial Officer, or in his absence, the City Manager, in a certificate dated on or before the date of delivery of the Bonds, and otherwise upon the terms and conditions provided in this Ordinance; and

**WHEREAS**, the Bonds are to bear interest at the rates per annum set forth in the Certificate of the CFO (defined herein), such that the effective interest rate on the Bonds does not exceed by more than three percent (3%) the "Index of Twenty Bonds" which was most recently published in The Bond Buyer prior to the time the offer to purchase the Bonds is received; and

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

**WHEREAS**, the Council has determined and does hereby declare as follows:

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

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

**WHEREAS**, there have been filed with the City Clerk (A) the proposed form of the Bond Purchase Agreement, (B) the proposed form of the Continuing Disclosure Certificate (defined herein), (C) the proposed form of the Escrow Agreement (defined herein), and (D) the proposed form of the Preliminary Official Statement (the "Preliminary Official Statement") to be used by the Purchaser in connection with the offering of the Bonds.

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

Section 1. In addition to the terms elsewhere defined in this Special Improvement District No. 607 (Providence) Bond Ordinance (the "Ordinance"), the following terms shall have the respective meanings set forth below:

"Administration Fund" means the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Administration Fund" created by the Prior Ordinance and maintained in Section 11 hereof.

"Annual Debt Service" means, with respect to any Outstanding Bonds, for each Bond Year, the sum of (i) the interest due on such Bonds in such Bond Year, assuming that such Bonds are retired as scheduled (including by reason of mandatory sinking fund redemptions), and (ii) the principal amount of such Bonds due in such Bond Year (including any mandatory sinking fund redemptions due in such Bond Year).

"Assessment" or "Assessments" means the aggregate special assessment or individual portions thereof, as the case may be, levied by the City constituting a lien and charge upon benefited lots, tracts and parcels of land within the District.

"Assessment Installments" means the installments of principal and interest of the Assessments to be paid by the owners of the benefited lots, tracts, and parcels of land within the District.

"Assessment Ordinance" means Ordinance No. 5698 finally adopted by the Council on May 19, 2004, and any ordinance(s) amending such ordinance.

"Average Annual Debt Service" means the average Annual Debt Service over all Bond Years.

"Bond Fund" means the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Fund" established in Section 11 hereof.

"Bond Reserve Fund" means the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Reserve Fund" established in Section 11 hereof.

"Bond Year" means (i) with respect to the initial Bond Year, the period extending from the date the Bonds are originally delivered to and including June 1, 2013, and (ii) thereafter, each successive twelve month period.

"Business Day" or "business day" means a day which is not a Saturday, Sunday or legal holiday on which banking institutions in the State, or in any state in which the principal trust office of the Trustee is located, are closed or any date on which the New York Stock Exchange is closed.

"Certificate of the CFO" means a certificate of the CFO, or, in his absence, the City Manager, dated on or before the date of delivery of the Bonds setting forth the aggregate principal amount of the Bonds, the rate(s) of interest on the Bonds, the date(s) on which and price(s) at which the Bonds may be called for redemption, the price at which the Bonds will be sold, and the amount of principal maturing on each date.

"CFO" means the de jure or de facto Chief Financial Officer of the City or his or her successors in function, if any.

"City Clerk" means the de jure or de facto City Clerk of the City, or his or her successors in functions, if any.

"City Treasurer" means the de jure or de facto treasurer of the City, or his or her successors in function, if any.

"Code" means the Internal Revenue Code of 1986, as amended to the date of delivery of the Bonds.

"Continuing Disclosure Certificate" means the Continuing Disclosure Certificate to be executed by the Mayor and dated as of the date of delivery of the Bonds, in substantially the form now on file with the City Clerk, and any amendments and supplements thereto.

"County" means Clark County, Nevada.

"Developer" means Cliffs Edge, LLC.

"District Financing Agreement" means the District Financing Agreement dated as of April 7, 2004, between the City and the Developer, and any amendments and supplements thereto.

"Escrow Account" means the escrow account established pursuant to the Escrow Agreement.

"Escrow Agent" means The Bank of New York Mellon Trust Company, N.A., Los Angeles, California.

"Escrow Agreement" means the Escrow Agreement between the City and the Escrow Agent, dated the date of issuance of the Bonds, which establishes the Escrow Account being used to hold and disburse the funds necessary to defease and, where applicable, refund all of the outstanding 2004 Bonds.

"Event of Default" means any occurrence or event specified under Section 30 hereof.

"Federal Securities" means federal securities as defined in NRS 349.174, or any successor provision thereto.

"Maximum Annual Debt Service" means the largest Annual Debt Service during the period from the date of such determination through the final maturity date of any Outstanding Bonds.

"Mayor" means the duly chosen qualified and acting Mayor of the City, and his or her successors in function.

"Outstanding," when used as of any particular time with respect to Bonds, means all Bonds theretofore authenticated and delivered by the Trustee under this Ordinance except:

(i) Bonds theretofore canceled by the Trustee or surrendered to the Trustee for cancellation;

(ii) Bonds for the payment or redemption of which funds or eligible securities in the necessary amount shall have theretofore been deposited with the Trustee pursuant to Section 47 hereof (whether upon or prior to the maturity or redemption date of such Bonds); provided that, if such Bonds are to be redeemed prior to maturity, notice of such redemption shall have been given as provided in Section 4 hereof or provision reasonably satisfactory to the Trustee shall have been made for the giving of such notice; and

(c) Bonds in lieu of or in exchange for which other Bonds shall have been authenticated and delivered by the Trustee pursuant to Section 6 hereof.

"Owner" when used with respect to a Bond, means the person in whose name such Bond shall be registered on the registration books required to be maintained by the Trustee pursuant to Section 6 hereof.

"Parity Assessments" means other assessments levied on the assessable property within the District or any portion thereof, pursuant to the Act or any similar law, which are on a parity with the lien of the Assessments.

"Parity Value-to-Lien Ratio" means a fraction, (i) the numerator of which is the market value of all or any portion of the assessable property in the District, as set forth in a Qualified Appraisal Report, with respect to which the Parity Value-to-Lien Ratio is being determined, and (ii) the denominator of which is the sum of the principal amount of existing

Assessments levied on the assessable property with respect to which the Parity Value-to-Lien Ratio is being determined, plus the principal amount of any Parity Assessments theretofore levied and then proposed to be levied on such property (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction).

"Permitted Investments" means any investments which at the time of investment are legal investments under NRS 355.170, as amended.

"Prior Ordinance" means Ordinance No. 5700 finally adopted by the Council on May 19, 2004, authorizing the issuance of the 2004 Bonds.

"Qualified Appraisal Report" means a real estate appraisal report which (i) has been prepared by a real estate appraiser selected by the City having an "MAI" designation from The Appraisal Institute, (ii) at the time of its submittal to the City is not more than six months old, (iii) states that it is prepared in accordance with the applicable standards of The Appraisal Institute for such reports, and (iv) employs a methodology and provides limiting conditions that are consistent with the initial appraisal prepared at the time of the creation of the District and the levy of the Assessments.

"Qualified Engineer" means an engineer (whether independent of the City or employed by the City) or engineering firm or corporation selected by the City having skill, knowledge, and experience in special assessment districts.

"Rebate Fund" means the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Rebate Fund" created in Section 11 hereof.

"Record Date" means the fifteenth day of the calendar month preceding the calendar month in which each regularly scheduled interest payment date for the Bonds occurs.

"Refunding Bonds" means bonds issued by the City to refund all or a portion of the Bonds.

"Remaining Assessments" means Assessments which remain part of the Trust Estate after the issuance of any Refunding Bonds.

"Reserve Requirement" means an amount equal to the least of: (i) ten percent (10%) of the original principal amount of the Bonds; (ii) one hundred twenty-five percent (125%) of Average Annual Debt Service on the Bonds; or (iii) the Maximum Annual Debt Service on the Bonds. The Reserve Requirement shall be calculated upon initial delivery of the Bonds, and shall be recalculated (and thereby adjusted downward) on the date of any prepayment of Assessments as provided in Section14E hereof and on the date of issuance of any Refunding Bonds as provided in Section 44 hereof. The amount of the Reserve Requirement upon initial delivery of the Bonds shall be provided in the Certificate of the CFO.

"Special Record Date" means a special date fixed by the Trustee to determine the names and addresses of Owners of Bonds for the purpose of paying interest on a special interest payment date for the payment of defaulted interest, all as further provided in Section 3 hereof.

"Trustee" means The Bank of New York Mellon Trust Company, N.A., Los Angeles, California, which is serving as trustee, paying agent, and registrar under this Ordinance or any other commercial bank or trust company which is substituted in its place as provided in Section 19 hereof.

"Trust Estate" means (i) all Assessments except Assessments released pursuant to Section 44 hereof, (ii) all moneys and securities from time to time held by the Trustee in the Bond Reserve Fund and the Bond Fund (including all earnings thereon except to the extent deposited in the Rebate Fund), and (iii) any and all other real or personal property of every name and nature hereafter by delivery or in writing specially pledged as additional security for the Bonds.

"Undeveloped Property" means property located within the District on which there is no improvement which requires a City certificate of occupancy.

"Value-to-Lien Ratio" means a fraction, (i) the numerator of which is the most recent taxable value of the Undeveloped Property subject to the lien of the Remaining Assessments, as certified by the County Assessor of the County or, in the sole discretion of the City, is the market value of the Undeveloped Property subject to the lien of the Remaining Assessments, as set forth in a Qualified Appraisal Report, and (ii) the denominator of which is the sum of the principal amount of the Remaining Assessments (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction). For the purpose of Section 42 only, Value-to-Lien Ratio means a fraction, (i) the numerator of which is the most recent taxable value of the property which is the subject of the proposed combination or reapportionment of Assessments, as certified by the County Assessor of the County or, in the sole discretion of the City, is the market value of the property which is the subject of the proposed combination or reapportionment of Assessments, as set forth in a Qualified Appraisal Report, and (ii) the denominator of which is the sum of the principal amount of the Assessments which will be levied on such property after the proposed combination or reapportionment (which shall be expressed, after reducing such fraction, as the numerator of said fraction to the denominator of such fraction).

"Verification" means a report of an independent firm of nationally recognized certified public accountants verifying the sufficiency of the escrow established to pay the Bonds in full on the maturity, redemption or payment date.

Section 2. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the acquisition and improvement of the Improvement Project, the completion of the Refunding Project, the levy of Assessments for those purposes, the validation and confirmation of the assessment roll and the Assessments therein and the sale of the Bonds to the Purchaser, are ratified, approved and confirmed, including, without limitation, the execution and delivery of the Bond Purchase Agreement and the distribution of the Preliminary Official Statement for the Bonds.

Section 3. For the purpose of defraying a portion of the cost and expense to the City of the Refunding Project, there shall be issued the City's special assessment bonds designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Local Improvement Refunding Bonds, Series 2013" in the maximum aggregate principal amount of $35,700,000, which Bonds shall be dated as of the date of delivery thereof and shall be in the form of fully registered Bonds in the denominations of $5,000 and any integral multiple thereof. The Bonds shall bear interest, at the rate(s) per annum designated in the Certificate of the CFO from the most recent interest payment date for which interest has been paid or duly provided for, or if no interest has been paid, from the date of the Bonds, payable semiannually on June 1 and December 1 of each year, commencing on December 1, 2013. The Bonds shall mature on each June 1 in the year(s) and amount(s) as designated in the Certificate of the CFO. The principal of each Bond shall be payable at the principal corporate trust office of the Trustee upon presentation and surrender of the Bond.

Except as provided in Section 8 hereof, payment of interest on any Bond shall be made to the person who is the Owner thereof at the close of business on the Record Date for such interest payment date by check mailed by the Trustee to such Owner at his or her address as it appears on the registration records kept by the Trustee, but any such interest not so timely paid shall cease to be payable to the person who is the Owner thereof at the close of business on the Record Date and shall be payable to the person who is the 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 whenever moneys become available for payment of the defaulted interest, and notice of the Special Record Date shall be given to the Owners of the Bonds not less than ten days prior thereto by first-class postage prepaid mail to each such Owner as shown on the registration records, stating the date of the Special Record Date and the date fixed for the payment of such defaulted interest. The Trustee may make payments of interest on any Bond by such alternative means as may be mutually agreed to in writing between the Owner of such Bond and the Trustee. If any Bond is not paid upon its presentation and surrender at or after its maturity or prior redemption, interest shall continue at its stated rate per annum until the principal thereof is paid in full. Interest on the Bonds shall be calculated based on a 360-day year, consisting of twelve 30-day months. All such payments shall be made in lawful money of the United States of America.

Section 4. The Bonds shall be subject to redemption at the option of the City from any legally available funds on the date(s) set forth in the Certificate of the CFO in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such manner as the City may determine, (giving proportionate weight to Bonds in denominations larger than $5,000), at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Certificate of the CFO.

Notwithstanding the first paragraph of this Section 4, any Assessment which is prepaid shall be used to redeem Bonds on the next interest payment date on the Bonds which is at least 60 days after receipt of such prepayment at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium of not more than 3% as set forth in the Certificate of the CFO; provided that the amount of any such prepaid Assessment which is less than $5,000 and cannot be used by such interest payment date to redeem Bonds may be used to pay the principal of or interest on the Bonds due on such interest payment date; and provided further that all or any portion of such prepaid Assessment may be used to pay the principal of or interest on the Bonds if necessary to avoid or cure a default in the payment of the principal of or interest on the Bonds. The redemption premium, if any, relating to any prior redemption effected pursuant to this paragraph shall be paid from a prepayment penalty for the Assessments provided for in the Assessment Ordinance, provided, however, that nothing herein shall prevent the payment of any such redemption premium from any other funds available for that purpose.

The Trustee shall not be required to give notice of any prior redemption described in the first or second paragraph of this Section 4 unless it has received written instructions from the City in regard thereto at least 45 days prior to such redemption date.

If less than all of the Bonds are to be redeemed pursuant to the first or second paragraph of this Section 4, the Bonds to be redeemed shall be selected by the Trustee proportionately from each outstanding maturity of the Bonds (including any mandatory sinking fund installment) unless the City Treasurer determines that the Assessment Installments will be sufficient to pay the principal of and interest on the Bonds that would remain outstanding on each interest payment date subsequent to the redemption date using a different method of selecting Bonds to be redeemed, in which case, the City Treasurer will provide the Trustee with written instructions as to which Bonds shall be redeemed.

The Bonds shall be subject to mandatory sinking fund redemption to the extent provided in the Certificate of the CFO. Not more than sixty days' nor less than forty-five days' prior to each such sinking fund redemption date, the Trustee shall proceed to call the Bonds so designated for mandatory prior redemption from such sinking fund on the next sinking fund redemption date, and shall give notice of such call without further instruction or notice from the City. The Bonds subject to mandatory sinking fund redemption shall be selected by lot in such manner as the Trustee shall determine (giving proportionate weight to such Bonds in denominations larger than $5,000).

At its option, to be exercised on or before the sixtieth day next preceding each sinking fund redemption date, the City may (i) deliver to the Trustee for cancellation, Bonds of the appropriate maturity and interest rate in an aggregate principal amount desired by the City or (ii) specify a principal amount of Bonds of the appropriate maturity and interest rate which prior to said date have been redeemed (otherwise than through the operation of the sinking fund) and cancelled by the Trustee and not theretofore applied as a credit against any sinking fund redemption obligation. Each such Bond or portion thereof so delivered or previously redeemed will be credited by the Trustee at 100% of the principal amount thereof against the obligation of the City on such sinking fund redemption date and any excess over such amount shall be credited against future sinking fund redemption obligations for the Bonds of that maturity in chronological order or any other order specified by the City.

In the case of Bonds of a denomination larger than $5,000, a portion of such Bond ($5,000 or any integral multiple thereof) may be redeemed, in which case the Trustee shall, without charge to the owner of such Bond, authenticate and issue a replacement Bond or Bonds for the unredeemed portion thereof.

Unless waived by the Owner of a Bond to be redeemed, notice of redemption shall be given by the Trustee in the name of the City by mailing such notice at least twenty days and not more than sixty days prior to the redemption date, by first-class mail, postage prepaid, to the Owner (initially Cede & Co.) of each Bond to be redeemed at its address as shown on the registration records. Failure to give such notice to the Owner of any Bond, or any defect therein, shall not affect the validity of the proceedings for the redemption of any other Bonds. All such notices of redemption shall be dated and shall state: (i) the CUSIP number or numbers of the Bonds to be redeemed; (ii) the redemption date; (iii) the redemption price; (iv) if less than all outstanding Bonds are to be redeemed, the identification (and, in the case of partial redemption, the respective principal amounts) of the Bonds to be redeemed; (v) that on the redemption date the redemption price will become due and payable upon each such Bond or portion thereof called for redemption, and that interest thereon shall cease to accrue from and after said date; and (vi) the place where such Bonds are to be surrendered for payment of the redemption price, which place of payment shall be the principal corporate trust office of the Trustee. After such notice has been given in the manner hereinbefore provided, the Bond or Bonds called for redemption shall become due and payable on the designated redemption date, and upon presentation and surrender thereof the City will pay the Bond or Bonds called for redemption. Installments of interest due on the redemption date shall be payable as herein provided for payment of interest. A certificate by the Trustee that a notice of redemption has been given as herein set forth shall be conclusive and receipt by the Owner of a notice of redemption shall not be a condition precedent to the redemption of that Bond.

Notwithstanding the foregoing provisions, any notice of redemption may contain a statement that the redemption is conditioned upon the receipt by the Trustee 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 canceled by written notice to the Owners of the Bonds called for redemption in the same manner as the original redemption notice was mailed.

Section 5. Pursuant to NRS 271.515, the Mayor, the City Clerk and City Treasurer shall each file with the Secretary of State his or her manual signature certified under oath. Thereafter, each of the Bonds shall be signed and executed in the name of the City with the manual or facsimile of the signature of the Mayor, countersigned with the manual or facsimile of the signature of the City Treasurer, shall be attested with the manual or facsimile of the signature of the City Clerk and the seal of the City or a facsimile thereof shall be affixed thereto. 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 (subject to the requirement of authentication by the Trustee as hereinafter provided) notwithstanding that before the delivery thereof and payment therefor, any or all of the persons whose signatures appear thereon shall have ceased to fill their respective offices. Any officer herein authorized or permitted to sign any Bond at the time of its execution and of the execution of a signature certificate may adopt as and for his or her own facsimile signature the facsimile signature of his or her predecessor in office in the event that such facsimile signature appears upon the Bond. No Bond shall be valid or obligatory for any purpose unless the certificate of authentication, substantially in the form hereinafter provided, has been duly executed by the manual signature of the Trustee (or a duly authorized officer thereof), and such certificate of authentication of the Trustee upon any Bond shall be the only competent evidence that such Bond has been duly issued and delivered. If any Bond shall be lost, stolen, destroyed or mutilated, the Trustee shall, upon receipt of such evidence or information relating thereto, appropriate indemnification, and such reimbursement for expenses as it may reasonably require, register and deliver to the Owner thereof a replacement for such Bond bearing a number not contemporaneously outstanding. If such lost, stolen, destroyed or mutilated Bond shall have matured, the Trustee shall pay such Bond in lieu of replacement.

Section 6. Records for the registration and transfer of the Bonds shall be kept by the Trustee. A Bond shall be fully transferable by the Owner thereof in person or by his or her duly authorized attorney on the registration records kept at the office of the Trustee upon presentation of the Bond together with a duly executed written instrument of transfer satisfactory to the Trustee. Upon the surrender for transfer of any Bond at the principal corporate trust office of the Trustee, duly endorsed for transfer or accompanied by an assignment (in form satisfactory to the Trustee) duly executed by the Owner or his or her attorney duly authorized in writing, the Trustee shall authenticate and deliver in the name of the transferee or transferees a new Bond or Bonds of a like aggregate principal amount, bearing a number or numbers not contemporaneously outstanding. Bonds may be exchanged at the principal corporate trust office of the Trustee for an equal aggregate principal amount of Bonds of other authorized denominations. The Trustee may require the owner or transferee to pay any tax or other governmental charge required to be paid with respect to such transfer or exchange, and may charge a sum sufficient to pay the cost of preparing and authenticating a new Bond. No such charges shall be levied in the case of an exchange resulting from a redemption of a portion of a Bond. The Trustee shall not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Trustee of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part as herein provided. Whenever any Bond shall be surrendered to the Trustee upon payment thereof, or to the Trustee for replacement as provided herein, such Bond shall be promptly canceled and destroyed by the Trustee, and a certificate of such destruction shall be prepared by the Trustee.

The person in whose name a Bond shall be registered on the registration records kept by the Trustee shall be deemed and regarded as the absolute owner thereof for all purposes and neither the City nor the Trustee shall be affected by any notice to the contrary. Payment of the principal of, premium, if any, and interest on any Bond shall be made only to or upon the written order of the Owner thereof or his or her legal representative (except as provided above for the payment of interest to the Owner as of the Record Date or a Special Record Date). 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.

The foregoing provisions of this Section are subject to the provisions of Section 8 hereof.

Section 7. Subject to the registration provisions hereof, the Bonds shall be fully negotiable and shall have all of the qualities of negotiable paper, and the Owner(s) thereof shall possess all rights enjoyed by the holders of negotiable instruments under the provisions of the Uniform Commercial Code — Investment Securities.

Section 8. Notwithstanding the provisions of Sections 4 through 6 hereof, the Bonds shall initially be evidenced by one Bond for each separate stated maturity and interest rate in denominations equal to the aggregate principal amount of Bonds of such maturity and interest rate. Such initially delivered Bonds shall be registered in the name of "Cede & Co.," as nominee for The Depository Trust Company ("DTC"), the securities depository for the Bonds. So long as the Bonds are held by DTC, the Trustee and the City may treat DTC (or its nominee) as the sole and exclusive owner of the Bonds registered in its name for the purposes of payment of the principal of, premium, if any, and interest on the Bonds, selecting the Bonds or portions thereof to be redeemed, giving any notice permitted or required to be given to the Owners under this Ordinance, registering the transfer of such Bonds, obtaining any consent or other action to be taken by the Owners and for all other purposes whatsoever, and neither the Trustee nor the City shall be affected by any notice to the contrary. Neither the Trustee nor the City shall have any responsibility or obligation to any DTC participant or indirect participant, any beneficial owner of the Bonds, or any other person which is not shown on the registration records of the Trustee as being an Owner with respect to the accuracy of any records maintained by DTC or any DTC participant or indirect participant; the payment by DTC or any DTC participant or indirect participant of any amount in respect of the Bonds; any notice which is permitted or required to be given to the Owners under this Ordinance; the selection by DTC or any DTC participant or indirect participant of any person to receive payment in the event of a partial redemption of the Bonds or any consent given or other action taken by DTC as owner. After such initial issuance of the Bonds, the Bonds may not thereafter be transferred or exchanged except:

A. to any successor of DTC 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

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

C. upon the resignation of DTC or a successor or new depository under paragraph A or paragraph B, or a determination by the City that DTC or such successor or new depository is no longer able to carry out its functions, and the failure by the City, after reasonable investigation, within 90 days thereafter to locate another qualified depository institution under paragraph B to carry out such depository functions or upon a determination by the City that it is in the best interest of the beneficial owners of the Bonds that they be able to obtain Bond certificates and the delivery by the City of written notice thereof to the Trustee.

In the case of a transfer to a successor of DTC or its nominee as referred to in paragraph A above or designation of a new depository pursuant to paragraph B above, upon receipt of the Bonds by the Trustee, together with written instructions for transfer satisfactory to the Trustee, a new Bond 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 paragraph C above and, if applicable, the failure after reasonable investigation within 90 days thereafter to locate another qualified depository institution for the Bonds as provided in paragraph C above, and upon receipt of the Bonds by the Trustee, together with written instructions for transfer satisfactory to the Trustee, new Bonds shall be issued in the denominations of $5,000 and any integral multiple thereof, as provided in Section 3 hereof, registered in the names of such persons and in such denominations as are requested in such written transfer instructions; provided, however, the Trustee 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.

The City and the Trustee shall endeavor to cooperate with DTC or any successor or new depository named pursuant to paragraph A or B above in effectuating payment of the principal of, premium, if any, and interest on 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.

Upon any partial redemption of any 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 Trustee prior to payment.

Section 9. Pursuant to NRS 271.505, the Bonds shall contain a recital that they are issued pursuant to Chapter 271, NRS, which recital shall conclusively impart full compliance with all of the provisions of the Act, and all Bonds issued containing such recital shall be incontestable for any cause whatsoever after their delivery for value.

Section 10. Subject to the provisions of this Ordinance, the Bonds shall be in substantially the following form, with such omissions, insertions, endorsements and variations as may be required by the circumstances, be required or permitted by this Ordinance, or be consistent with this Ordinance or 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)

Unless this certificate 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 certificate issued is registered in the name of Cede & Co. or in such other name as is requested by an authorized representative of DTC (and any payment is made to Cede & Co. or to such other entity 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.

UNITED STATES OF AMERICA

STATE OF NEVADA CITY OF LAS VEGAS

NO. R-___ $_______________

CITY OF LAS VEGAS, NEVADA
SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE)
LOCAL IMPROVEMENT REFUNDING BOND
SERIES 2013

| Interest Rate | Maturity Date | Dated as of | CUSIP Number |
|---|---|---|---|
| ___% per annum | June 1, 20__ | May __, 2013 | |

REGISTERED OWNER:

PRINCIPAL AMOUNT DOLLARS

The City of Las Vegas, Nevada (the "City"), for value received, hereby promises to pay, out of funds available for that purpose as hereinafter set forth, to the registered owner specified above or registered assigns the principal amount specified above on the maturity date specified above (unless this Bond shall have been called for prior redemption, in which case on such redemption date) and to pay solely from such available funds interest hereon at the interest rate per annum specified above, said interest being payable on June 1 and December 1 in each year, commencing December 1, 2013. This Bond shall bear interest from the most recent interest payment date to which interest has been paid, or if no interest has been paid, from the date of this Bond. Both principal and interest are payable in lawful money of the United States of America without deduction for exchange or collection charges. The principal of this Bond shall be payable to the person in whose name this Bond is registered (the "Owner") on the registration records maintained by the Trustee for the Bonds, presently The Bank of New York Mellon Trust

Company, N.A., Los Angeles, California (the "Trustee"), upon presentation and surrender of this Bond as it becomes due. The interest hereon shall be paid by check mailed by the Trustee on each interest payment date (or, if such interest payment date is not a business day, on the next succeeding business day), to the Owner at his or her address as it last appears on the registration records kept for that purpose by the Trustee on the fifteenth day of the calendar month preceding the calendar month in which such interest payment date occurs or on a special record date established by the Trustee for the payment of defaulted interest. Alternative means of payment of interest may be used if mutually agreed to between the Owner of this Bond and the Trustee. If, upon presentation and surrender to the Trustee at maturity or prior redemption, payment of this Bond is not made as herein provided, interest hereon shall continue at the same rate per annum until the principal hereof is paid in full. Interest on this Bond shall be calculated based on a 360-day year consisting of twelve 30-day months.

The Bonds have been authorized and issued pursuant to an ordinance (the "Ordinance") duly adopted by the City Council and the Consolidated Local Improvements Law, Chapter 271, Nevada Revised Statutes (the "Act"). This Bond is one of a series of bonds designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Local Improvement Refunding Bonds, Series 2013" (the "Bonds") issued by the City in the aggregate principal amount of $__________ for the purpose of paying the costs of the Refunding Project (as defined in the Ordinance).

[The Bonds are subject to redemption at the option of the City from any legally available funds on and after ____________ in whole, or in part from any maturities, in any order of maturity and by lot within a maturity in such a manner as the City may determine, (giving proportionate weight to Bonds in denominations larger than $5,000), at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium computed in accordance with the following schedule:

| Redemption Period | Redemption Premium |
|---|---|
| ______________________ | ____% |
| ______________________ | ____% |
| ______________________ | ____% |
| ______________________ | ____%] |

Notwithstanding the immediately preceding paragraph, any Assessment which is prepaid shall be used to redeem Bonds on the next interest payment date on the Bonds which is at least 60 days after receipt of such prepayment at a price equal to 100% of the principal amount of each Bond, or portion thereof, so redeemed, and accrued interest thereon to the redemption date, plus a premium of not more than ____%; provided that the amount of any such prepaid Assessment which is less than $5,000 and cannot be used by such interest payment date to redeem Bonds may be used to pay the principal of or interest on the Bonds due on such interest payment date; and provided further that all or any portion of such prepaid Assessment may be used to pay the principal of or interest on the Bonds if necessary to avoid or cure a default in payment of principal of or interest on the Bonds.

[The Bonds maturing June 1, 20__ are subject to mandatory sinking fund redemption as provided in the Ordinance at a redemption price equal to 100% of the principal amount thereof plus accrued interest to the redemption date. The Bonds to be so redeemed shall be selected by lot in such manner as the Trustee shall determine (giving proportionate weight to Bonds in denominations larger than $5,000.]

Redemption shall be made upon at least twenty days' and not more than sixty days' prior notice by mailing to the Owner of each Bond to be redeemed at the address shown on the registration records in the manner and upon the conditions provided in the Ordinance.

**Upon any partial prior redemption of this Bond, Cede & Co., in its discretion, may request the Trustee 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 Trustee prior to payment.**

Pursuant to the Ordinance, the payment of the principal of, premium, if any, and interest on the Bonds shall be made from and as security for such payment there is pledged, a special fund designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Fund" (the "Bond Fund") containing the receipts upon the collection thereof from the Assessments (as defined in the Ordinance), which fund shall be used for the full and prompt payment of the Bonds and the interest thereon, and shall be used for no other purpose whatsoever except as permitted by the Ordinance. Whenever there is a deficiency in the Bond Fund, the deficiency must be paid out of the special fund designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Reserve Fund" in the priority specified in the Ordinance (the Assessments, the Bond Fund, and the Bond Reserve Fund are collectively, the "Trust Estate"). The Bonds are not payable from the sources identified in NRS 271.428, 271.495 and 271.500.

Pursuant to the Ordinance, the Trust Estate has been irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of the continuing costs of the Bonds and the Trust Estate shall not be used for any other purpose while any of the Bonds remain outstanding. The pledge of the Assessments shall constitute a first and exclusive lien on the Assessments for the foregoing purposes in accordance with the terms of the Ordinance; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

The City Treasurer shall collect, receive and enforce the payment of all Assessments made and levied for the Improvement Project (as refinanced by the Refunding Project), all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Ordinance, the District Financing Agreement and the other proceedings of the City relating thereto.

*The Bonds are issuable as fully registered Bonds in denominations of $5,000 and any integral multiple thereof. Upon surrender of any Bond at the principal corporate trust office of the Trustee with a written instrument satisfactory to the Trustee duly executed by the Owner or his or her duly authorized attorney, and receipt by the Trustee of the fees and charges provided in the Ordinance, such Bond may be exchanged for an equal aggregate principal amount of Bonds of other authorized denominations, subject to the terms and conditions set forth in the Ordinance.*

*This Bond is fully transferable by the Owner hereof in person or by his or her duly authorized attorney on the registration records kept by the Trustee upon surrender of this Bond together with a duly executed written instrument of transfer satisfactory to the Trustee, and upon the payment of the fees and charges provided in the Ordinance. Upon such transfer a new fully registered Bond or Bonds of authorized denomination or denominations of the same aggregate principal amount will be issued to the transferee in exchange for this Bond, subject to the terms and conditions set forth in the Ordinance.*

*The Trustee will not be required to transfer or exchange (i) any Bond during the period beginning at the opening of business fifteen days before the date of the mailing by the Trustee of a notice of redemption of Bonds and ending at the close of business on the date such notice is mailed, or (ii) any Bond after the mailing of notice calling such Bond or any portion thereof for redemption except the unredeemed portion of any Bond redeemed in part.*

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

The City and the Trustee 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 Record Dates and Special Record Dates for the payment of interest) and for all other purposes, and neither the City nor the Trustee shall be affected by any notice to the contrary.

To the extent and in the respects permitted by the Ordinance, the provisions of the Ordinance 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.

It is hereby certified, recited and declared that all acts, conditions and things essential to the validity of this Bond exist, have happened and have been done in due time, form and manner as required by law; that the total issue of the Bonds does not exceed the amount authorized by law nor the total unpaid special assessments levied to cover the cost of the Improvement Project (as defined in the Ordinance); that this Bond is issued under the authority of the Act and that this Bond is incontestable for any cause whatsoever.

It is hereby further certified, recited and declared that the proceedings with reference to the Improvement Project and the Refunding Project, the levying of the Assessments to pay the cost and expense of the Improvement Project (as refinanced by the Refunding Project) and the issuance of the Bonds have been regularly had and taken in compliance with law, and that all prerequisites to the fixing of the assessment lien against the property benefited by the Improvement Project (as refinanced by the Refunding Project), and of the liability of the owner or owners of such property therefor have been performed.

This Bond shall not be valid or obligatory for any purpose until the Trustee shall have manually signed the certificate of authentication hereon.

IN WITNESS WHEREOF, the City of Las Vegas, Nevada has caused this Bond to be signed and executed in the name of and on behalf of the City with the manual or facsimile signature of the Mayor, to be countersigned with the manual or facsimile signature of the City Treasurer, and to be countersigned, subscribed, executed and attested with the manual or facsimile signature of the City Clerk, has caused the seal of the City or a facsimile thereof to be affixed hereon, and has caused this Bond to be dated as of the date specified above.

(For Manual or Facsimile Signature)
Mayor

(For Manual or Facsimile Signature)
City Treasurer

(MANUAL OR FACSIMILE SEAL)

Attested:

(For Manual or Facsimile Signature)
City Clerk

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* Insert only if Bonds are delivered pursuant to paragraph C of Section 8 of this Ordinance.

** Insert only if Bonds are initially delivered to The Depository Trust Company pursuant to the first paragraph of Section 8 of this Ordinance.

(Form of Trustee's Certificate of Authentication)

Date of Registration: ____________________

This is one of the Bonds described in the above mentioned Ordinance and this Bond has been duly registered in the registration records kept by the undersigned as Trustee for the Bonds.

THE BANK OF NEW YORK MELLON
TRUST COMPANY, N.A.,
as Trustee

By (Manual Signature)

(End of Form of Trustee's Certificate of Authentication)

**(Form of Prepayment Panel)

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

| Date of Prepayment | Principal Prepaid | Signature of Authorized Representative of DTC |
|---|---|---|
| | | |
| | | |
| | | |
| | | |

(End of Form of Prepayment Panel)**

(Form of Assignment Provision)

ASSIGNMENT

FOR VALUE RECEIVED the undersigned hereby sells, assigns and transfers unto ________________________________________ the within Bond and all rights thereunder, and hereby irrevocably constitutes and appoints ___________________________ ______________________ to transfer the within Bond on the records kept for the registration thereof with full power of substitution in the premises.

Dated: ______________________ ________________________________

NOTICE: The signature to this assignment must correspond with the name as it appears on the face of the within Bond in every particular, without alteration or enlargement or any change whatever. The signature must be guaranteed by an eligible guarantor institution as defined in 17 CFR § 240.17 Ad-15(a)(2).

Signature Guaranteed:

__________________________________

Address of Transferee:

__________________________________
__________________________________
__________________________________

Social Security or other tax identification number of transferee:

__________________________________

(End of Form of Assignment)

Section 11. When the Bonds have been duly executed and authenticated, they shall be delivered to the Purchaser on receipt of the agreed purchase price. The proceeds realized by the City from the sale of the Bonds (net of the Purchaser's discount) shall be applied as follows:

A. An amount equal to the Reserve Requirement shall be deposited in a special fund to be held by the Trustee and hereby created, to be designated as the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Reserve Fund."

B. An amount sufficient, together with other available moneys, to effect the Refunding Project shall be deposited with the Escrow Agent and disbursed in accordance with the terms of the Escrow Agreement.

C. The remainder of such proceeds shall be deposited with the City and be used to pay the costs of issuing the Bonds.

There are also hereby continued or created the following special funds and accounts designated as:

A. "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Bond Fund," to be held by the Trustee.

B. "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Rebate Fund," to be held by the Trustee.

C. "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Administration Fund" created in the Prior Ordinance and continued herein, which shall held by the City Treasurer.

The CFO or his designee is hereby authorized to deposit a sum not to exceed \$1,500,000 from the Administration Fund established by the Prior Ordinance with the Escrow Agent to be disbursed in accordance with the terms of the Escrow Agreement to pay a portion of the costs of the Refunding Project. The CFO or his designee is hereby further authorized to deposit, or cause the trustee for the 2004 Bonds to deposit, with the Escrow Agent all funds on hand relating to the regularly scheduled principal and interest payment due on the 2004 Bonds on June 1, 2013 for disbursement in accordance with the terms of the Escrow Agreement and thereby defease the June 1, 2013 maturity of the 2004 Bonds on the delivery date of the Bonds.

The Purchaser shall in no manner be responsible for the application by the City, or any of its officers, agents or employees, of any of the funds derived from the sale of the Bonds or of any other funds herein designated.

Moneys held by the Trustee hereunder shall be invested and reinvested by the Trustee in securities which are Permitted Investments, and the CFO or his designee shall direct the Trustee to invest in such Permitted Investments as the CFO may select, such direction to be received by the Trustee in writing at least two business days prior to the availability of moneys; provided, however, that such investment directions shall not be inconsistent with the fiduciary obligations of the Trustee. In the absence of written direction, the Trustee shall hold such moneys uninvested. The Trustee may conclusively rely upon such written direction from the City as to both the suitability and legality of the directed investments. The investments authorized by this Ordinance shall at all times be subject to law. To the extent investments are registrable, such investments shall be registered in the name of the Trustee. Investments shall mature in such amounts and at such times as may be necessary to provide money when needed to make payments from such funds. The Trustee may sell or present for redemption, any securities so purchased whenever it shall be necessary to provide moneys to meet any required payment, transfer, withdrawal or disbursement from the fund or account to which such securities are credited. Any such investment shall, subject to the provisions hereof at all times be deemed to be a part of the fund from which the investment was made. The Trustee shall be responsible for the safekeeping and for the investment of the moneys held by it in accordance with the written directions of the CFO, but shall not be liable or responsible for any losses from investments so made provided they are made in accordance with such instructions.

The Trustee shall value investments on deposit in the Bond Reserve Fund each May 1 and November 1 for purposes of determining whether the amount on deposit in the Bond Reserve Fund is less than the Reserve Requirement.

The City acknowledges that regulations of the Comptroller of the Currency grant the City the right to receive brokerage confirmations of security transactions as they occur. To the extent permitted by law, the City specifically waives compliance with 12 C.F.R. 12 and hereby notifies the Trustee that no brokerage confirmations need be sent relating to the security transactions as they occur.

Section 12. A. The Council has elected and does hereby declare its intent to exercise on behalf and in the name of the City its option to redeem the Refunded Bonds on the Redemption Date. The Council is hereby obligated so to exercise such option (subject to any contingencies contained herein), which option shall be deemed to have been exercised when notice is duly given and completed as herein provided.

B. The Trustee, as registrar for the Refunded Bonds, is authorized and directed to give a conditional notice of prior redemption and defeasance of the Refunded Bonds not less than 20 days prior to the Redemption Date in accordance with the Prior Ordinance in order to effect the redemption of the Refunded Bonds. Such notice shall be conditioned upon the receipt by the Trustee of sufficient funds to effect the Refunding Project.

Section 13. The City Treasurer is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all Assessments, and all installments thereof, all interest thereon, and all penalties accrued, as provided by law and in the same manner and at the same time or times as prescribed by the Assessment Ordinance, and to pay and disburse said payments, the installments thereof, the interest thereon, and the penalties thereto, to the person or persons entitled thereto pursuant to the provisions of this Ordinance, the District Financing Agreement and the Act. All moneys received from the Assessments, both principal and interest, shall be transferred to the Trustee for deposit in the Bond Fund (except to the extent required to replenish the Bond Reserve Fund). All moneys deposited in the Bond Fund shall be used as soon as the funds are available for the purpose of paying the principal of, premium, if any, and interest on the Bonds as they become due and payable, and (except as herein and in the District Financing Agreement provided) for no other purpose whatsoever, and the Bond Fund is hereby pledged as security for such purposes. Notwithstanding the foregoing, on June 2 of each year, any amounts in the Bond Fund that are not used to pay the principal and interest on the Bonds shall be transferred from the Bond Fund to the City Treasurer for deposit in the Administration Fund. The Bonds and the interest thereon shall be payable from the Bond Fund, containing the receipts upon the collection of the Assessments and from the remainder of the Trust Estate. The Bonds are <u>not</u> payable from the sources identified in NRS 271.428, 271.495 and 271.500.

Section 14. A. Whenever there is a deficiency in the Bond Fund, the deficiency shall be paid from amounts in the Bond Reserve Fund. The Bond Reserve Fund shall be a special trust fund held by the Trustee as a continuing reserve to secure the payment of the Bonds by meeting possible deficiencies in the payment of the principal of and interest on the Bonds resulting from the failure to deposit into the Bond Fund sufficient funds to pay the principal of and interest on the Bonds as the same accrue. The City hereby pledges the Bond Reserve Fund for such purpose.

B. An amount equal to the Reserve Requirement shall be deposited to the Bond Reserve Fund from the proceeds of the Bonds. The Bond Reserve Fund will be used as additional security for the Bonds to pay the principal of and interest on the Bonds when due, if the payments of the Assessment Installments are insufficient for that purpose.

C. All amounts in the Bond Reserve Fund in excess of the Reserve Requirement, derived from interest earned on amounts in the Bond Reserve Fund or otherwise shall be applied to the following in the following order of priority:

First, when needed to pay the principal of and interest on the Bonds then due to the extent not provided from the Assessment Installments and interest. Interest and other excess amounts used under this clause to pay the principal of and interest on the Bonds shall be applied before a withdrawal is made from the balance in the Bond Reserve Fund.

Second, when needed for transfer to the City Treasurer for deposit in the Administration Fund at the City's written direction to pay all administrative and other expenses of the City associated with the Improvement Project, the Refunding Project, the Bonds or the Assessments.

Third, at the time of any prepayment of any Assessment and at the City's written direction, to provide any refund then owed under paragraph E of this section.

Fourth, at least annually commencing after the April 1, 2014 Assessment payment and at the City's written direction, used to call Bonds prior to their stated due dates (but only on and after any optional redemption date for the Bonds, if any, described in the Certificate of the CFO delivered pursuant to the first paragraph of Section 4 hereof) or held in an account for payment of the Bonds at or prior to their due dates, whichever the City Treasurer determines is in the financial best interests of the City. No funds shall be applied as provided in this clause (iv) unless they have been held in the Bond Reserve Fund for at least one year.

D. If because of any delinquent Assessment an amount is withdrawn from the Bond Reserve Fund to pay the principal of or interest on the Bonds, and that Assessment is later paid in whole or in part (or amounts are received at a foreclosure sale or otherwise as a result of enforcing the payment of the delinquent Assessment), to the extent available from that payment of the delinquent Assessment (including penalty and interest but after payment of costs of collection), an amount equal to the greater of (i) the amount withdrawn plus interest at the Assessment interest rate, or (ii) the amount necessary to restore the Bond Reserve Fund to the Reserve Requirement, shall be paid to the Bond Reserve Fund from the payment of the delinquent Assessment.

E. At the time the Assessment against any parcel of property is prepaid in full or in part, the person who owned the property at the time of such payment shall be entitled to a refund, in cash or by credit against the Assessment, equal to a pro rata share of the balance then in the Bond Reserve Fund, and the Reserve Requirement shall be recalculated to reflect the payment in full of that Assessment. Such refund, in cash or otherwise, shall be made only to the extent the balance in the Bond Reserve Fund after making the refund would not be less than the Reserve Requirement, as recalculated, but if this structure prevents all or a part of such a refund, that refund (or, an additional partial refund, as the case may be) shall be made if and when money is available in the Bond Reserve Fund to make the payment and as otherwise provided in paragraph C of this section. This section does not prevent the City from amending this Ordinance, the Assessment Ordinance or any other documents executed in connection with the Bonds to provide for other uses of the Bond Reserve Fund in connection with a refunding of the Bonds and the owners of the property assessed in the District have no entitlement to any amounts in the Bond Reserve Fund in the event of such an amendment.

Section 15. The City hereby appoints and employs the Trustee to receive, hold, invest and disburse, upon written direction of the City, the moneys to be deposited with the Trustee for credit to the various funds established by this Ordinance, to cause the Trustee to authenticate and deliver the Bonds, to apply and disburse the Assessments collected by the City Treasurer and paid over to the Trustee to and for the benefit of the Owners, and to perform certain other functions all as hereinafter provided. In consideration of the compensation hereinafter provided for, the Trustee accepts such appointment, subject to the terms and conditions of this Ordinance. The Trustee undertakes to perform such duties and only such duties as are specifically set forth in this Ordinance, and no implied covenants or obligations shall be read into this Ordinance against the Trustee.

Section 16. The City shall from time to time pay the Trustee reasonable compensation for its services, subject to any agreement then in effect with the Trustee, and shall similarly reimburse the Trustee for all its actual and reasonable advances and expenditures, including, but not limited to, actual and reasonable advances to and fees and expenses of independent appraisers, accountants, consultants, counsel, agents and attorneys-at-law or other experts employed by it in the lawful and proper exercise and performance of its powers and duties hereunder.

To the extent permitted by law, the City also agrees to indemnify the Trustee for, and to hold it harmless against, any loss, liability or expense incurred without negligence or willful misconduct on the part of the Trustee arising out of or in connection with the acceptance or administration of the trusts hereunder, as well as the costs and expenses of defending itself against any claim, action, suit or liability in accordance with the exercise or performance of any of its powers or duties hereunder. Notwithstanding the foregoing, unless the action or omission giving rise to such indemnification is caused by the gross negligence or willful misconduct of the City, its officers or employees, the City's obligations in the immediately preceding two paragraphs to indemnify the Trustee shall be limited to amounts available to the City pursuant to Section 36 hereof.

Section 17. The Trustee, or any successor thereof, may be removed at any time (i) by resolution of the City, upon not less than 60 days' written notice to the Trustee, or (ii) by the Owners of not less than a majority in aggregate principal amount of the Bonds Outstanding, excluding any Bonds held by or for the account of the City, by an instrument or concurrent instruments in writing signed and acknowledged by such Owners of Bonds or by their attorneys-in-fact duly authorized and delivered to the City. Copies of each such instrument shall be delivered by the City to the Trustee and to any successor thereof.

Section 18. The Trustee, or any successor thereof, may at any time resign and be discharged of its duties and obligations hereunder by giving not less than 60 days' written notice to the City and by mailing a copy of such notice to the Owners of the Bonds. The resignation shall take effect upon the day specified in the notice unless previously a successor shall have been appointed by the City or by the Owners of Bonds, in which event the resignation shall take effect immediately on the appointment of such successor.

Section 19. In case the Trustee, or any successor thereof, shall resign or shall be removed or shall become incapable of acting or shall be adjudged a bankrupt or insolvent, or if a receiver, liquidator or conservator thereof or of its property shall be appointed, or if any public officer shall take charge or control thereof or of its property or affairs, a successor may be appointed by the City or, if the City fails to act, by the Owners of not less than a majority in aggregate principal amount of the Bonds Outstanding, excluding any Bonds held by or for the account of the City, by an instrument or concurrent instruments in writing signed and acknowledged by such Owners of Bonds or by their attorneys-in-fact duly authorized and delivered to the City. Pending such appointment by such Owners of Bonds, the City shall forthwith appoint a successor to act until such appointment is made by such Owners of Bonds. Copies of each such instrument and of any resolution of the City providing for any such appointment shall be delivered by the City to the successor and to the predecessor Trustee. The City shall mail notice of any such appointment to such Owners of the Bonds. Any appointment made by the City shall, immediately and without further act, be superseded and revoked by appointment subsequently made by such Owners of Bonds. If no appointment of a successor shall be made within 30 days after the giving of written notice in accordance with Section 18 hereof or after the occurrence of any other event requiring or authorizing such appointment, the Trustee or any Owner of Bonds may apply to any court of competent jurisdiction for the appointment of such a successor, and the court thereupon after such notice, if any, as the court may deem proper and may prescribe, may appoint such successor. Any successor appointed under the provisions of this Section shall be a bank or a trust company or a national banking association having a shareholders' equity (e.g., capital stock, surplus and undivided profits), however denominated, aggregating at least $75,000,000, if there is such a bank or trust company or national banking association willing and able to accept the appointment on reasonable and customary terms and authorized by law to perform all the duties required by this Ordinance.

Section 20. Any successor appointed under the provisions of Section 19 hereof shall execute, acknowledge and deliver to its predecessor and also to the City an instrument accepting such appointment; and thereupon such successor, without any further act, deed or conveyance, shall become fully vested with all moneys, estates, properties, rights, powers, duties and obligations of its predecessor hereunder, with like effect as if originally appointed herein as Trustee; but the Trustee then ceasing to act shall, nevertheless, on request by the City or by such successor, execute, acknowledge and deliver such instruments of conveyance and further assurance and do such other things as may reasonably be required for more fully and certainly vesting and confirming in such successor all of the right, title and interest of such Trustee in and to any property held by it hereunder and shall pay over, assign and deliver to such successor any money or other property subject to the trusts and conditions herein set forth. Should any deed, conveyance or instrument in writing from the City be required by such successor for more fully and certainly vesting in and confirming to it any such moneys, estates, properties, rights, powers, duties or obligations, any and all such deeds, conveyances and instruments in writing shall on request and so far as may be authorized by law be executed, acknowledged and delivered to the City by the Trustee originally appointed herein.

Section 21. Any company into which the Trustee may be merged or converted or with which it may be consolidated or any company resulting from any merger, conversion or consolidation to which it shall be a party or any company to which the Trustee may sell or transfer all or substantially all of its corporate trust business, provided that such company shall be eligible under Section 19 hereof, shall be the successor to the Trustee without the execution or filing of any document or further act, anything herein to the contrary notwithstanding, so long as such surviving entity shall continue to provide corporate trust services.

Section 22. The Trustee shall be protected and shall incur no liability in acting or proceeding in good faith upon any resolution, notice, telegram, request, consent, waiver, certificate, statement, affidavit, voucher, bond, requisition or other paper or document which it shall in good faith believe to be genuine and to have been passed or signed by the proper board or person or to have been prepared and furnished pursuant to any of the provisions of this Ordinance, and the Trustee shall be under no duty to make any investigation or inquiry as to any statements contained or matters referred to in any such instrument, but may accept and rely upon the same as conclusive evidence of the truth and accuracy of such statements.

Whenever in the administration of its duties under this Ordinance the Trustee shall deem it necessary or desirable that a matter be proved or established prior to taking or allowing any action hereunder, such matter (unless other evidence in respect thereof be herein specifically required) shall be deemed to be conclusively proved and established by a certificate of the CFO or his designee, and such certificate shall be full warranty to the Trustee for any action taken or suffered under the provisions of this Ordinance upon the faith thereof, but in its discretion the Trustee may, in lieu thereof, accept other evidence of such matter or may require such additional evidence as it may deem reasonable.

The Trustee may become the Owner of any of the Bonds with the same rights it would have if it were not the Trustee; may acquire and dispose of bonds or other evidences of indebtedness of the City with the same rights it would have if it were not the Trustee; and may act as a depository for and permit any of its officers or directors to act as a member of, or in any other capacity with respect to, any committee formed to protect the rights of Owners, whether or not such committee shall represent the Owners of the majority in aggregate principal amount of the Bonds Outstanding.

The Trustee may execute any of the trusts or powers and perform the duties required of it hereunder by or through attorneys, agents or receivers, and shall be entitled to advice of counsel concerning all matters of trust and its duty hereunder. The Trustee shall not be responsible for the conduct of any attorney, agent or receiver selected by it with due care.

The Trustee shall not be responsible for any recital herein, in the Bonds (except in respect to the certificate of authentication of the Trustee endorsed on the Bonds), or for any instrument of further assurance, or for the validity of the execution by the City of this Ordinance or of any supplements hereto or instruments of further assurance, or for the sufficiency of the security for the Bonds issued hereunder or intended to be secured hereby, or for any information, statement or recital in any offering memorandum, and the Trustee shall not be bound to ascertain or inquire as to the performance or observance of any covenants, conditions or agreements on the part of the City, except as herein set forth; but the Trustee may require of the City full information and advice as to the performance of the covenants, conditions and agreements aforesaid.

The Trustee shall not be answerable for the exercise of any discretion or power under this Ordinance or for anything whatever in connection with the funds and accounts established hereunder, except only for its own negligence or willful misconduct.

The Trustee shall not be personally liable for any error of judgment made in good faith by a responsible officer or officers of the Trustee, unless it shall be proved that the Trustee was negligent in ascertaining the pertinent facts or in the perform of an express duty.

The Trustee shall not be personally liable with respect to any action taken or omitted to be taken by it in good faith in accordance with the direction of the Owners of not less than a majority in aggregate principal amount of the Bonds Outstanding relating to the time, method and place of conducting any proceeding for any remedy available to the Trustee, or exercising any trust or power conferred upon the Trustee under this Ordinance, provided that before taking any action hereunder requested by the Owners of any Bonds Outstanding, the Trustee may require that it be furnished with indemnity satisfactory to it for extraordinary fees and for the reimbursement of all expenses, including fees and expenses of its counsel, to which it may be put and to protect it against all liability, except liability which results from the negligence or willful misconduct of the Trustee, by reason of any action so taken by the Trustee.

The Trustee shall not be required to advance or expend or use its own funds or otherwise incur personal financial liability in the performance of any of its duties or in the exercise of any of its rights or powers, if there is reasonable ground for believing that the repayment of such funds or liability is not assured to it by the security afforded to it by the terms of this Ordinance or by other reasonable security or indemnity.

The Trustee shall not be under any obligation to take any action toward the execution or enforcement of the trusts created by this Ordinance which, in the opinion of the Trustee, will likely involve it in expense or liability, unless one or more of the Owners of Bonds shall, as often as required by the Trustee furnish to the Trustee security and indemnification satisfactory to the Trustee against such expense or liability.

Section 23. Before being required to take any action, the Trustee may require an opinion of counsel acceptable to the Trustee, which opinion shall be made available to the City upon request, which counsel may be counsel to the City, or a verified certificate of the CFO or his designee, or both, concerning the proposed action. If it does so in good faith, the Trustee shall be absolutely protected in relying on any such opinion or certificate.

Section 24. The Trustee shall not be considered in breach of or in default in its obligations hereunder or progress in respect thereto in the event of enforced delay in the performance of such obligations due to unforeseeable causes beyond its control and without its fault or negligence, including, but not limited to, Acts of God, terrorism, war, riots, strikes, fire, floods, earthquakes, epidemics or other like occurrences beyond the control of the Trustee; it being understood that the Trustee shall use reasonable efforts which are consistent with accepted practices in the banking industry to resume performance as soon as practicable under the circumstances.

Section 25. The Trustee agrees to accept and act upon instructions or directions pursuant to this Ordinance sent by unsecured e-mail, facsimile transmission or other similar unsecured electronic methods, provided, however, that, the Trustee shall have received an incumbency certificate listing persons designated to give such instructions or directions and containing specimen signatures of such designated persons, which such incumbency certificate shall be amended and replaced whenever a person is to be added or deleted from the listing. If the City elects to give the Trustee e-mail or facsimile instructions (or instructions by a similar electronic method) and the Trustee in its discretion elects to act upon such instructions, the Trustee's understanding of such instructions shall be deemed controlling. The Trustee shall not be liable for any losses, costs or expenses arising directly or indirectly from the Trustee's reliance upon and compliance with such instructions notwithstanding such instructions conflict or are inconsistent with a subsequent written instruction. The City agrees: (i) to assume all risks arising out of the use of such electronic methods to submit instructions and directions to the Trustee, including without limitation the risk of the Trustee acting on unauthorized instructions, and the risk of interception and misuse by third parties; (ii) that it is fully informed of the protections and risks associated with the various methods of transmitting instructions to the Trustee and that there may be more secure methods of transmitting instructions than the method(s) selected by the City; and (iii) that the security procedures (if any) to be followed in connection with its transmission of instructions provide to it a commercially reasonable degree of protection in light of its particular needs and circumstances.

Section 26. The Trust Estate is hereby irrevocably pledged to and shall be used for the punctual payment of the principal of, premium, if any, and interest on the Bonds, and for payment of other costs as set forth herein, and the Trust Estate shall not be used for any other purpose while any of the Bonds remain Outstanding. The pledge of the Assessment Installments shall constitute a first and exclusive lien on the Assessment Installments for the foregoing purposes in accordance with the terms hereof; provided that pursuant to the Act such lien is coequal with the latest lien on the real property in the District to secure the payment of general (ad valorem) taxes.

Section 27. There shall be deposited into the "City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) Rebate Fund" any amounts paid by the City for deposit therein. The Rebate Fund shall be held by the Trustee but shall not constitute a part of the Trust Estate. Notwithstanding any other provision of this Ordinance or of the District Financing Agreement, any investment income or other gain on moneys in the Bond Fund or the Bond Reserve Fund may, at the City's direction, be transferred to the Rebate Fund to enable the City to satisfy the requirements of Section 148(f) of the Code. Moneys in the Rebate Fund shall be paid to the United States by the Trustee, at the City's direction, in the amounts and at the times required by the Code. Any excess moneys contained in the Rebate Fund shall be transferred, at the City's direction, by the Trustee to the Bond Fund. Upon payment of all amounts due to the United States pursuant to Section 148 of the Code, any moneys remaining in the Rebate Fund shall be transferred to the City. The Trustee shall have no responsibility with respect to compliance with the provisions of this Section except to comply with the direction of the City.

The Trustee shall not be required to take any actions under the Tax Certificate executed in connection with the Bonds (the "Tax Certificate") in the absence of written instructions from the City, and the Trustee shall conclusively be deemed to have complied with the provisions of the Tax Certificate if it complies with such written instructions of the City.

The Trustee may conclusively rely on any written direction from the City with regard to the Rebate Fund and the City hereby agrees, to the extent permitted by law, to hold harmless the Trustee for any loss, claim, liability or expense incurred by the City for any actions taken by the Trustee in accordance with such written direction.

Section 28. So long as any of the Bonds remain Outstanding, the City will keep or cause to be kept true and accurate books of records and accounts showing full and true entries covering the collection and disposition of the Assessment Installments, as well as any delinquencies in the collection thereof, covering deposits in and disbursements from the Bond Fund, the Bond Reserve Fund and the Rebate Fund, and covering the payment of the principal of, premium, if any, and interest on the Bonds. The City will permit an inspection and examination of all records and accounts at all reasonable times by a representative of the Purchaser.

Section 29. Promptly (but in no event later than 60 days after the installment due date) upon a default in the due and punctual payment of any Assessment Installment due hereunder and under the Assessment Ordinance, the City Treasurer promptly shall mark the assessment installment delinquent on the assessment roll for the District and shall notify the owner of such delinquent property, if known, in writing of such delinquency, by first class mail, postage prepaid, addressed to such owner's last-known address. Said assessment shall be enforced by the City Treasurer and other officers of the County as provided in NRS 271.545 to 271.630, and the assessment roll and a certified copy of the Assessment Ordinance shall be prima facie evidence of the regularity of the proceeding.

The Council shall direct the City Treasurer to give notice of the sale of the property subject to the lien of the delinquent Assessment Installment, or all of the Assessment with respect to such property if the Council has exercised its option to cause the whole amount of the unpaid Assessment with respect to such property to become due and payable (subject to the provisions of 30 hereof), and shall sell such property as provided in and pursuant to the Act. In the event that the owner of such property does not prior to the day of sale pay the amount of all delinquent Assessment Installments, with accrued interest thereon and penalties and costs of collection (as further provided in the Assessment Ordinance and the Act), and such property is not sold to a third party purchaser at such sale, the property may be stricken off to the City and held in trust for the benefit of the District pursuant to the Act.

Section 30. If any of the following events occur, it is hereby declared to constitute an "Event of Default":

(1) Default in the due and punctual payment of interest on any Bond, whether at the stated interest payment date or special interest payment date thereof, or upon proceedings for redemption thereof, or otherwise;

(2) Default in the due and punctual payment of the principal of or premium, if any, on any Bond, whether at the stated maturity thereof, or upon proceedings for redemption thereof, or otherwise;

(3) Failure of the City to commence or cause to be commenced enforcement proceedings in accordance with Section 29 hereof, or to diligently pursue or cause to be diligently pursued, any such enforcement proceedings; or

(4) If default shall be made by the City in the observance of any of the other covenants, agreements of conditions on its part in this Ordinance or in the Bonds contained, and such default shall have continued for a period of 30 days after written notice thereof, specifying such default and requiring the same to be remedied, shall have been given to the City by the Trustee, or to the City and the Trustee by the Owners of not less than 25% in

aggregate principal amount of the Bonds Outstanding; provided, however, if in the reasonable opinion of the City the failure stated in the notice can be corrected, but not within such 30 day period, such failure shall not constitute an Event of Default if corrective action is instituted by the City within such 30 day period and the City shall thereafter diligently and in good faith cure such failure in a reasonable period of time.

Section 31. If an Event of Default shall happen, then in each and every such case during the continuance of such Event of Default, the Trustee may, and upon the written request of the Owners of a majority in aggregate principal amount of the Bonds Outstanding and upon being indemnified to its satisfaction, shall exercise any and all remedies available pursuant to law including, without limitation, the right:

(1) to file and prosecute a foreclosure action pursuant to the Act in the name of the City;

(2) by mandamus or other action or proceeding or suit at law or in equity to enforce its rights against the City or any officer or employee thereof, and to compel the City or any such officer or employee thereof, to observe or perform their duties under applicable law and the conditions, covenants and terms contained herein required to be observed or performed by them;

(3) by suit in equity to enjoin any acts or things which are unlawful or which violate the rights of the Trustee; or

(4) by suit in equity upon the happening of any Event of Default hereunder to require the City and its officers and employees to account as the trustee of an express trust.

All rights of action (including the right to file proof of claims) under this Ordinance or any of the Bonds may be enforced by the Trustee without the possession of any of the Bonds or the production thereof in any trial or other proceeding relating thereto, and any such suit or proceeding instituted by the Trustee shall be brought in its name as Trustee, without the necessity of joining as plaintiffs or defendants any Owners of the Bonds, and any recovery of judgment shall be for the equal and ratable benefit of the Owners of the Bonds Outstanding.

All such proceedings at law or in equity shall be instituted, had and maintained for the equal benefit of all Owners of Bonds Outstanding. The failure of the Owners or the Trustee so to foreclose upon the property that is the subject of such delinquent Assessment

Installment, or so to proceed against the City, or both, shall not relieve the City or any of its officers, agents or employees of its duty so to take the actions set forth in Section 29 hereof.

Section 32. Upon the occurrence of an Event of Default, and upon the filing of a suit or other commencement of judicial proceedings to enforce the rights of the Trustee and of the Owners of the Bonds under this Ordinance, the Trustee shall be entitled, as a matter of right, to the appointment of a receiver or receivers of the Assessments and the funds created hereunder and of the revenues, earnings, income, products and profits thereof, pending such proceedings, with such powers as the court making such appointment shall confer.

Section 33. No delay or omission of the Trustee or of any Owner of any of the Bonds to exercise any right or power arising upon the happening of any Event of Default shall impair any such right or power or shall be construed to be a waiver of any such Event of Default or an acquiescence therein, and every power and remedy given by this Ordinance to the Trustee or to the Owners of the Bonds may be exercised from time to time and as often as shall be deemed expedient by the Trustee or the Owners of the Bonds.

Section 34. No remedy herein conferred upon or reserved to the Trustee or to the Owners of the Bonds is intended to be exclusive of any other remedy, and every such remedy shall be cumulative and shall be in addition to every other remedy given hereunder or now or hereafter existing, at law or in equity, by statute, or otherwise.

Section 35. In the event that the Trustee, upon the happening of an Event of Default, shall have taken any action, by judicial proceedings or otherwise, pursuant to its duties hereunder, whether upon its own discretion or upon the request of the Owners of a majority in aggregate principal amount of the Bonds Outstanding, it shall have full power, in the exercise of its discretion for the best interests of the Owners of the Bonds, with respect to the continuance, discontinuance, withdrawal, compromise, settlement or other disposal of such action; provided, however, that the Trustee shall not, unless there no longer continues an Event of Default hereunder, discontinue, withdraw, compromise or settle, or otherwise dispose of any litigation pending at law or in equity, if at the time there has been filed with it a written request signed by the Owners of least a majority in aggregate amount of the Bonds Outstanding opposing such discontinuance, withdrawal, compromise, settlement or other disposal of such litigation.

Section 36. No Owner shall have the right to institute any suit, action or proceeding at law or in equity, for any remedy under this Ordinance, except as provided hereinbelow, unless (i) such Owner shall have previously given to the Trustee written notice of the occurrence of an Event of Default, (ii) the Owners of at least a majority in aggregate principal amount of the Bonds Outstanding shall have made written request upon the Trustee to exercise the powers hereinbefore granted or to institute such action, suit or proceeding in its own name and shall have afforded the Trustee a reasonable opportunity to exercise such powers or institute such proceedings, (iii) said Owners shall have tendered to the Trustee indemnity reasonably acceptable to the Trustee against the costs, expenses and liabilities to be incurred in compliance with such request, and (iv) the Trustee shall have refused or failed to comply with such request for a period of 60 days after such written request shall have been received by, and said tender of indemnity shall have been made to, the Trustee; provided that nothing herein shall limit the rights granted to the Owners pursuant to NRS 271.630.

Such notification, request, tender of indemnity and refusal or failure are hereby declared, in every case, to be conditions precedent to the exercise by any Owner of any remedy hereunder; it being understood and intended that no one or more Owners of Bonds shall have any right in any manner whatever by his or their action to enforce any right under this Ordinance, except in the manner herein provided, and that all proceedings at law or in equity with respect to an Event of Default shall be instituted, had and maintained in the manner herein provided and for the equal benefit of all Owners of the Bonds Outstanding. All moneys received by any Owner bringing such proceedings shall be immediately delivered to the Trustee.

The right of any Owner of any Bond to receive payment of the principal of and interest on his or her Bond as the same become due, or to institute suit for the enforcement of such payment, shall not be impaired or affected without the consent of such Owner, notwithstanding the foregoing provisions of this Section or any other provision of this Ordinance.

Section 37. All moneys received by the Trustee pursuant to any right given or action taken under the provisions of this Article shall be applied by the Trustee in the following order:

(1) To the payment of the fees, costs and expenses of the Trustee and of the Owners incurred in exercising their rights and remedies under this Article, including reasonable compensation to its or their agents, attorneys and counsel.

(2) To the payment of the principal of and interest then due with respect to the Bonds (upon presentation of the Bonds to be paid, and stamping thereon of the payment if only partially paid, or surrender thereof if fully paid) subject to the provisions of this Ordinance, as follows:

First: To the payment to the persons entitled thereto of all installments of interest on any Bonds then due in the order of the maturity of such installments, and, if the amount available shall not be sufficient to pay in full any installment or installments maturing on the same date, then to the payment thereof ratably, according to the amounts due thereon, to the persons entitled thereto, without any discrimination or preference; and

Second: To the payment to the persons entitled thereto of the unpaid principal of any Bonds which shall have become due, whether at maturity or by call for redemption, with interest on the overdue principal at the rate borne by the respective Bonds on the date of maturity or redemption, and, if the amount available shall not be sufficient to pay in full all the Bonds, together with such interest, then to the payment thereof ratably, according to the amounts of principal due on such date to the persons entitled thereto, without any discrimination or preference.

(3) Any remaining funds shall be transferred by the Trustee to the Bond Fund.

Notwithstanding the provisions in this Section, the Trustee shall sell investments in the Bond Fund to the extent necessary to pay and shall apply amounts to the payment of the principal of and interest due on Bonds on any interest payment date.

Section 38. In case the Trustee shall have proceeded to enforce any right under this Ordinance by the appointment of a receiver or otherwise, and such proceedings shall have been discontinued or abandoned for any reason, or shall have been determined adversely, then and in every such case, the City, the Trustee and the Owners shall be restored to their former positions and rights hereunder, respectively, with regard to the property subject to this Ordinance, and all rights, remedies and powers of the Trustee shall continue as if no such proceedings had been taken.

Section 39. The City covenants for the benefit of the Owners of the Bonds to comply with the provisions of the Continuing Disclosure Certificate with only such changes therein, if any, as are not inconsistent herewith, which the Mayor is authorized and directed to execute.

Section 40. A. The form, terms and provisions of the Bond Purchase Agreement and the Escrow Agreement are approved and the City shall enter into the Bond Purchase Agreement and the Escrow Agreement in substantially the forms of such documents on file with the City Clerk, with only such changes therein, if any, as are approved by the CFO, such approval to be evidenced by the execution of the Bond Purchase Agreement and the Escrow Agreement by the CFO; and the CFO is hereby authorized and directed to execute and deliver the Bond Purchase Agreement, the Escrow Agreement, and the Certificate of the CFO, provided that the Bond terms and details are consistent with this Ordinance. The distribution and use of the Preliminary Official Statement is hereby authorized, ratified and confirmed and the 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 CFO by his execution of the final Official Statement, is hereby authorized. The Mayor or the CFO is hereby authorized to execute the final Official Statement for the Bonds in substantially the form of the Preliminary Official Statement.

B. The officers of the City are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing:

(1) The printing of the Bonds, including, without limitation, the printing of such additional blank Bonds as shall be required by the Trustee; and

(2) The printing and distribution of the final Official Statement for the Bonds in substantially the form of the Preliminary Official Statement heretofore approved by the Council, but with such amendments, additions and deletions as are in accordance with the facts and not inconsistent herewith; and

(3) The execution of such certificates as may be reasonably required by the Purchaser, relating, inter alia, to the signing and registration of the Bonds, the tenure and identity of the officials of the Council and the City, the delivery of the Bonds, the receipt of the purchase price for the Bonds, any representations required by Rule 15c2-12 promulgated by the Securities and Exchange Commission, the exemption of interest on the Bonds from federal and

state income taxation, and if it is in accordance with fact, the absence of litigation, pending or threatened, affecting the validity thereof. It shall be the duty of the proper officers of the City to hereafter take all action necessary for the City to comply with the provisions of the Act, as hereafter amended and supplemented from time to time.

Section 41. The City covenants for the benefit of the Owners of the Bonds that it will not take any action or omit to take any action with respect to the Bonds, the proceeds thereof, any other funds of the City or any facilities 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 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 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 Code in calculating corporate alternative minimum taxable income. The foregoing covenant shall remain in full force and effect notwithstanding the payment in full or defeasance of the Bonds until the date on which all obligations of the City in fulfilling the above covenant under the Code have been met.

Section 42. The City covenants for the benefit of the Owners of the Bonds that it will use its best efforts to apportion the Assessments in accordance with the Assessment Ordinance.

The City covenants that it will not reapportion the assessments pursuant to Section 6(b) of the Assessment Ordinance unless it makes the findings required by clause (i) and clause (ii) of such Section. The Council will not make the finding described in clause (i) of Section 6(b) of the Assessment Ordinance unless it first obtains a written report of a Qualified Engineer certifying that, based on a Qualified Appraisal Report, the Value-to-Lien Ratio (including in the calculation thereof any increase in the Assessment on any parcel as a result of such combination or reapportionment) for each parcel of the property, if any, on which Assessments are increased as a result of such reapportionment is at least 3 to 1. The City Council will not make the finding described in clause (ii) of Section 6(b) of the Assessment Ordinance unless it first obtains a written report of a Qualified Engineer stating that the proposed combination or reapportionment of Assessments will not increase the principal balance of any Assessment to an amount such that the aggregate amount which is assessed against a tract exceeds the minimum benefit to the tract that is estimated to result from the project which is financed by the Assessment. In making either of the findings, the Council will be entitled to rely on the written report of a Qualified Engineer; and such written report shall be conclusive evidence of the conclusions set forth therein. The Council will not make either of the findings described above unless, as of the effective date of the proposed combination or reapportionment, there are no delinquencies in the payment of Assessment Installments on any parcels on which Assessments will be increased as a result of such combination or reapportionment.

The Council's determination that the apportionment is in accordance with the Assessment Ordinance shall be conclusive and binding upon the owners of the property and the owners of the Bonds. The Council's approval of an apportionment report shall be deemed conclusively to constitute a finding that the apportionment is in accordance with the Assessment Ordinance.

Section 43. A. This Ordinance may be amended or supplemented by an ordinance or ordinances adopted by the Council, without the receipt by the City of any additional consideration, with the written consent of the owners of not less than sixty-six percent (66%) of the Bonds Outstanding at the time of the adoption of such amendatory or supplemental ordinance, provided, however, that no such ordinance shall have the effect of permitting:

(1) An extension of the maturity of any Bond authorized by this Ordinance; or

(2) A reduction in the principal amount of any Bond or the rate of interest thereon; or

(3) The creation of a lien upon or a pledge of property, revenues or funds, ranking prior to the liens or pledges created by this Ordinance; or

(4) A reduction of the principal amount of Bonds required for consent to such amendatory or supplemental ordinance.

B. The City may, without the consent of or notice to the owners, adopt one or more ordinances supplemental hereto, which supplemental ordinances shall thereafter form a part hereof, for any one or more of the following purposes:

(1) To cure any ambiguity, or to cure, correct or supplement any formal defect or omission or inconsistent provision contained in this ordinance, to make any provision necessary or desirable due to a change in law, to make any provisions with respect to

matters arising under this ordinance, or to make any provisions for any other purposes if, in each case, such provisions are necessary or desirable and do not adversely affect the interests of the owners of the Bonds; or

(2) To pledge additional revenues, properties or collateral as security for the Bonds; or

(3) To grant or confer upon the Trustee for the benefit of the owners of the Bonds any additional rights, remedies, power or authorities that may lawfully be granted to or conferred upon the owners; or

(4) for the purpose of providing for the issuance of Refunding Bonds.

Section 44. So long as any of the Bonds are Outstanding, the City may issue Refunding Bonds and may pledge a portion of the Assessments to the payment of such Refunding Bonds if (i) the Value-to-Lien Ratio as of the date of issuance of such Refunding Bonds is not less than the Value-to-Lien Ratio as of the date of issuance of the Bonds, as provided in the final Official Statement for the Bonds; and (ii) the principal amount of the Remaining Assessments is not less than the principal amount of the Bonds remaining Outstanding after the issuance of the Refunding Bonds. The requirement of NRS 271.488(8)(a) shall be deemed to have been met with respect to the issuance of Refunding Bonds which comply with this section. Upon the issuance of the Refunding Bonds, the Assessments pledged to the payment of the Refunding Bonds shall be released from and shall no longer constitute a part of the Trust Estate. In connection with the issuance of the Refunding Bonds, the City may transfer from the Bond Reserve Fund to any fund or account of the City designated by the Council all or any portion of the amount in the Bond Reserve Fund which will be in excess of the minimum requirement after issuance of the Refunding Bonds.

Section 45. So long as the Bonds or any portion thereof remain Outstanding, the City shall not levy Parity Assessments unless:

A. The Director of Public Works of the City shall have delivered a certificate to the Council at the time of approval of such Parity Assessments to the effect that (i) no portion of the project or projects for which such Parity Assessments are being levied are to be constructed within the exterior boundaries of the District, or if the project or projects for which such Parity Assessments are being levied are to be constructed within the exterior boundaries of the District, that not more than ten percent (10%) of the total amount of assessments being levied for such project or projects will be levied on property within the District, and (ii) the project or projects to be constructed would not have been required as a condition or requirement of development of land within the District based upon the City's development standards in existence as of June 1, 2013; or

B. The Parity Value-to-Lien Ratio of all of the assessable property within the District against which property Parity Assessments are to be levied will in the aggregate, immediately after such levy, be not less than 5:1.

Any certificate delivered by the Director of Public Works of the City pursuant to subsection A above shall be final and conclusive as to the matters contained therein absent fraud.

Section 46. The Administration Fund shall be a special fund held by the City Treasurer, but shall not constitute part of the Trust Estate. All money in the Administration Fund shall be used to pay the reasonable administration and other expenses of the City in connection with the Bonds, the Assessments, the Improvement Project and the Refunding Project or principal, premium or interest on the Bonds. The amount of any income realized from the investment of the money in the Administration Fund shall be retained in the Administration Fund or, at the option of the City and to the extent permitted by law, transferred to the Trustee for deposit in the Rebate Fund.

Section 47. If any Outstanding Bonds shall be paid and discharged in any one or more of the following ways:

A. by paying or causing to be paid the principal, interest, and redemption premium, if any, on such Bonds Outstanding, as and when the same become due and payable at maturity or on the date of redemption prior thereto; or

B. by depositing with the Trustee, under an escrow deposit and trust agreement or other similar document, an amount which together with the amount of earnings calculated to accrue on any investment of such amounts in legally permitted, noncallable Federal Securities to maturity or applicable redemption date will be sufficient to pay and discharge such Bonds Outstanding (including all principal, interest and redemption premiums, if any) at or before their respective maturity dates, as shall be verified by an independent public accountant, and if such Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been given as provided in Section 4 hereof or provision satisfactory to the Trustee shall have been made for the giving of such notice;

then, at the election of the City, and notwithstanding that any such Bonds shall not have been surrendered for payment, all obligations of the Trustee and the City under this Ordinance with respect to such Outstanding Bonds shall cease and terminate, except only the obligation of the Trustee to pay or cause to be paid to the Owners of such Bonds, respectively, not so surrendered and paid all sums due thereon. Notice of such election shall be filed with the Trustee.

To accomplish the discharge of liability in respect of the Bonds described in the preceding paragraph, the City shall cause to be delivered (a) a Verification, (b) an escrow agreement, and (c) an opinion of nationally recognized bond counsel to the effect that the Bonds are no longer "Outstanding" under this Ordinance. Each Verification and defeasance opinion shall be acceptable in form and substance to the City.

Notwithstanding anything contained in this Section to the contrary, the fees and expenses of the Trustee (including reasonable counsel fees) must be paid, or provision for such payment satisfactory to the Trustee must be made, in order to effect any discharge of this Ordinance and the satisfaction and discharge of this Ordinance shall be without prejudice to the right of the Trustee to charge and be reimbursed by the City for any expenditures which it may thereafter incur in connection herewith.

Any funds held hereunder by the Trustee, at the time of receipt such notice from the City, which are not required for the purpose above mentioned, shall, upon payment of all fees and expenses of the Trustee, including attorneys' fees, be paid over to the City.

Nothing herein contained shall be deemed to limit or prevent the defeasance of less than all of the Outstanding Bonds from any moneys available therefor.

Section 48. Anything contained herein to the contrary notwithstanding, any money held by the Trustee in trust for the payment and discharge of the interest or principal or redemption premiums, if any, of any Bonds which remains unclaimed for three years after the date when the payments on such Bonds have become payable, if such money was held by the Trustee on such date, or for two years after the date of deposit of such money if deposited with the Trustee after the date when such amounts on such Bonds have become payable, shall be repaid by the Trustee to the City as its absolute property free from trust, and the Trustee shall thereupon be released and discharged with respect thereto and the owners of the Bonds shall look only to the City for the payment of the interest and principal and redemption premiums, if any, on such Bonds; provided that before being required to make any such payment to the City, the

Trustee shall, at the expense of the City, give notice by mail to the owners of the Bonds that such money remains unclaimed and that after a date named in such notice, which date shall not be less than 60 days after the date of giving such notice, the balance of such money then unclaimed will be returned to the City. During the period the Trustee holds such unclaimed money, it shall have no responsibility to invest such unclaimed money.

Section 49. All ordinances, resolutions, bylaws and orders, or parts thereof, in conflict with the provisions of this Ordinance are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance, resolution, bylaw or order, or part thereof, heretofore repealed.

Section 50. When first proposed, this Ordinance must be read to the Council by title and referred to a committee for consideration, 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, printed, published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

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

**BILL NO. ________**

**ORDINANCE NO. ________**

**AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE); AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2013; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS RELATING THERETO.**

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, 495 South Main Street, Las Vegas, Nevada, and that such Ordinance was proposed on April 3, 2013, and will be considered for adoption at the a regular meeting of the City Council of the City of Las Vegas held on April 17, 2013.

/s/ BEVERLY K. BRIDGES, MMC
City Clerk

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

Section 51. After this Ordinance is signed by the Mayor and attested and sealed by the Clerk, this Ordinance shall be published once by its title only, together with the names of the Council members voting for or against its passage, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having a general circulation in the City, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF ADOPTION OF ORDINANCE)

**ORDINANCE NO. _____**
**(of Las Vegas, Nevada)**

**AN ORDINANCE CONCERNING THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE); AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2013; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS RELATING THERETO.**

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on April 3, 2013, and was passed at the meeting held on April 17, 2013, by the following vote of the City Council:

Those Voting Aye:

Those Voting Nay: ________________________

Those Absent: ________________________

This Ordinance shall be in full force and effect from and after April 20, 2013, 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 April 17, 2013.

/s/ CAROLYN G. GOODMAN
Mayor

Attest:

/s/ BEVERLY K. BRIDGES, MMC
City Clerk

(End of Form of Publication)

Section 52. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

CAROLYN G. GOODMAN, Mayor

Attest:

BEVERLY K. BRIDGES, MMC, City Clerk

Approved as to Form:

3-19-13

Date Deputy City Attorney

This Ordinance shall be in full force and effect from and after April 20, 2013, i.e., the day after the publication of such Ordinance by its title only.

**STATE OF NEVADA** )
)**ss.**
**CITY OF LAS VEGAS** )

I, Beverly K. Bridges, MMC, the duly chosen and qualified 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 on April 3, 2013 and finally adopted and approved on April 17, 2013.

2. The following members of the Council were present at the April 3, 2013 Council meeting:

| | |
|---|---|
| Mayor: | Carolyn G. Goodman |
| Councilmembers: | Stavros S. Athony |
| | Steven D. Ross |
| | Ricki Y. Barlow |
| | Bob Coffin |
| | Bob Beers |
| Those Absent: | Lois Tarkanian |

3. The foregoing Ordinance was first proposed and read by title to the City Council on April 3, 2013, and referred to a committee for recommendation; thereafter said committee reported favorably on said Ordinance on April 17, 2013, which was a regular meeting of said Council; that as 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 April 17, 2013 meeting and voted upon the adoption of the Ordinance as follows:

| | |
|---|---|
| Mayor: | Carolyn G. Goodman |
| Councilmembers: | Stavros S. Athony |
| | Steven D. Ross |
| | Ricki Y. Barlow |
| | Bob Coffin |
| | Bob Beers |
| Those Absent: | Lois Tarkanian |

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 April 3, 2013 and April 17, 2013. Pursuant to NRS 241.020, 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, on the City's website, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) City Hall
495 South Main Street, 1st Floor
Las Vegas, Nevada

(ii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

(iii) Grant Sawyer Building
555 East Washington Avenue
Las Vegas, Nevada

(iv) City of Las Vegas Development Services Center
333 North Rancho Drive
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

(b) By mailing a copy of the notice to each person, if any, who has requested notices of meetings of the Council in compliance with NRS 241.020(3)(b) by United States Mail, or if feasible and agreed to by the requestor, by electronic mail.

6. A copy of such notice so given of the meeting of the Council on April 3, 2013 is attached to this certificate as Exhibit A, and a copy of such notice so given of the meeting of the Council on April 17, 2013 is attached to this certificate as Exhibit B.

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

8. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this April 17TH, 2013.

City Clerk

**By: Beverly K. Bridges, MMC**
**City Clerk**

**EXHIBIT A**
(Notice of April 3, 2013 City Council Meeting)

City of Las Vegas

# CITY COUNCIL AGENDA

**COUNCIL CHAMBERS · 495 SOUTH MAIN STREET · PHONE 229-6011**
**CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov**
**COUNCIL MEMBERS: CAROLYN G. GOODMAN, MAYOR (At-Large)**
**COUNCILMAN STAVROS S. ANTHONY, MAYOR PRO TEM (Ward 4)**
**LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6), RICKI Y. BARLOW (Ward 5)**
**BOB COFFIN (Ward 3), BOB BEERS, (Ward 2)**

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

**April 3, 2013**

**Morning Session begins at 9:00 a.m.**
**Afternoon Session begins at 1:00 p.m.**

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

**THE MAYOR AND CITY COUNCIL WELCOME YOUR ATTENDANCE, PUBLIC COMMENT RELATED TO THE ITEMS ON THE AGENDA AND CITIZEN PARTICIPATION ON ITEMS UNDER THE JURISDICTION OF THE CITY COUNCIL AT THIS MEETING. IF YOU WISH TO SPEAK, WE RESPECTFULLY ASK YOU TO COMPLETE AND SUBMIT A SPEAKER CARD TO THE CITY CLERK. CARDS ARE AVAILABLE ONLINE, IN THE CLERK'S OFFICE OR AT THE FRONT OF THE CHAMBERS AS YOU ENTER.**

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. PLEASE NOTE SOME CUSTOMERS OF COX COMMUNICATIONS WHO DO NOT HAVE A CABLE BOX CAN VIEW THIS MEETING ON DIGITAL CHANNEL 89.5. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CDS AND DUPLICATE AUDIO/VIDEO DVDS MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

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

## CEREMONIAL MATTERS

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. INVOCATION - DR. S.S. ROGERS, THE GREATER MT. SINAI MRMI, INC.
4. PLEDGE OF ALLEGIANCE
5. RECOGNITION OF THE CITIZEN OF THE MONTH
6. RECOGNITION OF THE ACTION TEAM WINNERS

7. RECOGNITION OF THE CITIZENS ACADEMY OF PLANNING

8. RECOGNITION OF APRIL POOLS DAY

9. RECOGNITION OF THE EUROGYMNASTICS CLUB

10. RECOGNITION OF THE ASSISTANCE LEAGUE

## BUSINESS ITEMS - MORNING

### PUBLIC COMMENT

11. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

### BUSINESS ITEMS

12. For possible action to approve the Final Minutes by reference of the regular City Council meeting of March 20, 2013

13. For Possible Action - Any items that the Council, staff and/or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

## CONSENT AGENDA

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

### BUILDING AND SAFETY - CONSENT

14. For possible action to approve an encroachment request from Little Mountain Development, LLC on behalf of Decar Enterprises, LLC, owner (1201 Las Vegas Boulevard, APN's 162-03-112-023, -024, and -025) - Ward 3 (Coffin)

15. For possible action to approve an encroachment request from Taney Engineering on behalf of D.R. Horton, Inc., owner (Grand Teton Drive west of Tenaya Way) - Ward 6 (Ross)

### CITY ATTORNEY - CONSENT

16. For possible action to approve funds to retain Mark Ricciardi of the law firm of Fisher and Phillips, LLP to provide legal services to the City in current and ongoing collective bargaining and negotiation matters, in an amount not to exceed $120,000 (General Fund)

### ECONOMIC AND URBAN DEVELOPMENT - CONSENT

17. For possible action to approve an allocation of $3,709,154 Home Investment Partnership Program Funds (HOME), Low Income Housing Trust Funds (LIHTF) and Redevelopment Agency Set-Aside Funds (RDA) to Nevada H.A.N.D., Inc., Silver State Housing and the Southern Nevada Regional Housing Authority for the development of affordable housing for families with low income - All Wards

### FINANCE - CONSENT

18. For possible action to approve Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

## FINANCE - PURCHASING & CONTRACTS CONSENT

19. For possible action to approve award of Bid No. 13.27904-DC, Charleston Boulevard, Fremont Street to Sandhill Road Sanitary Sewer Rehabilitation and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: LAS VEGAS PAVING CORPORATION ($1,805,924 - Sanitation Enterprise Fund) - Ward 3 (Coffin)

20. For possible action to approve Modification No. 1 to Contract No. 11.1762.02-TRF, Annual Crack Seal - Department of Operations and Maintenance - Award recommended to: SUPERIOR PAVEMENT MAINTENANCE ($100,000 - Street Maintenance Special Revenue Fund) - All Wards

21. For possible action to approve award of Contract No. 130121-CW, Information Technology Strategy Consulting Services - Department of Information Technologies - Award recommended to: BRENNAN CONSULTING GROUP, LLC ($60,000 - Computer Services Internal Service Fund)

22. For possible action to approve award of Agreement No. 12.43221-DC, Construction Manager at Risk Agreement for the Westside School Historic Rehabilitation located at 330 West Washington Avenue and D Street and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: WHITING-TURNER CONTRACTING COMPANY ($118,420 - Parks and Leisure Activities Capital Projects Fund) - Ward 5 (Barlow)

23. For possible action to approve Bid No. 13.38964-TF, Stewart/Ogden Streetscape Enhancements located along Stewart Avenue and Ogden Avenue between the cross streets of Main Street and Las Vegas Boulevard and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: CAPRIATI CONSTRUCTION CORPORATION, INC. ($1,909,514.73 - Public Works Capital Projects Fund) - Ward 5 (Barlow)

24. For possible action to approve Agreement No. 11.53541.01-TB, Construction Manager at Risk Agreement for the Construction of the Water Pollution Control Facility Headworks and Electrical Improvement Project located at 6005 East Vegas Valley Drive and the construction conflicts and contingency reserve set by Finance - Department of Public Works - Award recommended to: MCCARTHY BUILDING COMPANIES, INC. ($19,933,351 - Sanitation Enterprise Fund) - County

## OPERATIONS AND MAINTENANCE - CONSENT

25. For possible action to approve a Right of Entry and Permanent Easement to Nevada Power Company, a Nevada Corporation, d/b/a NV Energy with regard to the Traffic Package 6B Project generally located at the northwest corner of Durango Drive and Charleston Boulevard, APN 138-32-899-015 - Ward 2 (Beers)

26. For possible action to approve a Declaration of Utilization from the Bureau of Land Management for sewer purposes along Grand Canyon Drive, south of Verde Way, APN 125-31-801-012 - Clark County

27. For possible action to authorize staff to process and record a sewer easement from Scott Sibella and Kimberly Sibella, Trustees of the Scott Sibella and Kimberly Sibella Revocable Living Trust dated April 4, 2004 to the City of Las Vegas regarding sewer line construction on Verde Way, east of Jensen Street, APN 125-31-403-004 - Clark County

28. For possible action to authorize staff to process and record a sewer easement from THM Enterprises LLC, a Nevada Limited Liability Company to the City of Las Vegas regarding sewer line construction over a certain private street as shown on Parcel Map, File 111, Page 70 in the vicinity of Verde Way and Jensen Street, APN's 125-31-402-010, -011, -012 and -013 - Clark County

## PLANNING - BUSINESS LICENSING CONSENT

29. For possible action to approve a New Package License subject to the provisions of the Planning code, Nick Ablahad dba Durango Market, 6955 North Durango Drive, Suite 1114, Nick Ablahad, Owner 100%, Ward 6 (Ross)

30. For possible action to approve an Extension of a Temporary Beer/Wine/Cooler On-Sale License, Integrity Food Group LLC dba Pizza Lounge, 410 South Rampart Boulevard, Suite 120, Kenneth Robert Henderson, Mngr 100%, Ward 2 (Beers)

31. For possible action to approve an Extension of a Temporary Massage Establishment Ancillary License, Corey Ephram Buck dba Atlas Spinal Realignment, 7381 West Charleston Boulevard, Suite 140, Corey Ephram Buck, Owner 100%, Ward 1 (Tarkanian)

32. For possible action to approve an Extension of a Temporary Massage Establishment Ancillary License, Pacific Tan LLC dba Pacific Tan, 1725 North Rainbow Boulevard, Suite 120, Chad Michael Buschur, Managing Mmbr 100%, Ward 5 (Barlow)

**PUBLIC WORKS - CONSENT**

33. For possible action to approve an Interlocal Agreement between the City of Las Vegas and Clark County for repair of roads damaged during construction of the City Floyd Lamb Detention Basin project and the County Bruce Woodbury Beltway Interchange and Widening Project, which will allow for roadway repair and overlay on Coke Street from Maggie Avenue to Racel Street, on Racel Street from Conough Lane to Tenaya Way, on Tenaya Way from Grand Teton Drive to Farm Road, on Farm Road from Rainbow Boulevard to Decatur Boulevard ($450,000 - Public Works Capital Project Fund) - Ward 6 (Ross) and County

## DISCUSSION/ACTION ITEMS

**ADMINISTRATIVE - DISCUSSION**

34. ABEYANCE ITEM - Report on status of the City's Life Cycle Infrastructure Asset Management and Maintenance costs for roadways, storm drains, sanitary sewers, buildings, parks and fleet - All Wards

35. Discussion for possible action regarding a Disposition and Development Agreement between City Parkway V, Inc., (CPV) and Sunrise Mountain View Hospital, Inc., (MVH) for the sale of approximately 5.79 acres of vacant land within the Las Vegas Technology Center (LVTC) generally located at North Tenaya Way and Cascade Valley Court (APN 168-15-612-014) - Ward 1 (Tarkanian)

36. Report regarding results of the 2012 citizen survey - All Wards

37. Discussion for possible action regarding a presentation on City revenues - All Wards

**PLANNING - BUSINESS LICENSING DISCUSSION**

38. Discussion for possible action regarding an Appeal of a Work Card Denial for Deaven Marie Garrett db at Douglas Poirier (Trader Joe's), 7575 West Washington Avenue, Suite 117, Ward 1 (Tarkanian)

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

39. Bill No. 2013-10 - For Possible Action - Amends provisions of the Unified Development Code governing the collocation, removal and replacement of certain wireless communication facilities so as to conform to Federal law. Proposed by: Flinn Fagg, Director of Planning

40. Bill No. 2013-11 - For Possible Action - Amends the Unified Development Code to remove the provision limiting beer/wine/cooler cultural establishments to the Arts District. Proposed by: Flinn Fagg, Director of Planning

41. Bill No. 2013-12 - For Possible Action - Repeals obsolete provisions regarding the Senior Citizens' Center, the Child Care Licensing Board, and the Records Management Committee, and updates Code references to certain holidays. Sponsored by: Mayor Carolyn G. Goodman

**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.

42. Bill No. 2013-13 - Adopts an updated Housing Element of the Las Vegas 2020 Master Plan. Proposed by: Flinn Fagg, Director of Planning

43. Bill No. 2013-14 - Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held. Sponsored by: Councilman Bob Beers

**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.

44. Bill No. 2013-15 - Amends the Unified Development Code to clarify that the remedies available to the City for sign violations under LVMC 19.16.200 apply to sign violations under Chapters 19.06 and 19.08 as well. Proposed by: Flinn Fagg, Director of Planning

45. Bill No. 2013-16 - Authorizes supergraphic signage within the Downtown Centennial Plan Overlay District, and establishes standards and procedures relating thereto. (TXT-47630) Sponsored by Councilman Steven D. Ross

46. Bill No. 2013-17 - Authorizes local improvement refunding bonds for the City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) in an aggregate principal amount not to exceed $35,700,000. Proposed by: Candace Falder, Director of Finance

## CLOSED SESSION

47. Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

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

**BUSINESS ITEMS - AFTERNOON**

48. For Possible Action - Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

**HEARINGS - DISCUSSION**

49. ABEYANCE ITEM - Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1625 South Eastern Avenue for fees in the amount of $3,440 (General Fund) and assess a maximum of $19,500 in daily civil penalties for a total of $22,940. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O İGYA DEMIRCI & DAVID SADRI - Ward 3 (Coffin)

50. Public Hearing on local improvement district for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 3 (Coffin)

51. Public Hearing on local improvement district for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance - FY2014) - Ward 1 (Tarkanian)

# PLANNING

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

## PLANNING - CONSENT

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

52. EOT-48372 - EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - APPLICANT: CAROLYN AHERN - OWNER: AHERN CAROLYN 1998 SEP PPTY - Request for an Extension of Time of a previously approved Site Development Plan Review (SDR-29879) FOR A 3,400 SQUARE-FOOT CONVENIENCE STORE AND CAR WASH WITH FUEL PUMPS AND TWO 3,100 SQUARE-FOOT RESTAURANTS WITH DRIVE-THRUS WITH WAIVERS OF THE PERIMETER LANDSCAPE REQUIREMENTS TO ALLOW A SIX-FOOT BUFFER ALONG THE SOUTH AND EAST PROPERTY LINES WHERE EIGHT FEET IS REQUIRED AND A SIX-FOOT BUFFER ALONG THE WEST PROPERTY LINE WHERE 15 FEET IS REQUIRED on 1.66 acres on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road (APN 126-01-601-016), C-1 (Service Commercial), Ward 6 (Ross). Staff recommends APPROVAL.

53. EOT-48374 - EXTENSION OF TIME RELATED TO EOT-48372 - VARIANCE - APPLICANT: CAROLYN AHERN - OWNER: AHERN CAROLYN 1998 SEP PPTY - Request for an Extension of Time of a previously approved Variance (VAR-29881) TO ALLOW A 13-FOOT SETBACK ALONG THE EAST PROPERTY LINE WHERE 20 FEET IS REQUIRED on 1.66 acres on the east side of Oso Blanca Road, approximately 850 feet north of Kyle Canyon Road (APN 126-01-601-016), C-1 (Service Commercial) Zone, Ward 6 (Ross). Staff recommends APPROVAL.

## PLANNING - DISCUSSION

54. MOD-47016 - ABEYANCE ITEM - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: TIGHI FAMILY, LP - For possible action on a request for a Major Modification of the Town Center Land Use Plan to Amend the Special Land Use Designation FROM: EC-TC (EMPLOYMENT CENTER MIXED USE - TOWN CENTER) TO: ML-TC (MEDIUM-LOW DENSITY RESIDENTIAL - TOWN CENTER) on 36.36 acres at the northeast corner of Gilcrease Avenue and Fort Apache Road (APN 125-17-101-001), Ward 6 (Ross). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

55. SDR-47017 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-47016 - PUBLIC HEARING - APPLICANT: DR HORTON, INC. - OWNER: TIGHI FAMILY, LP - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 293-LOT RESIDENTIAL DEVELOPMENT WITH A WAIVER OF THE TOWN CENTER SINGLE-FAMILY RESIDENTIAL STREET STANDARDS AND AN ASSOCIATED ENCROACHMENT INTO THE PUBLIC RIGHTS-OF-WAY ON 36.36 acres at the northeast corner of Gilcrease Avenue and Fort Apache Road (APN 125-17-101-001), T-C (Town Center) Zone [EC-TC (Employment Center Mixed Use - Town Center) Special Land Use Designation] [PROPOSED: ML-TC (Medium Low Density Residential - Town Center)], Ward 6 (Ross). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

56. MOD-47606 - ABEYANCE ITEM - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: T H M ENTERPRISES, LLC - For possible action on a request for a Major Modification of the Lone Mountain West Master Development Plan To Amend the Future Land Use Designation FROM: MFM (MULTI-FAMILY MEDIUM RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) AND TO AMEND TABLES 1 THROUGH 4 OF THE MASTER DEVELOPMENT PLAN (SECTION 2.2) TO REFLECT CHANGES TO THE LAND USE CATEGORIES AND NUMBER OF RESIDENTIAL UNITS on 13.81 acres adjacent to the east side of the Puli Drive alignment, south of Lone Mountain Road (APNs 137-01-101-001 and 009; and 137-01-201-001 and 002), Ward 4 (Anthony). The Planning Commission (6-1 vote) and Staff recommend APPROVAL.

57. ZON-47605 - ABEYANCE ITEM - REZONING RELATED TO MOD-47606 - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: IOTA TUSCAN, LLC - For possible action on a request for Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: PD (PLANNED DEVELOPMENT) on 16.40 acres adjacent to the south side of Peaceful Dawn Avenue, approximately 630 feet west of Cliff Shadows Parkway (APNs 137-01-101-010 and 011; and 137-01-201-003), Ward 4 (Anthony). The Planning Commission (6-1 vote) and Staff recommend APPROVAL.

58. VAR-47607 - ABEYANCE ITEM - VARIANCE RELATED TO MOD-47606 AND ZON-47605 - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: T H M ENTERPRISES, LLC, ET AL - For possible action on a request for a Variance TO ALLOW SIX-FOOT PERIMETER RETAINING WALLS WHERE 3.5 FEET IS THE MAXIMUM ALLOWED on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road (APNs 137-01-101-001, 009, 010 and 011; 137-01-201-001, 002, 003, 011 and 012; and 137-01-301-001 and 002), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Anthony). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

59. VAR-47609 - ABEYANCE ITEM - VARIANCE RELATED TO MOD-47606, ZON-47605 AND VAR-47607 - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: T H M ENTERPRISES, LLC, ET AL - For possible action on a request for a Variance TO ALLOW 40-FOOT WIDE PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT WIDE STREETS WITH SIDEWALKS AND AMENITY ZONES ON BOTH SIDES ARE REQUIRED on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road (APNs 137-01-101-001, 009, 010 and 011; 137-01-201-001, 002, 003, 011 and 012; and 137-01-301-001 and 002), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Anthony). The Planning Commission (7-0 vote) and Staff recommend DENIAL.

60. VAC-47611 - ABEYANCE ITEM - VACATION RELATED TO MOD-47606, ZON-47605, VAR-47607 AND VAR-47609 - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: T H M ENTERPRISES, LLC, ET AL - For possible action on a Petition to Vacate public rights-of-way and U.S. Government Patent Easements generally located east of Puli Road, south of Lone Mountain Road, Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL.

61. SDR-47610 - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-47606, ZON-47605, VAR-47607, VAR-47609 AND VAC-47611 - PUBLIC HEARING - APPLICANT: ASTORIA RESIDENTIAL - OWNER: T H M ENTERPRISES, LLC, ET AL - For possible action on a request for a Site Development Plan Review FOR A PROPOSED 328-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 55.00 gross acres at the southeast corner of Lone Mountain Road and Puli Road (APNs 137-01-101-001, 009, 010 and 011; 137-01-201-001, 002, 003, 011 and 012; and 137-01-301-001 and 002), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Anthony). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL.

**SET DATE**

62. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

**CITIZENS PARTICIPATION**

63. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

**COUNCIL MEMBER RECOGNITION**

64. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

**EXHIBIT B**
(Notice of April 17, 2013 City Council Meeting)

City of Las Vegas

# CITY COUNCIL AGENDA

**COUNCIL CHAMBERS · 495 SOUTH MAIN STREET · PHONE 229-6011**
**CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov**
**COUNCIL MEMBERS: CAROLYN G. GOODMAN, MAYOR (At-Large)**
**COUNCILMAN STAVROS S. ANTHONY, MAYOR PRO TEM (Ward 4)**
**LOIS TARKANIAN (Ward 1), STEVEN D. ROSS (Ward 6), RICKI Y. BARLOW (Ward 5)**
**BOB COFFIN (Ward 3), BOB BEERS, (Ward 2)**

Facilities are provided throughout City Hall for convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

**April 17, 2013**

**Morning Session begins at 9:00 a.m.**
**Afternoon Session begins at 1:00 p.m.**

ITEMS LISTED ON THE AGENDA MAY BE TAKEN OUT OF THE ORDER PRESENTED; TWO OR MORE AGENDA ITEMS FOR CONSIDERATION MAY BE COMBINED; AND ANY ITEM ON THE AGENDA MAY BE REMOVED OR RELATED DISCUSSION MAY BE DELAYED AT ANY TIME.

**THE MAYOR AND CITY COUNCIL WELCOME YOUR ATTENDANCE, PUBLIC COMMENT RELATED TO THE ITEMS ON THE AGENDA AND CITIZEN PARTICIPATION ON ITEMS UNDER THE JURISDICTION OF THE CITY COUNCIL AT THIS MEETING. IF YOU WISH TO SPEAK, WE RESPECTFULLY ASK YOU TO COMPLETE AND SUBMIT A SPEAKER CARD TO THE CITY CLERK. CARDS ARE AVAILABLE ONLINE, IN THE CLERK'S OFFICE OR AT THE FRONT OF THE CHAMBERS AS YOU ENTER.**

THESE PROCEEDINGS ARE BEING VIDEO RECORDED AS WELL AS PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. PLEASE NOTE SOME CUSTOMERS OF COX COMMUNICATIONS WHO DO NOT HAVE A CABLE BOX CAN VIEW THIS MEETING ON DIGITAL CHANNEL 89.5. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

DUPLICATE AUDIO CDS AND DUPLICATE AUDIO/VIDEO DVDS MAY BE AVAILABLE AT A COST OF $5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

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

## CEREMONIAL MATTERS

1. CALL TO ORDER

2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

3. INVOCATION - STEVE SANSON, VETERANS IN POLITICS INTERNATIONAL

4. PLEDGE OF ALLEGIANCE

5. OATH OF OFFICE ADMINISTERED TO ELECTED OFFICIALS - COUNCILMAN, WARD 2; COUNCILMAN, WARD 4 and COUNCILMAN, WARD 6

6. RECOGNITION OF THE EMPLOYEE OF THE MONTH

7. RECOGNITION OF THE SENIOR OF THE QUARTER

8. RECOGNITION OF RED ROCK SEARCH AND RESCUE

9. RECOGNITION OF NATIONAL LIBRARY WEEK

10. RECOGNITION OF THE ASSISTANCE LEAGUE

## BUSINESS ITEMS - MORNING

**PUBLIC COMMENT**

11. PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS ON THE AGENDA FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

**BUSINESS ITEMS**

12. For Possible Action - Any items that the Council, staff and/or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

13. For possible action to approve the Final Minutes by reference of the regular City Council meeting of April 3, 2013

## 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**

14. For possible action to accept a donation of 1,200 Michael Jackson ONE tickets from MGM Resorts International for the U.S. Conference of Mayors in June 2013 - All Wards

**BUILDING AND SAFETY - CONSENT**

15. For possible action to approve a sewer connection agreement request from GC Wallace Companies on behalf of Hospice Properties VII, LLC, owner and Interlocal Contract with Clark County Water Reclamation District for sewer services (Craig Road and Conough Lane, APN 138-04-702-003) - near Ward 4 (Anthony)

**ECONOMIC AND URBAN DEVELOPMENT - CONSENT**

16. For possible action to approve a Special Event Licensing Agreement between Maktub Marketing, LLC, (Maktub) and the City of Las Vegas (City) for the Punk Rock Bowling Music Festival on property owned by the City of Las Vegas, bound by Stewart Avenue on the south, 6th Street on the east, the alley between Las Vegas Boulevard and 6th Street on the west, and East Mesquite Avenue on the north - Ward 5 (Barlow)

17. For possible action to approve a Special Event Licensing Agreement between Las Vegas, Nevada, B.P.O. Elks Number 1468 (Elks) and the City of Las Vegas (City) for the Helldorado Days PRCA Rodeo on property owned by the City, bound by Stewart Avenue on the south, the alley between 7th and 8th Streets on the east, the alley between Las Vegas Boulevard and 6th Street on the west, and East Mesquite Ave on the north - Ward 5 (Barlow)

## FINANCE - PURCHASING & CONTRACTS CONSENT

18. For possible action to approve award of Contract No. 130095-CW, Professional Annual Audit Services for the City of Las Vegas for Fiscal Years 2013,2014 and 2015 - Department of Finance - Award recommended to: PIERCY BOWLER TAYLOR AND KERN, CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS ADVISORS (PBTK) ($394,250 - General Fund)

19. For possible action to approve award of Contract No. 130160-CW, Professional Annual Audit Services for the City's Redevelopment Agency for Fiscal Years 2013, 2014 and 2015 - Department of Finance - Award recommended to: PIERCY BOWLER TAYLOR AND KERN, CERTIFIED PUBLIC ACCOUNTANTS AND BUSINESS ADVISORS (PBTK) ($75,750 - Las Vegas Redevelopment Agency General Fund)

## PLANNING - BUSINESS LICENSING CONSENT

20. For possible action to approve a Tavern License for a Change of Ownership subject to the provisions of the Planning code, FROM: Woofer Gaming Incorporated, TO: Woofer Gaming Inc. dba Five Star Tavern, 2425 North Rainbow Boulevard, , Jimmy Minchey, Pres, Dir, Owner 100% jointly with Stephanie Minchey, Secy, Treas, Dir - Ward 5 (Barlow)

21. For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Once Again, Inc. dba 7-Eleven Food Store #29661D, 1201 East Sahara Avenue, Naveen Dadlani, Pres, Franchisee 100% - Ward 3 (Coffin)

22. For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, Golden Market, LLC dba Golden Market 4, 5700 Sky Pointe Drive, Amer Panou, Mngr 100% - Ward 6 (Ross)

23. For possible action to approve a Restricted Gaming License subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Co. db at 7 Eleven Store 36011, 2202 South Paradise Road, Century Gaming Inc, Owner 100%, Steven W. Arntzen, Pres, CEO, Robert Woodson, VP - Ward 3 (Coffin)

24. For possible action to approve a Package Liquor License, Arelni LLC dba Viva Vegas Plaza, 1 South Main Street, Guido Akerman, Managing Mmbr 90%, Ariel Akerman, Managing Mmbr 10% - Ward 5 (Barlow)

## PUBLIC WORKS - CONSENT

25. For possible action to approve a Special Event Permit with alcohol for Handmade in Vegas FF at 201 East Charleston Boulevard, every First Friday from May 3, 2013 through April 4, 2014, Responsible Person in Charge: Marlene Stidham Reid - Ward 3 (Coffin)

26. For possible action to approve a Special Event Permit with alcohol for First Friday Las Vegas LLC in the public right of way on 4th Street, 3rd Street and Casino Center Boulevard, Charleston Avenue to Utah Avenue and California Street, Colorado Avenue, Imperial Avenue and Utah Avenue from Main Street to 4th Street, every First Friday from May 3, 2013 through April 4, 2014, Responsible Person in Charge: James Vanas - Ward 3 (Coffin)

27. For possible action to approve a Special Event Permit with alcohol for The Arts Factory LLC at 107 East Charleston Boulevard, every First Friday from May 3, 2013 through April 4, 2014, Responsible Person in Charge: Westley Isbutt - Ward 3 (Coffin)

28. For possible action to approve Seventh Supplemental Interlocal Contract LAS22E06 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the project completion date to March 26, 2014 for the construction of the Las Vegas Wash - Decatur Boulevard (Centennial Parkway to Farm Road) project - Ward 6 (Ross)

29. For possible action to approve Second Supplemental Interlocal Contract LAS22N09 between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the project completion date to March 26, 2014 for the construction of the Las Vegas Wash - Decatur Boulevard and Elkhorn Road, Clark County (CC) 215 project - Ward 6 (Ross)

**RESOLUTIONS - CONSENT**

30. R-20-2013 - For possible action to approve a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2014) - Ward 1 (Tarkanian)

31. R-21-2013 - For possible action to approve a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) - Ward 3 (Coffin)

## DISCUSSION/ACTION ITEMS

**FINANCE - PURCHASING & CONTRACTS DISCUSSION**

32. Discussion for possible action regarding award of Contract No. 130052-BR, Deferred Compensation Services - Department of Human Resources - Award recommended to: INTERNATIONAL CITY MANAGEMENT ASSOCIATION RETIREMENT CORPORATION (ICMA-RC)

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

33. Discussion for possible action regarding an estimated allocation of $4,096,017 in FY 2013-2014 Community Development Block Grant (CDBG) funds to the city of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

34. Discussion for possible action regarding an estimated allocation of $381,054 in FY 2013-2014 Emergency Solutions Grant (ESG) funds to the City of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

35. Discussion for possible action regarding an estimated allocation of $1,066,263 in FY 2013-2014 and an additional $84,484.70 from FY 2012-2013 for a total of $1,150,747.70 in Housing Opportunities for Persons with AIDS (HOPWA) grant funds to the City of Las Vegas by the Department of Housing and Urban Development (HUD) - All Wards

**PLANNING - BUSINESS LICENSING DISCUSSION**

36. Discussion for possible action regarding an Appeal of a Work Card Denial for Martha Chavez db at La Selva, 1401 North Decatur Boulevard, Suite 6 - Ward 5 (Barlow)

37. Discussion for possible action regarding a Package Liquor License subject to the provisions of the Planning code, Hayat Inc dba Hayat Market, 2558 South Valley View Boulevard, Klodia Alkassyonan, Pres 100% - Ward 1 (Tarkanian) [NOTE: Item to be heard in the afternoon session in conjunction with Item 73 - SUP-48177]

**RESOLUTIONS - DISCUSSION**

38. R-17-2013 - ABEYANCE ITEM - Discussion for possible action regarding a Resolution in General Support of Efforts by the State of Nevada to Be Selected for One of the Six National Test Ranges for Unmanned Aircraft Systems - All Wards

39. R-22-2013 - Discussion for possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Quick Start Program (QSP) Agreement between the RDA and Artemus W. Ham, III, (Owner) and Barolo's NV, LLC, (Tenant and QSP Participant) located at 508 Fremont Street, to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Coffin) [NOTE: This item is related to Redevelopment Agency Item 6 (RA-12-2013)]

40. R-23-2013 - Discussion for possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Artemus W. Ham, III, (Owner) and Barolo's NV, LLC, (Tenant and CVIP Participant) located at 508 Fremont Street, to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Coffin) [NOTE: This item is related to Redevelopment Agency Item 7 (RA-13-2013)]

41. R-24-2013 - Discussion for possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Quick Start Program (QSP) Agreement between the RDA and Mission Spring Properties, LLC, (Owner) and PublicUS, LLC, (Tenant and QSP Participant) located at 1126 Fremont Street, to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Coffin) [NOTE: This item is related to Redevelopment Agency Item 8 (RA-14-2013)]

42. R-25-2013 - Discussion for possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (CVIP) Agreement between the RDA and Mission Spring Properties, LLC, (Owner) and PublicUS, LLC, (Tenant and CVIP Participant) located at 1126 Fremont Street, to be in compliance with and in furtherance of the goals and objectives of the RDA - Ward 3 (Coffin) [NOTE: This item is related to Redevelopment Agency Item 9 (RA-15-2013)]

**BOARDS & COMMISSIONS - DISCUSSION**

43. For Possible Action - BUILDING AND SAFETY ENTERPRISE FUND ADVISORY COMMITTEE - James Chachas, Term Expiration 5-2-2013 - Resigned

**RECOMMENDING COMMITTEE REPORT - DISCUSSION**

**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

44. Bill No. 2013-13 - For Possible Action - Adopts an updated Housing Element of the Las Vegas 2020 Master Plan. Proposed by: Flinn Fagg, Director of Planning

45. Bill No. 2013-17 - For Possible Action - Authorizes local improvement refunding bonds for the City of Las Vegas, Nevada, Special Improvement District No. 607 (Providence) in an aggregate principal amount not to exceed $35,700,000. Proposed by: Candace Falder, Director of Finance

**BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING**

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

46. Bill No. 2013-14 - Updates the City's licensing regulations by creating two new alcoholic beverage license categories (beer and wine room and ancillary brew pub) and prohibiting restricted gaming at an establishment where a beer and wine room alcoholic beverage license is held. Sponsored by: Councilman Bob Beers

47. Bill No. 2013-15 - Amends the Unified Development Code to clarify that the remedies available to the City for sign violations under LVMC 19.16.200 apply to sign violations under Chapters 19.06 and 19.08 as well. Proposed by: Flinn Fagg, Director of Planning

48. Bill No. 2013-16 - Authorizes supergraphic signage within the Downtown Centennial Plan Overlay District, and establishes standards and procedures relating thereto. (TXT-47630) Sponsored by Councilman Steven D. Ross

**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.

49. Bill No. 2013-18 - Levies Assessment for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance FY2014) Proposed by: Jorge Cervantes, Director of Public Works

50. Bill No. 2013-19 - Levies Assessment for Special Improvement District No. 1516 - Fremont Street Maintenance District (Las Vegas Boulevard to 8th Street) Proposed by: Jorge Cervantes, Director of Public Works

51. Bill No. 2013-20 - Amends the Unified Development Code to authorize nonresidential uses above ground floor level in mixed-use developments and clarify the requirements for entryways to such uses. (TXT-47659) Proposed by: Flinn Fagg, Director of Planning

52. Bill No. 2013-21 - Amends the Unified Development Code to clarify the circumstances under which notice of public hearings regarding General Plan Amendment applications will be mailed to property owners and posted by means of signage. (TXT-45686) Proposed by: Flinn Fagg, Director of Planning

53. Bill No. 2013-22 - Amends LVMC Chapter 2.34 to make the City's Percent for the Arts Program optional rather than mandatory. Sponsored by: Councilman Bob Beers

## CLOSED SESSION

54. Closed Session - Upon duly carried Motion, a closed meeting is called in accordance with NRS 288.220 to discuss labor issues

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

**BUSINESS ITEMS - AFTERNOON**

55. For Possible Action - Any items from the afternoon session that the Council, staff and /or the applicant wish to be stricken, tabled, withdrawn or held in abeyance to a future meeting may be brought forward and acted upon at this time

**HEARINGS - DISCUSSION**

56. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 6244 Clarice Avenue for fees in the amount of $2,642.50 (General Fund) and assess a maximum of $20,450 in daily and failed inspection civil penalties for a total of $23,092.50. PROPERTY OWNER: RICHARD RONALD BARTA - Ward 1 (Tarkanian)

57. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1624 East Ogden Avenue for fees in the amount of $2,521.35 (General Fund) and assess a maximum of $19,500 in daily civil penalties for a total of $22,021.35. PROPERTY OWNER: KENNETH E. PARRINGTON & ALICIA R. ANGUIANO - Ward 3 (Coffin)

58. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 1209 Norman Avenue for fees in the amount of $1,240.25 (General Fund) and assess a maximum of $19,500 in daily civil penalties for a total of $20,740.25. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O JACK D. & KATHY E. LAINO - Ward 3 (Coffin)

59. Public Hearing for possible action to consider assessing a maximum of $19,500 in daily civil penalties for nuisance abatement located at 1816 Silver Birch Lane. PROPERTY OWNER: REYNALDO FIGUEROA - Ward 3 (Coffin)

60. Public Hearing for possible action to consider the report of expenses to recover costs for abatement of nuisance located at 4309 Carnation Lane for fees in the amount of $2,157 (General Fund) and assess a maximum of $19,650 in daily and failed inspection civil penalties for a total of $21,807. PROPERTY OWNER: TRUSTEE CLARK COUNTY TREASURER C/O CROSBIE FAMILY TRUST ELEANOR J. CROSBIE TRS - Ward 4 (Anthony)

61. Public Hearing for possible action to consider a request for a waiver and/or reduction of fees totaling $12,865.87 in out of pocket costs, and $610,677.41 in daily and failed civil penalties for a total of $623,543.28 recorded against the properties located at 4152 Silver Dollar Avenue Units 2, 4, 5, 7, 8, 4168 Silver Dollar Avenue Units 1-4, 6-8, 4186 Silver Dollar Avenue Units 1-7. PROPERTY OWNER: JOSEPH A. & MICHELLE M. RANDAZZO 50% LAWRENCE A. DEMATTEO 50% - Ward 1 (Tarkanian)

# PLANNING

THE ITEMS LISTED BELOW, WHERE APPROPRIATE, HAVE BEEN REVIEWED BY THE VARIOUS CITY DEPARTMENTS RELATIVE TO REQUIREMENTS FOR STORM DRAINAGE AND FLOOD CONTROL, CONNECTION TO SANITARY SEWER, TRAFFIC CIRCULATION, AND BUILDING AND FIRE REGULATIONS. THEIR COMMENTS AND/OR RECOMMENDATIONS AND REQUIREMENTS HAVE BEEN INCORPORATED INTO THE ACTION.

## PLANNING - DISCUSSION

62. EOT-46998 - ABEYANCE ITEM - EXTENSION OF TIME - APPLICANT/OWNER: CHARLESTON TOWERS, LLC - For possible action on a request for an Extension of Time of an approved Variance (VAR-14345) TO ALLOW LOT COVERAGE OF 56 PERCENT WHERE 50 PERCENT IS THE MAXIMUM ALLOWED IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, 075; and 139-34-812-003), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

63. EOT-47000 - ABEYANCE ITEM - EXTENSION OF TIME RELATED TO EOT-46998 - APPLICANT/OWNER: CHARLESTON TOWERS, LLC - For possible action on a request for an Extension of Time of an approved Special Use Permit (SUP-14339) FOR A PROPOSED MIXED-USE DEVELOPMENT at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, 075; and 139-34-812-003), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

64. EOT-47001 - ABEYANCE ITEM - EXTENSION OF TIME RELATED TO EOT-46998 AND EOT-47000 - APPLICANT/OWNER: CHARLESTON TOWERS, LLC - For possible action on a request for an Extension of Time of an approved Site Development Plan Review (SDR-14349) FOR A PROPOSED MIXED-USE DEVELOPMENT CONSISTING OF 350 RESIDENTIAL CONDOMINIUM UNITS AND 18,000 SQUARE FEET OF COMMERCIAL FLOOR AREA WITHIN ONE 14-STORY AND ONE 17-STORY BUILDING, AND A WAIVER OF THE RESIDENTIAL ADJACENCY REQUIREMENTS on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, 075; and 139-34-812-003), C-1 (Limited Commercial) Zone, Ward 3 (Coffin): Staff recommends DENIAL.

65. EOT-47002 - ABEYANCE ITEM - EXTENSION OF TIME RELATED TO EOT-46998, EOT-47000 AND EOT-47001 - APPLICANT/OWNER: CHARLESTON TOWERS, LLC - For possible action on a request for an Extension of Time of an approved Variance (VAR-14342) TO ALLOW NO SETBACK BEYOND THE BUILDING SETBACK LINE WHERE A 1:1 SETBACK TO HEIGHT RATIO IS REQUIRED ALONG A STREET CLASSIFIED AS COLLECTOR OR LARGER IN CONJUNCTION WITH A PROPOSED MIXED-USE DEVELOPMENT on 2.05 acres at the northwest corner of Charleston Boulevard and 10th Street (APNs 139-34-810-101 through 105, 074, 075; and 139-34-812-003), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends DENIAL.

66. EOT-47829 - ABEYANCE ITEM - EXTENSION OF TIME - NONCONFORMING - PUBLIC HEARING - APPLICANT: PLAY LV GAMING - OWNER: T-WHR, LLC - For possible action on a request for an Extension of Time FOR A NONCONFORMING TAVERN at 899 Fremont Street (APN 139-34-612-056 and 027) C-2 (General Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

67. ROC-48344 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: APOLLO MARKET - OWNER: JANKOSA INC. - For possible action on a request for a Review of Condition of an approved Special Use Permit (SUP-13847) TO DELETE CONDITION #5 WHICH STATES "THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE OF BEER, WINE COOLERS OR SCREW CAP WINE IS PROHIBITED" at 1600 North Jones Boulevard (APN 138-24-401-002), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

68. ROC-48412 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: NADA HAMIKA - OWNER: BONANZA LAMB BUSINESS PARK, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (U-0121-96) TO DELETE CONDITION #3 WHICH STATES "THE HOURS OF OPERATION SHALL BE RESTRICTED TO 8:00 A.M. TO 10:00 P.M. DAILY AND ALL DELIVERIES SHALL BE LIMITED TO 10:00 A.M. TO 2:00 P.M. DAILY" AND CONDITION #4 WHICH STATES "THE SALE OF SINGLE SERVING CONTAINERS OF BEER AND WINE IS PROHIBITED" at 4550 East Bonanza Road, Suite #A (APN 140-29-411-217), C-1 (Limited Commercial) Zone, Ward 3 (Coffin). Staff recommends APPROVAL.

69. ROC-48430 - REVIEW OF CONDITION - PUBLIC HEARING - APPLICANT: NAHLA DAVID - OWNER: CONSTRUCTION GROUP, LLC - For possible action on a request for a Review of Condition of an approved Special Use Permit (SUP-9863) TO DELETE CONDITION #1 WHICH STATES "THE HOURS OF OPERATION SHALL BE RESTRICTED TO 9:00 A.M. TO 9:00 P.M." at 2187 North Decatur Boulevard, Suite #130 (APN 138-24-611-073), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

70. SUP-48035 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT - HOOKAH MASTER'S LOUNGE - OWNER: CHARLESTON MARKETPLACE MALCAI, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED NIGHT CLUB WITHIN AN EXISTING 5,775 SQUARE-FOOT RESTAURANT at 5900 West Charleston Boulevard, Suite #8 (APN 138-36-406-006), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

71. SUP-48036 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT - HOOKAH MASTER'S LOUNGE - OWNER: CHARLESTON MARKETPLACE MALCAI, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED SUPPER CLUB WITHIN AN EXISTING 5,775 SQUARE-FOOT RESTAURANT at 5900 West Charleston Boulevard, Suite #8 (APN 138-36-406-006), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

72. SUP-48168 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: C-A-L RANCH STORES - OWNER: D & W, INC. - For possible action on a request for a Special Use Permit FOR A PROPOSED 19,000 SQUARE-FOOT BUILDING AND LANDSCAPE MATERIAL/ LUMBER YARD USE at 232 North Jones Boulevard (APN 138-25-404-004), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL.

73. SUP-48177 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: HAYAT MARKET - OWNER: THE T.D. JAK FAMILY, LP - For possible action on a request for a Special Use Permit FOR A PROPOSED RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 2,684 SQUARE-FOOT CONVENIENCE STORE at 2558 South Valley View Boulevard (APN 162-08-101-005), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (7-0 vote) and Staff recommend APPROVAL. [ NOTE: Item to be heard in conjunction with Morning Session Item 37]

74. SUP-48178 - SPECIAL USE PERMIT - PUBLIC HEARING - APPLICANT: MARKET & SMOKES, INC. - OWNER: TP 1000, LLC - For possible action on a request for a Special Use Permit FOR A PROPOSED RETAIL ESTABLISHMENT WITH ACCESSORY PACKAGE LIQUOR OFF-SALE USE WITHIN AN EXISTING 2,340 SQUARE-FOOT CONVENIENCE STORE at 1000 South Torrey Pines Drive, Suite A (APN 138-35-402-011), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0-1 vote) and Staff recommend APPROVAL.

75. DIR-48463 - DIRECTOR'S BUSINESS - PUBLIC HEARING - APPLICANT: CITY OF LAS VEGAS - OWNER: SHAPIRO FAMILY TRUST, ET AL - For possible action on a request for REVOCATION OF PREVIOUSLY APPROVED ENTITLEMENTS; SITE DEVELOPMENT PLAN REVIEW (SDR-11707), SPECIAL USE PERMITS (SUP-6504 AND SUP-8067), AND VARIANCES (VAR-11712 AND VAR-11714) on 1.88 acres at 2228 and 2230 West Bonanza Road; and 704, 706, 708, and 710 Dike Lane (APNs 139-29-704-019 through 025), C-1 (Limited Commercial) Zone, Ward 5 (Barlow). Staff recommends APPROVAL.

**SET DATE**

76. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

**CITIZENS PARTICIPATION**

77. CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

**COUNCIL MEMBER RECOGNITION**

78. COUNCIL MEMBER RECOGNITION: COMMENTS MADE BY INDIVIDUAL CITY COUNCIL MEMBERS DURING THIS PORTION OF THE AGENDA WILL NOT BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND SCHEDULED FOR ACTION

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THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS:
City Hall, 495 South Main Street, 1st Floor
Clark County Government Center, 500 South Grand Central Parkway
Grant Sawyer Building, 555 East Washington Avenue
City of Las Vegas Development Services Center, 333 North Rancho Drive

**EXHIBIT C**
(Attach Affidavit of Publication of Notice of Deposit of the Ordinance)

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 8441689

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/06/2013 to 04/06/2013, on the following days:

04/06/2013

**BILL NO. 2013-17**

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE); AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2013; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN 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, 495 South Main Street, Las Vegas, Nevada, and that such Ordinance was proposed on April 3, 2013, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas held on April 17, 2013.

/s/ Beverly K. Bridges
City Clerk
PUB: April 6, 2013
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

9th day of April, 2013.

Mary A. Lee

Notary Public

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016

**EXHIBIT D**

(Attach Affidavit of Publication of Adoption of Ordinance)

# AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK 2296311LV 8464801

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 04/20/2013 to 04/20/2013, on the following days:

04/20/2013

BILL NO. 2013-17
ORDINANCE NO. 6247

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE); AUTHORIZING THE ISSUANCE OF LOCAL IMPROVEMENT REFUNDING BONDS, SERIES 2013; PROVIDING THE FORM, TERMS, AND CONDITIONS OF THE BONDS AND OTHER DETAILS IN CONNECTION THEREWITH; AND PROVIDING OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN, and that such Ordinance was proposed on April 3, 2013, and was passed at the meeting held on April 17, 2013, by the following vote of the City Council:

Those Voting Aye: Carolyn G. Goodman
Stavros S. Anthony
Steven D. Ross
Ricki Y. Barlow
Bob Coffin
Bob Beers
Those Voting Nay: None
Those Absent: Lois Tarkanian

This Ordinance shall be in full force and effect from and after April 20, 2013, 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 April 17, 2013.

/s/ CAROLYN G. GOODMAN
Mayor
Attest: /s/ BEVERLY K. BRIDGES, MMC City Clerk
PUB: April 20, 2013
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

22nd day of April, 2013.

Mary A. Lee

Notary Public

MARY A. LEE
Notary Public State of Nevada
No. 09-8941-1
My Appt. Exp. Nov. 13, 2016