

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 33

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****DEPARTMENT OF PUBLIC WORKS -
CONSENT****REPORT/ACTION ITEMS**

56

Approval of an amendment to and restatement of a first amendment to an interlocal cooperative agreement with the State of Nevada, Department of Conservation and Natural Resources for improvements to Heritage Park/Old Las Vegas Mormon Fort

(Fiscal Impact: \$110,273 - Parks Capital Improvement)

M. McDONALD - Motion to APPROVE:

Items 5 through 26

Items 28 through 65

- carried UNANIMOUSLY with L. McDONALD abstaining on Item No. 29 to avoid any possible conflict with her employment with UNLV

**Item 4: APPROVED under separate action
(see individual item)**

**Item 27: APPROVED under separate action
(see individual item)**

There was no related discussion. See Item No. 29 for discussion.

(11:01 - 11:02)

1-1310

57

Approval of a bill of sale for water facilities located at the City parking lot at 4th Street and Stewart Avenue to the Las Vegas Valley Water District

APPROVED - see above

58

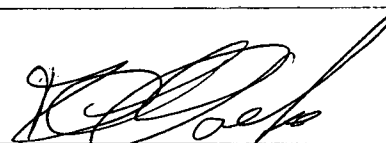
Approval of a professional services agreement, supplemental #1 with Carter and Burgess for the design of the Bonanza roadway improvements (NDOT portion) and construction phase engineering services for the upper Washington Avenue Conveyance System, Phase 2 project

(Fiscal Impact: \$70,000 - CCRFCD; \$55,000 - NDOT)

APPROVED - see above

AGENDA DOCUMENTATION

CITY COUNCIL

MEETING OF
JULY 12, 1999

TO:

CITY COUNCIL

FROM:

RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

SUBJECT: APPROVAL OF AN AMENDMENT TO AND RESTATEMENT OF A FIRST AMENDMENT TO AN INTERLOCAL COOPERATIVE AGREEMENT WITH THE STATE OF NEVADA, DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES FOR IMPROVEMENTS TO HERITAGE PARK/OLD LAS VEGAS MORMON FORT.

PURPOSE/BACKGROUND

The State is currently planning to make further improvements to the State historical landmark commonly known as the "Old Las Vegas Mormon Fort" in their Phase 1B project. The City is currently planning to make further improvements to the park and the Natural History Museum building in Phase 2 of their project commonly known as "Heritage Park". Both parties have determined that this amendment is necessary for construction sequencing, access, security, cost savings, and for theme continuity. This portion of the project (State's 1B) will be bid and administered by the State of Nevada, by and through the Department of Conservation and Natural Resources. The City will reimburse the State for its share as indicated in the amendment.

This amendment to and restatement of first amendment to an Agreement has been reviewed by the City Attorney's Office for legal form and content.

FISCAL IMPACT

The estimated cost for the City's share is \$110,273.00. The actual cost of construction will be determined during construction. Funding provided by Parks Capital Improvement.

RECOMMENDATION

The Department of Public Works recommends City Council approve the first amendment to an Interlocal Cooperative Agreement with the State of Nevada, Department of Conservation and Natural Resources.

AGENDA ITEM

56

**AMENDMENT TO AND RESTATEMENT
OF FIRST AMENDMENT**

THIS SECOND AMENDMENT is made and entered into this 12th day of July, 1999, by and between the State of Nevada, by and through its Department of Conservation and Natural Resources (the "State") and the City of Las Vegas, a municipal corporation of the State of Nevada (the "City").

WITNESSETH:

WHEREAS, the parties hereto executed that Agreement entitled, to-wit: Interlocal Cooperative Agreement for Improvements to Heritage Park/Old Las Vegas Mormon Fort in Las Vegas, Nevada dated December 15, 1997 (the "Agreement") and First Amendment dated April 3, 1998.

WHEREAS, the Agreement provided for the City to construct certain infrastructure improvements on State-owned property (the Old Mormon Fort) and City-owned property (Heritage Park) which for purposes of this Amendment are referred to as "Phase 1 Improvements," and

WHEREAS, the State is currently in the process of entering into a contract for the construction of certain onsite improvements to the "Old Mormon Fort" which is referred to for purposes of this Agreement as the Phase 1B Project," and

WHEREAS, the parties hereto desire to amend the Agreement to include as part of the Phase 1B Project the construction of the following improvements, to-wit: a flowing water feature complete with a pedestrian bridge and concrete abutments, a pedestrian pathway, a segment of security fencing, a retaining wall and planter box, landscaping and irrigation, removal of the existing City-owned loading dock and concrete retaining wall, and installations or removal of other ancillary features (the "Improvements" - see attachment); and

WHEREAS, the parties hereto also desire to amend the Agreement (i) to increase the City's share of the cost of the Improvements to be reimbursed to the State, (ii) to allow the State's pedestrian pathway constructed in connection with the Phase 1B Project to encroach upon the City-owned Heritage Park, and (iii) to provide the other changes set forth herein.

WHEREAS, the Improvements will be constructed by the State on City-owned property adjacent to the "Old Mormon Fort" and will be completed as part of the Phase 1B Project improvements; and

WHEREAS, construction of the Improvements will be of benefit to the State and the City;

NOW, THEREFORE, for and in consideration of the promises and mutual covenants herein contained, it is additionally agreed as follows:

1. Section 1 of the Agreement entitled, to-wit: "City Obligations" is hereby amended to add thereto subsection "g" to read as follows:

g. In connection with the Phase 1B Project, the City agrees to the following:

1. To pay a portion of the actual cost of the Improvements constructed on City-owned property as follows:

- (a) One-half the cost of the security fence segment to be erected between the nearest joint parking lot gate column and the northeast corner of the Natural History Museum building.
- (b) One-half the cost of the retaining wall/planter box to be constructed around the perimeter of the museum patio area, which faces the Old Las Vegas Mormon Fort.
- (c) All costs associated with installation of irrigation and plant

materials in the aforementioned planter box including costs for placement of plant material after initial installation as required.

- (d) All costs associated with the relocation or modifications of the "fire exit" which presently opens onto the loading dock located at the northeast corner of the Natural History Museum building, including all necessary stairway, landing, or ramp improvements.

- 2. To reimburse the State for the City's portion of the actual costs of constructing the Improvements within thirty (30) days after receipt of an invoice submitted by the State. The current estimated cost for the City's share of such costs is One Hundred Ten Thousand Two Hundred and Seventy Three Dollars (\$110,273.). The actual cost of construction is to be determined by the actual quantities in place at the contractor's unit prices upon installation. The invoice submitted to the City shall be for the construction costs incurred for the previous month.
- 3. To be responsible for any cost resulting from change orders requested by the City.
- 4. To allow for the encroachment of State pedestrian pathways/bridge abutments on City-owned property.

2. Section 2 of the Agreement entitled, to-wit: "State Obligation" is hereby amended to add thereto subsection "h" to read as follows:

h. In connection with the Phase 1B Project, the State agrees to the following:

1. To enter into a contract which provides for the construction of the Improvements as part of the Phase 1B Project after the same has been publicly bid and to pay all costs not expressly stipulated as City's responsibility in Subsection g(1) of Section 1.
2. To the extent allowed by law, indemnify, and hold the City, its officers, employees, and agents, harmless from any and all claims, judgments, suits, or other forms of liability which arise out of, or result from the negligent acts or omissions of the Division of State Parks, its employees, or agents, which cause injury or damage to persons or property because of use or maintenance of that part or the pedestrian pathway which is located on property owned by the City.
3. To be responsible for the engineering layout, construction management and contract administration in connection with Phase 1B Project including the Improvements.
4. To incorporate within its scope of work for the Phase 1B Project, and at its sole expense, provisions for the relocation or modification of the "fire exit" which presently opens onto the loading dock located at the northeast corner of the Natural

History Museum building, including any necessary fire escape balcony or stairway improvements.

5. To establish a bid schedule and a schedule of the estimated quantities that will facilitate ease of accounting for Phase 1B Project, including the Improvements.
6. To provide any construction inspection services necessary during the course of Phase 1B Project constructing; testing, surveying and staking will be incorporated into the construction contract.
7. To provide and pay annual maintenance costs for new landscaping constructed under Phase 1B Project. Maintenance costs include ongoing costs attributed to planting on City-owned property.
8. To ensure the City that the pedestrian pathways will be properly maintained to reduce the risk of injury to user.
9. To allow the City, through the Landscape Architect, to observe, review and inspect that portion of the Phase 1B Project involving the construction of the Improvements to ensure the Improvements are in conformance with the approved plans and specifications. Any comments will be directed to State's Project Manager.
10. To ensure that the Improvements comply with the City's

Building Code to the same extent as if such Improvements had been constructed by the City.

3. Section 3 of the Agreement entitled, to-wit: "Miscellaneous Provisions" is hereby amended to add subsection "j" to read as follows:

- j. With respect to the Phase 1B Project, the final design plans for the Improvements to be constructed on City's property will be approved by the City prior to commencement of any work thereof. City will not unreasonably delay or withhold approval of plans submitted by State. All costs incurred by City in the review and approval of such plans will be borne by City.

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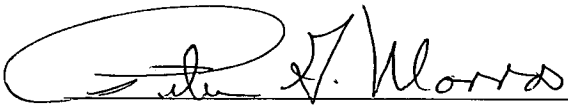
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4. All other provisions of the Agreement shall remain in force and effect.

IN WITNESS WHEREOF, the parties have caused this Amendment be executed by their authorized representatives on this day and year first above written.

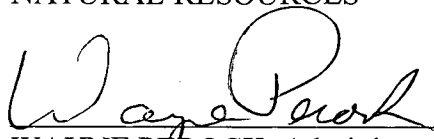
STATE OF NEVADA, acting by and through
its DEPARTMENT OF CONSERVATION
AND NATURAL RESOURCES

CITY OF LAS VEGAS

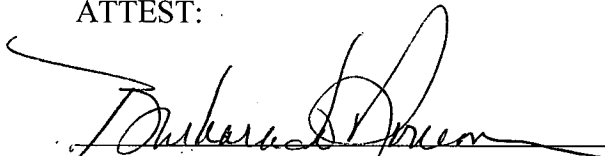

PETER G. MORROS, Director


Oscar B. Goodman, Mayor

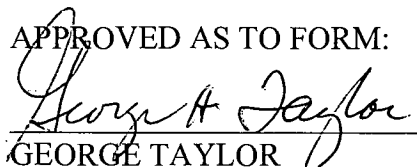
DEPARTMENT OF CONSERVATION AND
NATURAL RESOURCES


WAYNE PEROCK, Administrator
Division of State Parks

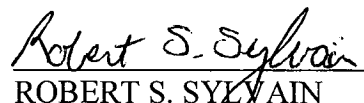
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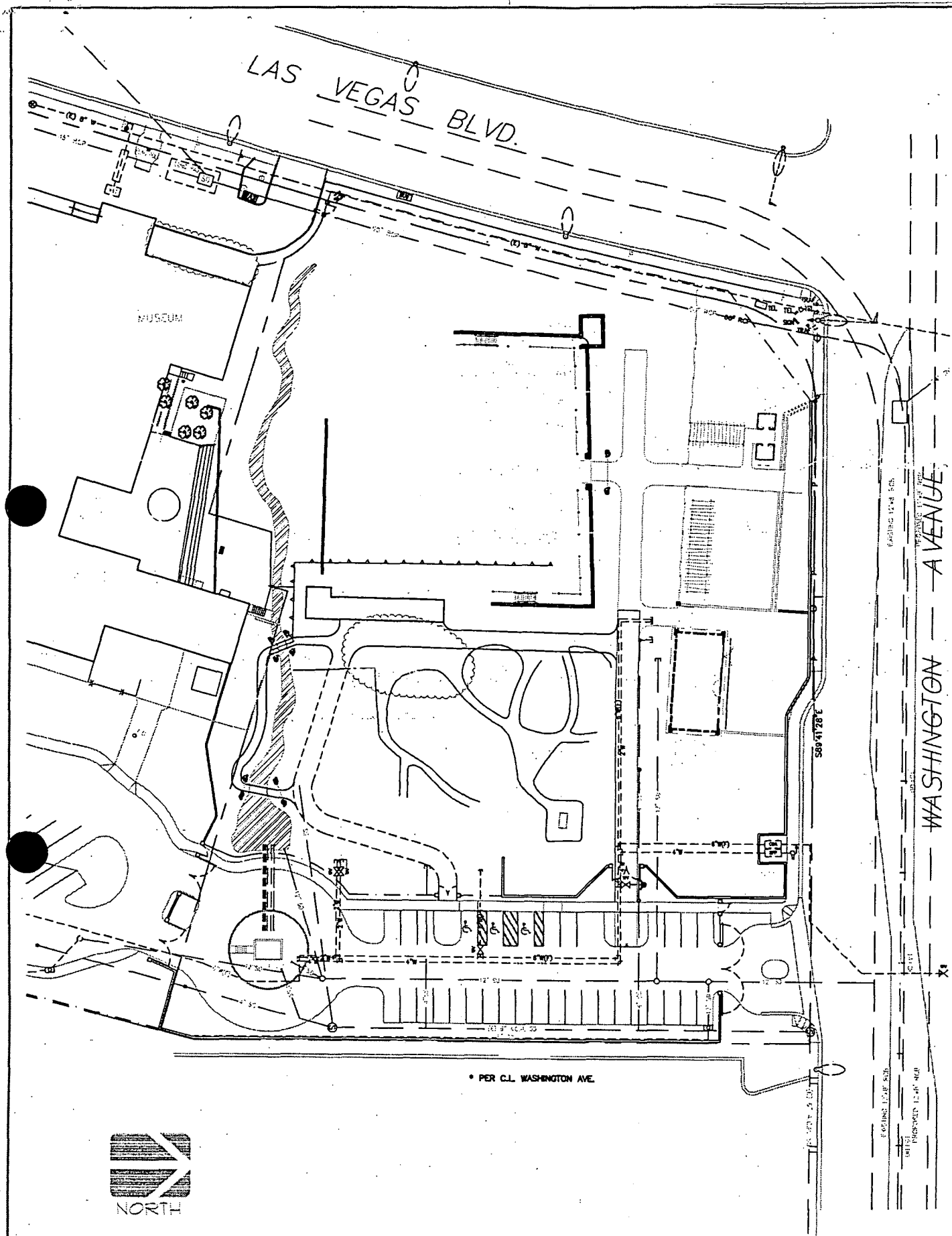

BARBARA JO RONEMUS
City Clerk

APPROVED AS TO FORM:


GEORGE TAYLOR
Deputy Attorney General

APPROVED AS TO FORM:

 3-12-99
ROBERT S. SYLVAIN Date
Deputy City Attorney



Stantec Consulting Inc.
950 Industrial Way
Sparks, Nevada 89431 USA
Tel: (775) 358-6931
Fax: (775) 358-6954
www.stantec.com

OLD LAS VEGAS MORMON FORT

CITY OF LAS VEGAS

CLARK COUNTY

NEVADA

PROJECT NO.
26200019

Plate No.

group picnic area conc .flatwork	2045	s.f.	\$4.50	\$9,202.50
3" asphalt over 6" base	7670	s.f.	\$2.50	\$19,175.00
L" type curb and gutter	246	l.f.	\$12.00	\$2,952.00
furniture:				
bench	4	each	\$1,000.00	\$4,000.00
picnic table	6	each	\$1,000.00	\$6,000.00
bbq grill	3	each	\$480.00	\$1,440.00
trash receptacle	5	each	\$450.00	\$2,250.00
miscellaneous:				
playground equipment	1	l.s.	\$40,000.00	\$40,000.00
playground surfacing	1374	s.f.	\$11.00	\$15,114.00
playground area sand fill	2236	s.f.	\$1.50	\$3,354.00
playground equipment	182	l.f.	\$10.00	\$1,820.00
3' retaining wall	298	l.f.	\$36.00	\$10,728.00

ITEM 6 STRUCTURES

restroom building	1	l.s.	\$124,200.00	\$124,200.00
20'x22' picnic ramada	3	each	\$18,606.00	\$55,818.00
museum improvements	1	l.s.	\$156,064.00	\$156,064.00

ITEM 7 UTILITIES

park area lighting/outlets	12	each	\$2,000.00	\$24,000.00
san sewer hook-up	1	l.s.	\$2,000.00	\$2,000.00
potable water hook-up	1	l.s.	\$2,000.00	\$2,000.00
storm drain inlets	2	each	\$600.00	\$1,200.00
storm drain curb inlet	1	each	\$2,000.00	\$2,000.00

SUBTOTAL \$723,414.65

summary of additional costs:

estimated bonds/insurances (4% of subtotal)	\$28,936.59
general contractors profit /overhead (est. 15% of subtotal)	\$108,512.20
mobilization (est. 4% of subtotal)	\$28,936.59
contingency (10% of subtotal)	\$72,341.47

PHASE 2 PARK IMPROVEMENTS TOTAL \$962,141.48

STATE PARKS AGREEMENT ITEMS

shared development costs per agreement w/State Parks
(the following are the actual bid numbers for these items)

relocated museum exit	1	l.s.	\$25,965.00	\$25,965.00
1/2 masonry security wall	0.5	each	\$61,242.00	\$30,621.00
1/2 planter/retaining wall @ museum	0.5	each	\$56,374.00	\$28,187.00
planter area landscape/irr. improvements	1	each	\$25,500.00	\$25,500.00

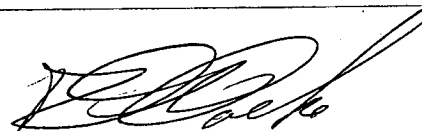
STATE PARKS AGREEMENT TOTAL \$110,273.00

PROJECT GRAND TOTAL \$1,072,414

CITY COUNCIL

MEETING OF

July 12, 1999

AGENDA DOCUMENTATION

TO:

CITY COUNCIL

FROM:

RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

SUBJECT: APPROVAL OF A BILL OF SALE FOR WATER FACILITIES LOCATED AT THE CITY PARKING LOT AT 4TH AND STEWART AVE. TO THE LAS VEGAS VALLEY WATER DISTRICT

PURPOSE/BACKGROUND

The City of Las Vegas Public Works Department contracted for reconstruction of a Parking Lot at the intersection of 4th Street and Stewart Ave. A Water meter, waterline lateral and miscellaneous fittings were installed to service the landscape element of the project.

The City of Las Vegas transfers ownership of water facilities that shall be maintained by the Las Vegas Valley Water District to the Las Vegas Valley Water District with a bill of sale.

FISCAL IMPACTNo fiscal impact.RECOMMENDATION

The Director of Public Works recommends APPROVAL of this bill of sale:

AGENDA ITEM**57**

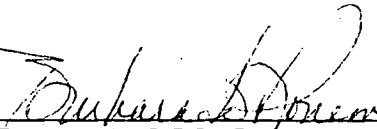
BILL OF SALE**City of Las Vegas Parking Lot @ Stewart Avenue & 4th Street - 104360**

FOR VALUE RECEIVED, **City of Las Vegas** does hereby sell, assign, transfer, and set over unto the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation, all its right, title, and interest, in and to those certain facilities, together with all valves, fittings, valve boxes, and service lines connected with said facilities, constructed pursuant to that certain Agreement dated August 19, 1997, identified as No. 104360 between City of Las Vegas and the Las Vegas Valley Water District.

That said City of Las Vegas warrants that it is the owner of said facilities and connection valves, fittings, valve boxes, and service lines, and that same are free and clear of all encumbrances, including all material and labor claims attaching thereto, and that it will at all times hereafter defend the title to the same against any and all persons lawfully claiming or to claim the same.

IN WITNESS WHEREOF, City of Las Vegas has caused this Bill of Sale to be executed this 12th day of July, 1999 City of Las Vegas Parking Lot @ Stewart Avenue & 4th Street.

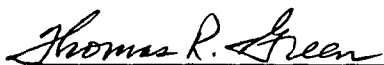
ATTEST:


BARBARA JO RONEMUS
City Clerk

CITY OF LAS VEGAS

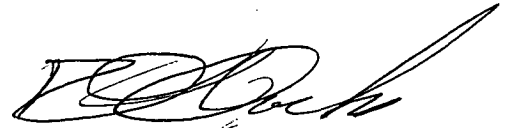

Oscar B. Goodman
Mayor

APPROVED AS TO FORM:

 6-16-99
City Attorney - DEPUTY

AGENDA DOCUMENTATION

CITY COUNCIL

MEETING OF
JULY 12, 1999

TO: CITY COUNCIL

FROM: RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

SUBJECT: APPROVAL OF THE PROFESSIONAL SERVICES AGREEMENT, SUPPLEMENTAL NO. 1, WITH CARTER & BURGESS FOR THE DESIGN OF THE BONANZA ROADWAY IMPROVEMENTS (NDOT PORTION) AND CONSTRUCTION PHASE ENGINEERING SERVICES FOR THE UPPER WASHINGTON AVENUE CONVEYANCE SYSTEM, PHASE II PROJECT

PURPOSE/BACKGROUND

Carter & Burgess, under the direction of the City, is currently designing the Upper Washington Avenue Conveyance System, Phase II Project. The City desires to extend this project to include the design and construction of the roadway improvements (NDOT portion) on Bonanza Road, from Las Vegas Boulevard to "D" Street. This agreement will secure the engineering services of Carter & Burgess for the design and preparation of contract bid documents and construction phase engineering for the construction of the flood control and roadway improvements on this project.

FISCAL IMPACT

Funding for the professional services performed under this agreement will be provided by:

Clark County Regional Flood Control District = \$70,000

Nevada Department of Transportation = \$55,000

Total = \$125,000

RECOMMENDATION

The Director of Public Works recommends that the City Council approve the Cooperative Agreement with the Nevada Department of Transportation.

AGENDA ITEM

58

SUPPLEMENTAL NO. 1
to
PROFESSIONAL SERVICES AGREEMENT
Upper Washington Avenue Conveyance System – Phase II/Bonanza Road Improvements

THIS SUPPLEMENTAL NO. 1, made and entered into as of the 12th day of July, 1999, by and between the CITY OF LAS VEGAS, a municipal corporation and political subdivision of the State of Nevada, (hereinafter referred to as "CITY"), and CARTER AND BURGESS, INC., (hereinafter referred to as "CONSULTANT").

WITNESSETH:

WHEREAS, the CITY intends to construct the Upper Washington Avenue Conveyance System – Phase II, a regional flood control facility, a portion of which will be located in the Bonanza Road right-of-way which is owned by the Nevada Department of Transportation (NDOT); and

WHEREAS, the CITY, though an Interlocal Cooperation Agreement with NDOT has agreed to construct selective improvements to Bonanza Road (SR-579) between "D" Street and Las Vegas Boulevard; and

WHEREAS, the CITY and NDOT both agree that in the interest of safety, convenience to the traveling public, and project economy it is beneficial to combine all work into a single project; and

WHEREAS, the term PROJECT as hereinafter used shall mean the Upper Washington Avenue Conveyance System – Phase II / Bonanza Road Improvements; and

WHEREAS, on February 9, 1998 the CITY and the CONSULTANT entered into a Professional Services Agreement for certain limited construction management and quality acceptance services for the Upper Washington Avenue Conveyance System Improvements – Phase I; and

WHEREAS, the CITY desires to retain the CONSULTANT to provide engineering design and limited construction management services for the PROJECT under which the flood conveyance facility and the roadway improvements will be implemented.

NOW THEREFORE, the parties hereto agree to amend the Professional Services Agreement dated February 9, 1998 and follows:

SECTION III SCOPE OF SERVICES

This Section is changed to read as follows:

Services to be performed by the CONSULTANT shall consist of the service described in Exhibit "A" and Exhibit "A-1" of this AGREEMENT.

SECTION V ADDITIONAL SERVICES OF CONSULTANT

Subsection A of this Section is changed to read as follows:

- A. Additional services will be provided only as specifically authorized in writing by the CITY's representative and consist of the work described in Exhibit "B" and Exhibit "B-1". Any other work determined by CITY as essential to efficient and timely completion of the project shall require formal amendment to this AGREEMENT.

SECTION VIII COMPENSATION AND TERMS OF PAYMENT

Subsection B.1. is changed to read as follows:

1. The CITY shall pay the CONSULTANT for the services identified in that section entitled "Scope of Services", an amount not to exceed \$135,000 as noted in the following breakout:
- Limited construction management for the Upper Washington Avenue Conveyance System Improvements – Phase I Improvements \$40,000
 - Design and preparation of plans, specification and estimates for the Upper Washington Avenue Conveyance System – Phase II/Bonanza Road Improvements \$40,000

- Limited construction management for the Upper Washington Avenue Conveyance System – Phase II Improvements \$55,000

The CONSULTANT shall prepare monthly and submit to CITY's representative in writing a complete statement of costs, which includes actual work completed. The amount of each invoice shall be prepared in accordance with the Hourly Billing Rate Schedule and Compensation Formula specified in Exhibits "C-1" and "D-1" respectively.

Subsection B.3. is changed to read as follows:

3. The CITY agrees to pay CONSULTANT for any services described in Section entitled "Additional Services of Consultant", only if the services as requested in writing by the CITY's representative. Payment will be in accordance with paragraphs 1 and 2 of this section for additional services rendered in connection with Exhibit "B" and "B-1". An amount not to exceed \$40,000 may be authorized for services performed under the Section entitled "Additional Services of Consultant" as noted in the following breakout:

- Limited construction management for the Upper Washington Avenue Conveyance System Improvements – Phase 1 Improvements \$10,000
- Design and preparation of plans, specifications and estimates for the Upper Washington Avenue Conveyance System – Phase II/Bonanza Road Improvements \$15,000
- Limited construction management for the Upper Washington Avenue Conveyance System – Phase II Improvements \$10,000
- Limited construction management for the Bonanza Road Improvements \$5,000

The total amount of the entire AGREEMENT shall not exceed \$175,000

**SECTION IX
TIME OF PERFORMANCE**

This Section is changed to read as follows:

CONSULTANT shall start the performance of the services listed in Exhibit "A-1" within ten (10) days of the issuance of the written Notice to Proceed from the CITY and said services shall be provided until completion of the construction contract for the Upper Washington Avenue Conveyance System – Phase II/Bonanza Road Improvements project.

NOTICE**This Section is changed to read as follows:**

Any notice required to be given hereunder shall be deemed to have been given when received by the party to whom it is directed by personal service, hand delivery of U.S. mail at the following addresses:

TO CITY:

Joe Christensen, P.E.
City Engineer Division
400 E. Stewart Avenue
Las Vegas, NV 89101

TO CONSULTANT:

Dennis R. Waibel, Principal
Carter and Burgess, Inc.
6655 Bermuda Road
Las Vegas, NV 89119

The remainder of the Professional Services Agreement dated February 9, 1998 remains unchanged.

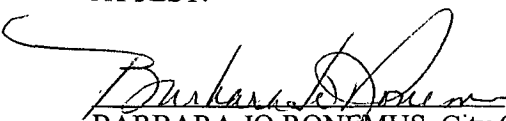
IN WITNESS WHEREOF, the parties have caused this SUPPLEMENTAL AGREEMENT to be executed the day and year above written.

CITY OF LAS VEGAS

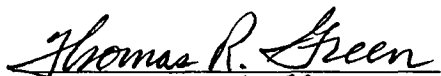
By


Oscar B. Goodman Mayor
"City"

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:


6-16-99 Date

CARTER AND BURGESS, INC.


DENNIS R. WAIBEL, Principal
"Consultant"

EXHIBITS

The Exhibits are revised and defined as follows:

EXHIBIT "A" and "A-1"	Scope of Service
EXHIBIT "B" and "B-1"	Additional Services
EXHIBIT "C" and "C-1"	Hourly Billing Rate Schedule
EXHIBIT "D" and "D-1"	Compensation Formula
EXHIBIT "E" and "E-1"	Key Employees

**SUPPLEMENTAL NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
UPPER WASHINGTON AVENUE
CONVEYANCE SYSTEM - PHASE II/
BONANZA ROAD IMPROVEMENTS**

**EXHIBIT "A-1"
SCOPE OF SERVICES**

I. PROJECT DESCRIPTION

The PROJECT consists of four (4) parts identified as follows:

- A. Potholing and exploration of existing utilities to verify the horizontal and vertical location.

The potholing shall consist of excavations, by "safe dig" method, to locate existing utilities and verify the horizontal and vertical location of the utilities. The exposed utility shall be surveyed to ascertain its horizontal and vertical location. A maximum of eight (8) potholes is anticipated.

- B. Provide design for, and revisions to plans, specifications and estimates associated with changes requested by the CITY subsequent to the final submittal.

- C. Design of, and preparation of plans, specifications and estimates for NDOT proposed improvements to Bonanza Road between "D" Street and Las Vegas Boulevard, excluding those improvements required as part of the CLV conveyance system; and incorporating these improvements into the CLV project.

The anticipated improvements to Bonanza Road include the removal of 4" of the existing pavement section and replacement thereof with 4" Plantmix Bituminous Surface and ¾" Plantmix Bituminous Open-Grade Surface. Other ancillary improvement includes traffic signal operations, nuisance drainage control, sidewalk ramps, sidewalks, median islands, and pavement markings.

- D. Perform limited construction management and quality acceptance services for, and during construction of the Upper Washington Avenue Conveyance System – Phase II portion of the project. In performing these

services, CONSULTANT shall not have authority or responsibility to supervise, direct, or control the contractor's work or the contractor's means, methods, techniques, sequences, or procedures of construction. CONSULTANT shall not have authority or responsibility for safety precautions and programs incident to the Contractor's work or for any failure of the Contractor to comply with laws, regulations, rules, ordinances, codes or orders applicable to the Contractor furnishing and performing the work.

The purpose of the PROJECT is to design and construct the most cost effective and long term functional full width roadway improvements and drainage facilities.

II. UPPER WASHINGTON AVENUE CONVEYANCE SYSTEM – PHASE II/BONANZA ROAD ENGINEERING TASKS

- TASK W/B(1) Project Management.** Day-to-day work to administer interrelated activities, manage personnel and resources, monitor schedules and budgets; coordinate with CITY and NDOT and prepare and distribute PROJECT schedule updates.
- TASK W/B(2) Potholing.** Perform "safe dig" excavations to locate existing utilities. (maximum of 8)
- TASK W/B(3) Surveying for potholes.** Survey the horizontal and vertical location of the utilities potholed and explored in Task W/B(2).
- TASK W/B(4) Utility Coordination.** Provide ongoing coordination with utility agencies including power, telephone, gas, cable television, Las Vegas Valley Water District, Las Vegas Area Computerized Traffic Control System, (traffic signal interconnect); and identify other potential utility agencies that may be operating existing facilities or planning to install additional facilities within the limits of the PROJECT. Prepare formal notification letters to alert affected utility agencies of the PROJECT's needs and requirements.
- TASK W/B(5) Supplemental Field Topography.** Obtain selection topography at locations where specific data is needed for design and preparation of plans.
- TASK W/B(6) Survey Monuments.** Prepare an inventory of existing survey monuments within and abutting the project limits, and prepare a survey control map that will be used to reestablish survey monumentation at the completion of construction.

- TASK W/B(7)** **Agency Coordination.** Coordinate the PROJECT with the CITY's Project Manager and with the NDOT Roadway Design Division.
- TASK W/B(8)** **Permit Coordination.** Prepare final applications for appropriate permits, prepare required exhibits, coordinate signature of permit applications submit permit applications on CITY's behalf.
- TASK W/B(9)** **Revised Plans, Specifications and Estimates (PS&E).** Update the existing conveyance system drawings, standard front-end contract documents, technical specifications, supplemental specifications, bid schedule and cost estimates to reflect substantial design completion.
- TASK W/B(10)** **Plans, Specifications, and Estimates (PS&E).** Accomplish the design of, and preparation of drawings, technical specifications, supplemental specifications, special provisions, bid schedule and cost estimate in unit price format such as will reflect substantial completion of improvements to Bonanza Road.
- The PS&E submittal package will be prepared pursuant to the CITY's format and include cover sheet, general notes, legend, abbreviations, survey control, street improvement layout, pavement sections, drainage facilities, sidewalk/sidewalk ramps, surface utility adjustments, traffic signal modifications, striping plans and details, and technical and supplemental specifications amending or supplementing the Standard Specifications, quantity calculations, and cost estimates.
- TASK W/B(11)** **Quality Control/Quality Assurance Review.** Perform a quality control/quality assurance review of the PS&E package and make corrections and/or revisions and all drawings, specifications, calculations, and other documents.
- TASK W/B(12)** **On-site Review.** Perform a detailed on-site plans-in-hand review of the PROJECT with the CITY to evaluate the proposed improvements and to confirm agency funding responsibilities for the various improvements.
- TASK W/B(13)** **Pre-Final PS&E Submittal (CLV).** Prepare and furnish six (6) sets of the updated PS&E package to the CITY for review and comment. Also submit updated permit status, and utility relocation/clearance status table to the CITY for informational and action purposes.

- TASK W/B(14)** **Pre-Final PS&E Submittal (NDOT).** Prepare and furnish four (4) sets of the PS&E package to NDOT for review and comment.
- TASK W/B(15)** **PS&E Review.** Meet with the CITY and NDOT to obtain and review their comments on the PS&E package. Also meet with utility and permitting agencies as needed to incorporate their review comments.
- TASK W/B(16)** **Utility Approvals.** Submit 100% plans and specifications to utility agencies, request obtain approvals on the appropriate sheets.
- TASK W/B(17)** **Final Revisions and Approvals.** Incorporate applicable comments pursuant to the CITY's and NDOT's review into the final plans, front-end contract documents, supplemental specifications, bid schedule and cost estimates. Request and obtain approvals from the relevant governmental agencies. All final drawings and specifications will be sealed by a professional engineer(s) registered in Nevada.
- TASK W/B(18)** **Final Submittal.** Furnish to the CITY and NDOT copies of all PROJECT drawing diskettes in AutoCAD format with one set of final, sealed, full-size original mylar drawings, together with one clean copy of contract documents, and supplemental specifications.

**III. UPPER WASHINGTON AVENUE CONVEYANCE SYSTEM – PHASE II
LIMITED CONSTRUCTION MANAGEMENT AND QUALITY
ACCEPTANCE TASKS**

- TASKS W/B(19)** **Preconstruction Conference.** At a date and time selected by CITY and at a facility provided by the CITY, attend a preconstruction conference. The preconstruction conference shall include a discussion of the Contractor's tentative schedules, procedures for transmittal and review of the Contractor's submittals, processing payment applications, critical work sequencing, change orders, record documents, and the Contractor's responsibilities for safety and first aid.
- TASKS W/B(20)** **Site Visits.** At the request of the CITY, make periodic visits to the construction site to observe progress of the work, and consult with the CITY and the Contractor concerning problems and progress of the work. A total of ten (10) visits are anticipated.
- TASKS W/B (21)** **Submittals.** When requested by the CITY, review drawings and other data submitted by the Contractors as required by the construction contract documents and transmit them to CITY. CONSULTANT'S review shall be for general conformity to the

construction contract documents and shall not relieve the Contractor of any construction contract documents and shall not relieve the Contractor of any contractual responsibilities. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction, or to safety precautions and programs incident thereto.

TASK W/B(22)

Document Interpretation. Interpret construction contract documents when requested by the CITY.

TASK W/B(23)

Change Orders. When requested by CITY, provide documentation and assistance for CITY's processing of change orders.

TASK W/B(24)

Record Drawings. Upon completion of the project, revise the construction contract drawings to conform to the construction records (Record Drawings). Submit 4 mil wash-off mylar reproducible.

**SUPPLEMENTAL NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
UPPER WASHINGTON AVENUE
CONVEYANCE SYSTEM - PHASE II/
BONANZA ROAD IMPROVEMENTS**

**EXHIBIT "B-1"
SCOPE OF SERVICES**

Upon written authorization by the CITY, the CONSULTANT shall provide additional services as needed for the PROJECT. The CONSULTANT shall receive additional compensation for such additional services in accordance with Exhibits "C-1" and "D-1" of this AGREEMENT. Additional services may include, but are not limited to:

I. DESIGN RELATED WORK TASKS

TASK AS W/B(1) Additional Design Services. Provide additional engineering services that are directly related to the PROJECT but which were not anticipated nor reasonably associated with work described in Exhibit "A-1".

TASKS AS W/B(2) Additional Soil Borings/Testing. Additional soil borings, above the number listed in Exhibit "A-1" which may be required to determine the subsurface conditions. This work may also include sampling, testing, analysis and recommendations specified at the time of authorization.

TASK AS W/B(3) Additional Utility Potholing. Provide additional Potholing services, above the number described in Exhibit "A-1"

II. CONSTRUCTION MANAGEMENT TASKS

TASK AS W/B(4) Contractor Schedules and Progress Payments. Review and comment on the Contractor's initial and updated construction schedule and advise CITY as to acceptability and make recommendations concerning progress payments to the contractor.

TASK AS W/B(5) Substantial Completion. Before CITY issues a Certificate of Substantial Completion, submit to the Contractor a list of items observed to require completion or correction.

TASK AS W/B(6) Final Inspection. Assist CITY in conduction final inspection in the company of CITY and the Contractor, and prepare a final list of items to be completed of corrected.

TASK AS W/B(7) Project Acceptance. Verify that all items on the final list have been completed or corrected, and make recommendations to CITY concerning acceptance.

III. LIMITED CONSTRUCTION MANAGEMENT AND QUALITY ACCEPTANCE TASKS – BONANZA ROAD IMPROVEMENTS

TASKS AS W/B(8) Site Visits. At the request of the CITY, make periodic visits to the construction site to observe progress of the work, and consult with the CITY and the Contractor concerning problems and progress of the work. A total of ten (10) visits are anticipated.

TASKS AS W/B (9) Submittals. When requested by the CITY, review drawings and other data submitted by the Contractors as required by the construction contract documents and transmit them to CITY. CONSULTANT'S review shall be for general conformity to the construction contract documents and shall not relieve the Contractor of any construction contract documents and shall not relieve the Contractor of any contractual responsibilities. Such reviews shall not extend to means, methods, techniques, sequences, or procedures of construction, or to safety precautions and programs incident thereto.

TASK AS W/B(10) Document Interpretation. Interpret construction contract documents when requested by the CITY.

TASK AS W/B(11) Change Orders. When requested by CITY, provide documentation and assistance for CITY's processing of change orders.

TASK AS W/B(12) Final Inspection. Assist CITY in conduction final inspection in the company of CITY and the Contractor, and prepare a final list of items to be completed of corrected.

TASK AS W/B(13) Project Acceptance. Verify that all items on the final list have been completed or corrected, and make recommendations to CITY concerning acceptance.

IV. SUPPLEMENTAL SERVICE TASKS

TASK AS W/B(14) Claims Resolution. Make recommendations and implement procedures for reducing the likelihood of disputed and claims. Assist the CITY in gathering applicable data, reviewing contractor documents substantiating disputes or claims, and resolving Construction disputes. Make recommendations for alternate dispute resolution (ADR) methods as required.

**SUPPLEMENTAL NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
UPPER WASHINGTON AVENUE
CONVEYANCE SYSTEM - PHASE II/
BONANZA ROAD IMPROVEMENTS**

EXHIBIT "C-1"

HOURLY BILLING RATE SCHEDULE

LABOR	DIRECT SALARY
CLASSIFICATION	Hourly Rate - \$/Hr.
VICE PRESIDENT	45.00 to 55.00
SENIOR PROJECT MANAGER	35.00 to 44.00
PROJECT MANAGER	29.00 to 37.00
SENIOR ENGINEER	27.00 to 34.00
*SENIOR DESIGNER	22.00 to 28.00
*CADD DRAFTER	17.00 to 22.00
CONSTRUCTION MANAGER	27.00 to 35.00
*CONTRACT ADMINISTRATOR	22.00 to 28.00
*FIELD REPRESENTATIVE	20.00 to 26.00
*CONSTRUCTION OVSERVER	17.00 to 22.00
SURVEY PROJECT MANAGER	29.00 to 37.00
*SURVEY PARTY CHIEF	23.00 to 28.00
*SURVEY INSTRUMENT OPERATOR	16.00 to 21.00
*SURVEY TECHNICAN	16.00 to 21.00
*SECRETARY/ADMIN. ASSISTANT	12.00 to 18.00
GPS SURVEYOR	35.00 to 43.00

*Overtime Paid @ 1.5 times hourly rate. Only as approved by CITY.

DIRECT NON-SALARY COSTS:

ITEM	BILLING RATE
Subconsultants	1.05 (Cost)
Mileage (per mile)	\$0.34
Outside Reproduction	@Cost
Express Courier	@Cost
Other ODC's	@Cost
Other Transportation	@Cost

**SUPPLEMENTAL NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
UPPER WASHINGTON AVENUE
CONVEYANCE SYSTEM - PHASE II/
BONANZA ROAD IMPROVEMENTS**

EXHIBIT "D-1"

COMPENSATION FORMULA

The CITY shall pay the CONSULTANT for work identified in, and rendered pursuant to Exhibit "A-1" – Scope of Services and Exhibit "B-1" – Additional Services, according to the following formula:

$$\text{Compensation} = \text{Multiplier (Direct Salary + Indirect Salary)} \\ + \text{Direct Non-Salary Expenses}$$

For the purposes of their AGREEMENT Indirect Salary shall be established at 0.04 x Direct Salary and the multiplier shall be 2.25.

**SUPPLEMENTAL NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
UPPER WASHINGTON AVENUE
CONVEYANCE SYSTEM - PHASE II/
BONANZA ROAD IMPROVEMENTS**

EXHIBIT "E-1"

KEY EMPLOYEES

Vice Principals.....Laurnal H. Gubler
Senior Project Manager.....Jerome "Jerry Stueve
Senior Engineer.....Glen "Ricky" Bleak
Survey Project Manager..... Mark Byrd
CADD Drafter.....Steven Cupp

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

Page 34

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

**DEPARTMENT OF PUBLIC WORKS -
CONSENT****REPORT/ACTION ITEMS**

59

Approval of amendment #1 to the professional services agreement with Post, Buckley, Schuh and Jernigan, Inc. to provide engineering design services for the U.S. 95/Rancho Drive sewer - Phase 1 & 2; Alta Drive - Rancho Drive to I-15/Union Pacific Railroad (UPRR) property - Phase 1 and Northwest Neighborhood Study - Area 2

(Increased Fiscal Impact: \$186,275 - Sanitation Enterprise Fund - total fee for entire agreement not to exceed \$1,053,675)

M. McDONALD - Motion to APPROVE:**Items 5 through 26****Items 28 through 65**

- carried UNANIMOUSLY with L. McDONALD abstaining on Item No. 29 to avoid any possible conflict with her employment with UNLV

Item 4: APPROVED under separate action
(see individual item)

Item 27: APPROVED under separate action
(see individual item)

There was no related discussion. See Item No. 29 for discussion.

(11:01 - 11:02)

1-1310

60

Approval of additional services to the professional services agreement for Swisher & Hall AIA, Limited, to provide extended contract administration for the Municipal (Dula) Pool Project per Appendix E - (\$25,000)

APPROVED - see above

61

Approval of amendment #1 to the professional services agreement with Stanley Consultants, Inc. to provide engineering design services for the Las Vegas Technology Center - Phase 2

APPROVED - see above

(Increased Fiscal Impact: \$50,000 - total not to exceed \$250,000)

CITY COUNCIL

MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: CITY COUNCIL	FROM:  RICHARD D. GOECKLE, DIRECTOR DEPARTMENT OF PUBLIC WORKS
SUBJECT: APPROVAL OF AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH POST, BUCKLEY, SCHUH & JERNIGAN, INC. TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE U.S. 95 / RANCHO DRIVE SEWER - PHASE I & PHASE II; ALTA DRIVE - RANCHO DRIVE TO I-15 / UPRR PROPERTY - PHASE I & NORTHWEST NEIGHBORHOOD STUDY - AREA 2	

PURPOSE/BACKGROUND

The City desires to increase the total authorized compensation to the Consultant for additional design services to finalize the design and incorporate a portion of the Rancho Sewer - Phase I project into the Alta Drive - Rancho to I-15 project for joint construction and to finalize bid documents of the Rancho Sewer - Phase II for future construction.

FISCAL IMPACT

Funding for the additional engineering services to be performed under this amendment will be provided by the City of Las Vegas Sanitation Enterprise Fund. Original fee for entire agreement - \$867,400; increase in fee per this amendment - \$186,275; total fee for entire agreement not to exceed \$1,053,675.

RECOMMENDATION

The Director of Public Works recommends that the City Council approve Amendment #1 to the Professional Services Agreement with Post, Buckley, Schuh & Jernigan, Inc.

AGENDA ITEM

59

ORIGINAL

AMENDMENT NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
FOR
US95/RANCHO DRIVE SEWER - PHASE I & PHASE II
ALTA DRIVE - RANCHO DRIVE TO I-15/UPRR PROPERTY - PHASE I
NORTHWEST NEIGHBORHOOD STUDY - AREA 2

THIS AMENDED AGREEMENT, made and entered into as of the 12th day of July, 1999, by and between the CITY OF LAS VEGAS, a municipal corporation and political subdivision of the State of Nevada, (hereinafter referred to as "CITY"), and Post, Buckley, Schuh & Jernigan, Inc., (hereinafter referred to as "CONSULTANT").

WITNESSETH:

WHEREAS, on June 8, 1998 the CITY and the CONSULTANT entered into a Professional Services Agreement for the design and preparation of contract bid documents for the construction of the US95/Rancho Drive Sewer – Phase I & Phase II project, and Alta Drive – Rancho Drive to I-15/UPRR Property-Phase I project; and to obtain technical expertise to complete the Northwest Neighborhood Drainage Study; and

WHEREAS, the CITY desires to incorporate a portion of the Rancho Drive Sewer – Phase I project into the Alta Drive project to achieve timely, economical construction with less inconvenience to the traveling public; and

WHEREAS, the CONSULTANT's scope of services and compensation as provided in this Amendment No. 1 have been arrived at through meaningful negotiations between the CITY and the CONSULTANT.

NOW THEREFORE, the parties hereto agree to amend the Professional Services Agreement dated June 8, 1998 as follows:

**SECTION I
RESPONSIBILITY OF CONSULTANT**

Subsection C is changed to read as follows:

- C. CONSULTANT shall assign Louis A. Atwell, P.E. to manage PROJECT 1, Wayne Horlacher, P.E. to manage PROJECT 2, and Mark Sorensen, P.E. to manage PROJECT 3. All of the services specified by this AGREEMENT shall be performed by the Project Managers, or by CONSULTANT's associates and employees identified in the CONSULTANT's proposal under the personal supervision of the Project Managers. All employees identified in the CONSULTANT's cost proposal shall be subject to approval by CITY's representative. Should the Project Managers, or any key employee of CONSULTANT be unable to complete his or her responsibility for any reason, the CONSULTANT will replace him or her with a qualified person whom the CITY's representative finds satisfactory. If CONSULTANT fails to make a required replacement within 30 days, CITY may terminate this AGREEMENT for default.

SECTION III SCOPE OF SERVICES

The following is added to this section:

Services to be performed by the CONSULTANT shall also consist of the services described in Exhibit "A1-1" of this AGREEMENT.

SECTION V ADDITIONAL SERVICES OF CONSULTANT

The following is added to Subsection A of this Section:

Exhibit "B1-1" describes additional services that may be authorized in writing by the CITY's representative. Any other work determined by CITY as essential to efficient and timely completion of the project shall require formal amendment to this AGREEMENT.

SECTION VIII COMPENSATION AND TERMS OF PAYMENT

The following is added to Subsection B.1:

- For the services identified in the Section entitled Exhibit "A1-1" Scope of services the CONSULTANT will be paid on a Time and Materials basis per Exhibit "E-1" to a maximum amount of One Hundred Seventy Five Thousand Seventy Five dollars (\$175,075).

Subsection B.3 of this Section is changed to read as follows:

3. The CITY agrees to pay CONSULTANT for any services described in Section entitled "Additional Services of Consultant", only if the services are requested in writing by the CITY's representative. Payment will be made on a Time and Material basis per Exhibit "E" Hourly Rate Schedule, and in accordance with paragraphs 1 and 2 of this section for additional services rendered in connection with Exhibit B1, B2 and B3. For additional services rendered in connection with Exhibit "B1-1" payment will be made on a Time and Material basis per Exhibit "E-1". An amount up to, but not exceeding the following may be authorized for services performed under Section entitled "Additional Services of Consultant".
 - For Exhibit B1 a maximum amount of One Hundred Thirty Five Thousand dollars (\$135,000).
 - For Exhibit "B1-1" a maximum amount of Seventy Six Thousand Two Hundred dollars (\$76,200).
 - For Exhibit B2 a maximum amount of Fifty Thousand dollars (\$50,000).

- For Exhibit B3 a maximum amount of Thirty Thousand dollars (\$30,000).

The total amount of this entire AGREEMENT shall not exceed One Million Fifty Three Thousand Six Hundred Seventy Five dollars (\$1,053,675).

SECTION IX

TIME OF PERFORMANCE

This Section is changed to read as follows:

CONSULTANT shall furnish CITY's representative a schedule for performance of services not later than 10 calendar days after CONSULTANT receives written notice to proceed from CITY's representative. The schedule shall set forth not more than 180 calendar days for Tasks USS (1) through USS (13), as a period of time which may reasonably be required to complete the services identified in Exhibit A1, not more than 90 calendar days and not more than 225 calendar days to complete Tasks RSS (1) through RSS (21) and Tasks RSS (22) through RSS (55) respectively, such times which may reasonably be required to complete the services identified in Exhibit "A1-1", not more than 180 calendar days for Tasks AD (1) through AD (7), a period of time which may reasonably be required to complete the services identified in Exhibit A2, and not more than 365 calendar days for Tasks NW (1) through NW (9), a period of time which may reasonably be required to complete the services identified in Exhibit A3. The format of the schedule for performance of services shall be based on a cost-loaded, task-oriented diagram. In preparing the project schedule, the CONSULTANT will provide a ten (10) working day allowance for each CITY review period. If the

CONSULTANT's performance of services is delayed or if the CONSULTANT's sequence of tasks is changed, he shall notify the CITY's representative in writing of the reasons for the delay. The CONSULTANT shall then prepare a revised schedule for performance of services and submit the revised schedule to the CITY's representative. The CONSULTANT shall perform and complete the work according to the schedule furnished to CITY's representative.

If the CONSULTANT is delayed by conditions within his control, as determined by CITY after consultation with the CONSULTANT, CITY shall have the right to increase the percentage withheld from monthly payments under Section entitled "Compensation and Terms of Payment" of this AGREEMENT up to five percent (5%) until such time as the CONSULTANT has complied with the schedule requirement or presented an acceptable plan for such compliance.

The remainder of the Professional Services Agreement dated June 8, 1998 remained unchanged.

IN WITNESS WHEREOF, the parties have caused this AGREEMENT AMENDMENT NO. 1 to be executed the day and year first above written.

CITY OF LAS VEGAS

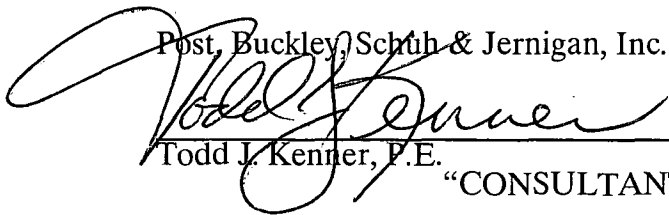
By 
Oscar B. Goodman, Mayor
"CITY"

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Thomas R. Green 6-16-99
Date


Post, Buckley, Schuh & Jernigan, Inc.

Todd J. Kenner, P.E.
"CONSULTANT"

EXHIBITS

The Exhibits are revised and defined as follows:

EXHIBIT "A1" & "A1-1"	Scope of Services
EXHIBIT "B1" & "B1-1"	Additional Services
EXHIBIT "C1" & "C1-1"	Milestone Schedule
EXHIBIT "D" & "D-1"	Invoice Format
EXHIBIT "E"	Hourly Rate Schedule for Additional Services
EXHIBIT "E-1"	Hourly Rate Schedule – Basic & Additional Services

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCHO DRIVE SEWER
PHASES I & II**

**EXHIBIT "A1-1"
FOR
AGREEMENT AMENDMENT NO. 1**

A. OVERVIEW

The BASIC SERVICES TASKS and ADDITIONAL SERVICE TASKS assigned to the consultant by the CITY under terms and conditions of their Professional Services Agreement dated June 6, 1998 have been completed, or sufficiently accomplished to the level necessary to proceed with detail design and preparation of plans, specifications and estimates for Phase I construction of the US95/Rancho Drive Sewer. The CITY now finds it desirable to expedite a portion of the Phase I improvements such that the proposed sewer improvements between Pinto Lane and Redondo Drive are incorporated into a roadway/storm drain improvement project in the same immediate area (Alta Drive – Rancho Drive to I-15/UPRR project). Thus for the purposes of identification, the sewer improvements between Pinto Lane and Redondo Drive will hereinafter be referred to as Phase IA. The remaining portion of the sewer improvements located between Redondo Drive and Coran Lane will hereinafter be referred to as Phase IB.

Below is a narrative, which describes the required work tasks in more detail and identifies the work tasks associated with Phase IA, and with Phase IB. For clarity, major tasks previously completed will also be identified.

B. PHASE IA

1. Design Phase Services

TASK RSS(1) Project Management. Day-to-day work to administer interrelated activities, manage personnel and resources, monitor schedules and budgets; coordinate with PROGRAM MANAGER and prepare and distribute PROJECT schedule updates.

TASK RSS(2) Right-of-Way Research. CONSULTANT will research record documents for existing right-of-way within the Rancho Drive alignment. The length of the proposed pipeline is approximately 2,400 linear feet. This search will include, assessor's maps, record of surveys, final maps, state right-of-way maps, and existing improvement plans. CONSULTANT will identify right-of-way which must be acquired by

providing to the CITY an 8-1/2" x 11" sketch and description signed and sealed by a State of Nevada Registered Public Land Surveyor.

TASK RSS(3) Aerial Topographic and Survey Control. Completed – No Action Required

TASK RSS(4) Geotechnical Investigation. Completed – No Action Required.

TASK RSS(5) Utility Research and Agency Coordination. Contact utilities and other governmental agencies, perform research, and obtain information regarding electric, telephone, gas, water, sewer, storm drain, cable television, traffic signal interconnect conduit, and other utility facilities from the utility agencies operating existing facilities or planning to install additional facilities within the construction limits of Phase IA. Such information shall include mapping, utility plats, plans, data on electronic media, and in other forms. It is anticipated the local agencies and utilities to be contacted shall include, at a minimum:

- Sprint
- Southwest Gas Company
- Nevada Power Company
- Clark County (Flood Control Maintenance)
- Clark County Regional Flood Control District
- Clark County Sanitation District
- Cox Cable TV
- Las Vegas Valley Water District
- City of Las Vegas

TASK RSS(6) Potholing of Existing Utility Lines. Completed – No Action Required.

TASK RSS(7) 70% Submittal. Completed – No Action Required.

TASK RSS(8) 70% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER comments on the 70% submittal package.

TASK RSS(9) 90% Plans, Specifications and Estimates. Incorporate applicable 70% review comments into the 90% design, plans, specifications, bid schedule and construction cost opinion; and provide written responses to comments, which should not be incorporated therein. Accomplish the design of, and preparation of drawings, review the CITY's standard front-end contract documents, provide technical specifications, supplemental specifications, bid schedule and cost estimate in unit price format such as will reflect a 90% level of PROJECT completion.

TASK RSS(10) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the 90% submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(11) 90% Submittal. Prepare and furnish ten (10) sets of full size (24"x36"), 90% progress drawings and supplemental specifications to the PROGRAM MANAGER for review and comment. Also submit updated construction cost estimate, permit status, and utility relocation/clearance status table to the PROGRAM MANAGER for informational and action purposes. Provide 90% plans and specifications to each affected utility agency for review and comment.

The 90% submittal package will be prepared pursuant to the prescribed format and include cover sheet, general notes, legend, abbreviations, survey control, plan and profile layout of the sewer interceptor and all other necessary drawings, details and technical and supplemental specifications amending or supplementing the Uniform Standard Specifications as necessary.

The drawings are anticipated to consist of the following:

No. of	DESCRIPTION
1	Cover Sheet
1	Vicinity Map - Sheet Index
1	General Notes
1	Quantity and Schedule
2	Survey Control
4	Sanitary Sewer Plan and Profile
2	Sanitary Sewer Details

All drawings and specifications will be sealed by a professional engineer(s) registered in Nevada.

TASK RSS(12) 90% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER's comments on the 90% submittal package. Also with utility and permitting agencies as needed to incorporate their review comments.

TASK RSS(13) Permit Coordination. Research permits applicable to the PROJECT, prepare all technical data and draft applications, which may be necessary to obtain environmental and regulatory permits. CITY will sign permit applications and pay application fees. A summary matrix of required permits shall be prepared.

TASK RSS(14) 99% Plans, Specifications and Estimates. Incorporate applicable 90% review comments into the 99% design, plans, specifications, bid schedule and construction cost opinion; and provide written responses to comments, which should not be incorporated therein. Accomplish the design of, and preparation of drawings, review the CITY's standard front-end contract documents, provide technical specifications, supplemental specifications, bid schedule and cost estimate in unit price format such as will reflect a 99% level of PROJECT completion.

TASK RSS(15) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the 99% submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(16) 99% Submittal. Prepare and furnish ten (10) sets of full size (24"x36"), 99% progress drawings and supplemental specifications to the PROGRAM MANAGER for review and comment.

The 99% submittal package will be prepared pursuant to the prescribed format and include cover sheet, general notes, legend, abbreviations, survey control, plan and profile layout of the sewer interceptor and all other necessary drawings, details and technical and supplemental specifications amending or supplementing the Uniform Standard Specifications as necessary.

TASK RSS(17) 99% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER's comments on the 99% submittal package. Also with utility and permitting agencies as needed to incorporate their review comments.

TASK RSS(18) Final Plans, Specifications and Estimates. Incorporate applicable 99% review comments into the final design, plans, specifications, bid schedule and construction cost opinion; and provide written responses to comments, which should not be incorporated therein. Accomplish the design of, and preparation of drawings, review the CITY's standard front-end contract documents, provide technical specifications, supplemental specifications, bid schedule and cost estimate in unit price format such as will reflect a final level of PROJECT completion.

TASK RSS(19) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the final submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(20) Final Submittal. Submit ten (10) complete final contract documents, including a final Opinion of Probable Cost and one

set of final specifications ready for advertisement for construction, addressing and incorporating CITY's review comments from 99% review submittal. Furnish to the CITY, copies of final engineering project diskettes in AutoCAD format and specifications on diskette in Microsoft Word format, one set of final full-size original mylar drawings and specifications. These will be in a form previously approved by the CITY and suitable for reproduction by the CITY.

2. Bid Phase Services

TASK RSS(21) Pre-Bid Services. Attend a pre-bid meeting, provide technical information as requested by the CITY, answer technical questions from potential bidders and assist the CITY in preparing addenda to be signed and issued by the CITY.

C. PHASE IB

1. Design Phase Services

TASK RSS(22) Project Management. Day-to-day work to administer interrelated activities, manage personnel and resources, monitor schedules and budgets; coordinate with PROGRAM MANAGER and prepare and distribute PROJECT schedule updates.

TASK RSS(23) Progress Meetings. Organize and participate in monthly PROJECT progress meetings. Prepare the meeting agendas, attend progress meetings and prepare meeting minutes recording the issues discussed and decisions reached.

TASK RSS(24) Right-Of-Way Research. CONSULTANT will research record documents for existing right-of-way within the Rancho Drive alignment. The length of the proposed pipeline is approximately 11,000 linear feet. This search will include, assessor's maps, record of surveys, final maps, state right-of-way maps, and existing improvement plans. CONSULTANT will identify right-of-way which must be acquired by providing to the CITY an 8-1/2" x 11" sketch and description signed and sealed by a State of Nevada Registered Public Land Surveyor.

TASK RSS(25) Utility Research and Agency Coordination. Contact utilities and other governmental agencies, perform research, and obtain information regarding electrical, telephone, gas, water, sewer, storm drain, cable television, traffic signal interconnect conduit, and other utility facilities from the utility agencies operating existing facilities or planning to install additional facilities within the construction limits of Phase IB. Such information shall include mapping, utility plats, plans, data on electronic media, and in other forms. It is anticipated the local agencies and utilities to be contacted shall include, at a minimum:

- Sprint
- Southwest Gas Company
- Nevada Power Company
- Clark County (Flood Control Maintenance)
- Clark County Regional Flood Control District
- Clark County Sanitation District
- Cox Cable TV
- Las Vegas Valley Water District
- City of Las Vegas

TASK RSS(26) Aerial Topographic and Survey Control. Completed – No Action Required

TASK RSS(27) Potholing of Existing Utilities. Completed – No Action Required

TASK RSS(28) Geotechnical Investigation. Completed – No Action Required

TASK RSS(29) Right-of-Way Engineering. Prepare a right-of-way plan on 24"x36" polyester sheets to a scale of 1"=100' and as a minimum will include:

- A horizontal control plan with alignment information for section lines, PROJECT centerline (including intersecting streets), and sectional ties.
- Subdivision and sectional references.
- Existing improvements in take-area and immediately adjacent thereto.
- Existing and proposed right-of-way lines.
- Private property lines.
- Document numbers and dates for existing right-of-way; public and utility easement and patent reservations.
- Tax parcel numbers and owner/s names for all parcels from which right-of-way is required; tax parcel numbers only for all other parcels shown.
- Street names.
- Curve data.
- Legend.
- City, County and other municipal boundary lines.
- Property schedule.
- Basis of bearing.
- North arrow.
- Right-of-Way requirements for roadway, sewer and drainage improvements.

TASK RSS(30) 30% Plans. Perform the design of, and prepare preliminary construction drawings to correspond with a 30% level of PROJECT completion. Drawings shall be prepared in accordance with the CITY's prescribed format and include a cover sheet, general notes, legend, abbreviations, and sewer plan and profile.

TASK RSS(31) 30% Specifications. Prepare technical specifications to correspond with a 30% level of PROJECT completion.

TASK RSS(32) 30% Estimates. Prepare preliminary bid schedule including a summary of bid items and quantities, and an engineer's opinion of probable PROJECT cost based upon a unit price system of bidding, to correspond with a 30% level of PROJECT completion.

TASK RSS(33) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the 30% submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(34) 30% Submittal. Prepare and furnish ten (10) sets of full size (24"x36"), 30% progress drawings and special provisions to the PROGRAM MANAGER for review and comment. Also submit preliminary construction cost opinion, right-of-way acquisition status, and preliminary utility relocation/clearance status table to the PROGRAM MANAGER for informational and PROGRAM MANAGER action purposes. The 30% deliverables shall be prepared to CITY standards and should include 30% Plans, Specifications and Estimates, containing:

- Alignment and surface profile base sheets.
- Available detail drawings.
- PROJECT cost estimate.

TASK RSS(35) 30% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER comments on the 30% submittal package.

TASK RSS(36) 75% Plans. Incorporate applicable 30% review comments into the 75% design plans to reflect a 75% level of completion and provide written responses to comments which should not be incorporated therein. Drawings shall be prepared in accordance with the CITY's prescribed format and include a cover sheet, general notes, legend, abbreviations, survey control, sewer plan and profile, and details.

TASK RSS(37) 75% Specifications. Incorporate applicable 30% review comments into the 75% technical design specifications to reflect a 75%

level of completion; and provide written responses to comments, which should not be incorporated therein.

TASK RSS(38) 75% Estimates. Incorporate applicable 30% review comments into the 75% construction cost opinion and update quantities to reflect a 75% level of completion; and provide written responses to comments which should not be incorporated therein. Provide a construction schedule to reflect a 75% level of completion.

TASK RSS(39) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the 75% submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(40) 75% Submittal. Prepare and furnish ten (10) sets of full size (24"x36"), 75% progress drawings and special provisions to the PROGRAM MANAGER for review and comment. Also submit preliminary construction cost opinion, permit status, right-of-way acquisition status, and preliminary utility relocation/clearance status table to the PROGRAM MANAGER for informational and PROGRAM MANAGER action purposes. The 75% deliverables shall be prepared to CITY standards and should include 75% Plans, Specifications and Estimates, containing:

- Alignment and profile base sheets.
- Property ownership.
- Available detail drawings.
- Survey monument summary table.
- Update PROJECT cost estimate.
- PROJECT schedule.

TASK RSS(41) 75% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER comments on the 75% submittal package.

TASK RSS(42) Permit Coordination. Prepare final applications for appropriate permits, prepare required exhibits, coordinate signature of permit applications with PROGRAM MANAGER, and submit permit applications on CITY's behalf.

TASK RSS(43) 90% Plans. Incorporate applicable 75% review comments into the 75% design plans to reflect a 90% level of completion and provide written responses to comments which should not be incorporated therein. Drawings shall be prepared in accordance with the CITY's prescribed format and include a cover sheet, general notes, legend, abbreviations, survey control, sewer plan and profile, and details.

The drawings are anticipated to consist of the following:

No. of	DESCRIPTION
1	Cover Sheet
1	Vicinity Map - Sheet Index
1	General Notes
1	Quantity and Schedule
4	Survey Control
12	Sanitary Sewer Plan and Profile
4	Sanitary Sewer Details

TASK RSS(44) 90% Specifications. Incorporate applicable 75% review comments into the 90% technical design specifications to reflect a 90% level of completion; and provide written responses to comments, which should not be incorporated therein.

TASK RSS(45) 90% Estimates. Incorporate applicable 75% review comments into the 90% construction cost opinion and update quantities to reflect a 90% level of completion; and provide written responses to comments which should not be incorporated therein. Provide a construction schedule to reflect a 90% level of completion.

TASK RSS(46) Quality Control/Quality Assurance Review. Perform a quality control/quality assurance review of the 90% submittal package and technical data; and make corrections and/or revisions on all drawings, specifications, calculations, and other documents.

TASK RSS(47) 90% Submittal. Prepare and furnish ten (10) sets of full size (24"x36"), 90% progress drawings and supplemental specifications to the PROGRAM MANAGER for review and comment. Also submit updated construction cost estimate, permit status, and utility relocation/clearance status table to the PROGRAM MANAGER for informational and action purposes. Provide 90% plans and specifications to each affected utility agency for review and comment.

The 90% submittal package will be prepared pursuant to the prescribed format and include cover sheet, general notes, legend, abbreviations, survey control, plan and profile layout of the sewer interceptor and all other necessary drawings, details and technical and supplemental

specifications amending or supplementing the Uniform Standard Specifications as necessary.

TASK RSS(48) On-Site Submittal Review. Meet with the PROGRAM MANAGER to perform a detailed on-site review of the PROJECT.

TASK RSS(49) 90% Submittal Review. Meet with utility and permitting agencies as needed to incorporate their review comments.

TASK RSS(50) 99% Plans, Specifications and Estimates. Incorporate applicable comments pursuant to the PROGRAM MANAGER's 90% review into the design, 100% plans, front end contract documents, special provisions, bid schedule and construction cost estimate; and provide written responses to comments which should not be incorporated therein. Finalize all designs, plans specifications and cost estimate.

TASK RSS(51) Obtain Utility Approvals. Submit 100% plans and specifications to utility agencies, request and obtain approvals on the appropriate sheets.

TASK RSS(52) 99% Submittal. Prepare and furnish ten (10) sets of full size (24"x36") 99% progress drawings, front end contract documents, supplemental specifications to the PROGRAM MANAGER for review and comment. Submit 99% construction cost estimate and bid schedule. Report on the status of permits and utility issues.

TASK RSS(53) 99% Submittal Review. Meet with the PROGRAM MANAGER to obtain and review the PROGRAM MANAGER's comments on the 99% submittal package. Resolve any outstanding utility agency issues.

TASK RSS(54) Final Submittal. Submit ten (10) complete final contract documents, including a final Opinion of Probable Cost and one set of final specifications ready for advertisement for construction, addressing and incorporating CITY's review comments from 99% review submittal. Furnish to the CITY, copies of final engineering project diskettes in AutoCAD format and final specifications on diskette in Microsoft Word format, one set of final full-size original mylar drawings and specifications. These will be in a form previously approved by the CITY and suitable for reproduction by the CITY.

2. Bid Phase Services

TASK RSS(55) Pre-Bid Services. Attend a pre-bid meeting, provide technical information as requested by the CITY, answer technical questions from potential bidders and assist the CITY in preparing addenda to be signed and issued by the CITY.

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCHO DRIVE SEWER
PHASES I & II**

**EXHIBIT "B1-1"
FOR
AGREEMENT ADDENDUM NO. 1
ADDITIONAL SERVICES**

Upon written authorization by the PROGRAM MANAGER, the CONSULTANT shall provide additional services as needed.

Additional Services that may be authorized include the following:

A. PHASE IA

TASK ARSS(1) Additional Potholing of Existing Utility Lines. Perform additional utility potholing as necessary to complete the design of the PROJECT.

TASK ARSS(2) Additional Geotechnical Environmental Services. Perform additional geotechnical services including environmental assessment and mitigation as necessary to complete the design of the PROJECT.

TASK ARSS(3) Additional Design Services. Provide additional engineering services as directed by the CITY that are directly related to the PROJECT but which were not anticipated nor reasonably associated with the work described in Exhibit "A1" on a time and materials basis.

TASK ARSS (4) Utility Relocation. Provide design of relocation or vertical adjustment plans and details which require additional plan and profile sheets or extensive details. This requirement shall apply to pipelines with a diameter of 12 inches or greater.

TASK ARSS (5) Preparation of Addenda. Provide engineering design services to assist the CITY in preparing addenda as necessary to complete the design of the PROJECT.

TASK ARSS (6) Shop Drawing Review. Provide review of shop drawings on a time and materials basis as directed by the CITY.

TASK ARSS (7) Request for Information (RFI). As directed by the CITY, provide written responses to RFIs received during the bidding and construction process.

TASK ARSS (8) Record Drawings. As directed by the CITY, modify the final bid set of plans to reflect as-built conditions based on information provided by the construction contractor.

TASK ARSS (9) Miscellaneous Construction Phase Services. Provide construction support including field visits and attendance to construction progress meetings when requested by the CITY.

B. PHASE IB

TASK ARSS(10) Additional Potholing of Existing Utility Lines. Perform additional utility potholing as necessary to complete the design of the PROJECT.

TASK ARSS(11) Additional Geotechnical Environmental Services. Perform additional geotechnical services including environmental assessment and mitigation as necessary to complete the design of the PROJECT.

TASK ARSS(12) Additional Design Services. Provide additional engineering services as directed by the CITY that are directly related to the PROJECT but which were not anticipated nor reasonably associated with the work described in Exhibit "A1" on a time and materials basis.

TASK ARSS (13) Utility Relocation. Provide design of relocation or vertical adjustment plans and details which require additional plan and profile sheets or extensive details. This requirement shall apply to pipelines with a diameter of 12 inches or greater.

TASK ARSS (14) Preparation of Addenda. Provide engineering design services to assist the CITY in preparing addenda as necessary to complete the design of the PROJECT.

TASK ARSS (15) Shop Drawing Review. Provide review of shop drawings on a time and materials basis as directed by the CITY.

TASK ARSS (16) Request for Information (RFI). As directed by the CITY, provide written responses to RFIs received during the bidding and construction process.

TASK ARSS (17) Drafting of As-Built. As directed by the CITY, modify the final bid set of plans to reflect as-built conditions based on information provided by the construction contractor.

TASK ARSS (18) Miscellaneous Construction Phase Services. Provide construction support including field visits and attendance to construction progress meetings when requested by the CITY.

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCHO DRIVE SEWER
PHASES I & II**

**EXHIBIT "C1-1"
MILESTONE SCHEDULE**

A. PHASE IA

- | | |
|--------------------|-------------------|
| 1. 90% Submittal | July 17, 1999 |
| 2. 99% Submittal | August 16, 1999 |
| 3. Final Submittal | September 1, 1999 |

B. PHASE IB

- | | |
|--------------------|-------------------|
| 1. 30% Submittal | July 30, 1999 |
| 2. 75% Submittal | October 25, 1999 |
| 3. 90% Submittal | December 13, 1999 |
| 4. 99% Submittal | January 18, 2000 |
| 5. Final Submittal | February 8, 2000 |

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCH DRIVE SEWER
PHASES I & II**

**EXHIBIT "D-1" (BASIC SERVICES)
INVOICE FOR PROFESSIONAL SERVICES**

CITY OF LAS VEGAS
400 E. Stewart Avenue
Las Vegas, NV 89101
Attn: Denis L. Atwood, P.E.

Date: _____

Invoice No. "A": _____

Project Name: _____

Period Covered: FROM _____ TO _____

BASIC SERVICES (Exhibit "A") Invoice Amount \$ _____

Fee Summary

Agreement Amount (T&M Max)
TASKS RSS(1) through TASK RSS(21)
TASKS RSS(22) through TASK RSS(55)
Subconsultants
Reimbursable Expenses
Gross Invoice Amount
Retention @ 5%
Net Invoice Amount

Total	Previous	This Period
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$

Agreement Balance

PROJECT STATUS/TASKS INVOICED/PROJECT% COMPLETE:

Payment Authorized By: _____
Name and Title

Date: _____

Payment Recommended By: _____
Name and Title

Date: _____

Payment Authorized By: _____

voiceb.xls

REMIT PAYMENT TO:

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCH DRIVE SEWER
PHASES I & II**

**EXHIBIT "D-1" (ADDITIONAL SERVICES)
INVOICE FOR PROFESSIONAL SERVICES**

CITY OF LAS VEGAS
400 E. Stewart Avenue
Las Vegas, NV 89101
Attn: Denis L. Atwood, P.E.

Date: _____

Invoice No. "B": _____

Project Name: _____

Period Covered: FROM _____ TO _____

ADDITIONAL SERVICES (Exhibit "B") Invoice Amount \$ _____

Fee Summary

Agreement Amount (T&M Max)

Authorization No. 1. _____

Authorization No. 2. _____

Authorization No. 3. _____

Authorization No. 4. _____

Gross Invoice Amount

Retention @ 5%

Net Invoice Amount

Agreement Balance

Total	Previous	This Period
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$
\$	\$	\$

PROJECT STATUS/TASKS INVOICED/PROJECT% COMPLETE:

1. _____

2. _____

3. _____

4. _____

Payment Requested By: _____
Name and Title

Date: _____

Payment Recommended By: _____
Name and Title

Date: _____

Payment Authorized By: _____
voiceb.xls

REMIT PAYMENT TO: _____

**PROFESSIONAL SERVICES
AGREEMENT
FOR
US95/RANCHO DRIVE SEWER
PHASES I & II**

**EXHIBIT "E-1"
HOURLY RATE SCHEDULE - BASIC & ADDITIONAL SERVICES**

OFFICE ENGINEERING

PRINCIPAL/VICE PRESIDENT	130.00
SENIOR PROJECT MANAGER	110.00
PROFESSIONAL LAND SURVEYOR	100.00
PROJECT MANAGER	100.00
SENIOR ENGINEER	95.00
SENIOR PLANNER	90.00
GIS MANAGER	80.00
PROJECT ENGINEER	75.00
SURVEY TECHNICIAN	75.00
CADD SYSTEMS MANAGER	75.00
PROJECT PLANNER	70.00
LANDSCAPE ARCHITECT	70.00
GIS ANALYST	70.00
DESIGN ENGINEER	65.00
PROJECT COORDINATOR	65.00
DESIGNER	55.00
CADD TECHNICIAN	50.00
GRAPHIC ARTIST	45.00
COORDINATOR I	45.00
CLERICAL/WORD PROCESSOR	40.00

FIELD ENGINEERING

ONE MAN SURVEY CREW	65.00
TWO MAN SURVEY CREW	125.00
THREE MAN SURVEY CREW	140.00

CONSTRUCTION MANAGEMENT SERVICES

SENIOR CONSTRUCTION MANAGEMENT REPR	65.00
SCHEDULER/ESTIMATOR	60.00
CONSTRUCTION MANAGEMENT REPR II	65.00
INSPECTOR	60.00

All out-of-pocket expenses, such as filing fees, printing and reproduction costs will be extra. These reimbursable will be invoiced at our cost plus ten percent (10%).

MEETING OF

AGENDA DOCUMENTATION**JULY 12, 1999****TO: City Council****FROM:** Richard D. Goecke
Director, Public Works**SUBJECT:** Approval of additional services to the professional services agreement for Swisher & Hall, AIA, Limited, to provide extended contract administration for the Municipal (Dula) Pool Project per Appendix E - (\$25,000)**PURPOSE/BACKGROUND**

The City of Las Vegas contracted with SWISHER & HALL to provide architectural services for the construction of the Municipal Pool. The pool has been constructed, and is operating. However, there were unexpected contingencies in the construction of the pool. The City Council authorized funding for SWISHER & HALL has been expended. Recently, the Office of the City Manager authorized Senior Litigation Counsel William P. Henry to discuss with SWISHER & HALL the subject of final payment for services provided. These discussions have taken place, and it is his recommendation that SWISHER & HALL be paid an additional \$25,000 to fully compensate them for architectural services provided the City in the construction of the Municipal Pool.

FISCAL IMPACT

\$25,000

RECOMMENDATIONS

It is recommended that this expenditure be authorized by the City Council.

CITY COUNCIL

MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: CITY COUNCIL

FROM: RICHARD D. GOECKE, DIRECTOR
DEPARTMENT OF PUBLIC WORKS

SUBJECT: APPROVAL OF AMENDMENT #1 TO THE PROFESSIONAL SERVICES AGREEMENT WITH
STANLEY CONSULTANTS, INC. TO PROVIDE ENGINEERING DESIGN SERVICES FOR THE
LAS VEGAS TECHNOLOGY CENTER - PHASE 2

PURPOSE/BACKGROUND

The City desires to increase the total authorized compensation to the Consultant for additional design services performed on the project as directed by the Economic Development Division of the Office of Business Development for the City. The Department of Public Works is acting as the design project manager for the Economic Development Division for this project.

FISCAL IMPACT

Funding for the additional engineering services to be performed under this amendment will be provided by the City of Las Vegas Industrial Revenue Fund as authorized by the Office of Business Development. Original fee - \$200,000; increase in fee per this amendment - \$50,000; total fee not to exceed - \$250,000.

RECOMMENDATION

The Director of Public Works recommends that the City Council approve Amendment #1 to the Professional Services Agreement with Stanley Consultants, Inc.

AGENDA ITEM

61

**AMENDMENT NO. 1
TO
PROFESSIONAL SERVICES AGREEMENT
Las Vegas Technology Center - Phase 2**

ORIGINAL

THIS AMENDED AGREEMENT made and entered into as of the 12th day of July, 1999, by and between the City of Las Vegas, a municipal corporation of the State of Nevada (herein the "CITY") and Stanley Consultants, Inc. (herein the "CONSULTANT").

WITNESSETH :

WHEREAS, the CITY and the CONSULTANT have entered into an agreement dated July 27, 1998 (herein the "AGREEMENT") retaining the services of the CONSULTANT in connection with the design of the Las Vegas Technology Center - Phase 2 improvements more fully described therein (herein the "PROJECT"); and

WHEREAS, the CITY desires to increase the amount of compensation for the CONSULTANT to revise and resubmit for review 70% construction plans to include 80 foot wide, 4 lane divided roadways in lieu of originally planned 60 foot wide roadways, complete with landscaped medians, turn pockets and an additional traffic circle and to extend the time schedule to perform such revisions;

NOW THEREFORE, the parties hereto agree that the following changes shall be made to the AGREEMENT:

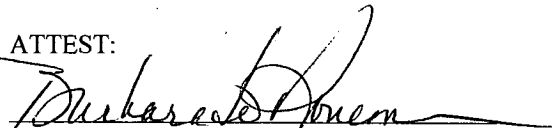
1. SECTION VIII, COMPENSATION AND TERMS OF PAYMENT, Paragraph B.3, is hereby amended to change the amount referenced therein for "Additional Services of the Consultant" from \$28,211 to \$78,211, and change the total amount of the entire AGREEMENT referenced therein from \$200,000 to \$250,000.

2. SECTION IX, TIME OF PERFORMANCE, the first paragraph is hereby amended to change the number of calendar days referenced therein to complete services identified in Exhibit A and revisions from 226 to 440.

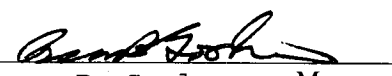
Except as expressly amended in this First Amendment, all terms and conditions of the original Agreement shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties have caused this First Amendment to the original AGREEMENT to be executed the day and year first above written.

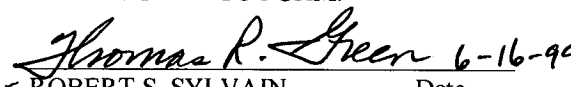
ATTEST:


BARBARA JO RONEMUS, City Clerk

CITY OF LAS VEGAS

By 
Oscar B. Goodman, Mayor
"City"

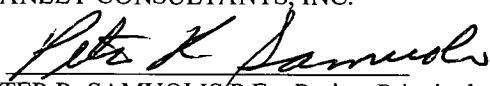
APPROVED AS TO FORM:


For ROBERT S. SYLVAIN

Date

Deputy City Attorney

STANLEY CONSULTANTS, INC.

By 
PETER R. SAMUOLIS P.E., Project Principal
"Consultant"

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****DEPARTMENT OF PUBLIC WORKS -
CONSENT****REPORT/ACTION ITEMS**

62

Approval of agreement between the City of Las Vegas, the Nevada Department of Transportation (NDOT) and Centennial Centre, LLC for the development, acquisition and maintenance of frontage roads and other road improvements along US95 and the Beltway

M. McDONALD - Motion to APPROVE:**Items 5 through 26****Items 28 through 65**

- carried UNANIMOUSLY with L. McDONALD abstaining on Item No. 29 to avoid any possible conflict with her employment with UNLV

Item 4: APPROVED under separate action
(see individual item)

Item 27: APPROVED under separate action
(see individual item)

There was no related discussion. See Item No. 29 for discussion.

(11:01 - 11:02)
1-1310

AGENDA DOCUMENTATION

TO: City Council

FROM: 
Richard D. Goecke, Director
Department of Public Works

SUBJECT: APPROVAL OF AGREEMENT BETWEEN THE CITY OF LAS VEGAS, THE NEVADA DEPARTMENT OF TRANSPORTATION AND CENTENNIAL CENTRE, LLC FOR THE DEVELOPMENT, ACQUISITION AND MAINTENANCE OF FRONTAGE ROADS AND OTHER ROAD IMPROVEMENTS ALONG US95 AND THE BELTWAY.

PURPOSE/BACKGROUND

By this agreement, the City will take ownership of the future frontage road roadway improvements and right-of-way located in the southwest quadrant of the Northern Beltway and US95 Interchange (as shown on Exhibit D-1 and E-1). Also, the City will accept the future roadway improvements and right-of-way of the realigned Buffalo Road frontage road (as shown on Exhibit B and E-2). These roadway improvements are to be constructed by Centennial Centre, LLC in conjunction with their development project.

These frontage road improvements are an integral part of the loop road system around the City's Town Center in the northwest area of the City. At the June 28, 1999 City Council meeting, the Council approved professional services agreements for the design of the Elkhorn Road and Tropical Avenue overpasses on U.S. 95. These overpasses link the loop road segments on the east and west sides of U.S. 95.

FISCAL IMPACT

None other than the normal roadway maintenance.

RECOMMENDATION

Director of Public Works recommends approval of this agreement.

Hwy. Agreement No. NM 302-99-030**AGREEMENT**

THIS AGREEMENT, is made and entered into this 12th day of July, 1999, by and between the STATE OF NEVADA, acting by and through its Department of Transportation, hereinafter called the "STATE," the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter called the "CITY," and CENTENNIAL CENTRE, L.L.C., a Nevada limited liability company, hereinafter called the "DEVELOPER."

WITNESSETH:

WHEREAS, the DEVELOPER is the owner of approximately 202 acres of real property located near the Centennial Parkway and U.S. Highway 95 in Las Vegas, Nevada, and more particularly identified on Exhibit "A" attached hereto and made a part of this Agreement by this reference (hereinafter called the "Property"); and

WHEREAS, the UNITED STATES OF AMERICA, acting by and through the Bureau of Land Management, hereinafter called the "BLM," the former owner of the Property, granted an easement to the STATE for construction and maintenance of roadways on May 29, 1990, pursuant to a Highway Easement Deed recorded June 22, 1990 as Instrument 01101 in Book 900622 of the Official Records of the Clark County Recorder (hereinafter called the "Easement"); and

WHEREAS, all right, title, and interest in the Property, including any reversionary interests in the Easement, was conveyed by the BLM to the DEVELOPER'S predecessor in interest in the Property and thereafter acquired by DEVELOPER in connection with DEVELOPER'S acquisition of the Property; and

WHEREAS, the STATE has constructed on the Easement a roadway connecting the Centennial Parkway to Ann Road (hereinafter called the "Existing Roadway"); and

WHEREAS, the CITY desires to realign the Ann Road and Buffalo frontage road and intersection as more particularly depicted on Exhibit "B" attached hereto and made a part of this Agreement by this reference (hereinafter called the "Buffalo Frontage Realignment"); and

WHEREAS, this Agreement is to address the DEVELOPER's request for STATE, CITY and DEVELOPER to work cooperatively together to the benefit of each and the general public, through the exchange of right of way ownership and construction of roadways in the Property as follows: (i) STATE abandon a portion of the Easement and Existing Roadway (hereinafter called "Abandoned Easement" and depicted on Exhibit "C"); (ii) STATE relinquishes to CITY a portion of the Existing Roadway for the Buffalo Frontage Realignment; (iii) DEVELOPER dedicates to the CITY a right of way across the Property as more particularly depicted on Exhibit "D-1" to replace Existing Road (hereinafter called the "Dedicated Right-of-Way"); (iv) DEVELOPER constructs a roadway to replace the Existing Roadway (hereinafter called the "Replacement Roadway"); (v) DEVELOPER constructs a roadway on the Buffalo Frontage Realignment (hereinafter called the "Realignment Roadway"); and (vi) DEVELOPER donates to STATE a portion of the Property necessary for the construction of the Centennial Interchange (hereinafter called "Contributed Property" and depicted on Exhibit "C").

NOW, THEREFORE, in consideration of the premises and mutual covenants hereinafter contained, it is agreed as follows:

DEVELOPER AGREES:

1. To dedicate to the CITY at the close of Escrow set forth below the Dedicated Right-of-Way for the construction and use of the Replacement Roadway. The dedication shall be effective upon close of Escrow following the completion of the construction of the Replacement Roadway and the Replacement Roadway being ready for public use as determined by the City Engineer through final approval thereof. The Dedicated Right-of-Way shall generally be located in the area set forth in Exhibit "D-1," except that the CITY and DEVELOPER may agree to minor deviations therefrom required as a result of final engineering or to conform to topography or soils conditions.
2. To construct the Replacement Roadway on the Dedicated Right-of-Way in accordance with plans and specifications acceptable to the CITY and STATE and in accordance with the specifications and requirements set forth Exhibit "E-1" attached hereto and made a part of this Agreement by this reference. DEVELOPER shall prepare, at its own cost, plans and specifications for the construction of the Replacement Roadway, which plans and specifications shall be in accordance with standard requirements of the CITY and STATE for such roadways and shall be subject to the approval of the CITY and STATE. Any barricades or barriers relative to the control of access should be of a design mutually agreeable to the parties. DEVELOPER shall complete the construction prior to March 29, 2000, or such later date as is acceptable to Clark County to be concurrent with the construction of the Centennial Interchange by Clark County prior to March 29, 2000. Approvals and permits necessary to proceed with construction are conditioned on DEVELOPER entering into the CITY's standard Off-Site Improvements Agreement with respect to the construction of the Replacement Roadway and the Realignment Roadway, a copy of which is attached hereto as Exhibit D-2, which Agreement shall control and supersede this Agreement with respect to any conflicting provisions between the two agreements.
3. To construct the Realignment Roadway in accordance with plans and specifications acceptable to the CITY and STATE and in accordance with the specifications and requirements set forth Exhibit "E-2" attached hereto and made a part of this Agreement by this reference. DEVELOPER shall prepare, at its own cost, plans and specifications for the construction of the Realignment Roadway, which plans and specifications shall be in accordance with standard requirements of the CITY and STATE for such roadways and shall be subject to the approval of the CITY and STATE. DEVELOPER shall complete the construction within 12 months (or such lesser time as set forth in a schedule agreed upon by the parties) from receiving direction and permission to proceed with construction and all necessary approvals and permits from the STATE and CITY to proceed with construction and all necessary approvals and permits. Such approvals and permits are conditioned on DEVELOPER entering into the CITY's standard Off-Site Improvements Agreement with respect to the construction of the Replacement Roadway and the Realignment Roadway, a copy of which is attached hereto as Exhibit D-2, which Agreement shall control and supersede this Agreement with respect to any conflicting provisions between the two agreements.

4. To donate to the STATE the Contributed Property upon the abandonment and reconveyance of the Existing Roadway and Easement by the STATE, all at the closing of Escrow set forth below. The Contributed Property shall be donated to the STATE free and clear of all liens and encumbrances thereupon except as set forth on Exhibit "F" attached hereto and made a part of this Agreement by this reference.

5. To furnish a utility replacement easement of equal width to those existing in the Existing Roadway. The utility replacement easement shall be provided at no cost to the CITY, STATE or utility company.

STATE AGREES:

1. To abandon the Abandoned Easement at the close of Escrow set forth below.
2. Upon dedication of the Dedicated Right-of-Way and construction of the Replacement Roadway, to allow DEVELOPER to remove all or any portion of the Existing Roadway or erect barricades or take other means to prevent traffic from utilizing the Existing Roadway.
3. To cause any utility company to relocate, at the utility company's cost, any utility facilities from the Existing Roadway to the Replacement Roadway.
4. To relinquish to CITY property necessary for the Buffalo Frontage Realignment after execution of this Agreement, approval by CITY of the Resolution to Consent to Relinquishment, and the approval by the STATE Transportation Board of the Resolution to Relinquish.

CITY AGREES:

1. Upon dedication of the Dedicated Right-of-Way and completion and final approval by the CITY of the Realignment Roadway, to maintain and repair the Realignment Roadway for such time as the Replacement Roadway or the Realignment Roadway is accessible or utilized as a public thoroughfare or utility easement.
2. To realign the Buffalo frontage road and intersection as more particularly depicted on Exhibit "B" attached hereto.
3. To assume ownership and maintenance of the Buffalo Frontage Realignment upon relinquishment by STATE and for the Replacement Roadway and Dedicated Right-of-Way upon dedication by DEVELOPER and final acceptance by CITY.
4. To assume construction responsibilities for the Realignment Roadway in accordance with Exhibit E-2, if the DEVELOPER cancels participation in this Agreement pursuant to Paragraph 1. under IT IS MUTUALLY AGREED.

5. The maintenance requirements set forth in Sections 1 and 3 above are limited to the roadway pavement, curb and gutter, and street lights, and other maintenance customarily performed on similar roadways.

IT IS MUTUALLY AGREED:

1. That DEVELOPER may cancel its participation in this Agreement only prior to the execution of the Off-Site Improvements Agreement with the CITY. The DEVELOPER'S cancellation must be in writing and delivered to the CITY and STATE pursuant to Paragraph 2 below.

2. That all notices shall be in writing and addressed to the following officials as shown:

STATE: Tom Stephens, Director
Nevada Department of Transportation
Attn: Susan Martinovich
1263 South Stewart Street
Carson City, Nevada 89712

DEVELOPER: c/o The Developers of Nevada
Attn: Roland Sturm
7448 West Sahara Avenue
Las Vegas, Nevada 89117

CITY: City of Las Vegas Department of Public Works
731 South Fourth Street
Las Vegas, Nevada 89101
Attn: Richard Goecke

3. That the parties may change the names and address for the purpose of receiving notices or demands as hereinafter provided by written notice in the manner aforesaid to the other party, which notice or change of address shall not become effective, however, until the actual receipt thereof by the other party. Any notice given shall be effective upon delivery if personally delivered, on the following day if sent by recognized overnight carrier, or three days after deposit if sent by certified mail, return receipt requested.

4. That, if necessary, the parties will negotiate an amendment to this Agreement to provide specifically as to legal descriptions of the properties, easements, and other areas, when such properties are finally identified.

5. That except for the responsibility for maintenance, as specified herein, this Agreement shall be terminated when all of the items of work have been completed, paid for by DEVELOPER,

the Replacement Roadway has been accepted by the CITY, and all required property interests have been abandoned, relinquished, donated and dedicated as required herein.

6. This Agreement is executed in Nevada and the laws of the State of Nevada shall apply in interpreting and construing this Agreement.

7. If any term, provision, covenant or condition of this Agreement or any application thereof, shall be held by a court of competent jurisdiction to be invalid, void, or unenforceable, all provisions, covenants, and conditions of this Agreement, and all applications thereof, held not invalid, void, or enforceable, shall continue in force and shall in no way be affected, impaired, or invalidated thereby.

8. If any action is required to enforce the provisions of this Agreement, between STATE and DEVELOPER, the breaching party shall pay all reasonable attorney's fees and costs incurred in the litigation.

9. This Agreement shall inure to the benefit of and be binding upon the parties hereto, and upon their respective successors and assigns. This Agreement may be assigned only by the written agreement of the parties hereto.

10. If any party hereto shall be delayed or prevented from the performance of any act required hereunder by reason of acts of God, strikes, lockouts, labor troubles, inability to procure materials, restrictive governmental laws or regulations (or acts of regulatory agencies) or other cause without fault and beyond the control of the party obligated to perform, performance of such act shall be excused and extended for a period equivalent to the period of such delay.

11. This Agreement constitutes the entire agreement between the parties pertaining to the subject matter contained in it and supersedes all prior agreements, representations, and understandings of the parties. No additional modification of this Agreement shall be binding unless executed in writing by the party to be charged with such modification. Except as may be otherwise provided in this Agreement, no waiver of any of the provisions of this Agreement shall be deemed, or shall constitute, a waiver of any other provision, whether or not similar, nor shall any waiver constitute a continuing waiver, and no waiver shall be binding unless evidenced by an instrument in writing executed by the party making the waiver.

12. The parties agree to timely take such action and execute and deliver such instruments and documents as are reasonably necessary to effect the foregoing covenants and agreements.

13. Upon execution of this Agreement by all parties, the parties hereto shall deposit one (1) executed counterpart of this Agreement with Nevada Title Company, Attn: Troy Lockhead, 3800 Howard Hughes Parkway, Suite #920, Las Vegas, Nevada 89109 (herein the "Escrow Agent"). This instrument shall serve as the joint instructions to Escrow Agent for opening of an escrow to consummate the transactions contemplated herein. The parties agree to execute all necessary documents and such additional escrow instructions as may be appropriate to enable Escrow Agent to comply with the terms of this Agreement; provided, however, that in the event of any conflict

between the provisions of this Agreement and Escrow Agent's instructions, the terms of this Agreement shall control. Escrow Agent shall be responsible only for undertaking such matters in connection with the Close of Escrow as are specifically provided for herein or in any additional escrow instructions executed by the parties. All documents necessary for Close of Escrow must be delivered to Escrow Agent prior to the execution of the Off-Site Improvements Agreement. Escrow shall close upon a joint notice to Escrow Agent by the CITY and the STATE. All normal costs and charges associated with the escrow shall be shared equally by the parties and paid at the Close of Escrow.

IN WITNESS WHEREOF, the parties have executed this Agreement on the day and year first written above.

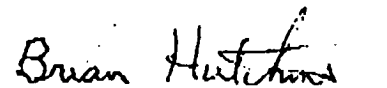
THE STATE OF NEVADA,
acting by and through its
Department of Transportation

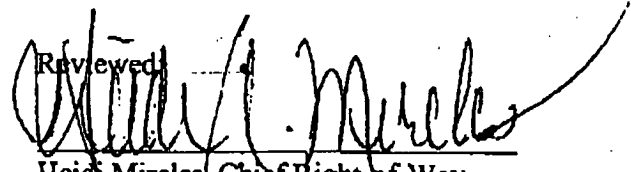
By: 
Name: Thomas E. Stappans
Director

Recommended by:


Susan G. Martinovich
Assistant Director (Engineering)

Approved as to Legality and Form:

By: 
Brian Hutchins
Deputy Attorney General

Reviewed: 
Heidi Mireles, Chief Right-of-Way
Agent

Reviewed:

N/A

Name: _____

District I Engineer

CITY OF LAS VEGAS

By: _____

Oscar B. Goodman
Mayor

Attest: _____

Barbara Jo Ronemus, City Clerk

Approved as to Form:

Thomas R. Green

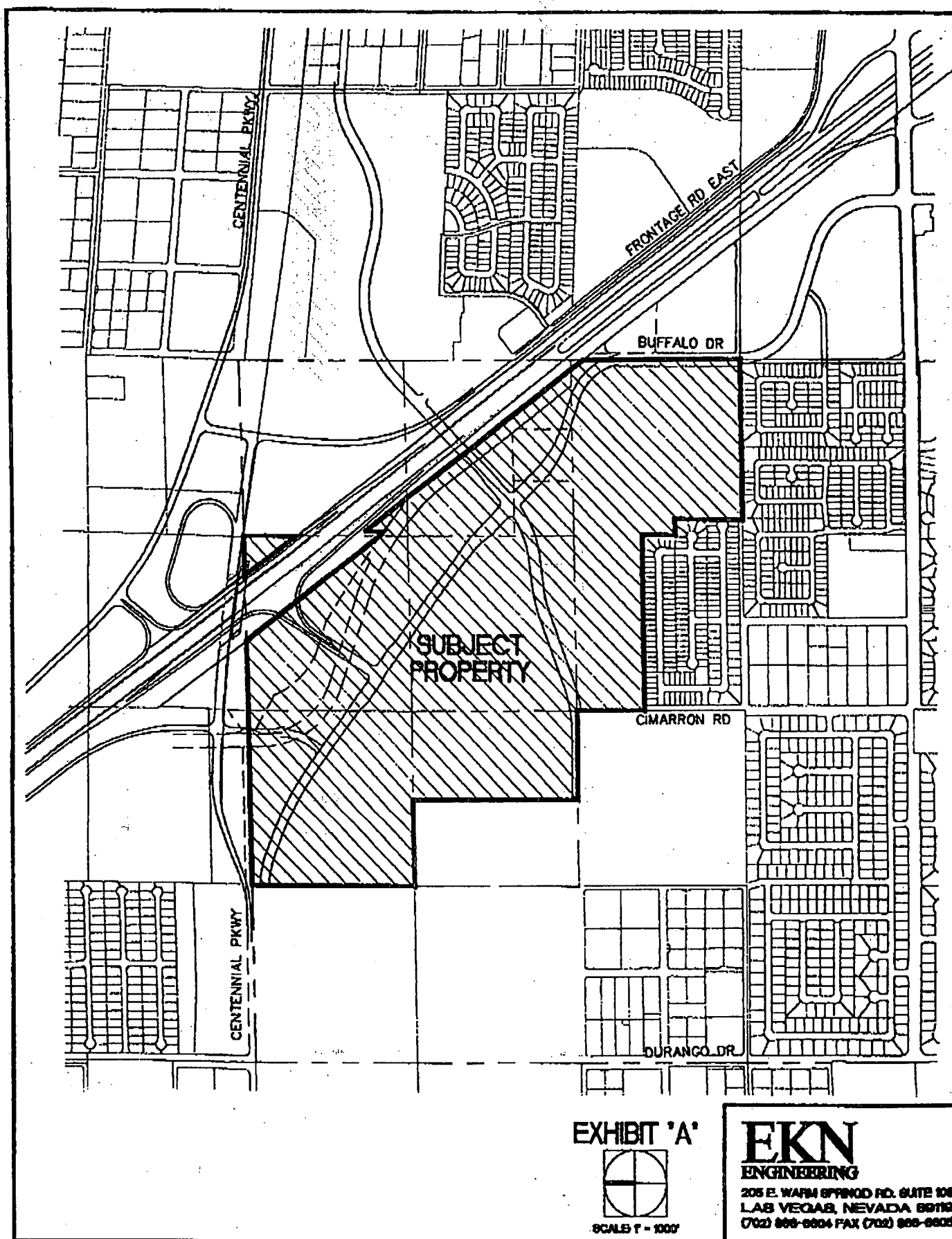
Tom Green 7-16-99
Deputy City Attorney

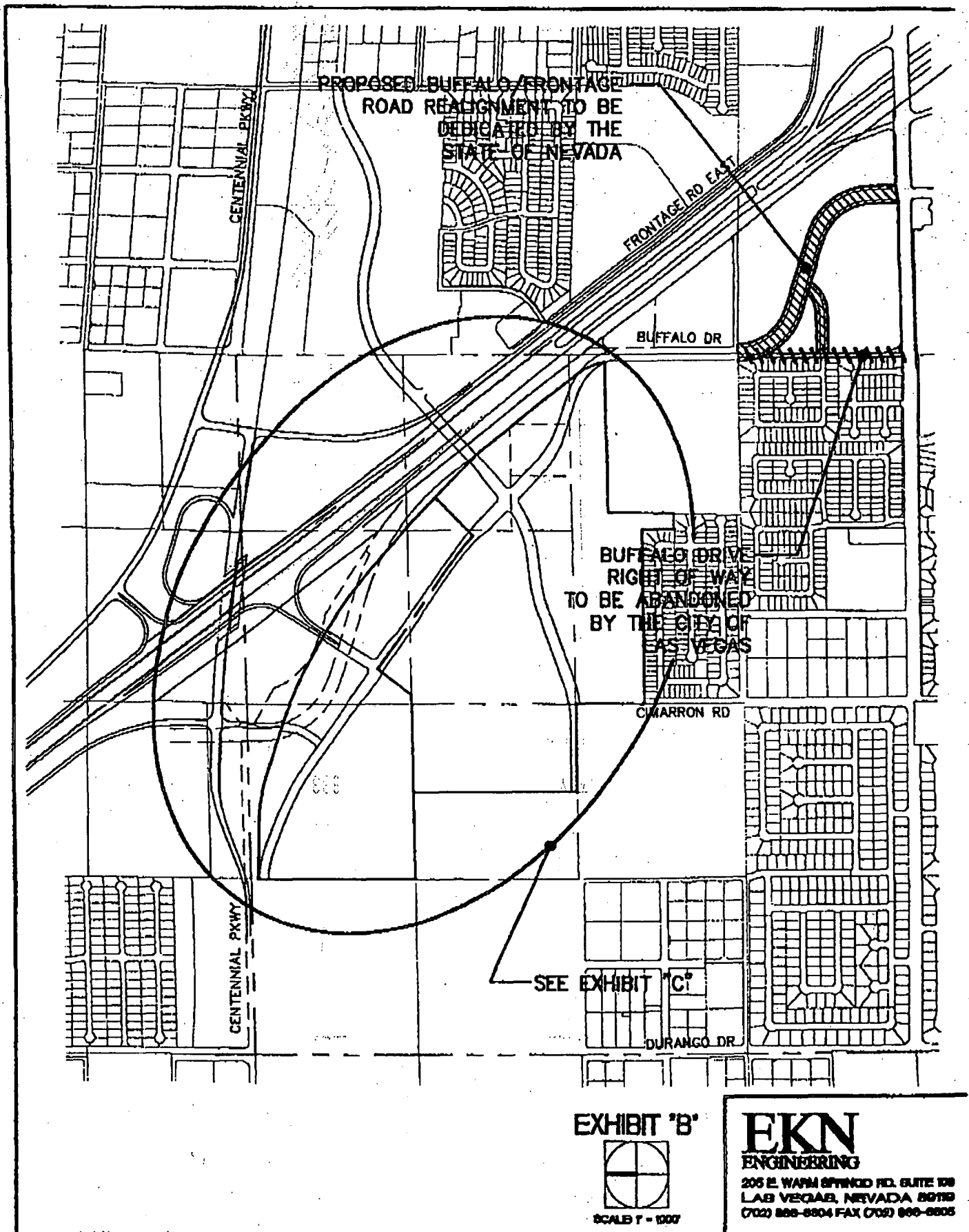
CENTENNIAL CENTRE, LLC,
a Nevada limited liability company

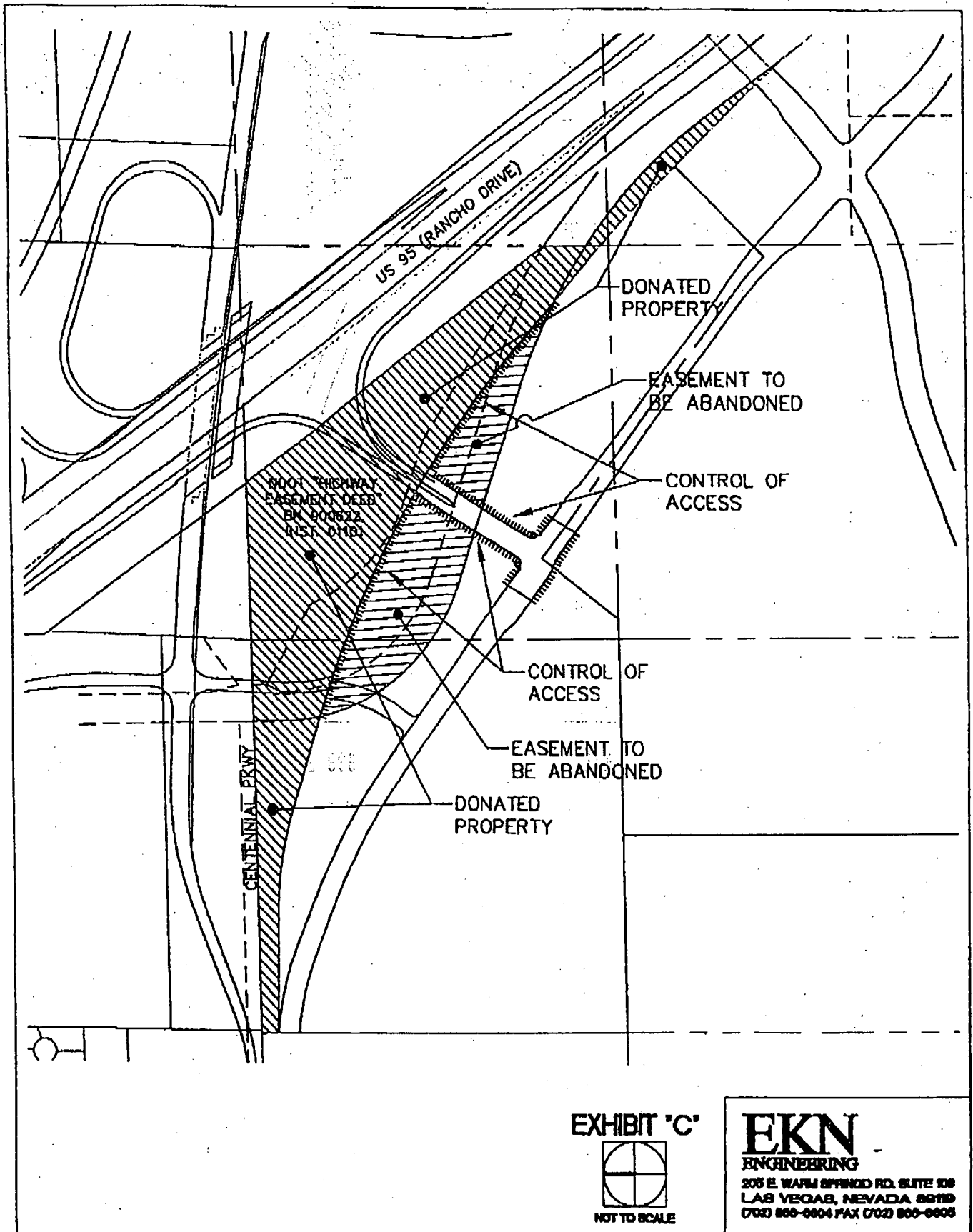
By: OLYMPIA LAND CORPORATION
a Nevada corporation, Manager

By: _____

Garry V. Goett
President







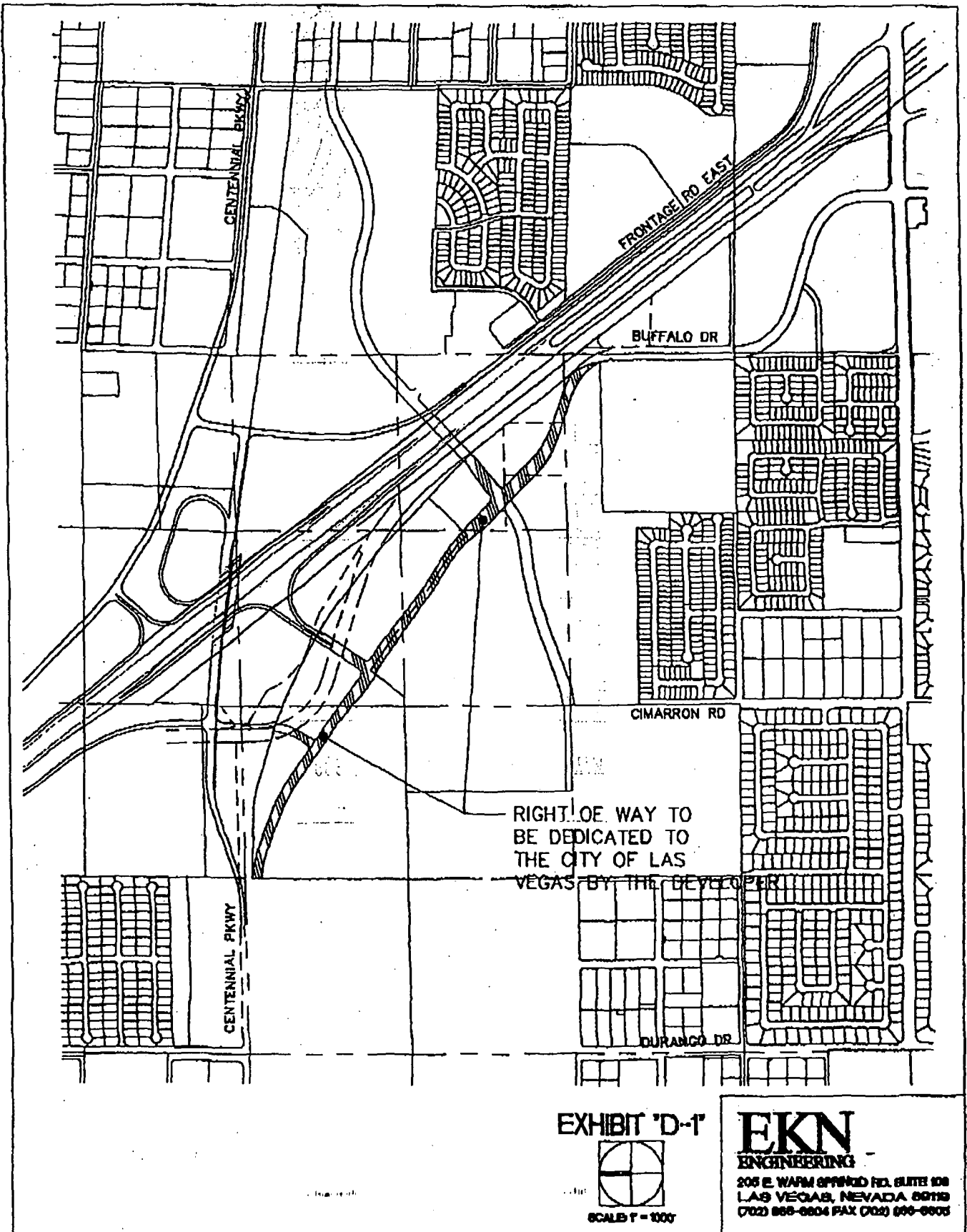


EXHIBIT D-2**OFF-SITE IMPROVEMENTS AGREEMENT**

A 306

A 306

OFF-SITE IMPROVEMENTS AGREEMENT
(Non-Subdivision)

THIS AGREEMENT, made and entered into this _____ day of _____, 19 99 by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter referred to as the "City"), and _____, hereinafter referred to as "Owner".

WITNESSETH:

WHEREAS, the Owner is the owner of record of that certain real property that is located within the corporate boundaries of the City known as _____ () LD# _____ APN# _____ (the "Property" herein; and

WHEREAS, the Owner intends to develop and improve the Property and seeks the issuance by the City of a building permit with respect thereto; and

WHEREAS, as a condition precedent to its issuance of such building permit, the City requires the execution by the Owner of an agreement that provides for the installation by the Owner of certain off-site improvements, as the same are more generally referenced in the Bond Estimate Report which is attached hereto and by this reference made a part hereof and which will be finally and fully described in the plans and specifications required in paragraph 2 hereof (the "Improvements" herein); and

WHEREAS, by its execution of this Agreement, the Owner intends to bind and obligate itself and its heirs, successors and assigns to install the Improvements in the manner and at the times that are hereinafter set forth;

NOW, THEREFORE, for and in consideration of the premises, of the mutual promises and agreements that are hereinafter contained and of other good and valuable considerations, the receipt and sufficiency of which is hereby acknowledged by each of the parties hereto, said parties do hereby agree as follows:

1. COVENANT OF INSTALLATION AND WORKSITE CLEAN-UP: The Owner, for itself, its heirs, successors and assigns, hereby covenants and agrees that:

(A) At its sole cost and expense, the Owner shall install all of the Improvements strictly in accordance with plans and specifications that are approved by the City pursuant to Paragraph 2 hereof.

(B) Prior to the final acceptance of the Improvements by the City, and as a condition thereof, the Owner shall, at its sole cost and expense and to the City's satisfaction, remove all rubbish, trash, debris, surplus material and equipment from the area that is subject to this Agreement and the adjacent properties (collectively, the "Worksite" herein).

2. PLANS AND SPECIFICATIONS: The Owner agrees to submit to the City, and, prior to the commencement of the construction, obtain the approval of the City of the plans and specifications for the Improvements, including without limitation the street plans and profiles, typical street sections, sewer plans and profiles, electric light layout and architectural arrangements of the housing units. The Owner hereby assumes full and complete responsibility for the accuracy of such plans and specifications, and any subsequent approval thereof by the City shall not relieve the Owner of such responsibility.

3. NOTIFICATION AND INSPECTIONS:

(A) The Owner agrees to notify the City Engineer, not less than twenty-four (24) hours in advance of the time when such work is anticipated to commence, of the anticipated date and the hour for the commencement of work with respect to any of the following items:

- (1) Laying of utility lines and storm drains;
- (2) Backfilling of utility line trenches and storm drain trenches;
- (3) Placing concrete for curb, gutter, sidewalk, valley gutter storm drain structures, manholes and street lighting foundations;
- (4) Excavation for roadway;
- (5) Placing of Type I gravel base course;
- (6) Placing of Type II gravel base course;
- (7) Priming base course;
- (8) Placing asphalt concrete surfacing;
- (9) Sealing pavements (fog seal or open grade surfacing); and

(10) Installing street lighting.

(B) If, after such notice has been given, conditions develop that delay the commencement of such work for more than eight (8) hours, the Owner agrees to notify the City Engineer of such delay.

(C) It is understood and agreed that, should the Owner suspend work on any of such items for a period that is longer than overnight, Saturdays, Sundays and holidays excepted, a new notification shall be made to the City Engineer before work may recommence with respect to any of such items.

4. STATEMENT OF INSPECTION: Whenever the City Engineer, or his authorized representative, inspects any of the work that is described in Paragraph 3 above and finds that such work has

(10) Installing street lighting.

(B) If, after such notice has been given, conditions develop that delay the commencement of such work for more than eight (8) hours, the Owner agrees to notify the City Engineer of such delay.

(C) It is understood and agreed that, should the Owner suspend work on any of such items for a period that is longer than overnight, Saturdays, Sundays and holidays excepted, a new notification shall be made to the City Engineer before work may recommence with respect to any of such items.

4. STATEMENT OF INSPECTION: Whenever the City Engineer, or his authorized representative, inspects any of the work that is described in Paragraph 3 above and finds that such work has been performed in a satisfactory manner for incorporation into the completed project, the City Engineer, or his authorized representative, shall issue a statement of inspection which shall permit the Owner to proceed with the next phase of the construction; provided, however, that the inspection and approval of any phase of the work shall not relieve the Owner of its responsibility for the proper construction, installation and maintenance of the work, materials and equipment, in accordance with the standards that are set forth in Paragraph 8 hereof, or abridge the right of the City to require the correction of faulty workmanship or the replacement of defective materials at any time during the course, or subsequent to the completion, of the work, notwithstanding the fact that the construction has proceeded according to plans and specifications that have been approved by the City. Ordinarily, not less than one continuous block of any item of the work will be inspected or approved. Should subsurface conditions, including without limitation excess water, clay salts, voids or similar defects, subsequently be discovered, the City may require the Owner, at the Owner's sole cost and expense, to alter its plans and specifications for any further construction or to correct, change or reconstruct the area that is affected by such conditions, or to take both of such actions.

5. UTILITIES: The Owner agrees, at its sole cost and expense, to make any adjustment in the construction and installation of the Improvements which is necessary in order to accommodate the

location of all existing utilities or, in the alternative and with the approval of the utility company that owns such utilities, to adjust such utilities in order to avoid any conflict between them and the Improvements.

6. **MAPS AND PLANS:** The Owner agrees to furnish the City, upon the completion of the Improvements, the following information:

- (a) A map which accurately depicts by lettered dimensions the location of all manholes, the location, size and depth of all sewer mains and the location of all laterals and wyes for the connection of house service lines;
- (b) Street plans and profiles;
- (c) Sewer plans and profiles;
- (d) Street section plans;
- (e) Electrical light layout plans; and
- (f) Such other plans, drawings or maps as may be requested by the City Engineer.

7. **FINAL APPROVAL:**

(A) The City shall not approve or accept the Improvements as a completed project, notwithstanding any prior approval, pursuant to Paragraph 4 above, of any phase of the construction until a final inspection has been made by the City Engineer and he is satisfied that all of the work thereon has been performed in a satisfactory manner. The City hereby reserves the right to require the correction by the Owner of any portion of the Improvements that does not comply with the standards that are set forth in Paragraph 8 hereof.

(B) It is expressly understood and agreed by the Owner that final inspection and the approval by the City of the Improvements do not relieve the Owner of its responsibility for latent defects in the work.

8. **STANDARDS OF CONSTRUCTION AND INSTALLATION:** The Owner agrees that the construction and installation of the Improvements shall be in accordance with all applicable ordinances and regulations of the City, including without limitation the Uniform Standard Drawings for

Public Works Construction, Clark County Area, and the Uniform Standard Specifications for Public Works Construction, Clark County Area, that are in effect on the date of the execution of this Agreement.

9. **DATE OF COMPLETION:** The construction of the Improvements shall commence within 30 days after the date of approval of the plans and specifications required in paragraph 2 hereof and shall be completed, and all rubbish, trash, debris, surplus material and equipment removed from the Worksite, within 12 months after the commencement of work.

10. **DEFAULT:** In the event the Owner fails to complete the Improvements and the clean-up of the Worksite within the period that is prescribed in Paragraph 9 above, the City may, at its option, proceed to complete the Improvements and to remove all rubbish, trash, debris, surplus material and equipment from the Worksite at the expense of the Owner or pursue its remedies under the performance security that is provided for in Paragraph 11 hereof, or take both of such actions.

11. **PERFORMANCE SECURITY:**

(A) In order to secure the faithful performance of all of the terms, conditions and covenants of this Agreement, the Owner agrees to execute and deliver to the City a performance bond which is issued by a surety company that is authorized to transact business within the State of Nevada and is in a form that is approved by the City Attorney. Said performance bond shall name the City as the obligee thereof, shall be in a penal sum that is equal to the estimated full cost of the Improvements, plus the estimated cost of the clean-up of the Worksite, shall be conditioned that the Owner shall complete the Improvements and the clean-up of the Worksite within the period that is provided in Paragraph 9 above or, in the event of the default of the Owner so to do, that the proceeds of said bond may, at the option of the City, be used for the payment of the completion of the Improvements and the clean-up of the Worksite upon the City's exercise of its option to complete the same and shall provide that any application to the surety for the release thereof shall not be granted unless such application is accompanied by a written statement by the City Engineer to the effect that all of the work that is required of the Owner hereunder has been completed in a satisfactory manner, is in full accordance with the terms hereof and has been accepted by the City.

(B) In lieu of providing the performance bond that is required by subparagraph (A) of this Paragraph 11, the Owner may:

- (1) Enter into an agreement with the City and a local financial institution that is acceptable to the City, which agreement shall provide, generally, that an amount that is equal to the estimated full cost of the Improvements, plus the estimated cost of the clean-up of the Worksite, has been deposited in or credited to an account with such financial institution and is dedicated specifically and solely for the purpose of securing the completion of the construction and installation of the Improvements and the removal of all rubbish, trash, debris, surplus material and equipment from the Worksite and that such financial institution will not disburse funds from such account except upon requests that are signed jointly by the Owner and the City and will retain ten percent (10%) of the funds in such account until it receives a written statement by the City Engineer to the effect that all of the work that is required of the Owner hereunder has been completed in a satisfactory manner, is in full accordance with the terms hereof and has been accepted by the City;
- (2) Deliver to the City a first deed of trust, which names the City as the beneficiary thereof, on real property that is situated within or near the corporate boundaries of the City and has an appraised value that is equal to at least one hundred forty percent (140%) of the estimated full cost of the Improvements, plus the estimated cost of the clean-up of the Worksite, and in which the Owner or the trustor, if someone other than the Owner owns the real property that is subject to such deed of trust, acknowledges that such deed of trust is given to the City as security for the faithful performance by the Owner of all of the terms, conditions and covenants on its part to be performed pursuant to this Agreement; or

- (3) Deposit with the City, in cash or in government securities that are approved by the City, an amount that is equal to the estimated full cost of the Improvements, plus the estimated cost of the clean-up of the Worksite.
- (4) If the estimated full cost of the Improvements, plus the estimated cost of the clean-up of the Worksite, does not exceed Fifty Thousand and no-100ths Dollars (\$50,000.00) and constitutes not more than ten percent (10%) of the estimated total cost of developing the Property and the Owner and its proposed development meet such other criteria for eligibility for such an agreement as the City may from time to time establish, enter into an agreement with the City in which the Owner shall acknowledge that the issuance of its building permit is conditioned upon the completion of the Improvements and the clean-up of the Worksite and shall agree that the City may refuse to issue a Certificate of Occupancy with respect to the Owner's proposed development until the installation of the Improvements has been completed and accepted by the City.

12. **DELIVERY:** Upon the Owner's delivery to the City of the performance security that is required in Paragraph 11 above, and the acceptance thereof by the City, the City shall issue a building permit for the Property if all other requirements therefor have been met.

13. **CERTIFICATE OF OCCUPANCY:** The City may, at its option, refuse to issue any certificate of occupancy with respect to the Property until such time as the Improvements have been fully constructed and installed and approved and accepted by the City.

14. **PERFORMANCE OF ADDITIONAL AGREEMENTS:** The Owner further agrees that, in addition to its performance of all of the terms, conditions and covenants on its part to be performed under this Agreement, it will faithfully comply with all the conditions that may have been imposed by the

Planning Commission or the City Council, or both, in order to obtain approval for the development of the Property.

15. **RESPONSIBILITY FOR THE WORKSITE:** The Owner hereby assumes all responsibility for protecting and caring for the work and maintaining the Worksite and all other areas in which any construction work in connection with the development of the Property is performed in a safe and secure manner from the date of the execution of this Agreement until the date of the final acceptance by the City of the Improvements. The responsibilities that are assumed herein by the Owner shall include without limitation the responsibility to keep the Worksite free and clear of dangerous accumulations of rubbish, trash and debris and to install and maintain, in a sufficient number, proper barricades, traffic controls, lights, excavation covers and similar protection devices.

16. **INDEMNIFICATION:**

(A) The Owner hereby agrees to protect, indemnify and hold the City, its officers, agents and employees, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs which the City, its officers, employees or agents, may suffer, or which may be sought against, or are recovered or obtainable from, the City, its officers, employees or agents, as a result of, or by reason of, or arising out of or in consequence of any act or omission, negligent or otherwise, of the Owner or its contractor, subcontractors, agents or anyone who is directly or indirectly employed by, or is acting in concert with, the Owner, its contractor, subcontractors or agents in the construction or installation of the Improvements.

(B) In this connection, the Owner expressly agrees, at its sole cost and expense, to defend the City, its officers, employees and agents, in any suit or action that may be brought against it or them, or any of them, by reason of any act or omission, negligent or otherwise, against which the Owner has agreed to indemnify the City, its officers, employees and agents. If the Owner fails so to do, the City shall have the right, but not the obligation to defend same and to charge all of the direct and incidental costs of such defense, including attorneys' fees and court costs, to the Owner, and the City may recover such costs, or such portion thereof as may be available, from the performance security that it holds pursuant to Paragraph 11 above, if such security has not theretofore been exhausted or released.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by their duly authorized representatives the day and year first above written.

CITY OF LAS VEGAS

OSCAR B. GOODMAN, Mayor

The "City"

ATTEST:

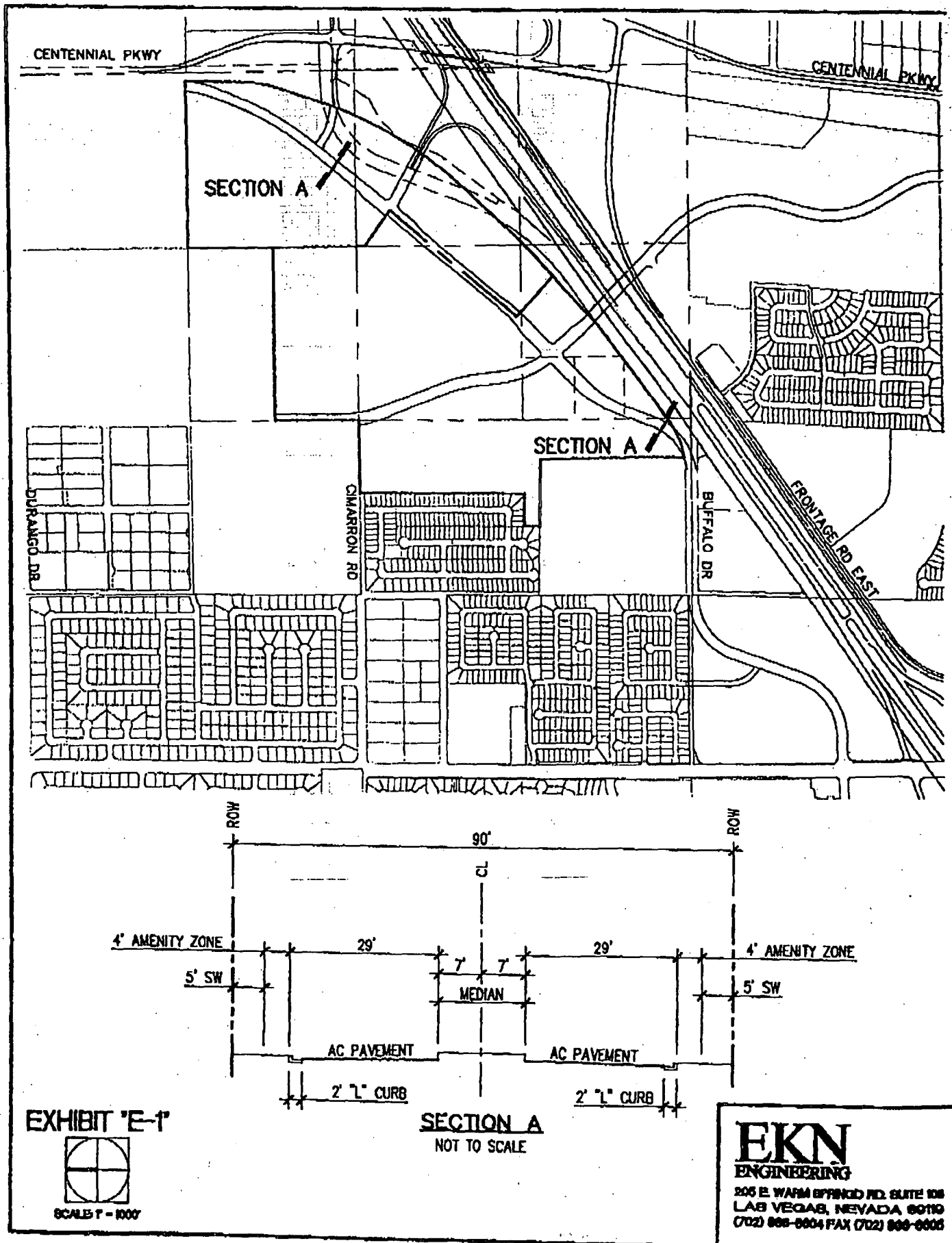
Barbara Jo Ronemus, City Clerk

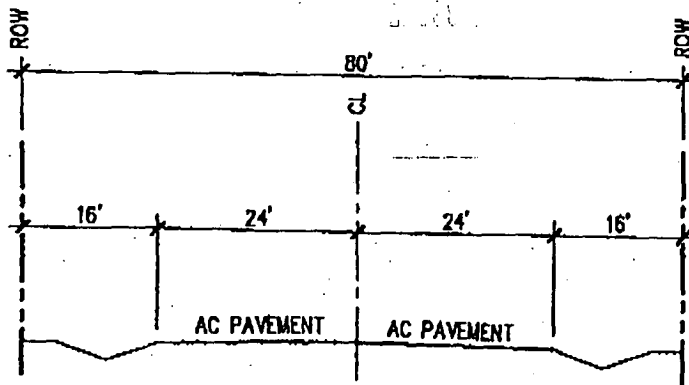
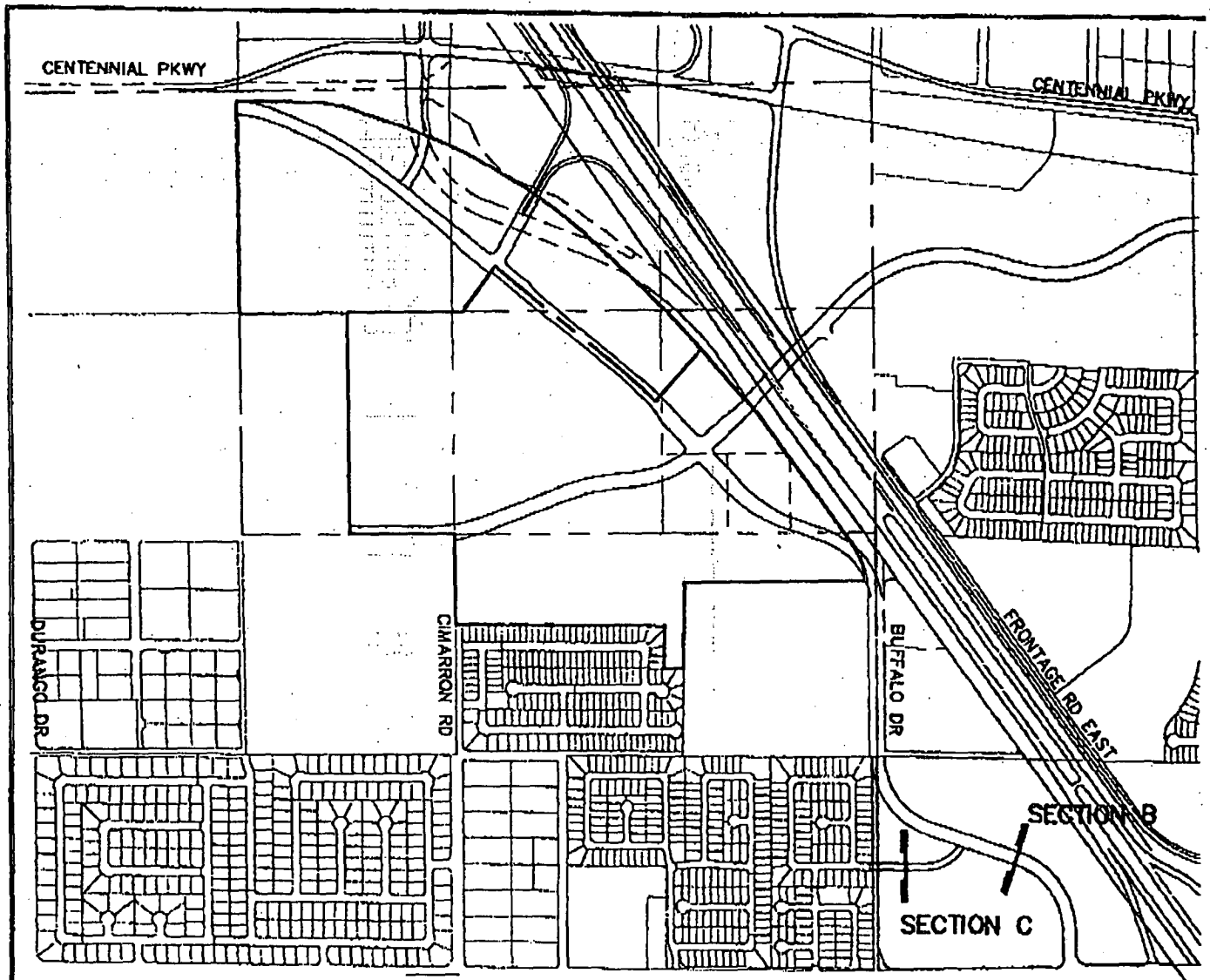
Approved as to form:

Date

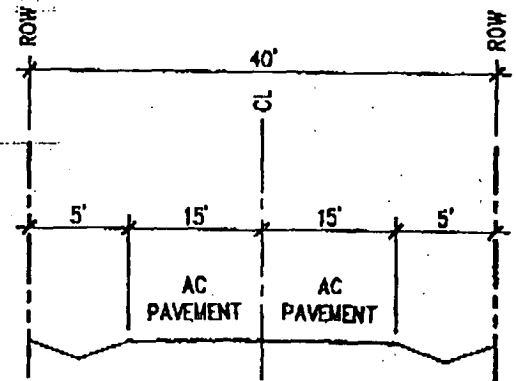
By _____

The Owner





SECTION B
NOT TO SCALE



SECTION C
NOT TO SCALE

EXHIBIT 'E-2'



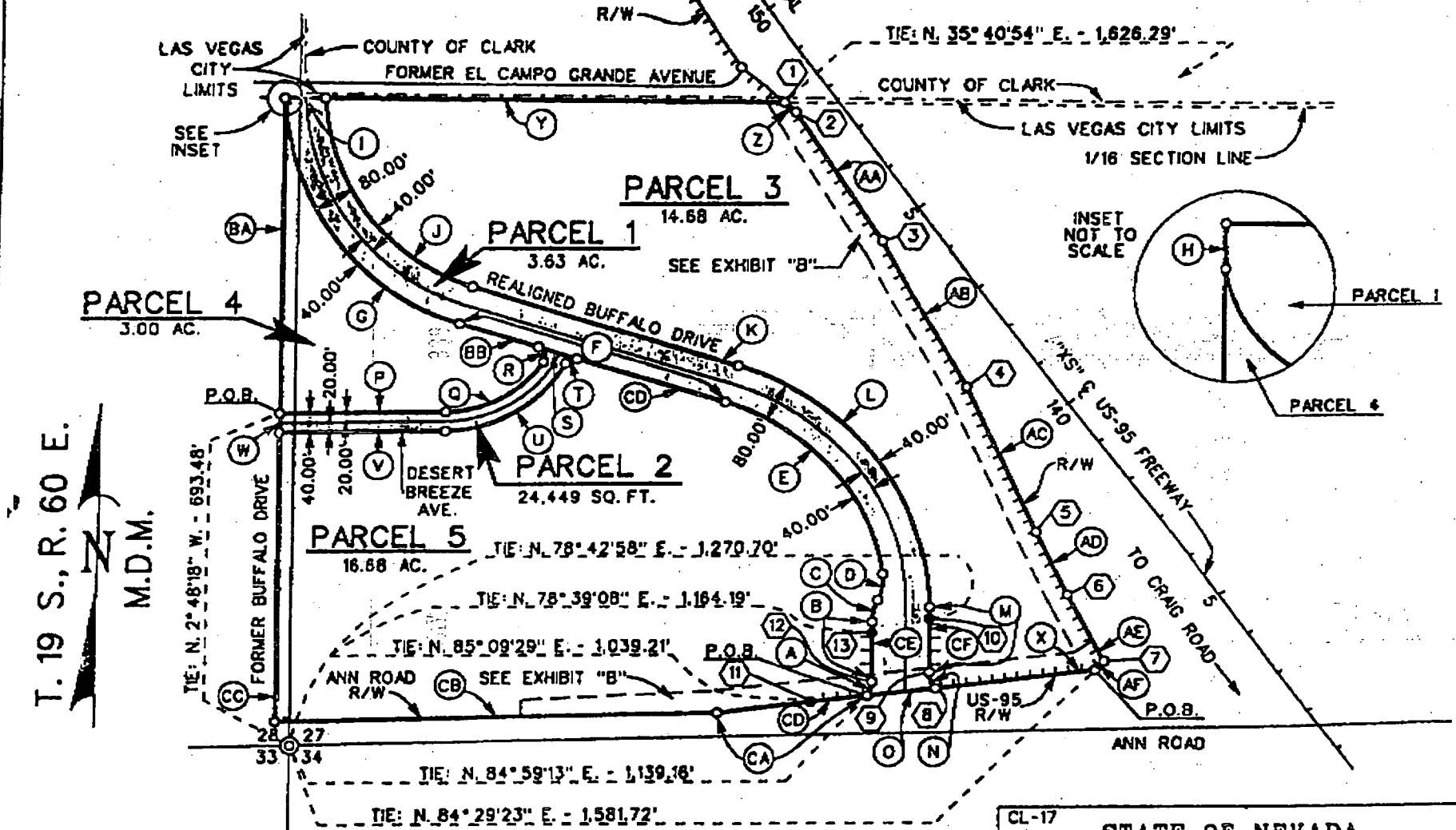
SCALE 1" = 100'

EKN
ENGINEERING

205 E. WARM SPRING RD. SUITE 108
LAS VEGAS, NEVADA 89119
(702) 800-8808 FAX (702) 800-8808

EXHIBIT "A"

PTNS. OF PARCELS U-095-CL-088.540
U-095-CL-088.595
E.A. 71985



- (CD) S. 83° 12' 36" W. - 100.00'
- (CE) S. 0° 55' 04" E. - 100.00'
- (CF) N. 0° 55' 04" W. - 100.00'

Date of last revision: _____

CL-17

STATE OF NEVADA

Dept. of Transportation R/W Division

Date: JUNE 10, 1999

SKETCH MAP

Date: _____

Approved: *[Signature]*

Scale: 1" = 300'

Sheet 1 of 3 Sheets

TRACED:
MLW
CHECKED:
[Signature]

EXHIBIT F
TITLE MATTERS

Order No. 99-04-401689-RB

AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:

1. General and special State, County and/or City property taxes for the fiscal year 1998-1999, payable in 4 quarterly installments (3rd Monday in August and the 1st Monday in October, January and March, respectively) as follows:

Assessor's Parcel No.: 125-28-101-002
 District Number: 200
 Total: \$25,728.36
 First Installment: \$6432.36, paid
 Second Installment: \$6432.00, paid
 Third Installment: \$6432.00, paid
 Fourth Installment: \$6432.00, paid

Affects: The herein described land and other land.

2. General and special State, County and/or City property taxes for the fiscal year 1998-1999, payable in 4 quarterly installments (3rd Monday in August and the 1st Monday in October, January and March, respectively) as follows:

Assessor's Parcel No.: 125-28-601-001
 District Number: 200
 Total: \$48,240.68
 First Installment: \$12060.68, paid
 Second Installment: \$12060.00, paid
 Third Installment: \$12060.00, paid
 Fourth Installment: \$12060.00, paid

Affects: The herein described land and other land.

3. The lien of supplemental taxes, if any, assessed pursuant to the provisions of Section 361.260 of the Nevada Revised Statutes.
4. Any possible delinquent or outstanding municipal city liens or assessments for contract service provided to said land by reason of being located within the incorporated boundaries of Las Vegas, Nevada which subjects the same to its City Charter and mandatory rules and regulations.
5. The herein described property lies within the boundaries of the Las Vegas Valley Water District, and is subject to any fees that may be due said District.
6. Mineral rights, reservations, easements and exclusions as contained in the Patent from the United States of America recorded April 2, 1993, Instrument/File No. 00980, Book 930402, of Official Records
7. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Department of Highways
 Purpose: road and public utility purposes
 Recorded: December 22, 1972, Instrument/File No. 247599, Book 288, of Official Records

ITEMS: (Continued)

Order No. 99-04-401689-RB

8. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: State of Nevada, Department of Transportation
Purpose: road and public utilities
Recorded: June 22, 1990, Instrument/File No. 01101, Book 900622, . of
Official Records

9. Any discrepancy in boundaries, area or any other facts which are disclosed by the Record of Survey:

Performed by: Rita M. Lumos
File: 66, Page 12
Recorded: April 1, 1993, Instrument/File No. 00629, Book 930401, of
Official Records.

And amended by Record of Survey in File 76 of Surveys, Page 25 recorded April 19, 1995 in Book 950419 as Instrument No. 01143 of Official Records.

10. Any discrepancy in boundaries, area or any other facts which are disclosed by the Record of Survey:

Performed by: Sam Long
File: 77, Page 9
Recorded: June 12, 1995, Instrument/File No. 05287, Book 950612, of
Official Records.

11. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Las Vegas
Purpose: sewer lines
Recorded: August 26, 1996, Instrument/File No. 01514, Book 960826, . of
Official Records

12. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Las Vegas
Purpose: sewer purposes
Recorded: December 6, 1996, Instrument/File No. 01387, Book 961206, .
of Official Records

13. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Las Vegas
Purpose: sewer lines
Recorded: February 12, 1997, Instrument/File No. 01419, Book 970212, .
of Official Records

ITEMS: (Continued)

Order No. 99-04-401689-RB

14. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: City of Las Vegas
Purpose: sewer purposes
Recorded: March 25, 1997, Instrument/File No. 01233, Book 970325, of
Official Records

15. Any discrepancy in boundaries, area or any other facts which are disclosed by the Record of Survey:

Performed by: Allen L. Hagen
File: 89, Page 3
Recorded: May 16, 1997, Instrument/File No. 01179, Book 970516, of
Official Records.

ITEMS: (Continued)

Order No. 99-04-401689-RB

16. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$6,500,000.00

Dated: March 2, 1998

Trustor: Centennial & Rancho Partners I, L.L.C., a Nevada limited liability company as tenants in common in and to an undivided Fifty percent (50%) interest in and to the real property described on Exhibit "C" attached hereto (the "Property") and Olympic Nevada, Inc., a Nevada corporation as tenants in common in and to an undivided 50 percent (50%) interest in and to the Property.

Trustee: Fidelity National Title

Beneficiary: Clorie Gill, Trustee, Clorie Gill 1973 Trust, as to an undivided 0.2108% interest

Aspen Financial Services, Inc., a Nevada Corporation, as to an undivided 0.3538% interest

William Daley, Trustee, Daley Family Trust, as to an undivided 1.5385% interest

Carl P. Krepper, Trustee, Krepper Family Trust, as to an undivided 1.5385% interest

Charles R. Luzier and Kaye E. Luzier, husband and wife as joint tenants, as to an undivided 0.6154% interest

Helen I. Luzier, Trustee and Charles Ronald Luzier, Trustee, the G C Luzier Family Trust, as to an undivided 0.6154% interest

Helen I. Luzier, Trustee and Charles Ronald Luzier, Trustee, The Helen I. Luzier Trust, as to an undivided 1.8462% interest

Jerry Levinson and Elaine Levinson, husband and wife as joint tenants, as to an undivided 0.8462% interest

David A. Siebert, married man, as to an undivided 0.4615% interest

Harold Thompson, Trustee and Dorothy Thompson, Trustee, Harold and Dorothy Thompson Revocable Trust, as to an undivided 7.6923% interest

Catherine M. Procida, an unmarried woman and Joseph Procida, an unmarried man as joint tenants, as to an undivided 0.5477% interest

Ron Luzier, general partner, Luzier Family Limited Partnership, as to an undivided 0.1388% interest

Arthur J. Gilbert, Trustee and Margaret L. Gilbert, Trustee for the Arthur J. and Margaret L. Gilbert Revocable Family Trust 1986, as to an undivided 1.5385% interest

Arthur Pearlman, an unmarried man and Richard Pearlman, a married man as to an undivided 0.6769% interest

American Bank of Commerce, AKA First Security Trust Co., Custodian FBO K & V Harrison 1997 Trust, as to an undivided 3.0769% interest

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ITEMS: (Continued)

Order No. 99-04-401689-RB

~~for Cooper Family Trust, as to an undivided 0.7846% interest~~

American Bank of Commerce, AKA First Security Trust Co., Custodian for David B. and Judy Martin, joint tenants wros, investment agency, as to an undivided 1.5385% interest

Leonard William Carpi, Co-Trustee and Elizabeth Louise Carpi, Co-Trustee, Leonard W. Carpi and Elizabeth L. Carpi 1971 Trust, as to an undivided 1.5385% interest

John L. Hanes, Trustee and Deanna C. Hanes, Trustee, The Hanes 1991 Trust, as to an undivided 0.7692% interest

Virginia B. Richardson, Trustee, Richardson Family Trust Survivor's, as to an undivided 0.7692% interest

Jewel C. Brooks, Trustee, Jewel Brooks 1996 Trust, as to an undivided 3.0769% interest

Bonnie Nolan, an unmarried woman, as to an undivided 1.5385% interest

Robert Richardson, Co-Trustee and Sandra F. Richardson, Co-Trustee, Robert S. Richardson Family Trust, as to an undivided 3.0769% interest

Ginger Graves, a single woman, as to an undivided 0.1760% interest

Bill A. Pappas, Co-Trustee and Audrey J. Pappas, Co-Trustee of the Pappas Family Trust, as to an undivided 1.5385% interest

Kristen Graves, a single woman, as to an undivided 0.3000% interest

Robert E. Robinson, Trustee and Betty C. Robinson, Trustee of Robert E. Robinson and Betty C. Robinson Trust, as to an undivided 0.7692% interest

George Bassett, a married man and Jon Bassett, a married man, as to an undivided 0.4769% interest

Thomas T. Fallon, Trustee for T and J Fallon Family Trust, as to an undivided 3.0769% interest

Leonard H. Raizin, Trustee or Carol A. Raizin Trustee of the Raizin Family Trust, as to an undivided 2.6923% interest

Nevada Trust Company, Agent FBO Fred R. Kingman, Jr. IRA, as to an undivided 1.2308% interest

Nevada Trust Company, Agent FBO Fred R. Kingman Living Trust Investment Agency, as to an undivided 1.5385% interest

Nevada Trust Company, Agent FBO William Montgomery, IRA, as to an undivided 1.5385% interest

William Montgomery, a single man, as to an undivided 0.0402% interest

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ITEMS: (Continued)

Order No. 99-04-401689-RB

~~First County Trust Co., Custodian FBO Mark W. Harrison and Sharon A. Harrison, Investment Agency, as to an undivided 3.0769% interest~~

Stanley E. Fulton, an unmarried man, as to an undivided 30.7691% interest

Nevada Trust Company, Agent FBO M T Martinez, IRA, as to an undivided 0.3077% interest

Barbara Nelson Garrison, Trustee, of the Barbara Nelson Garrison Trust, as to an undivided 0.3846% interest

Max J. Cooper, Trustee and Norma R. Cooper, Trustee of the Max J. Cooper and Norma R. Cooper Family Trust, as to an undivided 0.6154% interest

Ronald L. Windham, an unmarried man, as to an undivided 1.5385% interest

Nevada Trust Company, as agent FBO R. Lynn Hales, IRA, as to an undivided 1.1538% interest

Charles Jack III and Diane J. Jack, husband and wife as joint tenants WROS, as to an undivided 3.4615% interest

Danna D. King and Shawn P. King, husband and wife as joint tenants, as to an undivided 0.1031% interest

James Freer and Patricia Freer, husband and wife as joint tenants WROS, as to an undivided 1.5385% interest

Nevada Trust Company, Agent FBO Janice V. Sheets, IRA, as to an undivided 0.4615% interest

Recorded: March 24, 1998, Instrument/File No. 01982, Book 980324, of Official Records

A partial assignment of the beneficial interest under said deed of trust

From: Aspen Financial Services, Inc., a Nevada Corporation
To: Arthur Pearlman, an unmarried man and Richard Pearlman, a married man

Recorded: April 21, 1998, Instrument/File No. 01938, Book 980421, of Official Records

As to: ——— an undivided 0.3385% interest

A partial assignment of the beneficial interest under said deed of trust

From: Harold and Dorothy Thompson Revocable Trust
To: Anthony Tegano, Trustee, The Tegano Family Trust

Recorded: April 21, 1998, Instrument/File No. 01939, Book 980421, of Official Records

~~As to: ——— an undivided 3.8462% interest~~

ITEMS: (Continued)

Order No. 99-04-401689-RB

~~A partial assignment of the beneficial interest under said deed of trust~~

From: Harold and Dorothy Thompson Revocable Trust
To: Clay O. Phillips and Kaoru Tanno-Phillips, husband and wife as joint tenants, as to an undivided 2.7693% interest and Michael and Lidia Paglia, husband and wife as community property with right of survivorship, as to an undivided 4.0789% interest
Recorded: May 19, 1998, Instrument/File No. 01701, Book 980513, of Official Records

~~A partial assignment of the beneficial interest under said deed of trust~~

From: Robert E. and Betty C. Robinson Trust
To: Robert E. Robinson, Trustee of Robert E. Robinson, OD Ltd. Profit Sharing Plan, as to an undivided .7692% interest
Recorded: November 30, 1998, Instrument/File No. 00801, Book 981130, of Official Records

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80

ITEMS: (Continued)

Order No. 99-04-401689-RB

~~17. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby~~

Amount: \$7,482,000.00
 Dated: September 28, 1998
 Trustor: Olympic Nevada, Inc., a Nevada Corporation, as to an undivided 50% interest; and Centennial & Rancho Partners I, L.L.C., a Nevada limited liability company, as to an undivided 50% interest
 Fidelity National Title
 Trustee: Donald E. English, Trustee for the Donald and Flora English Trust, as to an undivided 1.2430% interest;
 Beneficiary: Aspen Financial Services, Inc., a Nevada corporation, as to an undivided 3.3024% interest;
 William W. Boyd, Trustee and Ruth L. Boy, Trustee for Boyd Family Trust, as to an undivided 2.6731% interest;
 Elizabeth Ackerman, Sole Trustee, FH Living Trust, as to an undivided 4.0096% interest;
 Lyle Rivera, Trustee and Mary Ann Rivera Trustee, Lyle and Mary Ann Rivera Family Trust, as to an undivided 2.6731% interest;
 Tom Wiesner, Trustee, Wiesner Family Trust, as to an undivided 2.6731% interest;
 William Blackard, Trustee and Cheryl Blackard, Trustee, The Blackard Family Trust, as to an undivided 2.6731% interest;
 Wayne A. Guinn, Trustee, The Wayne A. Guinn Trust, as to an undivided 1.6038% interest;
 Karen M. Drennon, Trustee, Karen M. Drennon Living Trust, as to an undivided 1.4702% interest;
 Grace Rivera, Trustee and James Rivera, Trustee, Grace and James Rivera Family Trust, as to an undivided 0.6683% interest;
 Joseph Procida, an unmarried man, as to an undivided 0.5909% interest;
 David P. Haefner, Trustee and Patricia A. La Ross, Trustee, David P. Haefner and Patricia A. La Ross Family Trust, as to an undivided 2.0048% interest;
 David A. Siebert, a married man, as to an undivided 0.6014% interest;
 Donald L. Weiderhafte, a single man and Ronald J. Wytko, an unmarried man, as to an undivided 0.1338% interest;
 Lynda C. Fleming, an unmarried woman and Joseph Procida, an unmarried man, as to an undivided 8.6073% interest;
 R. Lynn Hales, Trustee, R. Lynn Hales Trust, and Raymond Martinez and Katherine Martinez, husband and wife as joint tenants, as to an undivided 0.1338% interest;
 Mildred Murphy, Trustee of the Mildred Murphy Trust, as to an undivided 1.6038% interest;
 Shannon Johnston, a married woman as her sole and separate property, as to an undivided 0.9356% interest;
 Madison B. Graves, Co-Trustee and Horace C. Graves II, Co-Trustee of The Graves Family Trust, as to an undivided 1.3365% interest;
 Jeanne Ham Peto, Executrix of the Estate of A. W. Ham, Jr., as to an undivided 1.9079% interest;
 Nevada Trust Company Trustee FBO Donald R. Thompson IRA Rollover, as to an undivided 0.2339% interest;
 Edmund T. Kane and Carole A. Kane, husband and wife as joint tenants, as to an undivided 1.3365% interest;
 Ginger Graves, a single woman, as to an undivided 0.2673% interest;
 Nevada Trust Company, Agent for the Siggelkow Trust, Investment Agency, as to an undivided 2.0048% interest;

ITEMS: (Continued)

Order No. 99-04-401689-RB

~~The Deverell Family Limited Partnership, as to an undivided 0.6683% interest;~~
~~Nevada Trust Company Trustee FBO George Rudberg, IRA, as to an undivided 0.9088% interest;~~
~~Lt Col Michael P. Slater and Darlene L. Slater, husband and wife as joint tenants and Manuel G. Calhau and Rosalie J. Calhau, husband and wife as joint tenants, as to an undivided 0.4411% interest;~~
~~Nicholas Steffora, an unmarried man and Tania M. Steffora, an unmarried woman as joint tenants WROS, as to an undivided 0.7485% interest;~~
~~Thomas T. Fallon, Trustee for T and J Fallon Family Trust, as to an undivided 2.6731% interest;~~
~~Anesthesiology Consultants Inc. Profit Sharing Plan FBO Edmond S. Freis, MD, as to an undivided 1.3365% interest;~~
~~Leonard H. Raizin, Trustee or Carol A. Raizin Trustee of The Raizin Family Trust, as to an undivided 4.0096% interest;~~
~~Nevada Trust Company Trustee FBO William Montgomery, IRA, as to undivided 0.1831% interest;~~
~~W. Leslie Sully, Jr. Trustee, W. Leslie Sully Chtd, Profit Sharing Plan, as to an undivided 0.6683% interest;~~
~~Clement D. Paiaina, Jr., an unmarried man, as to an undivided 0.6683% interest;~~
~~Nevada Trust Company Trustee FBO James E. Clemens, as to an undivided 0.7284% interest;~~
~~Deedco, Inc., a Nevada corporation, as to an undivided 0.2673% interest;~~
~~Thomas C. Lawyer, a married man, as to an undivided 1.3365% interest;~~
~~Wenche Financial, Inc., a Nevada corporation, as to an undivided 0.2673% interest;~~
~~Larry Arigoni, a single man, as to an undivided 0.3341% interest;~~
~~James L. Young, an unmarried man, as to an undivided 0.2439% interest;~~
~~Joseph Wytke Trustee of The Joseph Wytke Agreement of Trust, as to an undivided 0.4010% interest;~~
~~John Roberts, Trustee of The Roberts 1981 Trust, as to an undivided 1.3365% interest;~~
~~Boyd Family Partnership, Ruth L. Boyd General Partner, as to an undivided 4.6779% interest;~~
~~Lyle Gregory and Debra Gregory, husband and wife as joint tenants, as to an undivided 2.6731% interest;~~
~~Kathleen Ann Linden, an unmarried woman, as to an undivided 0.3341% interest;~~
~~Dennis H. Kanter, a single man, as to an undivided 0.4678% interest;~~
~~Nicole C. Sarret, a single woman, as to an undivided 0.6683% interest;~~
~~Kay F. Alchu, Executive Trustee, Michael A. O'Bannon Foundation, as to an undivided 2.6731% interest;~~
~~Freddie L. Funston, Trustee and D. Diann Funston, Trustee, The Funston Family Trust, as to an undivided 1.5370% interest;~~
~~Nevada Trust Company Trustee FBO M.T. Martinez, IRA, as to an undivided 0.3341% interest;~~
~~Leonard William Carpi, Co-Trustee and Elizabeth Louise Carpi, Co-Trustee, Leonard W. Carpi and Elizabeth L. Carpi - 1971 Trust, as to an undivided 1.3365% interest;~~
~~Patricia Deverell, Trustee of The Survivors Trust of The Deverell Family Trust, as to an undivided 0.6683% interest;~~

ITEMS: (Continued)

Order No. 99-04-401689-RB

~~Marilyn C. Corey, Trustee, Marilyn C. Corey 1994 Trust, as to an undivided 0.6683% interest;~~
~~John L. Hanes, Trustee and Deanna C. Hanes, Trustee, The Hanes 1991 Trust, as to an undivided 0.6683% interest;~~
~~Virginia B. Richardson, Trustee, Richardson Family Trust Survivor's, as to an undivided 0.6683% interest;~~
~~Jewel C. Brooks, Trustee, Jewel Brooks 1996 Trust, as to an undivided 5.3462% interest;~~
~~Bonnie Nolan, an unmarried woman, as to an undivided 1.3365% interest;~~
~~Joe Hollis, Trustee, The Joe Hollis Living Trust, as to an undivided 1.3365% interest;~~
~~May B. Mushkin, Trustee, The May B. Mushkin Trust, as to an undivided 2.6731% interest;~~
~~William Dean Harrold, Trustee, The William Dean Harrold Trust, as to an undivided 1.3365% interest;~~
~~Vicki Ham, an unmarried woman, as to an undivided 0.6683% interest;~~
~~Julia A. Wytko, Trustee of The Julia A. Wytko Agreement of Trust, as to an undivided 1.3365% interest;~~
~~James A. Brennan, an unmarried man, as to an undivided 6.6827% interest;~~

Recorded: November 6, 1998, Instrument/File No. 02015, Book 981106, of Official Records

A partial assignment of the beneficial interest under said deed of trust

From: Aspen Financial Services, Inc., a Nevada Corporation
 To: Christopher M. Sarret, a single man as to an undivided .6014% interest and to H. Millard Sloan, a married man as his sole and separate property as to an undivided .3876% interest
 Recorded: December 21, 1998, Instrument/File No. 02206, Book 981221, of Official Records

A partial assignment of the beneficial interest under said deed of trust

From: David A. Siebert, a married man
 To: David A. Siebert, Trustee of the Scott A. Siebert Trust
 Recorded: December 21, 1998, Instrument/File No. 02206, Book 981221, of Official Records

Bah As to: an undivided .2005% interest

18. Easement(s) for the purpose(s) shown below and rights incidental thereto as granted in a document.

Granted to: Las Vegas Valley Water District
 Purpose: Water Pipelines
 Recorded: November 12, 1998, Instrument/File No. 00857, Book 981112, of Official Records

19. Water rights, claims or title to water, whether or not disclosed by the public records.

20. Any easements not disclosed by those public records which impart constructive notice as to matters affecting title to real property and which are not visible and apparent from an inspection of the surface of said land.

21. Discrepancies, conflicts in boundary lines, shortage in area, encroachments, or any other facts which a correct survey would disclose, and which are not shown by the public records.

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 36

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****IV. RESOLUTIONS - CONSENT**

63

R-72-99 - Resolution Making Provisional Order and Directing that Notice of Hearing be given re: Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway)

M. McDONALD - Motion to APPROVE:

Items 5 through 26

Items 28 through 65

- carried UNANIMOUSLY with L. McDONALD abstaining on Item No. 29 to avoid any possible conflict with her employment with UNLV

Item 4: APPROVED under separate action
(see individual item)

Item 27: APPROVED under separate action
(see individual item)

There was no related discussion. See Item No. 29 for discussion.

(11:01 - 11:02)

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64

R-73-99 - Approval of a Resolution of Intent, proposing the issuance of, and authorizing the publication of notices relating to General Obligation (limited tax) Parking Bonds (additionally secured by pledged revenues) for the purpose of financing a building project for the City; providing the manner, form and contents of the notice thereof; ratifying action heretofore taken not inconsistent herewith; providing for the sale of the bonds and other matters properly related thereto; and providing the effective date hereof

APPROVED - see above

65

R-74-99 - Approval of a resolution with the Nevada Department of Transportation for relinquishment and land transfer agreement for the realignment of Buffalo Road north of Ann Road

APPROVED - see above

CITY COUNCILMEETING OF
July 12, 1999**AGENDA DOCUMENTATION**

TO: City Council

FROM: Bradford R. Jerbic
City Attorney

SUBJECT: Resolution Making Provisional Order and Directing that Notice of Hearing thereon be given re: Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway).

PURPOSE/BACKGROUND

S. I. D. NO.: 1472

STEP: Resolution making the provisional order and directing that notice of public hearing thereon be given.

IMPROVEMENTS: The installation of pavement, curb, gutter, sidewalk, driveways, streetlights, water laterals, water mains, and sewer laterals.

LOCATION: Durango Drive (Lone Mountain Road to Tropical Parkway) .

FISCAL IMPACT

Interim Warrants, and ultimately, special assessment bonds, will be sold to pay the estimated costs in the amount of \$230,630.06 that the City will incur in installing the improvements in Special Improvement District No. 1472 - Durango Drive. The debt service on those bonds will be recovered over a 10 year period through the levy and collection of special assessments.

RECOMMENDATIONS

It is recommended that the City Council adopt this Resolution.

Agenda Item**63**

RESOLUTION NO. R-72-99

A RESOLUTION MAKING A PROVISIONAL ORDER TO THE EFFECT THAT CERTAIN IMPROVEMENTS IN THE CITY SHALL BE ACQUIRED PURSUANT TO THE CONSOLIDATED LOCAL IMPROVEMENTS LAW TO BE KNOWN AS CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1472 - DURANGO DRIVE (LONE MOUNTAIN ROAD TO TROPICAL PARKWAY); AND CALLING A HEARING ON THE PROJECT.

Summary: Provisional Order Resolution

WHEREAS, the Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) of the County of Clark, in the State of Nevada, is of the opinion that the interest of the City requires the creation of a special improvement district pursuant to the Consolidated Local Improvements Law and the acquisition and improvement of a Street Project as defined in NRS 271.225, a Sanitary Sewer Project as defined in NRS 271.200 and a Water Project as defined in NRS 271.250 (collectively, the "Project"); and

WHEREAS, the City Engineer, together with the City Engineering Division, the City and certain consulting engineers (hereinafter the "Engineer", collectively) have filed at the office of the City Clerk, in connection with the Project and with the proposed City of Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) the following:

(A) Preliminary plans and specifications showing a typical section of the contemplated improvements, the type or types of material, approximate thickness and wideness for the Project;

(B) A preliminary estimate of the total cost of the Project and of each type of construction, the estimate being made in a lump sum or by unit prices, and further, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, interest on interim warrants, if any, discount on any bonds, printing, and such other expenses, as in the judgment of the Engineer, are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof;

(C) An assessment plat or map, including an addendum thereto (designated as a "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, a description of each lot, tract or parcel of land, the

name and address of each owner, the amounts of estimated preliminary assessments, the amount of maximum benefits (and corresponding market value increases) estimated to be assessed against each lot, tract or parcel of land in the assessment area, such estimate, being based on the method of assessment set forth herein (an equitable adjustment having been made for assessments to be levied against wedge or "V" or other irregularly-shaped lots or lands, or for any lot, tract or parcel of land not specially benefited for other reasons in direct proportion to its front footage, so that assessments according to benefits will be equal and uniform); and

(D) The Engineer's Report to the City Council on Benefits, as to the method of determining benefits and corresponding market value increases and as to whether the creation of the District is economically sound and feasible; and

WHEREAS, the City Council has examined the improvement plans, assessment plat, including the addendum thereto, typical section of contemplated improvements, preliminary estimate of the cost, estimate of maximum benefits, and Engineer's Report, so filed with the City Clerk, and has found, and does hereby declare the same to be satisfactory in all respects; and

WHEREAS, the City Council has also determined, and does hereby determine, that all of the assessable property in the City which is specially benefited by the improvements to be acquired in the District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) and only the property which is so specially benefited, is included in the District; and

WHEREAS, the City Council has determined and does hereby determine that the exception provided by NRS 271.306(2)(a) does exist with respect to the costs of the improvements in Durango Drive as more than one-half of the total costs will be paid with money derived from sources other than the levy of special assessments.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS OF THE COUNTY OF CLARK, IN THE STATE OF NEVADA; THAT:

Section 1. The special improvement district shall be designated "City of Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway)", (hereinafter the District").

Section 2. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District 1472 Provisional Order Resolution" (hereinafter the "Resolution").

Section 3. The City Council hereby ratifies the preparation by the Engineer of and does accept the plans and specifications, assessment plat (including the addendum and exhibits thereto), typical section of the contemplated improvements, preliminary estimate of cost, the Engineer's Report on Benefits, and the estimate of maximum benefits (and corresponding market value increases) to be assessed against each lot, tract, or parcel of land in the assessment area.

Section 4. The Project shall be acquired at an estimated preliminary total cost of \$194,522.38, including engineering, legal, and incidental expenses, as more particularly hereinafter set forth and as described in the plans and specifications herein accepted, reference to which is hereby made and which are available for public inspection at the office of the City Clerk at 400 East Stewart Avenue, Las Vegas, Nevada 89101.

Section 5. The City Council has also determined and does hereby declare as follows:

1. The public convenience and necessity require the creation of the District and the construction of the Project.
2. The creation of the District is economically sound and feasible.
3. The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 6. The District shall constitute one (1) assessment unit for purposes of remonstrance and assessment. The boundaries of the District, within which is located the Project and the lots, tracts and parcels of land to be assessed, shall be as designated in the form of notice set forth in Section 7 of this Resolution. It is estimated that the total cost shall be apportioned as follows:

Estimated Amount of Special Assessments	Amount Available of Other Sources	Total Cost
\$ 194,522.38	\$ 4,637,228.12	\$ 4,831,750.50

The amounts to be assessed shall be made upon all tracts benefited in proportion to the special benefits received, as more fully described in the form of notice set forth in Section 7 of this Resolution.

Section 7. On Wednesday, August 4, 1999, at 1:00 p.m. at the City Council Chambers, 400 East Stewart Avenue, in Las Vegas, Nevada (i.e., a time at least 20 days after the adoption of this Resolution) the City Council will consider the ordering of the Project and will hear all complaints, protests, and objections that may be made in writing, and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owners of land to be assessed or any person interested. The owners of the property to be assessed or any other persons interested therein may file a written protest or objection, and may appear before the City Council and be heard as to the propriety and advisability of making such improvements, as to the estimated cost thereof, as to the manner of payment therefor, as to the amount thereof to be assessed against the property to be improved, and as to the amount of special benefits and corresponding market value increases. Twenty (20) days' notice in writing of such time and place shall be given to such property owners, postage prepaid, as first-class mail, to each of such property owners at his last-known address, the names and addresses of such property owners to be obtained from the records of the County Assessor or from such other sources as the City Clerk deems reliable. Such notice shall also be given to the owner and each tenant of mobile home parks (if any) located on any tracts to be assessed. Any such list of names and addresses may be revised from time to time, but such list need not be revised more frequently than at twelve-month intervals. Notice shall also be given by posting in three public places, at or near the site of the Project, at least twenty (20) days prior to the hearing. Proof of mailing and posting shall be made by the affidavit of the City Clerk or Deputy City Clerk, such proof to be filed with the City Clerk, provided that failure to mail such notice or notices shall not invalidate any assessment nor any other of the proceedings hereunder. Notice of the time and place of the hearing shall also be given by publication in the Las Vegas Review Journal, a daily newspaper published in Las Vegas and of general circulation in City of Las Vegas, Nevada, once each week for three (3) consecutive weekly publications, by three (3) weekly insertions, the first publication in such newspaper to be at least fifteen (15) days prior to the date of the protest hearings. Not less than fourteen (14) days shall intervene between the first publication and the last publication in such newspaper. Service by

publication shall be verified by the affidavit of the publishers and filed with the City Clerk. The proof of publication, the proof of mailing and the proof of posting shall be maintained in the records of the office of the City Clerk until all the assessments appertaining to the District have been paid in full principal, interest and any penalties or collection costs. Notice shall be in substantially the following form:

(Form of Notice)

NOTICE OF HEARING ON PROPOSED PROJECT AND ASSESSMENTS WITHIN
THE PROPOSED CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1472 - DURANGO DRIVE (LONE MOUNTAIN ROAD TO TROPICAL
PARKWAY)

NOTICE IS HEREBY GIVEN to the property owners within the proposed City of Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) and to all interested persons that:

The Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) of the County of Clark in the State of Nevada, has provisionally ordered the acquisition of a Street Project, Sewer Project and a Water Project (collectively, the "Project") as follows:

Durango Drive (EAST SIDE) - from the centerline of La Madre Way northerly along
Durango Drive to the centerline of Hammer Lane. (100 feet of right-of-way)

Except as shown on the preliminary plans and specifications now on file in the office of the City Clerk and in the office of the Special Improvement District in Las Vegas, Nevada, the character of such Project shall be described more particularly as follows: The improvements on Durango Drive will consist of the grading, regrading, graveling, and asphalt paving as necessary for at least four (4) travel lanes, raised medians with turn pockets at the signalized or future signalized intersections, "L" type curb and gutter, sidewalks, residential driveway approaches, and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to March 1, 1999) water and sewer laterals will be installed from the existing or proposed mains in Durango Drive to such property. Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The preliminary estimated total cost of the Project and the amount to be assessed is as follows:

Estimated Amount of Special Assessments	Amount Available of Other Sources	Total Cost
\$ 194,522.38	\$ 4,637,228.12	\$ 4,831,750.50

The amounts to be assessed for the improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly-shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto designated as the preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Each property owner will be assessed for the cost of an eight foot (8') wide street pavement section, curb, gutter, sidewalks, driveway approaches and streetlights, where not already existing. The assessments for pavement, curb, gutter, and sidewalk will be assessed on a front foot method. The assessment for street lights will be assessed on a unit lot method.

The owners of property who elect to have water or sewer laterals installed will be assessed on a per service or unit lot method. The potable water main extensions will be levied on a front foot method.

The boundaries of the District shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements.

All persons interested are hereby advised that the preliminary plans and specifications (showing a typical section of the contemplated improvements) and the assessment plat including a preliminary assessment roll; a preliminary estimate of the total cost, a description of the lots, tracts and parcels of land to be assessed and the portion of the cost to be assessed thereagainst, and the amount of maximum benefits (including the corresponding market value increases) estimated to be conferred on each piece or

parcel of property, the Engineer's report as to the method of determining benefits, and all proceedings in the premises, are on file in the office of the Special Improvement District office, Department of Public Works, and at the office of the City Clerk at 400 East Stewart Avenue, Las Vegas, Nevada and can be seen and examined by any property owner, or other interested persons, during regular business hours.

It is anticipated that there will be grade or elevation changes in connection with the acquisition of the Project (such grade or elevation changes are substantial and are as shown on the preliminary plans and specifications) all persons interested are hereby referred to the preliminary plans and specifications which relate to the details of the Project.

On Wednesday, August 4, 1999, at 1:00 p.m., in the City Council Chambers at 400 East Stewart Avenue, in Las Vegas, Nevada, the City Council will consider the ordering of the proposed Project, and will hear all complaints, protests and objections that may be made in writing and filed as hereafter provided, or made verbally at the hearing, concerning the same, by the owner of any tract to be assessed or any person interested. The owners of the property to be assessed, or any other person interested therein, may appear before the City Council and be heard as to the propriety and advisability of acquiring and improving such Project, as to the estimated cost thereof, as to the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract, in the District.

The City Council requests that any property owner or interested person wishing to make protest or objection, make such protest or objection in writing at the office of the City Clerk at least three (3) days before the time set for such hearing, i.e., on or before July 30, 1999. On the date and at the place fixed for such hearing, any and all property owners interested in the Project may, by written complaint, protest or objection, present their views to the City Council, or present them orally, and the City Council may adjourn the hearing from time to time. Any person filing a written protest or objection as hereinabove provided shall have the right within thirty (30) days after the City Council has finally passed on such protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination, but thereafter all actions or suits attacking the validity of the proceedings and the amount of benefits shall be perpetually barred.

A PROPERTY OWNER'S ONLY CHANCE TO PRESENT EVIDENCE TO DEMONSTRATE THAT HIS OR HER ESTIMATED ASSESSMENTS ARE EXCESSIVE WILL BE AT THE PUBLIC HEARING; AND A PROPERTY OWNER WILL NOT BE ABLE TO PRESENT ANY ADDITIONAL EVIDENCE UPON SUBSEQUENT APPEAL TO DISTRICT COURT.

A person should object to the formation of the District, using the procedure outlined in this notice, if his support for the District is based upon a statement or representation concerning the Project that is not contained in the language of this notice.

If a person objects to the amount of maximum benefits estimated to be assessed or to the legality of the proposed assessments in any respect:

- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.315.

The City Council of the City of Las Vegas has determined that one-half or more of the total cost of the improvements shall be paid with monies derived from other than the levy of special assessments on Durango Drive and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of NRS 271.306 (which exception is that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

After such hearing, the City Council shall determine the advisability of undertaking each part of the Project, and, if it determines to proceed shall determine the kind and character of such improvements so to be made, and shall authorize the advertising for bids for the doing of such work and the furnishing of all necessary materials with the lowest and best bidder or bidders. The City Council may determine not to proceed with all or any part of the Project regardless of the protests or objections.

After the determination of the actual cost of the Project, assessments shall be levied in accordance with the laws of the State of Nevada. In no event shall the assessments exceed the estimated maximum special benefits to the property assessed or the reasonable market value of the property being assessed (as determined by the City Council). The City Council shall provide that the

assessments may be payable without interest and without demand during a specified cash payment period and the City Council shall provide that the assessments may be paid at the election of the owner in twenty (20) substantially equal semi-annual installments of principal. The City Council shall also provide the time and terms of payment of such assessments, and shall fix penalties (at a rate not exceeding two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments which will not exceed the maximum rate of interest permitted under the statutes of the State; and if assessment bonds are issued, such rate will not exceed by more than one percent (1%) of the highest rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds" which shall have been most recently published before the time bids for the bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. If bonds are not sold for the District the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

By order of the City Council of the City of Las Vegas, Nevada, and dated July 12, 1999.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 8. That all action, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the City of Las Vegas, Nevada, Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) be, and the same hereby are, ratified, approved and confirmed.

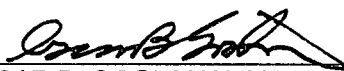
Section 9. That the officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. That all resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. That the invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 12. That the City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED, ADOPTED AND APPROVED, July 12, 1999.



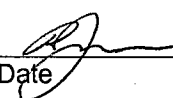
OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to Form:

 7/15/99

Date Deputy City Attorney

Summary - a resolution of intent to issue general obligation (limited tax) parking bonds (additionally secured by pledged revenues) and authorizing the sale thereof.

RESOLUTION NO. R-73-99

A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING A BUILDING PROJECT FOR THE CITY; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICE THEREOF; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING FOR THE SALE OF THE BONDS AND OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council ("Council") of the City of Las Vegas of Clark County (the "City"), Nevada proposes to issue up to \$10,000,000 of the City's general obligation (limited tax) parking bonds (additionally secured by pledged revenues) (the "Bonds"); and

WHEREAS, such Bonds will be additionally secured by a pledge of a portion of the City's Supplemental City/County Relief Sales and Use Tax Revenues (the "Pledged Revenues"); and

WHEREAS, the Council proposes to incur this general obligation without an election unless a petition signed by the requisite number of registered voters of the City who together with any corporate petitioners represent the requisite assessed value of the taxable property of the City is presented to the Council requiring the Council to submit to the qualified electors of the City for their approval or disapproval the following proposal:

GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed

\$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal"); and

WHEREAS, pursuant to Nevada Revised Statutes ("NRS") Sections 350.001 to 350.006, inclusive, the Council has submitted the Proposal to the Debt Management Commission of Clark County (the "Commission");

WHEREAS, the Commission has heretofore approved the Proposal; and

WHEREAS, based on the following revenue study, the Council has determined and does hereby determine that the "Pledged Revenues" will at least equal the amount required in each year for the payment of interest and principal on such Bonds:

(Attach Revenue Study)

SUFFICIENCY OF PLEDGED REVENUES
City of Las Vegas, Nevada

Fiscal Year Ending	Consolidated Tax Revenues ^{1/}	15% of Consolidated Tax Revenues	Estimated Debt Service ^{2/}
2000	\$151,500,000	\$22,725,000	\$ 5,279,292
2001	151,500,000	22,725,000	6,279,939
2002	151,500,000	22,725,000	6,295,865
2003	151,500,000	22,725,000	6,304,851
2004	151,500,000	22,725,000	6,322,055
2005	151,500,000	22,725,000	6,331,991
2006	151,500,000	22,725,000	6,323,520
2007	151,500,000	22,725,000	5,027,784
2008	151,500,000	22,725,000	5,025,543
2009	151,500,000	22,725,000	3,777,709
2010	151,500,000	22,725,000	3,784,201
2011	151,500,000	22,725,000	3,786,701
2012	151,500,000	22,725,000	3,789,656
2013	151,500,000	22,725,000	3,791,166
2014	151,500,000	22,725,000	3,694,041
2015	151,500,000	22,725,000	3,637,596
2016	151,500,000	22,725,000	3,634,664
2017	151,500,000	22,725,000	3,643,075
2018	151,500,000	22,725,000	3,641,650
2019	151,500,000	22,725,000	801,800
TOTAL	\$3,030,000,000	\$454,500,000	\$91,173,101

1/ 2000 budgeted. Future growth is estimated at 0%.

2/ See prior table "Outstanding and Proposed Debt Service Requirements".

SOURCE: City of Las Vegas, Nevada

WHEREAS, subsection 3 of NRS § 350.020 in effect provides that if the payment of a general obligation of the City is additionally secured by a pledge of the revenues of a project to be financed by its issue, and the governing body (i.e., the Council) determines that the pledged revenues will at least equal the amount required in each year for the payment of interest and principal, the City may incur the general obligation without an election, unless a petition requesting an election signed by 5% of the registered voters who, together with any corporate petitioners, own not less than 2% in assessed value of the taxable property in the City is presented to the Council within 60 days after the publication of a notice of the adoption of this resolution of intent; and

WHEREAS, Subsection 3 of NRS § 350.020 also requires that a public hearing be held before the Bonds are issued.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "Resolution of Intent to Issue Parking Bonds" (this "Resolution").

Section 2. All action heretofore taken (not inconsistent with the provisions of this Resolution) by the Council and the officers of the Council directed:

- (a) Toward the project to be financed by the Bonds; and
- (b) Toward the issuance of the Bonds to defray, in part, the cost thereof,

be, and the same hereby is, ratified, approved and confirmed.

Section 3. The City and the officers of the City be, and they hereby are, authorized and directed to publish a notice of the adoption of the resolution of intent relating to the Council's proposal to issue the Bonds in a newspaper of general circulation in the City, at least once, such notice to be published in substantially the following form:

(Form of Notice of Adoption of Resolution of Intent)

**NOTICE OF THE INTENT OF THE CITY COUNCIL OF
THE CITY OF LAS VEGAS, NEVADA, TO ISSUE
GENERAL OBLIGATION (LIMITED TAX) PARKING
BONDS ADDITIONALLY SECURED BY PLEDGED
REVENUES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Las Vegas (the "Council" and the "City") Nevada, by a resolution, passed, adopted and approved on July 12, 1999, and designated in Section 1 thereof by the short title "Resolution of Intent to Issue Parking Bonds" has proposed the issuance of the City's General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues) (the "Bonds") designated below, as follows:

**GENERAL OBLIGATION (LIMITED TAX) PARKING
BONDS (ADDITIONALLY SECURED BY PLEDGED
REVENUES) PROPOSAL:**

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal").

The above Proposal was approved by the Debt Management Commission of Clark County, Nevada.

The Council has determined that the general obligation Bonds to be issued for the purpose of financing the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities (as further described in the above Proposal) will be additionally secured by a pledge of the "pledged revenues," which include a portion of the City's Supplemental City/County Relief Sales and Use Tax Revenues. The Council has, in addition, determined, based upon a revenue study, that the pledged revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

Based upon this determination, the Council intends to incur this general obligation as set forth above without an election as provided in subsection 3 of Section 350.020, Nevada Revised Statutes, unless within sixty (60) days after the publication of this notice a petition requesting an election is presented to the Council signed by not fewer than five percent (5%) of the registered voters of the City who, together with any corporate petitioners, own not less than two percent (2%) in assessed value of the taxable property in the City. The number of registered voters is to be determined as of the close of registration for the last preceding general election. The assessed values are to be determined from the next preceding final assessment roll of the City. An authorized corporate officer may sign such a petition whether or not he or she is a registered voter of the City.

At a meeting or meetings of the Council to be held not earlier than sixty (60) days after the publication of this notice, the Council shall proceed to adopt an ordinance or ordinances authorizing the issuance of the Bonds. Such ordinance or ordinances authorizing the issuance of the Bonds will be adopted unless prior to 5:00 p.m. on September 14, 1999, a petition is presented to the Council asking for an election upon the question of whether or not the proposed general obligations shall be incurred. The petition for an election herein referred to may be presented to the Council at any time prior to the expiration of sixty (60) days after the publication of this notice. In the event such petition is presented, no such ordinance or ordinances shall be enacted except pursuant to an election called and held for such purpose and carried by a majority of the votes cast. In the event no such petition is presented, the Bonds will be authorized as described above. The ordinance or ordinances authorizing the Bonds will, in addition, contain provisions for additionally securing the payment of the general obligations by pledging the Pledged Revenues designated above and in the Proposal to the payment of the Bonds.

The authority to issue the Bonds if conferred at an election or if conferred by the fact no petition is presented to the Council requesting such an election within sixty (60) days of the date of publication hereof shall be deemed to be a continuing authority and the Council shall be authorized to sell the Bonds at such time or times and upon such terms and conditions as it deems proper in accordance with the provisions of the Proposal and the laws of the State of Nevada.

All persons interested are hereby advised that further information regarding the project to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all proceedings in the premises, are on file in the office of the City Clerk, 400 East Stewart Avenue, Las Vegas, Nevada, and can be seen and examined by the interested persons during the regular office hours of the Clerk.

The determination by the Council that the Pledged Revenues will at least equal the amount required in each year for the payment of interest and principal on the Bonds becomes conclusive on the last day for filing the petition, i.e., on September 14, 1999, at 5:00 p.m.

BY ORDER of the City Council of City of Las Vegas, Nevada.

DATED this July 12, 1999.

PUBLICATION DATE: July 16, 1999

Attest:

/s/ Oscar Goodman
Mayor

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Notice)

Section 4 The City Clerk is authorized and directed to publish once, at least 10 days before the date of the public hearing described in the following notice, in a newspaper of general circulation in the City a notice of public hearing, at least as large as 5 inches high by 4 inches wide, in substantially the following form:

(Form of Notice of Public Hearing)

**NOTICE OF PUBLIC HEARING ON THE INTENT OF THE
CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA,
TO ISSUE GENERAL OBLIGATION (LIMITED TAX)
PARKING BONDS.**

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Las Vegas (the "City"), Nevada, by a resolution, passed, adopted, signed and approved on July 12, 1999, and designated in Section 1 thereof by the short title "Resolution of Intent to Issue Parking Bonds" has proposed the issuance of the City's General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues) (the "Bonds") designated below, as follows:

**GENERAL OBLIGATION (LIMITED TAX) PARKING
BONDS (ADDITIONALLY SECURED BY PLEDGED
REVENUES) PROPOSAL:**

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal").

The above Proposal was previously approved by the Debt Management Commission of Clark County, Nevada.

The City has determined that the Bonds to be issued for the purpose of financing the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities as further described in the above Proposal, will be additionally secured by pledged revenues which include a portion of the City's Supplemental City/County Relief Sales and Use Tax Revenues (the "Pledged Revenues"). The City has, in addition, determined that the Pledged Revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

All persons interested are hereby advised that the Council will hold a public hearing on the Proposal on August 4, 1999 at 1:00 p.m. at the Council Chambers, City Hall Complex, 400 East Stewart, Las Vegas, Nevada. All persons are invited to attend and to be heard regarding the Proposal. Further information regarding the Proposal, the Project to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all proceedings, are on file in the Office of the City Clerk, Las Vegas, Nevada, and can be seen and examined by the interested persons during the regular office hours of the City.

BY ORDER of the City Council, City of Las Vegas, Nevada.

DATED this July 12, 1999.

/s/ Barbara Jo Ronemus
City Clerk
City of Las Vegas, Nevada

(End of Form of Notice of Public Hearing)

Section 5. A public hearing on the Bonds is hereby ordered to be held before the Council at the time, date and place specified in the Notice set forth in Section 4 hereof.

Section 6. The Bonds, in the event no petition is filed during the period allowed by NRS § 350.020(3), shall be authorized by an ordinance or ordinances to be enacted by the Council after the expiration of the above specified 60 day period from the date of publication.

Section 7. The authority to issue the Bonds designated in the Proposal set forth in the notice shall be deemed and considered a continuing authority to issue and deliver the Bonds designated in such Proposal at one time or from time to time, in one series or in more than one series, all as ordered by the Council. Neither the partial exercise of the authority so conferred nor the lapse of time shall be considered as exhausting or limiting the full authority so conferred.

Section 8. The Finance Director or his designee is hereby authorized to arrange for the issuance and sale of the Bonds in a total principal amount of not more than \$10,000,000 to finance the cost of the project described in the Proposal (the "Project"), in accordance with NRS §§ 268.672 through 268.740, inclusive (the "City Bond Law"), and pursuant to chapter 350 of NRS and all laws amendatory thereof which includes the Local Government Securities Laws, being §§ 350.500 through 350.720, NRS, and all laws amendatory thereof (the "Bond Act"). The Finance Director or his designee is authorized to specify the terms of the Bonds, the method of their sale, the final principal amount of the Bonds, the terms of their repayment and security therefor, and other details of the Bonds, and if deemed appropriate by him, to advertise the Bonds for sale, subject to the City Bond Law and the Bond Act and subject to ratification by the Council. Such Bonds shall be issued on such other terms and conditions as the Council determines, all as provided in the City Bond Law and the Bond Act and as specified by the adoption of a bond ordinance and the execution of a certificate of the Finance Director specifying the Bond terms and details approving and ratifying their sale (the "Bond Ordinance").

Section 9. The officers of the City are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this resolution, including without limitation, (a) assembling of financial and other information concerning the City and the Project,

and the Bonds, and (b) preparing and circulating an official statement for the Bonds, and, if deemed appropriate by the Finance Director or his designee, preparing and circulating a preliminary official statement, a notice of bond sale for the Bonds, or both, in the forms specified by the Finance Director or his designee. The Finance Director is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the City for the purposes of Rule 15c2-12 of the Securities and Exchange Commission.

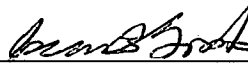
Section 10. The officers of the Council be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

Section 11. All resolutions, or parts thereof, in conflict with the provisions of this resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 12. If any section, paragraph, clause or other provision of this resolution 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 resolution.

Section 13. This resolution shall become effective and be in force immediately upon its adoption.

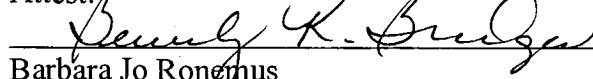
PASSED AND APPROVED this July 12, 1999.



Oscar Goodman
Mayor

(SEAL)

Attest:



Barbara Jo Ronemus
City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

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

I, Barbara Jo Ronemus, am the duly chosen and qualified City Clerk of the City of Las Vegas, and in the performance of my duties as City Clerk do hereby certify:

1. The foregoing pages are a true, correct, complete and compared copy of a resolution which was introduced, adopted and approved at the meeting of the City Council on July 12, 1999.

2. The following members of the City Council were present at the July 12, 1999 Council meeting and voted upon adoption of the resolution as follows:

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

3. The original of the resolution 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 minutes of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting held on July 12, 1999. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given no later than 9:00 a.m. on the third working day before the meeting including the notice of time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice not later than 9:00 a.m. on the third working day before the meeting at the principal office of the Council, or if there is no principal place, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Hall
Las Vegas, Nevada
- (ii) Senior Citizens Center
Las Vegas, Nevada
- (iii) Clark County Government Center
Las Vegas, Nevada
- (iv) Downtown Transportation Center
Las Vegas, Nevada

and

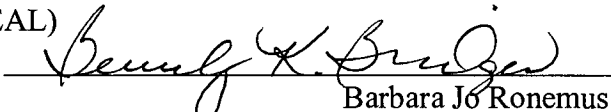
(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council. Such notice, if mailed, was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

6. A copy of the notice so given of the meeting of the Council held on July 12, 1999 is attached as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand this July 12, 1999.

(SEAL)


Barbara Jo Ronemus
City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

AGENDA*City of Las Vegas*

CITY COUNCIL

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE • PHONE 229-6011

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

OSCAR B. GOODMAN, MAYOR • COUNCILMEN: MICHAEL J. McDONALD, GARY REESE, LARRY BROWN

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

NOTE

EFFECTIVE AUGUST 4, 1999, THE LAS VEGAS CITY COUNCIL MEETINGS HAVE BEEN RESCHEDULED TO THE FIRST AND THIRD WEDNESDAY OF EACH MONTH, THE MORNING SESSION OF EACH MEETING WILL START AT 9:00 AM AND THE AFTERNOON SESSION OF EACH MEETING WILL START AT 1:00 PM

JULY 12, 1999

**Morning Session begins at 10:00 a.m.
Afternoon Session begins at 2:00 p.m.**

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE.

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON CABLE CHANNEL 4. THE U.N.L.V. HANK GREENSPUN SCHOOL OF COMMUNICATION IS ALSO VIDEOTAPING THE PROCEEDINGS FOR REBROADCAST OF THE MEETING ON CABLE CHANNEL 4 THE MONDAY OF THE MEETING AT 8:00PM AND IS ALSO REBROADCAST ON SATURDAY AT NOON AND 7:00PM, AND THE FOLLOWING MONDAY AT 10:00AM

DUPLICATE AUDIO TAPES ARE AVAILABLE AT A COST OF \$5.00 PER TAPE AND DUPLICATE VIDEO TAPES ARE AVAILABLE AT A COST OF \$10.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

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

I. CEREMONIAL MATTERS

- 10:00 A.M. - CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - DR. STEVE FOTHERINGHAM, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
- PLEDGE OF ALLEGIANCE
- OATH OF OFFICE ADMINISTERED TO LYNETTE BOGGS McDONALD, WARD 2 COUNCIL SEAT
- RECOGNITION OF THE "CITIZEN OF THE MONTH" FOR JULY
- PRESENTATION OF THE WILLIE W. DAVIS MEMORIAL AWARD FOR THE OUTSTANDING CITY EMPLOYEE AND HONORABLE MENTION AWARDS
- RECOGNITION OF JUDGE SEYMORE H. BROWN FOR 40 YEARS OF SERVICE TO THE CITY OF LAS VEGAS

II. BUSINESS ITEMS

1. Any items from the morning session that the Council, staff, and/or the applicant wishes to be stricken or held in abeyance to a future meeting, may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the Regular City Council Meeting of June 14, 1999

3. Annual Regular meeting of the Member (City Council of the City of Las Vegas) of the City Centre Development Corporation (immediately following AM Session of City Council)

III. CONSENT AGENDA

ALL MATTERS LISTED UNDER THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND ARE RECOMMENDED FOR APPROVAL BY THE DEPARTMENTS. THEY MAY BE ENACTED IN ONE MOTION; HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COUNCIL MEMBER SO REQUESTS.

ADMINISTRATIVE - CONSENT

4. **TABLED ITEM** - Approval of the Memorandum of Understanding among the City and Republic Dumpco, Inc. and Republic Silver State Disposal, Inc. amending the Garbage Disposal Agreement dated December 31, 1985 between the City of Las Vegas and Silver State Disposal, Inc.

CITY ATTORNEY - CONSENT

5. Approval of Clark County Regional Flood Control District Interlocal Contract for the Annual Maintenance Program

DEPARTMENT OF FINANCE & BUSINESS SERVICES - CONSENT

6. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
7. Report of Sale on Delinquent Parcels in Special Improvement Districts 411, 488, 497, 505, and 1440

LIQUOR - Change of Ownership

8. Approval of change of ownership for Tavern Liquor License subject to the provisions of the planning and fire codes and Health Department regulations, From: Rufugio H. Martinez, 100%, To: Alarcon, Inc., dba Casa Tequila, 1815 East Charleston Boulevard, Sergio Alarcon, Dir, Pres, 34%, Jorge Alarcon, Dir, Secy, Treas, 33%, Victor P. Alarcon, Dir, 33%

LIQUOR - Approval of Officers

9. Approval of Officers for Beer/Wine/Cooler Off-Sale Liquor License, M and H Trading, Inc., dba \$ Discount Food Mart, 235 North Eastern Avenue, Suites 127-129, Muhammad Q. Khan, Dir, Secy, 25%; Maimoona Q. Khan, Dir, 25%

LIQUOR - Approval of Manager

10. Approval of Manager for Package Liquor Licenses, American Drug Stores, Inc., dba Sav On Drugs, 8580 West Charleston Boulevard, Sav On Drugs #2022, 1812 East Charleston Boulevard, Sav On Drugs #2054, 9100 West Sahara Avenue, Sav On Drugs #2087, 4411 East Bonanza Road, Sav On Drugs #2176, 8320 West Cheyenne Avenue, Sav On Drugs #2215, 268 North Jones Boulevard, Sav On Drugs #2224, 3550 West Sahara Avenue, Sav On Drugs #2417, 160 South Rainbow Boulevard, Sav On Drugs #3082, 6150 West Lake Mead Boulevard, Sav On Drugs #3237, 562 North Eastern Avenue, Sav On Drugs #3289, 4600 Meadows Lane, John M. Christofferson, District Mgr

INDEPENDENT MASSAGE THERAPISTS - New

11. Approval of new Independent Massage Therapist License, Shannon Hanks, dba Shannon Hanks, 7628 Shorehaven Drive, Shannon L. Hanks, 100%
12. Approval of new Independent Massage Therapist License, Judith Danielle Shields, dba Judith Danielle Shields, 4701 Lawrence Street, #1127, Judith D. Shields, 100%
13. Approval of new Independent Massage Therapist License, Lorna K. Ozawa, dba Lorna K. Ozawa, 7310 Smoke Ranch Road, Suite M, Lorna K. Ozawa, 100%
14. Approval of new Independent Massage Therapist License subject to the provisions of the planning codes, Elizabeth M. Gayler, dba Elizabeth M. Gayler, 9410 West Sahara Avenue, Suite 140, Elizabeth M. Gayler, 100%
15. Approval of new Independent Massage Therapist License, Stacy Lynn Edwards, dba The Bee's Knees Bodyworks Company, 4700 West San Miguel Avenue, Stacy L. Edwards, 100%
16. Approval of new Independent Massage Therapist License, Kari A. Grieves, dba Kari A. Grieves, 1837 Stablegate Avenue, Kari A. Grieves, 100%

17. Approval of new Independent Massage Therapist License, Insuk Chong, dba Palm Spring Massage, 5025 Nellis Oasis Lane, #5, Insuk Chong, 100%
18. Approval of new Independent Massage Therapist License, Troy Staggs, dba Troy Staggs, 2600 South Town Center Drive, #2082, Troy P. Staggs, 100%
19. Approval of new Independent Massage Therapist License, Ranay E. Lancelot, dba Ranay E. Lancelot, 7310 Smoke Ranch Road, Suite M, Ranay E. Lancelot, 100%
20. Approval of new Independent Massage Therapist License, Jeanne Mucci, dba Balanced Energy, 8013 Redskin Circle, Jeannie M. Mucci, 100%
21. Approval of new Independent Massage Therapist License, Natalie Menges, dba Natalie Menges, 1788 Antelope Valley Avenue, Natalie D. Menges, 100%

MARTIAL ARTS INSTRUCTION BUSINESS - New/Approval of Manager

22. Approval of new Martial Arts Instruction Business License and approval of manager subject to the provisions of the fire codes, Kick Me, Inc., dba United Studios of Self Defense, 8410 West Cheyenne Avenue, Suite 104, Teri M. Ruthe, Dir, Pres, Scott J. Ruthe, Dir, Secy, Treas, Richard J. Black, Mgr

AWARD OF BIDS/REJECTIONS/RENEWALS/TERMINATIONS

23. Request approval to award bid number 990065, television station studio equipment - Public Information Office - Award recommended to: BURST COMMUNICATIONS (\$443,939)
24. Request approval to reject all bids for bid number 99.40221.01-revised, central fire station diesel exhaust system - Department of Fire Services

PURCHASE ORDER APPROVALS/REVISIONS

25. Request approval of revision number two to Purchase Order 200917, annual requirements contract for vehicle tires and repair - Department of Public Works - Award recommended to: TED WIENS TIRE AND AUTO (\$70,000)

DEPARTMENT OF FIRE SERVICES - CONSENT

26. Approval of a usage fee schedule associated with the Department of Fire Services Performing Emergency Medical Transports

DEPARTMENT OF HUMAN RESOURCES - CONSENT

27. Approval of an agreement with William M. Mercer Investment Consulting, Inc. to review and make recommendations regarding current and proposed City deferred compensation programs (not to exceed \$25,000)

NEIGHBORHOOD SERVICES - CONSENT

28. Approval of the annual reduction of the Deferred U. S. Department of Housing and Urban Development (HUD) Rental Rehab Loan for the property at 2916 Poplar in the amount of \$2,688.95
29. Approval of an Interlocal Agreement with the City of North Las Vegas for the funding of \$5,000 in City of North Las Vegas Community Development Block Grant Funds to assist the city with funding a homeless demographic study being conducted by the University of Nevada, Las Vegas

DEPARTMENT OF PUBLIC WORKS - CONSENT

ACCEPTANCE OF RIGHT OF WAY ITEMS

GRANT DEEDS

30. From: TYNDALL LLC; To: City of Las Vegas; For: Portion of the Southwest Quarter (SW ¼) of Section 3, T20S, R60E, M.D.M. for a 299 square foot chord area located at the southeast corner of Craig Road and Tioga Way for the Craig Road Improvements - Buffalo Drive to U.S. 95 (6-8-99) 138-03-302-001
31. From: DEL WEBB COMMUNITIES, INC.; To: City of Las Vegas; For: Portion of the Southeast Quarter (SE ¼) of Section 24, T20S, R59E, M.D.M. for additional rights-of-way for Summerlin Parkway (6-9-99) 137-24-702-001

GRANT, BARGAIN, SALE DEEDS

32. From: MAREN E. WAGER, TRUSTEE OF THE MAREN E. WAGNER TRUST DATED MAY 19TH, 1994; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 33, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northwest corner of Alta Drive and Vandalia Street (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 990121 as Instrument No. 00877) (10-29-98) 139-33-210-091
33. From: HERMAN L. HOLMES AND LEDONIA M. FRENCH-HOLMES, AS TRUSTEE(S) OF THE HOLMES FAMILY TRUST DATED 1-24 1997; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 33, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northeast corner of Alta Drive and Tonopah Drive (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 981109 as Instrument No. 01201) (11-3-98) 139-33-210-142
34. From: JAMES E. BYRNE, A SINGLE MAN; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 33, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northwest corner of Alta Drive and Deauville Drive (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 990121 as Instrument No. 00875) (11-2-98) 139-33-210-076
35. From: MICHAEL S. BUCHNA, AN UNMARRIED MAN; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 33, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northeast corner of Alta Drive and Vandalia Street (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 990114 as Instrument No. 00195) (12-22-98) 139-33-210-090
36. From: VICTORIA BROWN, FORMERLY VICTORIA NORTON, A MARRIED WOMAN; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 33, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northwest corner of Alta Drive and Beaumont Street (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 990121 as Instrument No. 00876) (11-3-98) 139-33-210-122
37. From: JUDITH KAYE CORNETT, AN UNMARRIED WOMAN AS HER SOLE AND SEPARATE PROPERTY; To: City of Las Vegas; For: Portion of the Northeast Quarter (NE ¼) of Section 32, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northwest corner of Alta Drive and Parkway East (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 981006 as Instrument No. 00088) (8-13-98) 139-32-610-022
38. From: GARY M. GOLBART AND LESLIE A. GOLBART, HUSBAND AND WIFE AS JOINT TENANTS; To: City of Las Vegas; For: Portion of the Northeast Quarter (NE ¼) of Section 32, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northeast corner of Alta Drive and Parkway West (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 981029 as Instrument No. 03442) (9-23-98) 139-32-610-043
39. From: DENNIS L. WILLSON AND ANITA P. WILLSON, HUSBAND AND WIFE AND ANITA S. MONTGOMERY, A SINGLE WOMAN, ALL AS JOINT TENANTS; To: City of Las Vegas; For: Portion of the Northeast Quarter (NE ¼) of Section 32, T20S, R61E, M.D.M. for Alta Drive right-of-way located at the northwest corner of Alta Drive and Parkway West (previously recorded in the Office of the Recorder, Clark County, Nevada in Book 981106 as Instrument No. 01408) (10-28-98) 139-32-610-044

RIGHT OF WAY GRANTS FOR TRAFFIC PURPOSES

40. From: LEONARD DEFRIEND AND JULIA DEFRIEND, HUSBAND AND WIFE AS JOINT TENANTS; To: City of Las Vegas; For: Portion of the Northeast Quarter (NE ¼) of Section 11, T20S, R60E, M.D.M., for a traffic easement located on the northeast corner of Gowan Road and Torrey Pines Drive (6-14-99) 138-11-610-063
41. From: ANTHONY JAMES CLAYTON AND LINDA L. CLAYTON, TRUSTEES OF THE CLAYTON FAMILY TRUST DATED SEPTEMBER 30, 1998; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 3, T20S, R60E, M.D.M. for a 176 square foot traffic easement located at the northwest corner of Craig Road and Tenaya Way for the Craig Road Improvements Buffalo Drive to U.S. 95 (6-14-99) 138-03-201-003

RIGHT OF WAY GRANT FOR INGRESS AND EGRESS PURPOSES

42. From: SEAGULL PARK, LLC, A NEVADA LIMITED LIABILITY COMPANY; To: City of Las Vegas; For: Portions of the Southeast Quarter (SE ¼) of Section 29, T20S, R62E, M.D.M., for ingress and egress easements located on Bonanza Road, west of Nellis Boulevard (6-24-99) 140-29-801-006

RIGHT OF WAY GRANT FOR SIGHT VISIBILITY RESTRICTION PURPOSES

43. From: SEAGULL PARK, LLC, A NEVADA LIMITED LIABILITY COMPANY; To: City of Las Vegas; For: Portions of the Southeast Quarter (SE ¼) of Section 29, T20S, R62E, M.D.M., for sight visibility restriction easements located on Bonanza Road, west of Nellis Boulevard (6-24-99) 140-29-801-006

RIGHT OF WAY GRANT FOR PEDESTRIAN ACCESS PURPOSES

44. From: SEAGULL PARK, LLC, A NEVADA LIMITED LIABILITY COMPANY; To: City of Las Vegas; For: Portion of the Southeast Quarter (SE ¼) of Section 29, T20S, R62E, M.D.M., for a pedestrian access easement located on Bonanza Road, west of Nellis Boulevard (6-24-99) 140-29-801-006

RIGHT OF WAY GRANT FOR BUS STOP PADS

- 45. From: TYNDALL LLC; To: City of Las Vegas; For: Portion of the Southwest Quarter (SW ¼) of Section 3, T20S, R60E, M.D.M., for a 15 square foot bus stop pad on the south side of Craig Road, approximately 100' east of Tioga Way for the Craig Road Improvements - Buffalo Drive to U.S. 95 (6-8-99) 138-03-302-001
- 46. From: RAY AND ALMA SCHOOL LLC ARIZONA LIMITED LIABILITY COMPANY; To: City of Las Vegas; For: Portion of the Northeast Quarter (NE ¼) of Section 3, T20S, R60E, M.D.M. for a 15 square foot bus stop pad on the north side of Craig Road east of Tenaya Way for the Craig Road Improvements Buffalo Drive to U.S. 95 (6-16-99) 138-03-611-001

GRANT OF EASEMENT

- 47. From: JOHN W. ANDERSON, A MARRIED MAN; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 28, T20S, R61E, M.D.M., for a security wall easement lying within Bonanza Village bounded by Vegas Drive, Martin L. King Boulevard, Washington Avenue and Tonopah Drive (6-10-99) 139-28-110-066
- 48. From: EDDIE JAMES LUCAS AND ELNER LUCAS, HUSBAND AND WIFE, AS JOINT TENANTS; To: City of Las Vegas; For: Portion of the Northwest Quarter (NW ¼) of Section 28, T20S, R61E, M.D.M., for a security wall easement lying within Bonanza Village bounded by Vegas Drive, Martin L. King Boulevard, Washington Avenue and Tonopah Drive (6-9-99) 139-28-110-021

DECLARATION OF UTILIZATION

- 49. From: BUREAU OF LAND MANAGEMENT; To: City of Las Vegas; For: Portions of the Southeast Quarter (SE ¼) of Section 5, T20S, R60E, M.D.M., for road and sewer purposes located east of El Capitan Way and north of Alexander Road 138-05-801-017, 024, 025, 026 & 027

REPORT/ACTION ITEMS

- 50. Approval of a contract with HMM Engineering & Surveying, Inc. to perform right-of-way acquisition services on the Jones Boulevard Improvement Project - Rancho Drive to Centennial Parkway
- 51. Approval of a purchase request to Nevada Power Company for relocation of facilities at Crestdale Lane (Summerlin Parkway project)
- 52. Approval of the consultant agreement with HDR Engineering, Inc. to provide services for Scada integration, Value Engineering implementation and risk management plan implementation for the Water Pollution Control Facility
- 53. Approval of a cooperative agreement with the Nevada Department of Transportation to fund the design engineering, construction engineering, and construction costs for a segment of the roadway improvements on Bonanza Road, from Las Vegas Boulevard to D Street
- 54. Approval of a professional services agreement with Post, Buckley, Schuh & Jernigan to perform design services for the Biltmore and Mayfair neighborhood street rehabilitation project
- 55. Approval of an interlocal agreement with the Las Vegas Valley Water District for Special Improvement District No. 1471, Jones Boulevard, Rancho Drive to Centennial Parkway
- 56. Approval of an amendment to and restatement of a first amendment to an interlocal cooperative agreement with the State of Nevada, Department of Conservation and Natural Resources for improvements to Heritage Park/Old Las Vegas Mormon Fort
- 57. Approval of a bill of sale for water facilities located at the City parking lot at 4th Street and Stewart Avenue to the Las Vegas Valley Water District
- 58. Approval of a professional services agreement, supplemental #1 with Carter and Burgess for the design of the Bonanza roadway improvements (NDOT portion) and construction phase engineering services for the upper Washington Avenue Conveyance System, Phase 2 project
- 59. Approval of amendment #1 to the professional services agreement with Post, Buckley, Schuh and Jernigan, Inc. to provide engineering design services for the U.S. 95/Rancho Drive sewer - phase 1 & 2; Alta Drive - Rancho Drive to I-15/Union Pacific Railroad(UPRR) property - Phase 1 and Northwest Neighborhood Study - Area 2
- 60. Approval of additional services to the professional services agreement for Swisher & Hall AIA, Limited, to provide extended contract administration for the Municipal (Dula) Pool Project per Appendix E - (\$25,000)
- 61. Approval of amendment #1 to the professional services agreement with Stanley Consultants, Inc. to provide engineering design services for the Las Vegas Technology Center - Phase 2
- 62. Approval of agreement between the City of Las Vegas, the Nevada Department of Transportation (NDOT) and Centennial Centre, LLC for the development, acquisition and maintenance of frontage roads and other road improvements along US95 and the Beltway

RESOLUTIONS - CONSENT

- 63. **R-72-99** - Approval of a Resolution Making Provisional Order and Directing that Notice of Hearing thereon be given re: Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway)
- 64. **R-73-99** - Approval of a Resolution of Intent, proposing the issuance of, and authorizing the publication of notices relating to General Obligation (limited tax) Parking Bonds (additionally secured by pledged revenues) for the purpose of financing a building project for the City; providing the manner, form and contents of the notice thereof; ratifying action heretofore taken not inconsistent herewith; providing for the sale of the bonds and other matters properly related thereto; and providing the effective date hereof
- 65. **R-74-99** - Approval of a resolution with the Nevada Department of Transportation for relinquishment and land transfer agreement for the realignment of Buffalo Road north of Ann Road

* * * * * **END OF CONSENT AGENDA** * * * * *

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

- 66. Discussion and possible action to ratify Douglas A. Selby as Deputy City Manager
- 67. Discussion and possible action to ratify Barbara Jackson as the Director of the Department of Leisure Services
- 68. Discussion and possible action for the establishment of a parks projects priority list

CITY ATTORNEY - DISCUSSION

- 69. **ABEYANCE ITEM** - Appeal of Work Card Denial: Mr. Darryl Foster Leater, 1523 Phillips Avenue, Las Vegas, NV 89104
- 70. Appeal of Work Card Denial: Mr. Larry Floyd Burkhalter, 619 McKnight St., Apt. 4, Las Vegas, NV 89101
- 71. Appeal of Work Card Denial: Mr. James Benson Fields, Jr., 1001 W. McWilliams, #40, Las Vegas, NV 89106
- 72. Appeal of Work Card Denial: Mr. Willie H. Coleman, 1720 W. Bonanza Road, #161, Las Vegas, NV 89106
- 73. Appeal of Work Card Denial: Ms. Marilyn Simmons, 1109 W. Adams, Las Vegas, NV 89106
- 74. Appeal of Work Card Denial: Ms. Doshia Maria Rabon, 415 S. Main, Las Vegas, NV 89101
- 75. Appeal of Work Card Denial: Ms. Lorrain A. Carter, 5345 Desert Blossom Road, Las Vegas, NV 89107
- 76. Appeal of Work Card Denial: Mr. Mark T. Lancia, 8617 Titleist Circle, Henderson, NV 89117
- 77. Appeal of Work Card Denial: Mr. Robert Lee Henry, III, 5734 Duval Drive, Las Vegas, NV 89115

DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION

- 78. Discussion and Possible Action to Accept the City 's Debt Management Policy and the Indebtedness Report

ABEYANCE ITEM

APPEAL OF DENIAL OF BUSINESS LICENSE

- 79. Discussion and possible action regarding the appeal of the denial of a new restaurant license, Jon Sattwhite, dba Martha's Soulfood and BBQ, 611 Fremont Street, Suite 1, Jon P. Sattwhite, 100%

INDEPENDENT MASSAGE THERAPIST - Six-Month Review

- 80. Discussion and possible action regarding a six-month review of an Independent Massage Therapist License, Song Lei, dba Song Lei, 4035 West Sahara Avenue, Song Lei, 100%

LIQUOR & GAMING - New

81. Discussion and possible action regarding a new Beer/Wine/Cooler Off-Sale Liquor License and new Restricted Gaming License for 7 slots subject to the provisions of the planning codes and Health Department regulations, Talal D. Nafso, dba Dillon's, 1401 East Charleston Boulevard, Talal D. Nafso, 100%, Approved by the Nevada Gaming Commission on February 25, 1999, **Note: Item to be heard in afternoon session in conjunction with Item #121 - Special Use Permit U-36-99**

INDEPENDENT MASSAGE THERAPIST - New

82. Discussion and possible action regarding a new Independent Massage Therapist License following discussion of the Las Vegas Metropolitan Police Department Investigative Report, Jonathan Salvador, dba Jonathan Salvador, 4616 Pennwood Avenue, Jonathan Salvador, 100%

MASSAGE ESTABLISHMENT - New/Request For Temporary License

83. Discussion and possible action regarding a request for temporary approval of a new Massage Establishment License subject to the provisions of the planning and fire codes, Waysak, Inc., dba Destination Garden Salon Spa, 601 South Rainbow Boulevard, Gary S. Waysack, Dir, Pres, Secy, Treas, 100%

NEIGHBORHOOD SERVICES - DISCUSSION

84. Discussion and possible approval of a Technical Assistance Agreement between the City of Las Vegas and the National Urban Technology Center, Inc. to provide site preparation, computer hardware and software, and training/consulting services to three centers identified by Weed and Seed for its Family Life Long Learning Centers project.

DEPARTMENT OF PUBLIC WORKS - DISCUSSION**SEWER CONNECTION AND APPROVAL OF INTERLOCAL CONTRACT WITH CLARK COUNTY SANITATION DISTRICT**

85. D.A. ENTERPRISES, INC., Owner; (6250 Rio Vista Street - Bob Taylors Ranch House Restaurant); Request to connect one lot, approximately 4.7 acres, with an existing usage of a restaurant, to the City sewer from property located in Clark County at 6250 Rio Vista Street; applicant proposes to connect to the existing 27 inch line located in Rio Vista Street; the City limit is located adjacent to this site; the proposed usage of this parcel does not conform with the City's General Plan for the area; however, as a result of an on-site meeting between the property owners and the Clark County Health District on April 12, 1999, this connection is now required by the Health District.

REPORT/ACTION ITEMS

86. ABEYANCE ITEM Discussion and possible action to change the current approval procedure for executing interlocal agreements with Clark County for the creation of Special Improvement District projects

IV. RESOLUTIONS - DISCUSSION

87. **R-75-99** - Discussion and possible action to approve a Resolution designating James Gay Park, Ethel Pearson Park and Fitzgerald Tot Lot as Children's Parks
88. **PUBLIC HEARING - R-76-99** - Discussion and possible action to approve a Resolution authorizing medium-term obligations in an amount of up to \$25,000,000, for the purpose of acquiring, constructing and improving park and recreation projects for the City; directing the officers of the City to forward materials to the Department of Taxation of the State of Nevada; providing certain details in connection therewith; authorizing the sale of the City of Las Vegas, Nevada, General Obligation Medium-Term Park and Recreation Bonds in the maximum aggregate principal amount of \$25,000,000; and providing the effective date hereof

V. REPORTS FROM RECOMMENDING COMMITTEES**BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING**

89. **Bill No. 99-30** - Changes the name of the Department of Fire Services to the Department of Fire and Rescue, and reflects the Department's provision of ambulance transportation services. Sponsored by: Councilman Arnie Adamsen
90. **Bill No. 99-31** - Amends the Zoning Code to set forth the zoning districts in which certain employment-related uses are permitted either as a matter of right or by means of special use permit. Sponsored by: Councilman Michael McDonald

91. **Bill No. 99-32** – Increases the salaries of the Municipal Court Judges and eliminates the stipend for the Master Judge. Sponsored by: Councilman Michael J. McDonald
92. **Bill No. 99-33** -- Increases the amount of the regional sewer service surcharge from \$1.39 to \$1.60 per equivalent residential unit and provides for administrative surcharge adjustments thereafter. Proposed by: City Manager Virginia Valentine
93. **Bill No. 99-35** – Provides that a petition in State District Court is the exclusive means of appealing the denial of a work card for security-related employment, where the denial is based upon the statutory prohibition of such employment because of certain criminal convictions. Sponsored by: Councilman Michael J. McDonald

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. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

94. **Bill No. 99-19** – Creates District re: Special Improvement District No. 1470 - Buffalo (Cheyenne Avenue to Lone Mountain Road) and Craig Road US-95 to Buffalo Drive). Sponsored by: Step Requirement
95. **Bill No. 99-34** – Annexation No. A-20-99(A), Property Located: Between Alexander Road and Fox Forest Avenue, approximately 660 feet west of Fort Apache Road, Petitioned By: Kathlyn H. Mowbray, Acreage: Approximately 5.13 acres, Zoned: R-E (County Zoning), U (L and ML) (City Equivalent). Sponsored by: Councilman Larry Brown

VI. REPORTS FROM REAL ESTATE COMMITTEE

96. Discussion and possible action for the approval of the Second Amendment to Lease & Management Agreement between the City of Las Vegas and On Time Productions in the Incubator Program at the Las Vegas Business Center
97. Discussion and possible action for the approval of a Lease & Management Agreement between the City of Las Vegas and Dee's Vocational and Rehabilitation Services in the Incubator Program at the Las Vegas Business Center

VII. BOARDS & COMMISSIONS

98. Discussion and possible action on appointments of Council members to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities
99. **ABEYANCE ITEM** - Discussion and possible action on the appointment of alternates to the Southern Nevada Regional Planning Coalition
100. **ABEYANCE ITEM - CHILD CARE LICENSING BOARD** - Nora R. Avila - Term Expires - 6/1999 (resigned)
101. **ABEYANCE ITEM - COMMUNITY EMPLOYMENT ADVISORY COMMITTEE** - Robert Fortson - Term Expires - 6/1999; Olga Carbia - Term Expires - 6/1999; Dan Romano - Term Expires - 6/1999
102. **ABEYANCE ITEM - CITIZENS PRIORITY ADVISORY COMMITTEE** - Jill Langerman - Term Expires - 6/1999; Ronald L. Butters - Term Expires - 6/28/1999
103. **BOARD OF CIVIL SERVICE TRUSTEES** - Rev. David L. Harris - Term Expires - 8/7/99

2:00 P.M. – AFTERNOON SESSION

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

IX. PUBLIC HEARING

105. Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 1602/1608 E. Charleston Blvd. PROPERTY OWNER: Trustee Clark County Treasurer

PLANNING AND DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

DISCUSSION/ACTION ITEMS**STREET NAME CHANGE - PUBLIC HEARING**

106. SNC-1-99 - RUSSELL G. & VERLA M. KRAMER - Request for a Street Name Change from Tony Atchley Drive to Highland Falls Drive between Villa Ridge Drive and Sun City Boulevard, P-C (Planned Community) Zone, Ward 2. The Planning Commission (5-0 vote) and staff recommend APPROVAL.

AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS

107. MSH-2-99 - STANPARK HOMES, ET AL - Request to Amend the Master Plan of Streets and Highways to delete Alexander Road, an 80 foot right-of-way, and the unnamed north-south 80 foot right-of-way, between Cheyenne Avenue and Lone Mountain Road, and to add a north-south roadway as an 80 foot right-of-way between Cheyenne Avenue and Alexander Road with appropriate transition areas and as an 80 foot right-of-way between Alexander Road and Lone Mountain Road. Also, to extend Alexander Road as an 80 foot right-of-way from the proposed Western Leg of the Beltway, westward to the proposed north-south roadway, Ward 4 (Brown). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

VACATION - PUBLIC HEARING

108. VAC-18-99 - LAS VEGAS RESCUE MISSION AND WOMEN'S AND CHILDREN'S SHELTER - Petition to vacate "E" street (70 feet wide) and all public alleys (20 feet wide) generally located on the north side of Bonanza Road, between "F" street and "E" street, Ward 3 (Reese). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

TWO YEAR REQUIRED REVIEW - VARIANCE - PUBLIC HEARING

109. V-46-92(2) - UNION PACIFIC RAILROAD COMPANY - Required Two Year Review of an approved Variance on property located on the north side of Oran K. Gragson Highway (U: S. 95), between Bonanza Road and Grand Central Parkway, 150 feet west of the centerline of the Union Pacific railroad tracks which allowed a 14 foot by 48 foot off-premise sign (billboard) 690 feet from an existing off-premise sign (billboard) where 750 feet is the minimum separation distance required, M (Industrial) Zone, Ward 3 (Reese), APN: 139-27-401-024. The Board of Zoning Adjustment (5-0 vote) and staff recommend APPROVAL.

VARIANCE - PUBLIC HEARING

110. ABEYANCE ITEM - V-20-99 - ERIC AND MORTON FRIEDLANDER - Request for a Variance on property located at 1217 Greenway Drive TO ALLOW AN EXISTING GARAGE THREE AND ONE-HALF FEET FROM THE SIDE PROPERTY LINE WHERE FIVE FEET IS THE MINIMUM SETBACK REQUIRED, R-1 (Single Family Residential) Zone, Ward 1 (McDonald), APN: 138-25-610-048. The Board of Zoning Adjustment (5-0 vote) recommends APPROVAL. The Board of Zoning Adjustment (5-0 vote) recommends APPROVAL.
111. V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING - Appeal filed by Kummer Kaempfer Bonner & Renshaw from the Denial by the Board of Zoning Adjustment of a request by KFC Corporation on behalf of Creative Outdoor Advertising for a Variance on property located at 4420 West Sahara Avenue TO ALLOW A 298 FOOT SEPARATION BETWEEN A BILLBOARD AND A RESIDENTIAL USE WHERE 300 FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 162-06-402-006. The Board of Zoning Adjustment (5-0 vote) and staff recommend DENIAL.
112. V-36-99 - MARK AND ZANETTE CLARK - Request for a Variance on property located at 201 Janice Estelle Drive TO ALLOW AN EXISTING DETACHED GAZEBO ZERO FEET FROM THE SIDE AND REAR PROPERTY LINES WHERE THREE FEET IS THE MINIMUM SETBACK REQUIRED AND ZERO FEET FROM THE EXISTING SINGLE-FAMILY DWELLING WHERE SIX FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED; AND TO ALLOW AN EXISTING JUNGLE GYM TO BE TWO AND ONE-HALF FEET FROM THE SIDE AND REAR PROPERTY LINES WHERE THREE FEET IS THE MINIMUM SETBACK REQUIRED AND THREE AND ONE-HALF FEET FROM THE EXISTING SINGLE-FAMILY DWELLING WHERE SIX FEET IS THE MINIMUM SEPARATION DISTANCE REQUIRED, R-CL (Residential Compact Lot) Zone, Ward 1 (McDonald), APN: 138-36-111-036. Staff recommends DENIAL. The Board of Zoning Adjustment (3-1 vote) recommends APPROVAL.
113. V-39-99 - SHIRLEY G. BELL - Appeal filed by Shirley G. Bell from the Denial by the Board of Zoning Adjustment for a Variance on property located at 5620 Silver Bell Street TO ALLOW A PROPOSED ADDITION 3 FEET FROM THE REAR PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED IN CONJUNCTION WITH AN EXISTING SINGLE-FAMILY DWELLING, R-1 (Single-Family Residential) Zone, Ward 4 (Brown), APN: 125-28-412-029. The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL.

114. V-40-99 - MACE J. YAMPOLSKY - Request for a Variance on property located at 625 South 6th Street TO ALLOW SEVEN EXISTING PARKING SPACES WHERE EIGHT ARE THE MINIMUM REQUIRED IN CONJUNCTION WITH THE PROPOSED EXPANSION OF AN EXISTING COMMERCIAL BUILDING, P-R (Professional Offices and Parking) Zone, Ward 3 (Reese), APN: 139-34-410-218. The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL.
115. V-43-99 - DENVER SQUARE TRUST - Appeal filed by Attorney Peter Alpert on behalf of Denver Square Trust from the Denial by the Board of Zoning Adjustment for a Variance on property located at 1141 South Las Vegas Boulevard TO ALLOW A PROPOSED 16,780 SQUARE FOOT COMMERCIAL CENTER 0 FEET FROM THE SIDE PROPERTY LINE WHERE 10 FEET IS THE MINIMUM SETBACK REQUIRED, 12 FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED, AND 10 FEET FROM THE CORNER SIDE PROPERTY LINE WHERE 15 FEET IS THE MINIMUM SETBACK REQUIRED; TO ALLOW 52 PROPOSED PARKING SPACES WHERE 67 ARE THE MINIMUM REQUIRED; AND TEMPORARILY ALLOW 25 PROPOSED PARKING SPACES WHERE 67 ARE THE MINIMUM REQUIRED; AND TO ALLOW THE REPLACEMENT OF AN EXISTING, 1200 SQUARE FOOT, NON-CONFORMING USE (BOULEVARD BOOKS AND VIDEO), WITH A PROPOSED 4,300 SQUARE FOOT NON-CONFORMING USE (BOULEVARD BOOKS AND VIDEO), C-2 (General Commercial) Zone, Ward 3 (Reese), APN: 162-03-112-021. The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL.
116. V-46-99 - GILBERT FAMILY TRUST - Request for a Variance on property located at 821 North Lamb Boulevard TO ALLOW 81 EXISTING PARKING SPACES WHERE 87 ARE THE MINIMUM REQUIRED IN CONJUNCTION WITH A PROPOSED ADDITION (BAKERY) TO AN EXISTING COMMERCIAL CENTER, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 140-29-301-010. The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL.

ONE YEAR REQUIRED REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

117. ABEYANCE ITEM - U-35-98(1) - NORTSHORE PLAZA, LIMITED LIABILITY COMPANY ON BEHALF OF KAPRIEL SAATDJIAN - One Year Required Review of an approved Special Use Permit on property located at 8370 West Cheyenne Avenue to allow a secondhand dealer for the buying and selling of used jewelry in conjunction with an existing jewelry store, U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 4 (Brown), APN: 138-09-420-003. Staff recommends APPROVAL.

RESCIND PREVIOUS ACTION OF WITHDRAWAL WITH PREJUDICE - SPECIAL USE PERMIT - PUBLIC HEARING

118. ABEYANCE - U-68-98 - LOZZI ENTERPRISES - Appeal filed by Thomas Lozzi on behalf of Lozzi Enterprises of the Denial by the Planning Commission for a Special Use Permit on property located at the northeast corner of Buffalo Drive and Gowan Road FOR A COMMERCIAL CHILD CARE CENTER, U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation], Ward 4 (Brown), APN: 138-10-201-012. The Planning Commission (6-0 vote) and staff recommend DENIAL.

SPECIAL USE PERMIT - PUBLIC HEARING

119. ABEYANCE - U-68-98 - LOZZI ENTERPRISES - Appeal filed by Thomas Lozzi on behalf of Lozzi Enterprises of the Denial by the Planning Commission for a Special Use Permit on property located at the northeast corner of Buffalo Drive and Gowan Road FOR A COMMERCIAL CHILD CARE CENTER, U (Undeveloped) Zone [L (Low Density Residential) General Plan Designation], Ward 4 (Brown), APN: 138-10-201-012. The Planning Commission (6-0 vote) and staff recommend DENIAL.
120. ABEYANCE ITEM - U-46-99 - SAM FELDMAN TRUST ON BEHALF OF SAM & BASIL HAMIKA - Request for a Special Use Permit on property located at 800 North Rainbow Boulevard FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A PROPOSED 1,952 SQUARE FOOT MARKET, C-1 (Limited Commercial) Zone, Ward 1 (McDonald), APN: 138-26-301-003. Staff recommends DENIAL. The Planning Commission (4-0-1 vote) recommends APPROVAL.
121. U-36-99 - MER-CAR CORPORATION - Request for a Special Use Permit on property located at 1401 East Charleston Boulevard FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH A CONVENIENCE STORE; AND FOR A WAIVER OF THE MINIMUM 400 FOOT SEPARATION REQUIREMENT FROM A CHURCH, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-35-401-002. (Note: This item will be heard with Morning Session Item No. 81). Staff recommends DENIAL. The Planning Commission (3-2 vote) recommends APPROVAL.
122. U-55-99 - MARIA ENAMORADO ON BEHALF OF TALAL NAFSO - Request for a Special Use Permit on property located at 720 West Owens Avenue FOR THE OFF-PREMISE SALE OF BEER AND WINE IN CONJUNCTION WITH AN EXISTING 2,500 SQUARE FOOT CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-22-402-005. Staff recommends DENIAL. The Planning Commission (4-0-1 vote) recommends APPROVAL.
123. U-62-99 - MARIA ENAMORADO ON BEHALF OF TALAL NAFSO - Request for a Special Use Permit on property located at 720 West Owens Avenue FOR A SERVICE STATION (GASOLINE SALES) IN CONJUNCTION WITH AN EXISTING 2,500 SQUARE FOOT CONVENIENCE STORE, C-1 (Limited Commercial) Zone, Ward 3 (Reese), APN: 139-22-402-005. The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

124. U-63-99 - S&S #2, LIMITED LIABILITY COMPANY ON BEHALF OF AJ'S MINI MART - Request for a Special Use Permit on property located at 400 North Eastern Avenue FOR RESTRICTED GAMING (15 SLOT MACHINES) IN CONJUNCTION WITH AN EXISTING CONVENIENCE STORE, R-3 (Medium Density Residential) under Resolution of Intent to C-1 (Limited Commercial), Ward 3 (Reese), APN: 139-36-210-003. The Planning Commission (5-0 vote) and staff recommend APPROVAL.
125. U-64-99 - SHAWBETH, INC. ON BEHALF OF R.D.S., INC. - Request for a Special Use Permit on property located on the north side of Sahara Avenue, approximately 330 feet west of Montessori Street, TO ALLOW USED MOTOR VEHICLE SALES, U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) and PR (Professional Office and Parking), Pending C-2 (General Commercial) Zone, Ward 1 (McDonald), APN: 163-03-806-001. **NOTE: The General Plan Designation of O (Office has been changed to GC (General Commercial).** The Planning Commission (5-0 vote) and staff recommend APPROVAL.
126. U-65-99 - ORO, LIMITED LIABILITY COMPANY - Request for a Special Use Permit on property located at 908 West Monroe Avenue FOR A 2,520 SQUARE FOOT COMMERCIAL CHILD CARE CENTER, R-3 (Medium Density Residential) Zone, Ward 3 (Reese), APN: 139-28-503-023. The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

REZONING - PUBLIC HEARING

127. Z-25-99 - CHARLES TARR, JR. UNITRUST - Request for a Rezoning on property located at 22 North Pecos Road and 3505 East Charleston Boulevard, FROM: R-1 (Single-Family Residential), R-2 (Medium-Low Density Residential) and C-1 (Limited Commercial) TO: C-1 (Limited Commercial), PROPOSED USE: FUTURE COMMERCIAL, Size: 2.86 Acres, Ward 3 (Reese), APN's: 140-31-401-027 and 034. The Planning Commission (5-0 vote) and staff recommend APPROVAL.
128. Z-23-99 - J. W. M. INVESTMENTS, INC. - Request for a Rezoning on property located at 808 Sunny Place, From: R-E (Residence Estates) To: C-1 (Limited Commercial), PROPOSED USE: A 11,173 SQUARE FOOT COMMERCIAL BUILDING, Size: 0.99 Acres, Ward 3 (Reese), APN: 139-28-304-002. The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.
129. Z-27-99 - BUREAU OF LAND MANAGEMENT ON BEHALF OF CITY OF LAS VEGAS - Request for a Rezoning on property located on the southwest corner of Buffalo Drive and Wittig Avenue, From: U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] To: C-V (Civic), PROPOSED USE: A 10,152 SQUARE FOOT FIRE STATION AND FUTURE PARK, Size: 20 Acres, Ward 4 (Brown), APN: 125-21-601-002. The Planning Commission (5-0 vote) and staff recommend APPROVAL.
130. Z-29-99 - RONALD AND SHIRLEY LUSCH ON BEHALF OF JW SLIGAR - Request for Rezoning on property located at 4485 North Rainbow Boulevard, From: R-E (Residence Estates) To: C-1 (Limited Commercial), PROPOSED USE: OFFICE CONVERSION, Size: 1.22 Acres, Ward 4 (Brown), APN: 138-03-602-013.
131. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION AND BOARD OF ZONING ADJUSTMENT MEETINGS AND DANGEROUS BUILDINGS OR NUISANCE/LITTER ABATEMENTS.

X. ADDENDUM

XI. CITIZENS PARTICIPATION

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

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

Downtown Transportation Center, City Clerk's Posting Board
 Senior Citizen Center, 450 E. Bonanza Road
 Clark County Government Center, 500 S. Grand Central Parkway
 Court Clerk's Office Bulletin Board, City Hall Plaza
 City Hall Plaza, Special Outside Posting Bulletin Board

EXHIBIT "B"

(Attach Affidavit of Publication of Notice of Adoption of Resolution)

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION
STATE OF NEVADA)
COUNTY OF CLARK)

SS:

Barbara Linford, 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
836107

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 07/16/99 to 07/16/1999, on
the following days: JULY 16, 1999

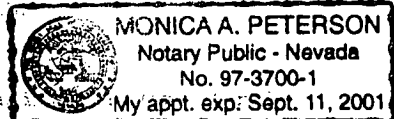
Signed:

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,

Notary Public

2296311

PLEASE SEE ATTACHED



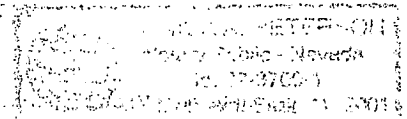
was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 07/16/99 to 07/16/1999, on
the following days: JULY 16, 1999

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,

Notary Public

2296311

PLEASE SEE ATTACHED



was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1
edition(s) of said newspaper issued from 07/16/99 to 07/16/1999, on
the following days: JULY 16, 1999

**NOTICE OF THE INTENT OF THE CITY COUNCIL OF
THE CITY OF LAS VEGAS, NEVADA, TO ISSUE
GENERAL OBLIGATION (LIMITED TAX) PARKING
BONDS ADDITIONALLY SECURED BY PLEDGED
REVENUES**

NOTICE IS HEREBY GIVEN that the City Council of the City of Las Vegas (the "Council" and the "City") Nevada, by a resolution, passed, adopted and approved on July 12, 1999, and designated in Section I thereof by the short title "Resolution of Intent to Issue Parking Bonds" has proposed the issuance of the City's General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues) (the "Bonds") designated below, as follows:

**GENERAL OBLIGATION (LIMITED TAX) PARKING
BONDS (ADDITIONALLY SECURED BY PLEDGED
REVENUES) PROPOSAL:**

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal")

The above Proposal was approved by the Debt Management Commission of Clark County, Nevada.

The Council has determined that the general obligation Bonds to be issued for the purpose of financing the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities (as further described in the above Proposal) will be additionally secured by a pledge of the "pledged revenues," which include a portion of the City's Supplemental City/County Relief Sales and Use Tax Revenues. The Council has, in addition, determined, based upon a revenue study, that the pledged revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

Based upon this determination, the Council intends to incur this general obligation as set forth above without an election as provided in subsection 3 of Section 350.020, Nevada Revised Statutes, unless within sixty (60) days after the publication of this notice a petition requesting an election is presented to the Council signed by not fewer than five percent (5%) of the registered voters of the City who, together with any corporate petitioners, own not less than two percent (2%) in assessed value of the taxable property in the City. The number of registered voters is to be determined as of the close of registration for the last preceding general election. The assessed values are to be determined from the next preceding final assessment roll of the City. An authorized corporate officer may sign such a petition whether or not he or she is a registered voter of the City.

At a meeting or meetings of the Council to be held not earlier than sixty (60) days after the publication of this notice, the Council shall proceed to adopt an ordinance or ordinances authorizing the issuance of the Bonds. Such ordinance or ordinances authorizing the issuance of the Bonds will be adopted unless prior to 5:00 p.m. on September 14, 1999, a petition is presented to the Council asking for an election upon the question of whether or not the proposed general obligations shall be incurred. The petition for an election herein referred to may be presented to the Council at any time prior to the expiration of sixty (60) days after the publication of this notice. In the event such petition is presented, no such ordinance or ordinances shall be enacted except pursuant to an election called and held for such purpose and carried by a majority of the votes cast. In the event no such petition is presented, the Bonds will be authorized as described above. The ordinance or ordinances authorizing the Bonds will, in addition, contain provisions for additionally securing the payment of the general obligations by pledging the Pledged Revenues designated above and in the Proposal to the payment of the Bonds.

The authority to issue the Bonds if conferred at an election or if conferred by the fact no petition is presented to the Council requesting such an election within sixty (60) days of the date of publication hereof shall be deemed to be a continuing authority and the Council shall be authorized to sell the Bonds at such time or times and upon such terms and conditions as it deems proper in accordance with the provisions of the Proposal and the laws of the State of Nevada.

All persons interested are hereby advised that further information regarding the project to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all proceedings in the premises, are on file in the office of the City Clerk, 400 East Stewart Avenue, Las Vegas, Nevada, and can be seen and examined by the interested persons during the regular office hours of the Clerk.

The determination by the Council that the Pledged Revenues will at least equal the amount required in each year for the payment of interest and principal on the Bonds becomes conclusive on the last day for filing the petition, i.e., on September 14, 1999, at 5:00 p.m.

BY ORDER of the City Council of City of Las Vegas, Nevada.

DATED this July 12, 1999.

PUBLICATION DATE: July 16, 1999

Attest:

/s/

Oscar Goodman

Mayor

/s/

Barbara Jo Ronemus

City Clerk

PUB: July 16, 1999 Las Vegas Review-Journal

EXHIBIT "C"

(Attach Affidavit of Publication of Notice of Hearing)

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Barbara Linford, 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,

CITY OF LAS VEGAS/ CITY CLERK
280600

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/16/99 to 07/16/1999, on the following days: JULY 16, 1999

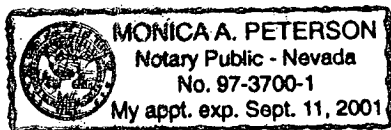
Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of August 1999

Monica A. Peterson
Notary Public

PLEASE SEE ATTACHED



**NOTICE OF PUBLIC HEARING ON THE INTENT OF THE CITY
COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, TO ISSUE
GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS.**

NOTICE IS HEREBY GIVEN that the City Council (the "Council") of the City of Las Vegas (the "City"), Nevada, by a resolution, passed, adopted, signed and approved on July 12, 1999, and designated in Section 1 thereof by the short title "Resolution of Intent to Issue Parking Bonds" has proposed the issuance of the City's General Obligation (Limited Tax) Parking Bonds (Additionally Secured by Pledged Revenues) (the "Bonds") designated below, as follows

**GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS
(ADDITIONALLY SECURED BY PLEDGED REVENUES)
PROPOSAL:**

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at, above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium? (the "Proposal")

The above Proposal was previously approved by the Debt Management Commission of Clark County, Nevada.

The City has determined that the Bonds to be issued for the purpose of financing the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities as further described in the above Proposal, will be additionally secured by pledged revenues which include a portion of the City's Supplemental City/County Relief Sales and Use Tax Revenues (the "Pledged Revenues"). The City has, in addition, determined that the Pledged Revenues will at least equal the amount required in each year for the payment of the interest on and the principal of the Bonds.

All persons interested are hereby advised that the Council will hold a public hearing on the Proposal on August 4, 1999 at 1:00 p.m. at the Council Chambers, City Hall Complex, 400 East Stewart, Las Vegas, Nevada. All persons are invited to attend and to be heard regarding the Proposal. Further information regarding the Proposal, the Project to be financed by the Bonds, the Bonds and the revenues to be pledged to the Bonds, and all proceedings, are on file in the Office of the City Clerk, Las Vegas, Nevada, and can be seen and examined by the interested persons during the regular office hours of the City.

BY ORDER of the City Council, City of Las Vegas, Nevada.
DATED this July 12, 1999.

/s/ Barbara Jo Ronemus
City Clerk
City of Las Vegas, Nevada

RECEIVED
CITY CLERK

2000 JUN 30 A 10:51

RESOLUTION

A RESOLUTION CONCERNING THE SUBMISSION TO THE CLARK COUNTY DEBT MANAGEMENT COMMISSION OF A PROPOSAL TO ISSUE GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS ADDITIONALLY SECURED BY PLEDGED REVENUES; CONCERNING ACTION TAKEN THEREON BY THE COMMISSION; AND APPROVING CERTAIN DETAILS IN CONNECTION THEREWITH.

WHEREAS, pursuant to §§ 350.001 through 350.006, Nevada Revised Statutes ("NRS"), the City of Las Vegas (the "City"), Nevada notified the secretary of the Debt Management Commission of Clark County (the "Secretary" and the "Commission," respectively) of the City's proposal to issue general obligation (limited tax) parking bonds (additionally secured by pledged revenues) (the "Bonds") and submitted a statement of the City's proposal in sufficient number of copies for each member of the Commission; and

WHEREAS, the City proposes (subject to the approval of the proposal to issue general obligations by the Commission) to issue under the procedures outlined in NRS 350.020 the bonds described in the following proposal:

GENERAL OBLIGATION (LIMITED TAX) PARKING BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) PROPOSAL:

Shall the City of Las Vegas, Nevada, be authorized to incur a general obligation indebtedness by the issuance at one time, or from time to time, of the City's general obligation parking bonds (additionally secured by pledged revenues) in one series or more, in an aggregate principal amount not to exceed \$10,000,000 to defray wholly or in part the cost of acquiring, constructing, reconstructing, improving and equipping a building project in the City as defined in NRS 268.676, including without limitation, a building to accommodate offstreet parking facilities, such bonds to mature serially commencing not later than five (5) years from the date or respective dates of the bonds and ending not later than thirty (30) years therefrom, to be payable from general (ad valorem) taxes (except to the extent pledged revenues and other monies are available therefor) and to be issued and sold at,

above, or below par at an effective interest rate (including any sale discount) not exceeding the statutory maximum rate, if any, as shall be determined at the time of the sale thereof, and otherwise to be issued in such manner, upon such terms and conditions, with such covenants and agreements, and with such detail as the City may determine, including at its option but not necessarily limited to provisions for the redemption of bonds prior to maturity without or with the payment of a premium?

(the "Proposal"); and

WHEREAS, pursuant to NRS § 350.005, the Secretary, with the approval of the Chair of the Commission, thereupon, within ten days from the receipt of the Proposal, gave notice of a meeting to be held not more than twenty days thereafter, and provided a copy of the Proposal to each member of the Commission with the notice of the meeting; and

WHEREAS, the Commission has heard anyone desiring to be heard and has taken other evidence relevant to its approving or disapproving the Proposal; and

WHEREAS, the Commission has considered all matters in the premises.

NOW, THEREFORE, BE IT RESOLVED BY THE DEBT MANAGEMENT COMMISSION OF CLARK COUNTY, NEVADA:

Section 1. This resolution shall be known as the "1999 Las Vegas Parking Bond DMC Approval Resolution."

Section 2. The provisions of NRS 350.001 to 350.006 have been met, and, therefore, the Proposal for the issuance of the Bonds proposed by the City hereby is approved.

Section 3. The Commission and the officers thereof hereby are authorized and directed to take all action necessary or appropriate to effectuate the provisions of this resolution.

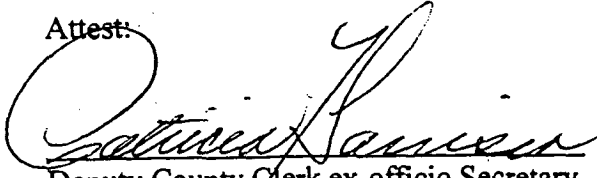
Section 4. All bylaws, orders, resolutions or parts thereof in conflict with this resolution are hereby repealed. This repealer shall not be construed to revive any bylaw, order, resolution or part thereof heretofore repealed.

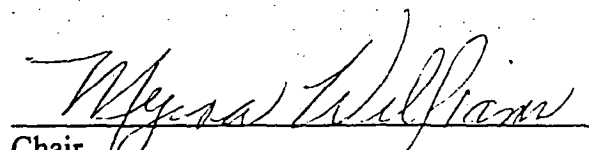
Section 5. If any section, paragraph, clause or provision of this resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of the section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

Section 6. This resolution shall become effective and be in force immediately upon its adoption.

ADOPTED this July 1, 1999.

Attest:


Deputy County Clerk ex-officio Secretary
Debt Management Commission


Chair
Debt Management Commission

STATE OF NEVADA)
) ss.
 COUNTY OF CLARK)

I, Pat Harrison, the duly chosen, qualified and acting Secretary of the Clark County Debt Management Commission, in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct and compared copy of the resolution of the Debt Management Commission (the "Commission") passed and adopted by the Commission on July 1, 1999 and designated therein as the "1999 Las Vegas Parking Bond DMC Approval Resolution" and the original of such resolution has been approved and authenticated by the signature of the Chair of the Commission and myself as Secretary, and has been recorded in the minute book of the Commission kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

2. The members of the Commission were present at such meeting and voted on the passage of such resolution as follows:

Those Voting Aye:

~~XXXXXXXXXXXXXXXXXXXX~~
~~Yvonne Atkinson Gates~~
~~Greg Jensen~~
~~Ruth Johnson~~
 Michael McDonald
 Mike Pacini
 Myrna Williams
 Carole Vilardo
 ROBERT E. CAMPBELL

Those Voting Nay:

NONE

Absent:

YVONNE ATKINSON GATES
RUTH JOHNSON

3. All members of the Commission were given due and proper notice of such meeting.

4. Public notice of such meeting was given and such meeting was held and conducted in full compliance with the provisions of NRS 241.020. A copy of the notice of meeting and excerpt from the agenda for the meeting relating to the resolution, as posted at least 3 working days in advance of the meeting at the Commission's office and three other locations, i.e., at:

- (i) Principal Office
500 South Grand Central Parkway
Las Vegas, Nevada
- (ii) Paradise Park, Pool and Center
4770 Harrison Avenue
Las Vegas, Nevada
- (iii) Winchester Park and Center
3130 South Mcleod
Las Vegas, Nevada
- (iv) Spring Valley Library
4280 South Jones Boulevard
Las Vegas, Nevada

is attached as Exhibit "A".

5. At least 3 working days before such meeting, such notice was mailed to each member of the Commission and to each person, if any, who has requested notice of meetings of the Commission in the same manner in which notice is required to be mailed to a member of the Commission.

IN WITNESS WHEREOF, I have hereunto set my hand this July 1, 1999.

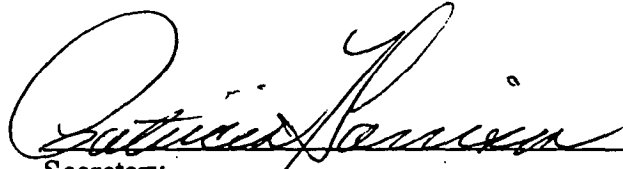

Secretary
Debt Management Commission

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

PAGE 2 - AGENDA - CLARK COUNTY DEBT MANAGEMENT COMMISSION - JULY 1, 1999

1. Approve, adopt and authorize the Chairman to sign a resolution concerning a proposal by the City of Las Vegas, Nevada to issue general obligation interim warrants to finance certain local improvements in the City's Special Improvement Districts No. 1470, 1471, 1472, and 1473.
2. Approve, adopt and authorize the Chairman to sign a resolution concerning a proposal by the City of Las Vegas to issue general obligation parking bonds (additionally secured by pledged revenues).
3. Schedule the regular monthly meetings of the Board currently held on the first Thursday of each month at the hour of 9:00 a.m., for the period from August, 1999 through July, 2000.

COMMENTS BY THE GENERAL PUBLIC

A PERIOD DEVOTED TO COMMENTS BY THE GENERAL PUBLIC REGARDING MATTERS RELEVANT TO THE COMMISSION'S JURISDICTION WILL BE HELD. NO VOTE MAY BE TAKEN ON A MATTER NOT LISTED ON THE POSTED AGENDA. COMMENTS WILL BE LIMITED TO THREE MINUTES. PLEASE CLEARLY STATE YOUR NAME AND ADDRESS AND PLEASE SPELL YOUR LAST NAME FOR THE RECORD. IF ANY MEMBER OF THE COMMISSION WISHES TO EXTEND THE LENGTH OF THE PRESENTATION, THIS WILL BE DONE BY THE CHAIRMAN, OR BY THE COMMISSION BY MAJORITY VOTE.

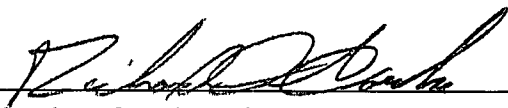
THE SIXTH FLOOR CONFERENCE ROOM IS ACCESSIBLE TO INDIVIDUALS WITH DISABILITIES. WITH TWENTY-FOUR (24) HOUR ADVANCE REQUEST, A SIGN LANGUAGE INTERPRETER MAY BE MADE AVAILABLE (Phone: 455-3530 or TDD 385-7486) OR RELAY NEVADA TOLL FREE (800) 326-6868, TT/TDD.

CITY COUNCIL

MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: City Council

FROM: 
Richard D. Goecke, Director
Department of Public Works

SUBJECT: APPROVAL OF RESOLUTION WITH THE NEVADA DEPARTMENT OF TRANSPORTATION FOR RELINQUISHMENT AND LAND TRANSFER AGREEMENT FOR THE REALIGNMENT OF BUFFALO ROAD NORTH OF ANN ROAD.

PURPOSE/BACKGROUND

Previously, the City of Las Vegas had requested the Nevada Department of Transportation (NDOT) to dedicate right-of-way for the realignment of Buffalo Road and Desert Breeze Avenue through property owned by the NDOT, located north of Ann Road and west of US95 (as shown on the attached Exhibit A). By this resolution, the City of Las Vegas consents to the NDOT's relinquishment of this right-of way to the City of Las Vegas.

FISCAL IMPACT

None other than the normal roadway maintenance of the dedicated right-of-way.

RECOMMENDATION

Director of Public Works recommends approval of this resolution agreement.

Agenda Item

R-74-99

Control Section CL-17
Projects: STP-HDPPE-9116(002)
QF-095-2(12)
E.A. 71985 and 71175
Route US-95; Parcels 1 and 2
Ptns. of Parcels: U-095-CL-088.540
U-095-CL-088.595

Nevada Department of Transportation
Right-of-Way Division
Attn: Walter McClellan
1263 S. Stewart St.
Carson City, NV 89712

**RESOLUTION CONSENTING TO RELINQUISHMENT
AND LAND TRANSFER AGREEMENT**

WHEREAS, the State of Nevada, Department of Transportation, desires to relinquish a portion of US-95 Freeway lying within the City of Las Vegas, State of Nevada, being all that portion of realigned Buffalo Drive and Desert Breeze Avenue extending from the south one-sixteenth section lines of Sections 27 and 28, T. 19 S., R. 60 E., M.D.M. southerly to the left or southwesterly right-of-way line of US-95 Freeway, a distance of approximately 0.25 of a mile, said right-of-way is delineated by shading and identified as parcel numbers 1 and 2, on Exhibit "A", attached hereto and made a part hereof; and

WHEREAS, the City Council of the City of Las Vegas, State of Nevada, desires that the aforesaid portion of said highway be relinquished to the City of Las Vegas.

NOW THEREFORE be it resolved that the City Council of the City of Las Vegas, does in consideration of the actions of the Department of Transportation as set forth herein, hereby consent to the State of Nevada, Department of Transportation, Board of Directors, relinquishing to the City of Las Vegas, that portion of US-95 Freeway lying within the City of Las Vegas, State of Nevada, being all that portion of realigned Buffalo Drive and Desert Breeze Avenue extending from the south one-sixteenth section lines of Sections 27 and 28, T. 19 S., R. 60 E., M.D.M. southerly to the left or southwesterly right-of-way line of US-95 Freeway, a distance of approximately 0.25 of a mile, being all that right-of-way delineated by shading and identified as parcel numbers 1 and 2, on Exhibit "A", attached hereto and made a part hereof.

The parties acknowledge that no relinquishment can occur until the Department of Transportation, Board of Directors approves of this relinquishment.

IN WITNESS WHEREOF the parties hereto have executed this agreement the day and year first above written.

DATED this 12th day of July, 1999.

ATTEST:

CITY COUNCIL

City Clerk

Mayor

APPROVED AS TO FORM:

Tom Green / RSS 6-24-99
Date

REVIEWED AND RECOMMENDED BY:

APPROVED FOR LEGALITY AND FORM:

Chief Right-of-Way Agent

Deputy Attorney General

S
E
A
L

STATE OF NEVADA acting by and through its
Department of Transportation

Director

STATE OF NEVADA
CARSON CITY

On this ____ day of _____, 19____, personally appeared before me, the undersigned, a Notary Public in and for Carson City, State of Nevada, _____ personally known (or proved) to me to be the _____ Director of the Department of Transportation of the State of Nevada who subscribed to the above instrument for the Nevada Department of Transportation under authorization of Nevada Revised Statutes, Chapter 408.205; that he affirms that the seal affixed to said instrument is the seal of said Department; and that said instrument was executed for the Nevada Department of Transportation freely and voluntarily and for the uses and purposes therein mentioned.

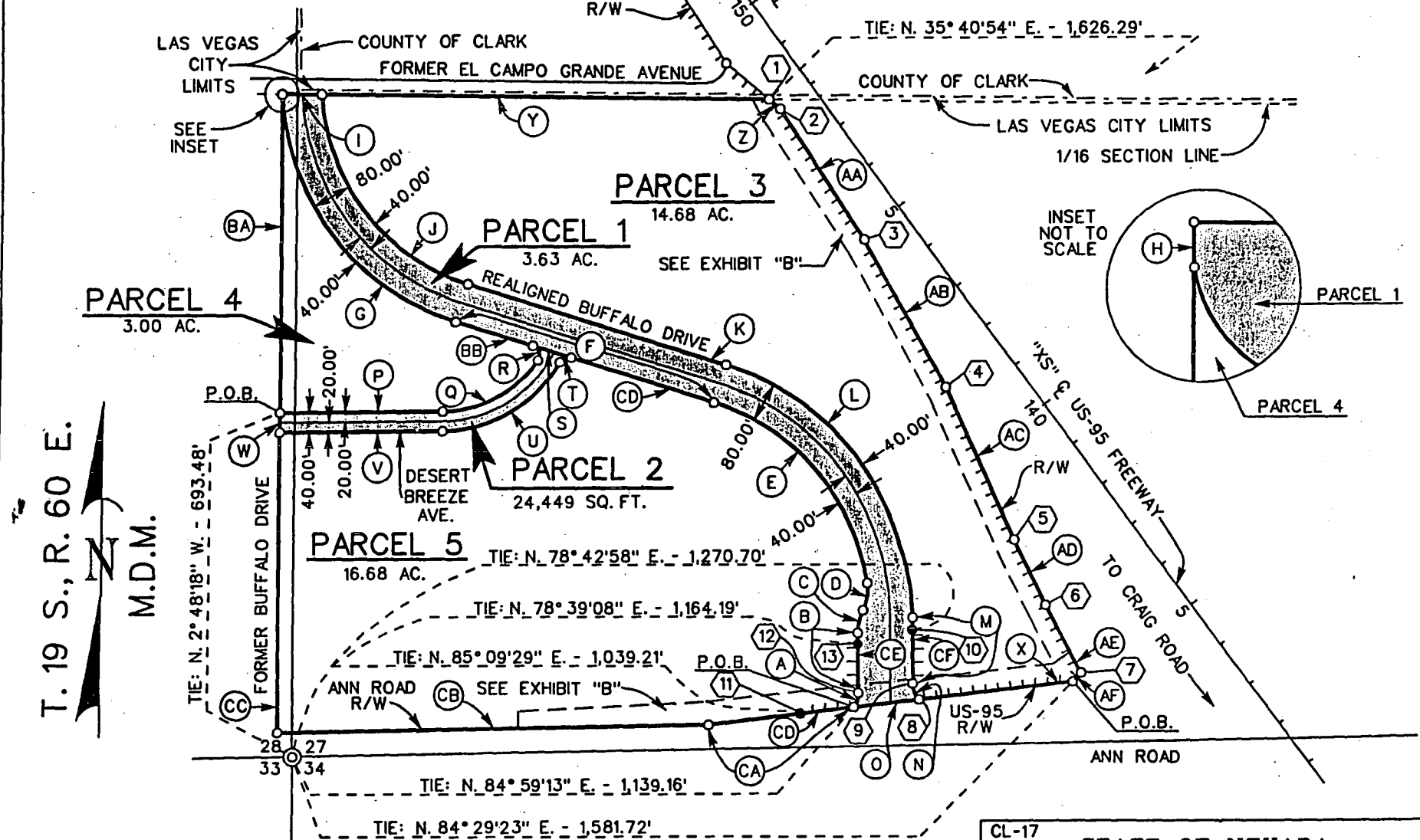
S
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A
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IN WITNESS WHEREOF I have hereunto
set my hand and affixed my official seal the day
and year in this certificate first above written.

EXHIBIT "A"

U-095-CL-088.595

E.A. 71985



- (CD) S. 83° 12' 36\" W. - 100.00'
- (CE) S. 0° 55' 04\" E. - 100.00'
- (CF) N. 0° 55' 04\" W. - 100.00'

CL-17

STATE OF NEVADA

Dept. of Transportation R/W Division

Date: JUNE 10, 1999

SKETCH MAP

Date: _____

Approved: *[Signature]*

Scale: 1" = 300'

Sheet 1 of 3 Sheets

Date of last revision: _____

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 37

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****ADMINISTRATIVE - DISCUSSION**

66

Discussion and possible action to ratify Douglas A. Selby as Deputy City Manager

(Fiscal Impact: Annual salary of \$110,000, plus benefits)

M. McDONALD - Motion to RATIFY the appointment with a starting date of 7/19/99, as recommended - UNANIMOUS

CITY MANAGER VALENTINE recommended the ratification of MR. SELBY as Deputy City Manager. As indicated in the backup documentation, she briefly outlined MR. SELBY's educational background as well as his employment history. As Deputy City Manager he will oversee the departments of Public Works, Planning & Development, Building and Safety, Fire and Rescue, Leisure Services, and Detention and Enforcement. MR. SELBY would bring to the City a wealth of knowledge and expertise in management planning and implementation of very large projects.

COUNCILMAN BROWN noted that he had the good fortune of working with MR. SELBY at the Las Vegas Water District. For the past two years, MR. SELBY has been the leader in a \$2 billion water infrastructure project, including tunneling through the mountain and creating a loop system throughout the Valley with an injury-free record. He brings a strong and unique style of leadership.

COUNCILMEN BROWN and REESE and MAYOR GOODMAN thanked ACTING DEPUTY CITY MANAGER McNELLIS for his hard work and assistance while filling in as DEPUTY CITY MANAGER.

COUNCILMAN REESE asked MR. SELBY why he wants to work for the City. MR. SELBY felt that it is a great opportunity to provide his expertise and service as the City moves into the next century.

There was no further discussion.

(12:36 - 12:40)

2-1547

CITY COUNCIL

MEETING OF

JULY 12, 1999

AGENDA DOCUMENTATION

TO:

City Council

FROM:

Virginia Valentine
City Manager

SUBJECT: DISCUSSION AND POSSIBLE ACTION TO RATIFY DOUGLAS A. SELBY AS DEPUTY CITY MANAGER

PURPOSE/BACKGROUND

In 1989 Douglas A. Selby was employed by the Las Vegas Valley Water District (LVVWD) as Director of Engineering. He was responsible for managing the design and construction of pipelines, wells, reservoirs and pumping facilities in the Water District service area (Clark County and the City of Las Vegas). His responsibilities also included the inspection of developer designed and constructed water facilities. While in this position he instituted a comprehensive training program for their inspection staff and worked on the uniform standards for water facilities that was ultimately adopted by the Cities of Henderson, North Las Vegas, Boulder City, the LVVWD and Laughlin.

In 1993 Mr. Selby accepted the newly created position of Director of Engineering for the Southern Nevada Water Authority (SNWA). He remained a LVVWD employee under the cooperative agreement in which it provides staff to the SNWA. In this position, he established an organizational structure that integrated agency staff with contractor staff dedicated to the execution of a major project. He and his team were responsible for the planning, design and construction of a substantial expansion of regional water supply system serving Southern Nevada. The project involves extensive federal environmental compliance activities and coordination with most federal and local entities in Clark County. The entire program has a budget of \$2 billion. Approximately \$400 million is complete and approximately \$670 million is in progress. The program implementation has been very successful to date, meeting all operational milestones and budgets. Current forecasts are for the program to finish more than \$100 million under budget.

Mr. Selby has served as past Chair of Clark County Sewage and Wastewater Advisory Committee; past Chair of American Water Works Association Water Supply Design and Construction Committee, and he is a Registered Professional Engineer in Nevada.

Mr. Selby holds a bachelor of science degree and a master of science degree from the University of Nevada, Las Vegas and a doctorate (Ph.D.) from Utah State University.

I recommend Douglas A. Selby for ratification by the Mayor and Council as Deputy City Manager to oversee the departments of Public Works, Planning & Development, Building and Safety, Fire and Rescue, Leisure Services, and Detention and Enforcement.

FISCAL IMPACT

An annual salary of \$110,000 plus benefits has been appropriated in the budget.

RECOMMENDATIONS

It is the recommendation of the City Manager that the City Council ratify the appointment of Douglas A. Selby to the position of Deputy City Manager with a starting date of July 19, 1999.

Agenda Item

66

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 38

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****ADMINISTRATIVE - DISCUSSION**

67

Discussion and possible action to ratify Barbara Jackson as the Director of the Department of Leisure Services

M. McDONALD - Motion to RATIFY the appointment, as recommended - UNANIMOUS

CITY MANAGER VALENTINE briefly outlined MS. JACKSON's work history. She joined the City in 1989. Last year MS. JACKSON received her Ph.D. in Public Administration. She recommended the ratification of MS. JACKSON as the Director of the Department of Leisure Services.

COUNCILMAN REESE and COUNCILWOMAN McDONALD congratulated MS. JACKSON. COUNCILMAN REESE stated that MS. JACKSON has always been very helpful and cooperative. She is very deserving of the promotion. COUNCILWOMAN McDONALD commented that she too had the opportunity of working very closely with MS. JACKSON during her tenure with the City of Las Vegas. It is great when the City has the opportunity to promote from within. MS. JACKSON thanked the MAYOR and the Council members for the opportunity, stating that she looks forward to returning to the Leisure Services family, which is made up of some of the most committed recreational professionals. She also thanked God and her family for continued support.

There was no further discussion.

(12:40 - 12:42)

2-1683

68

Discussion and possible action for the establishment of a parks projects priority list

M. McDONALD - Motion to hold in ABEYANCE to 7/26/99 - UNANIMOUS

7/26/99 Agenda

APPEARANCES:

DEPUTY CITY MANAGER STEVE HOUCHEMS

ACTING DEPUTY CITY MANAGER JOHN McNELLIS

AL GALLEGGO, Citizen of Downtown Las Vegas

NOTE: The item was trailed to the beginning of the P.M. Session.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

(12:42 - 12:56/4:31 - 4:35)

2-1780/5-16

CITY COUNCIL

MEETING OF

JULY 12, 1999

AGENDA DOCUMENTATION

TO:

City Council

FROM:

Virginia Valentine
City Manager

SUBJECT:

DISCUSSION AND POSSIBLE ACTION TO RATIFY BARBARA JACKSON AS DIRECTOR OF
THE DEPARTMENT OF LEISURE SERVICES**PURPOSE/BACKGROUND**

Barbara Jackson has been employed with the City of Las Vegas since 1989. She served as Special Assistant to the City Manager until 1992 when she was promoted to Deputy Director of Leisure Services until 1998. The past year Ms. Jackson has been working in the Department of Human Resources as Deputy Director assisting the director in achieving the department's goals and objectives, major initiatives and projects.

Summary of qualifications:

- Seventeen years administrative and managerial experience in government and private industry;
- Fourteen years of key analytical and public policy development focusing on program development and implementation, community networking and development;
- Ten years of research and analysis impacting legislative concerns;
- Exceptional organizational and management skills; and
- Exceptional presentation, event planning and communication skills.

Summary of responsibilities/accomplishments (1991 to present):

- Development and execution of the 1998-1999 City-wide Strategic Planning Process;
- Administration of sensitive, complex Human Resource studies and analysis
- Oversight of the administrative and contractual aspects of departmental efforts which offered over 450 quality leisure and recreational programs and services to the citizens of Las Vegas;

FISCAL IMPACT

An annual salary of \$95,000 plus benefits has been appropriated in the budget.

RECOMMENDATIONS

It is the recommendation of the City Manager that the City Council ratify the appointment of Barbara Jackson to the position of Director of the Department of Leisure Services

Agenda Item

67

Page 2

- Direct responsibility for fund development/marketing division which generated annual revenues for the department;
- Direct oversight of the development/repair and maintenance of thirty six parks and numerous open space sites throughout the City of Las Vegas;
- Supervision and delegation of City Manager staff tasks and responsibilities. Legislative liaison and lobbyist. City Manager intergovernmental representative;
- City of Las Vegas Coordinator of the 1991 National League of Cities Congress of Cities Convention held in Las Vegas, Nevada.

Ms. Jackson is a member of various professional organizations as noted: American Society for Public Administration; National Forum for Black Public Administrators; National Recreation and Park Association (NRPA) and Nevada Park and Recreation Society. Additionally, she has contributed to the community serving as Vice Chair of the Volunteer Center of Southern Nevada; Chair of Business & Office Joint Technical Skills Committee - CCSD; Charter Member of the Las Vegas Chamber of Commerce Leadership Las Vegas Program; Member of Delta Sigma Theta Sorority; Member on Board of Directors, United Way of Southern Nevada (1986-1992; and member on the Board of Directors, Neighborhood Justice Center Advisory Board (1992-1994).

Ms. Jackson holds a D.P.A. in Public Administration from the University of LaVerne, LaVerne, California, a M.B.A. in Management from the University of Nevada-Las Vegas and a B.A. in General Administration from Antioch College, Yellow Springs, Ohio.

Ms. Jackson has received honors and commendations from several of the professional and community services organizations to which she has been involved. Further, she has been recognized by Who's Who in Professionals (1996); Who's Who in the West Nomination (1998); Professional Black Women's Alliance of Southern Nevada: Co-Founder; Distinguished Women of Southern Nevada; 1992 State and County Delegate: Nevada Democratic Convention; and Strategic Planning Committee Member: Clark County School District 1987/88.

I recommend Barbara Jackson for ratification by the Mayor and Council as Director of the Department of Leisure Services.

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

Page 1

VERBATIM TRANSCRIPT - ITEM 68: DISCUSSION AND POSSIBLE ACTION FOR THE ESTABLISHMENT
OF A PARKS PROJECTS PRIORITY LIST

MAYOR GOODMAN

Item 68 - discussion and possible action for the establishment of a parks projects priority list.

DEPUTY CITY MANAGER
HOUCHENS

Good morning, Your Honor, members of Council. Now that Mr. Selby and BJ are both on board we're ready to put them to work. With the - adoption of the City's budget for this last fiscal year, we approved a nominal tax increase of 1.4 cents per hundred dollars of assessed valuation. The Council instructed that, us that the proceeds of this tax, which is less than five dollars per year on an average, were to be leveraged in adding parks and facilities for residents to enjoy. These actions are consistent with findings of the Southern Nevada Strategic Planning Authority, which also had a finding concerning shortage, a shortage of usable park space in this Valley.

COUNCILMAN REESE

Excuse me, Steve. Didn't we pass that just three weeks before the election?

DEPUTY CITY MANAGER
HOUCHENS

Yes, we did, Sir.

The project - We project that we can leverage these proceeds for approximately \$25 million of new parks. In determining what to build, we considered four overriding policies: Number one, we wanna add acreage. I think the list we see adds up to more than 70 acres of parks. That's a 15 percent increase over what we currently have. We want to provide for some renovation. Approximately 20 percent of the proceeds is to renovating existing facilities. We also have tried to provide balance in areas where parks are needed the most. And we've done within the availability of - existing land. Obviously, the cost of land is something that is prohibitive in some of these areas.

And finally, we've emphasized fundamental programming. We've tried to keep programming to a level where the maintenance costs are - efficient and we are not saddled with excessive maintenance.

John can give you a brief overview of the parks we're recommending today.

COUNCILMAN REESE

Excuse me real quick. We're gonna throw this 5.5 in there also?

DEPUTY CITY MANAGER
HOUCHENS

We can certainly do that.

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COUNCILMAN REESE

Thank you.

ACTING DEPUTY CITY MANAGER
McNELLIS

We're certainly always looking for other revenue streams for parks projects. The Planning Department, Public Works Department, and Leisure Services, they've all collectively their homework. And the City has put together a long, long list of needed park facilities. What we have tried to do with the \$25 million that is gonna be generated through the three-cent increase is come down to a list that we can say with some certainty that, yes, we will be able to create these parks.

I'm gonna detail them very quickly. We've got two different types of parks that the City typically tries to build and we try passive parks or program-activity parks. The program activities would be more into the ball-fields-, soccer-fields-, football-fields area. We are trying not to do so much of the programmed activities, but more into passive areas. Just going down the list, there certainly is a mix, though, of the uses within the parks that I will be naming.

Buckskin Basin Park. This is a Phase Two. This is a park at Gowan and Tenaya. This is a five-acre park. It's going to be playground equipment, more of a, on a passive style, completion of half-street improvements, and picnic areas, extension of a jog path.

Doolittle Senior, or the Doolittle Service Center -- I should correct myself -- is going, it was our very long multi-phase project. What we're trying to do with this amount of money is to throw it, break down the project into two phases, where we're going to commit the total of the old previous, one through four, phases with \$3 million of new money, \$1 million of old money. That will, everybody should see a dramatic increase in -- the facility that is up there. We still will have one single remaining phase afterwards.

We have another site at Oakey and Redwood that is technically unnamed yet. We're looking at a six-acre park site there. This again will be more of a passive nature of playground equipment, picnic shelters.

We have what some people are calling the Metro Park. This is out at Cheyenne and Jensen. This is an approximately 20-plus-acre park. This will be a passive area again. Tennis courts possibly, playgrounds, jog/walk path.

Baker Park upgrade. This is a facility on St. Louis, east,

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west -- I'm sorry, west of Maryland Parkway. This we're going to go in, build a bath house for the existing pool that's there. We're gonna renovate the green space. Put in new improved ball-field lighting.

Bunker Park Expansion. The existing park that's at Tenaya and Alexander. We're going to expand that to the west. That's an approximate seven-acre increase in size. It will be about a mirror image of the existing passive park that is there.

Elkhorn/Durango This is a continuation of the development of the four quad ball fields that are, or the four fields, ball fields that are there right now. We're looking at trying to get two additional ball fields on that site. The design yet to be solidified on that one, whether or not we can physically get those two ball fields there.

West Middle School and Clark High School are two school facilities that we're partnering with the School District where the City is going to take our City funds, go in and light existing green space on both those facilities so that we can have more program space. Those are program parks.

And then that gets down to the parks that we can be assured that we can actually build with the 25 million that's going to be generated. Depending on the final designs and depending on whatever cost-savings measures that we can roll together, the next up on the list is the Gowan South Detention Basin Park. This is a facility that's behind the Rainbow Library at Cheyenne and Buffalo. We're trying to get some soccer fields built at that site. This is all based on whatever moneys that we can save out of the 25 million. Hopefully, with the 5.5 that we received this morning, we should be well on our way to completing that park also.

There really is no priority with these parks. They're a listing as generated by staff. We will try to get all of these parks to be out to design just as soon as possible, with their construction immediately upon the plan approval.

MAYOR GOODMAN

Any discussion, questions? Councilman Brown?

COUNCILMAN BROWN

Yes, Mayor, I'd like to make a couple comments. First is, it's important to understand that our traditional park funding comes from the General Fund capital programs and our roof-top fees, when we assess new construction. The roof-top fees right now, I think, are generating a little bit over \$3 million per year, give or take, depending on any given year.

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But that has, that sole source has proved to be inadequate; in fact, it has caused us to fall even further behind the last four or five years for funding.

We did go up, the City of Las Vegas did go up to the State Legislature this past session to try to generate impact fees, where we could go into growing areas and create an additional pool of dollars to do parks. That was turned down in the last few days of the session.

But it puts us back full circle to the point where we have to get creative in ways to fund these type projects, and not only through our General Fund, but what's proposed here. And on the recent polling that the local newspaper did, I think it was close to 65 to 70 percent of the people supported what we were doing, so long as we came forth and showed them exactly how the dollars would be spent and that they would be dedicated to parks. I think what you have before you, us today is exactly that. Not only the commitment that we have the money, but we will go and do it in specific projects that will benefit the entire City.

Also, that, on part of our backup that I'd like to put on the record is some of the other things that we're finishing off over the last few years with other General Fund. And, John, is you just wanted to make note. These are not the only projects that are planned or under construction. We have maximized over the last few years every available dollar to recreational facilities, new fields, rehabs, and it's not just this 25 million. We have done a lot more over the past few years to, again, try to play catch up and - do a lot more.

My last comment will be I certainly appreciate the work staff has done. But I want - to thank the Council, because a lot of these type projects are being built in the West and Northwest, not so much because it's my ward or a - particular ward, but we're able out in the Northwest to - assemble large acreage. And in doing so, we're moving towards far greater regional facilities. We're, for instance, by Cimarron, where we're doing the 60-acre soccer complex, that's not just for Ward 4, that's for the entire Valley. And every time we do a facility of that nature it opens up some of these established fields for better maintenance, better rehab, more programming opportunities. So, I'd like to just point out that, as we are judged as a Council and as a community for what we're doing for the quality of life as far as recreational opportunities, I wanted to thank my Council for supporting so many of the new projects and just a renewed commitment for parks and open space and

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recreational opportunities in the City of Las Vegas.

DEPUTY CITY MANAGER
HOUCHENS

Councilman, I would only add for the record that outside of this particular bond issue we're putting around \$23 million of other funds into parks construction.

COUNCILMAN BROWN

Thank you, Steve.

COUNCILMAN REESE

But there again, though, I think Councilman Brown did start to allude to that this is not all that we're doing. I mean, we are going in to take, in the area that I represent especially, some of the older parks, and we are building new restroom facilities. We are updating the – playground equipment. We are making those parks that are old like new. I mean, we're – rehabbing those parks, so that has already been augmented also, that there are moneys in the budget today for the older parks to get redone and rebuilt. So, this is not just, you know, I want that on the record also.

MAYOR GOODMAN

Is there a motion?

AL GALLEGOS

I could have a remark?

MAYOR GOODMAN

This is not open for public discussion, but why don't you give us about 30 seconds, (inaudible).

AL GALLEGOS

Thank you. I'm Al Gallegos, a citizen of Downtown Las Vegas, downtown. My wife and I became guardians of a 14-year-old boy two years ago. We do not have any activities in the downtown area for 14-year-old boys. I either have to take him to North Las Vegas, to the Boys Club in North Las Vegas or to Henderson, to their beautiful park that they have up in – Stallion Mountain.

We need some kind of activity for our teenagers. They're running wild. They don't have anything to do. They're spending all their time playing their Intendo's (sic) and so forth. I have a hard time. I have, every couple days I have to take that machine away from him, 'cause he's spending all his time inside. Please, we need, I don't care what it is. Some kind of activities that our teenagers can do during the day time. Thank you.

MAYOR GOODMAN

I appreciate your comments.

COUNCILMAN REESE

Mr. Gallegos, I, there again, you know, we have one of the best, to me, you know – Your ward can go across the street and swim in one of the nicest facilities. It's \$10 million and we just opened three or four months ago. You know, so I

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mean, I don't think the downtown is being ignored. I know that, you know, sometimes we don't see, we don't appreciate what we have. But I mean we got a \$10 million swimming pool and we just opened up three months ago right in your back door.

AL GALLEGO

I agree. We have a beautiful swimming pool and we use it. But we can't use it every day. Kids don't wanna swim every single day. They wanna play basketball. They wanna play baseball. They wanna play checkers, and so forth. That swimming pool is beautiful. It's being overused already. I mean, I can assure you that that pool is being used right now by a lot of corporate people in the downtown area. I see it every day.

But we need some, other type of activities besides swimming. That swimming pool is great. I love it. But we need another type, some kind of another activities where teenagers can go in and intermingle and so forth. Peter goes over to the swimming pool and once in awhile he'll find somebody his - own age but generally he doesn't. So he's swimming by himself, unless I go with him, then we have a great time. But he needs people where he can intermingle with ages. He's at an age that, they all, they have summer camps for people that are, for kids that are 12 years old and so forth, but 14 to maybe 16 or so, there's no activities at all. Thank you.

MAYOR GOODMAN

Thank you very much.

COUNCILMAN REESE

Well, there again, we are spending \$1.2 million just down the street on Bonanza to the Natural History Museum also to put in a nice park there.

COUNCILMAN McDONALD

Heritage. Yeah.

MAYOR GOODMAN

Okay. Thank you.

COUNCILMAN McDONALD

Your Honor, if we could trail this and maybe address some of those questions, just 'til the afternoon session. I think you did a wonderful job with the parks plan. If I can sit down with, just 'til the afternoon session. Meet about half an hour with the City Manager.

MAYOR GOODMAN

Okay. Is that a motion?

COUNCILMAN McDONALD

No, just --

MAYOR GOODMAN

Just a request. Certainly. Madam Clerk, could you please

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remind me when we start the afternoon calendar to have this as the first item. Thank you very much.

END RELATED DISCUSISON - RESUME RELATED DISCUSSION

MAYOR GOODMAN

I'd like to recall item 68 - discussion and possible action for the establishment of parks projects priority list. It's a matter that Councilman McDonald wanted to have set over to this afternoon. I believe that he desires that the matter be held in abeyance to the next meeting.

COUNCILMAN REESE

I make -- Oh. Here's Councilman McDonald.

MAYOR GOODMAN

Can I have the motion on item 68, please.

COUNCILMAN McDONALD

Yes, Your Honor, there was a question. I had a opportunity to talk to Councilman Brown. This is the longest morning session in history. Oscar Goodman, you're just making history the whole time you've been here. The whole month.

I didn't have an opportunity to sit down with John McNellis and Virginia and Councilman Brown, so at his request, I think, two weeks.

MAYOR GOODMAN

Abeyance for two weeks. May I have a motion to that affect, please?

COUNCILMAN McDONALD

So noted.

MAYOR GOODMAN

All right. Vote on the motion, please. Post, please. Motion carries. **(Motion carried UNANIMOUSLY)** Thank you.

(END OF DISCUSSION)

/gpb

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*City of Las Vegas***AGENDA & MINUTES**

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****CITY ATTORNEY - DISCUSSION**

69

ABEYANCE ITEM

Appeal of Work Card Denial:

Mr. Daryl Foster Leater
1523 Phillips Avenue
Las Vegas, NV 89104

REESE - Motion to uphold the action of the Las Vegas Metropolitan Police Department and DENY the work card - carried with GOODMAN voting NO and M. McDONALD not voting

APPEARANCES:

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan
Police Department

DARYL FOSTER LEATER

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

NOTE: MAYOR GOODMAN directed that CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN provide him with a clear definition of *moral turpitude* under Nevada Law in order to maintain consistency in work card appeal matters.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

(12:56 - 1:08)

2-2352

70

Appeal of Work Card Denial:

Mr. Larry Floyd Burkhalter
619 McKnight Street, Apt.4
Las Vegas, NV 89101

M. McDONALD - Motion to bring forward and hold in ABEYANCE items 70 and 85 to 7/26/99, STRIKE items 71 and 96, and ACCEPT WITHDRAWAL of item 75 - UNANIMOUS

7/26/99 Agenda

There was no related discussion. See Item No. 85 for discussion.

(10:57 - 11:00)

1-1171

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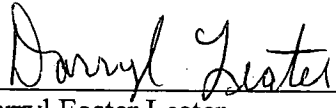
June 9, 1999

Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

Sincerely,



Darryl Foster Leater
1523 Phillips Avenue
Las Vegas, NV 89104

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 9, 1999

Darryl Foster Leater
1523 Phillips Avenue
Las Vegas, NV 89104

Re: WORK CARD APPEAL

Dear Mr. Leater:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of June 28, 1999.

Your appeal is scheduled to be heard during the morning session of the meeting which commences at 10:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee) for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,

BEVERLY K. BRIDGES
CHIEF DEPUTY CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB





ADULT EDUCATION PROGRAMS

Clark County School District

To Whom It May Concern:

The Clark County School District Adult Education Program has implemented a sixty (60) hour intensive instructional program which covers all areas of social skills involved in contemporary social interaction. Historically, detainees discuss lack of information and deficient social skills relating to interaction as the primary reasons for their failure to comply with social norms. The instructional program is designed to provide these missing skills and utilizes counseling techniques based on personal ownership of behavior and decisions and choices to determine identity.

Our aim is to redirect the detainee's attitudes, emotions and behaviors into constructive and positive directions. The response of our students, both during and after the instructional units, indicates the formation of usable and lasting techniques for management of personal behavior leading to more conventional societal interaction. Six modules of sixty hours each comprise the course; one each in Addictive Behaviors, Changing Behaviors, Positive Behaviors and Controlling Behaviors, Lifescript Behaviors and Law Related Education.

Participant:

DARRYL LEATER

Date completed: **March 11, 1996** Module: **Positive Behaviors**

The participant named above has satisfactorily completed the module designated, has attended the required hours and received .500 unit of credit from the Clark County School District Adult Education Program.

Sincerely,

Norma Nye, M.Ed.
Certified Reality Therapist

Claudette Whitson
Director, Adult Education

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VERBATIM TRANSCRIPT - ITEM 69: APPEAL OF WORK CARD DENIAL - DARYL FOSTER LEATER

MAYOR GOODMAN

Agenda item 69 under City Attorney - Discussion. It's an abeyance item. Appeal of work card denial. Mr. Daryl Foster Leater. Mr. Leater, you present? Come forward please and give us your address again.

DARYL LEATER

Daryl Leater, 1523 Phillips Avenue.

MAYOR GOODMAN

Okay, this is a matter that was on the last agenda, earlier this month. Sergeant Cannito.

SERGEANT VINCENT CANNITO

Yes, Sir. Mayor and Council, Sergeant Cannito with Metro. As you remember, Mr. Leater was originally denied a work card based on the nature of his record. Also, Mr. Leater was convicted, or arrested for burglary in '89. There was discussion at the last meeting whether or not this was a conviction. As a result of that last meeting, Mr. Leater did inform us that it was a trespassing. I contacted North Las Vegas records to confirm the actual disposition and more so than a trespass it was completely dismissed.

Mr. Leater has been arrested for several felonies, however. They were all dismissed or pled out completely. However, two issues still remain with regards to this item. Number one, it appears the application has been falsified by Mr. Leater by not disclosing his arrest record to Rybar and Associates. I spoke with Mike Stanzik, the president of Rybar and Associates, who told me that they did in fact cross out the arrest section, however, it was only after their Administrative Aide Terry Gorrini asked Mr. Leater if he had ever been arrested and indicated no. I then spoke with Ms. Gorrini who confirmed this.

Number two, Mr. Leater was convicted of battery with substantial bodily harm. This was the result of a domestic violence situation. Linda Lawrence became the victim of a battery with a deadly weapon when her husband of three years, Mr. Leater, choked her, put a knife to her neck, and cut her. Lawrence said that after she and Mr. Leater had been arguing he hit her. Mr. Leater then went to the kitchen, retrieved the knife, and stabbed Ms. Lawrence in the neck, leaving a two-inch scar.

Mr. Leater's record, in conjunction with the inconsistencies presented to this Council, preclude him from the particular position that he's applying for. We base this denial on NRS 648.060.

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MAYOR GOODMAN

Based on the fact that it's a crime involving moral turpitude?

SERGEANT VINCENT CANNITO

Yes, Sir.

MAYOR GOODMAN

Sergeant Cannito, you and myself had a discussion after the last City Council meeting and I asked whether or not you'd be kind enough to go to the City Attorney's office and get us a definition consistent with Nevada Law on the definition of moral turpitude. Were you able to do that?

SERGEANT VINCENT CANNITO

I did meet with the City Attorney, Sir, Mr. Redlein. As a result of that meeting, nothing was written or drafted. It was recognized that there is a general definition of moral turpitude that is applied on a case-by-case basis. Not -- to say that every time we come up before battery with a deadly weapon or battery with substantial bodily harm, that -- crime in and of itself involves moral turpitude. However, the general guidelines which have been applied consistently, in our opinion is not unique, throughout the jurisdictions, which violate moral sentiment or the accepted moral standards of a community. And one of the tests from what we have -- derived is whether or not it was done with a vicious motive or a corrupt mind. That certainly applies in this case. Again, our opinion is not unique and we stand by that.

MAYOR GOODMAN

See, my problem with that is this: I'm not gonna be practicing law when I'm being the Mayor; okay? And I'm gonna be relying on the City Attorney's office to have a consistency during all of these hearings that will be applied to citizens whether they're from this side of the room or that side of that room; it's always gonna be constant as far as I'm concerned, and I really do need a definition of moral turpitude, if that issue's gonna come up every other week when we have these meetings, and I know that Nevada Law has such a definition.

SERGEANT VINCENT CANNITO

I understand, Sir. That's --

MAYOR GOODMAN

And, Mr. Redlein, were you able to get a definition under Nevada Law? As I say, I don't wanna practice law, but I know it exists.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Mr. Mayor, I found specific instances where a case which had been adjudicated, say from a disciplinary action against a lawyer then taken up to a court and they said, yes, the lawyer's code of conduct we do believe that this was an instance of moral turpitude. I found no overriding or all encompassing definition in Nevada, but my research isn't done, and I've expanded it to all of the Western States, and

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frankly, there are dozens and dozens and dozens of definitions that I've not sorted out and written up. I am gonna try to reduce it to paper and give you the best list I can, identifying in each instance whether or not it comes from Nevada or another State.

MAYOR GOODMAN

I would prefer Nevada Law, because that's the law that we're going to have to, have sustained if, in fact, somebody takes us to court.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

In regards to Mr. Leater, as I -- suggested last time, it has been held that an aggravated crime of violence can be a crime of moral turpitude in other jurisdictions. And I had suggested to you last time and I've since suggested to Officer Cannito that I wouldn't be comfortable not seeing a Nevada case on point for one of the members of this Council to make a motion that he is absolutely barred from this employment because of that theory. The law doesn't support it; yet, it might be correct, but the law is not there to support it.

But I wanna point to you a couple of other things that I think a much safer course of action if you consider sustaining the denial by Metro. And that is that the Nevada Revised Statutes prohibits any licensed, licensee of the private investigator's licensing board, which would be the -- principal of the security company, of hiring anybody, not only who's been convicted of a crime of moral turpitude or a felony, which it appears he has not, but any offense for the illegal use or possession of a dangerous weapon.

Now, Sergeant Cannito, having checked the actual facts of this substantial bodily harm conviction, showing that it involved cutting the throat of his female companion, or wife, suggests that it might be a bar. But I wanna go further, and again, I suggest the safer course of action, if you're inclined to support the denial, is that the State Statute forbids anybody who is licensed by the Private Investigators Licensing Board from hiring a person, unless they are of good moral character and temperate habits. And as you can look at Mr. Leater's record, he's got larceny-related arrests. He has drug-related arrests, and pursuant to the investigation performed at the -- Rybar Agency, his story about this having been Xed out by a staffer at the security agency was based upon his information to them that he had no record, and he did sign the application.

MAYOR GOODMAN

Thank you. I appreciate that, but from my experience, with all due respect, African-American men sometimes are arrested for reasons that they shouldn't be, and -- the fact

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that he doesn't have a conviction really doesn't stand -- too strong with me. But I'm ready for a motion.

DARYL LEATER

Can I speak?

MAYOR GOODMAN

You spoke last time. I think unless you have something new to say, I think we're ready.

DARYL LEATER

Yes, I do. Yes, I do.

MAYOR GOODMAN

All right.

DARYL LEATER

I don't have to defend my past any longer. My past has been my past. And if I was actually guilty of what I was charged with in the incident with my wife, I would be in prison now. The judge in that case saw fit to do what he did, which I appreciated, and that's why I can stand before you today. When we were here last time, they said that I falsified an application, and I stated that I had turned in two applications -- one for GSI and one for Rybar, which he said he didn't have. In fact, what happened was this is the application I turned in for GSI, which states that in '95 I was charged with battery and it was a gross misdemeanor, that in, I've been charged with paraphernalia. I've been charged with various petty theft charges, which is what I always put. I have no reason to hide my past anymore.

When I spoke to you last time, I told you that I had been to adult education to change my behavior and my frame of mind and the things that I was having problems for at that time in my life, and you said for me to prove it.

MAYOR GOODMAN

I, well, I appreciate that. I'm taking a look at the first document, which the Clerk has forwarded to us and once again, for some reason, it has a crossed-off section at the bottom where you're supposed to list your arrests. Can you explain that?

DARYL LEATER

Yes. Just like I said, the secretary or whoever gave me the application crossed that out. I would never tell anybody that I've never been arrested for anything. That's stupid.

MAYOR GOODMAN

So, it's your testimony that it was crossed out, and then on top of the crossed-out section you put the various arrests down?

DARYL LEATER

I put my -- Right.

MAYOR GOODMAN

Thank you.

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SERGEANT VINCENT CANNITO

And, Mayor, with due respect, with regards to the application for GSI, that never became a question. We never stated or accused Mr. Leater of falsifying that application. The issue at hand is Rybar.

MAYOR GOODMAN

That, that's correct.

SERGEANT VINCENT CANNITO

And that is the one that is crossed out. And we're going on our information from the president of the company and the woman who actually did the cross out.

MAYOR GOODMAN

And, Sergeant, that is the state of the record. That was not an issue. But I believe the reason Mr. Leater's bringing it back to our attention is that why would he have put it down on one application and not on another.

All right. May I have a -- motion.

COUNCILMAN REESE

Well, I would just ask counsel one more time or Sergeant Cannito, what is your recommendation?

SERGEANT VINCENT CANNITO

Our recommendation is denial. It's, to grant this -- card, we are maintaining the position of moral turpitude, use of a deadly weapon, violating NRS 648. We have contacted the regulatory agency for security license. The director of that, who is Daryl Hannah, she has supported in this particular case, due to the details of the battery with a deadly weapon, or the conviction for substantial bodily harm. There is support there, and that's the position we're gonna maintain.

COUNCILMAN REESE

Under -- those conditions, **I'm gonna make a motion to follow staff, staff's recommendation.**

MAYOR GOODMAN

All right. Vote on the motion. Post. Motion carries (**Motion carried with GOODMAN voting NO and M. McDONALD not voting**)

(END OF DISCUSSION)

/gpb

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 40

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****CITY ATTORNEY - DISCUSSION**

71

Appeal of Work Card Denial:

Mr. James Benson Fields, Jr.
1001 W. McWilliams, #40
Las Vegas, NV 89106

M. McDONALD - Motion to bring forward and hold In ABEYANCE items 70 and 85 to 7/26/99, STRIKE items 71 and 96, and ACCEPT WITHDRAWAL of Item 75 - UNANIMOUS

There was no related discussion. See Item No. 85 for discussion.

(10:57 - 11:00)

1-1171

72

Appeal of Work Card Denial:

Mr. Willie H. Coleman
1720 W. Bonanza Road, #161
Las Vegas, NV 89106

REESE - Motion to uphold the action of the Las Vegas Metropolitan Police Department and DENY the work card - carried with M. McDONALD not voting

The appellant was not present.

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, was present.

There was no discussion.

(1:08)

2-2946

June 29, 1999

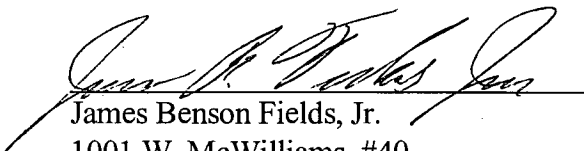
Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
1999 JUN 29 A 8:18

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

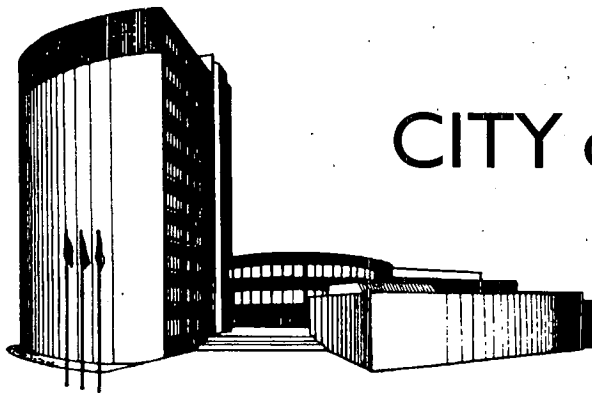
Sincerely,


James Benson Fields, Jr.
1001 W. McWilliams, #40
Las Vegas, Nevada 89106

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 29, 1999

James Benson Fields, Jr.
1001 W. McWilliams, #40
Las Vegas, Nevada 89106

Re: **WORK CARD APPEAL**

Dear Mr. Fields:

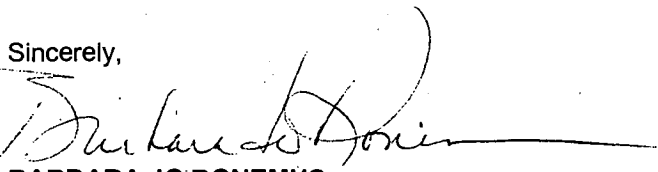
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Your appeal is scheduled to be heard during the morning session of the meeting which commences at 10:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee) for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,


BARBARA JO RONEMUS
CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB



June 29, 1999

Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
1999 JUN 29 A 9:33

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

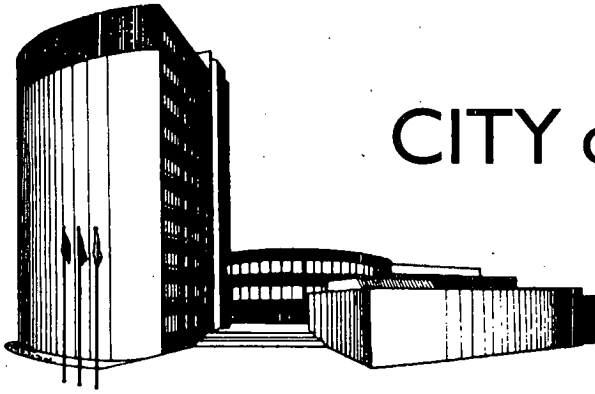
Sincerely,

Willie Coleman
Willie H. Coleman
1720 W. Bonanza Road, #161
Las Vegas, Nevada 89106

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 29, 1999

Willie H. Coleman
1720 W. Bonanza Road, #161
Las Vegas, NV 89106

Re: **WORK CARD APPEAL**

Dear Mr. Coleman:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of July 12, 1999.

Your appeal is scheduled to be heard during the morning session of the meeting which commences at 10:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

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Sincerely,

BARBARA JO RONEMUS
CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

400 STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)



CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 41

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****CITY ATTORNEY - DISCUSSION**

73

Appeal of Work Card Denial:

Ms. Marilyn Simmons
1109 W. Adams
Las Vegas, NV 89106

REESE - Motion to uphold the action of the Las Vegas Metropolitan Police Department and DENY the work card - carried with M. McDONALD not voting

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, stated the work card was denied based on MS. SIMMONS' conviction for petty larceny in 1998 and battery in 1992 and falsification of her work card application by indicating that she had never been arrested. MS. SIMMONS indicated that Apollo Security is willing to send a faxed statement if necessary regarding her employment.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN interjected that petty larceny is definitely considered to be a crime of moral turpitude and Apollo Security would lose its State license if it hires MS. SIMMONS.

There was no further discussion.

(1:08 - 1:11)

2-2976

74

Appeal of Work Card Denial:

Ms. Doshia Maria Rabon
415 S. Main Street, #237
Las Vegas, NV 89101

M. McDONALD - Motion to uphold the action of the Las Vegas Metropolitan Police Department and DENY the work card - carried with L. McDONALD voting NO

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, reported that MS. RABON was denied a work card because she is a registered ex-felon for transporting and selling a controlled substance, for which she was sentenced to jail time and probation. While on probation, MS. RABON committed several more narcotics and burglary offenses. She was also convicted of a prostitution charge while other arrests were pled down to lesser degrees or dismissed. She also falsified her work card application by failing to list her additional arrests. City Code 6.86.110 permits denial if a person has ever committed or been convicted of any crime involving moral turpitude. This Code also allows for denial where substantial information exists showing the applicant to be dishonest. NRS 463 allows for denial of a gaming work card if the applicant has been convicted of any felony or has failed to provide information.

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

Page 42

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

CITY ATTORNEY - DISCUSSION

Appeal of Work Card Denial:

Ms. Doshia Maria Rabon
415 S. Main Street, #237
Las Vegas, NV 89101 - (Continued)

MS. RABON countered that she has been a good citizen since those incidents. She still does not understand the burglary arrest, and as far as the prostitution incident, it was a case of being at the wrong place at the wrong time. She assured the Council that she has changed her life and stated that she needs to work in order to sustain her family. She indicated that she worked for Pacifica University in Stockton, California. She stated that she cannot change her past, she can only try to improve it.

MAYOR GOODMAN confirmed that MS. RABON's most recent arrest occurred in 1998.

COUNCILMAN BROWN requested a copy of the arrest record. MAYOR GOODMAN stated that the arrest record only shows the narcotics offenses. He asked if there are any misdemeanor convictions. SERGEANT CANNITO replied that there was one in 1998 for prostitution. As far as the arrest record, Metro had to request it from California and due to the distance it has been difficult to get it in a timely manner. Metro has requested an understanding of the *urge visit for gambling/prostitution* charge.

COUNCILWOMAN McDONALD requested clarification regarding the discretion of the Council in this matter. SERGEANT CANNITO indicated that Metro has denied the work card but the City Council has the discretion to grant the work card. When Metro grants a work card it basically means that Metro is confident with the applicant in the position being sought. In this case, Metro, as the agency issuing the work card, does not feel comfortable with the applicant in this position.

COUNCILMAN BROWN asked MS. RABON if her employer is aware of her past record. MS. RABON replied that she has applied for many jobs. In this particular case, she informed the employer that she had to appear before the City Council regarding a work card appeal.

CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 43

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****CITY ATTORNEY - DISCUSSION**

Appeal of Work Card Denial:

Ms. Doshia Maria Rabon
415 S. Main Street, #237
Las Vegas, NV 89101 - (Continued)

MAYOR GOODMAN asked MS. RABON what kind of a job she is seeking. MS. RABON answered that she is applying for a hostess/change person position. She is also looking into a job as a Keno Writer, for which she will have to take a drug test. She assured the Council that she does not use drugs.

COUNCILMAN McDONALD expressed concern about the continued falsification of work card applications by the applicants, especially since the application clearly asks for any arrests. He asked if it is possible to automatically deny a work card based on falsification of the application and failure to list all arrests. CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN indicated that the Ordinance can be changed to state that submission of false information of a material nature on the application shall be automatic cause for denial of the appeal, but it is still going to require that the Council make a finding at a hearing that the information given was important and that it was false.

COUNCILMAN McDONALD advised MS. RABON that she may be able to obtain a work card to work in the culinary industry. MS. RABON stated that she has submitted 32 applications and stressed that she will go through any probationary period to show the Council that she wants to work earnestly and that she is trying to be a model citizen. SERGEANT CANNITO offered to meet with MS. RABON to discuss positions that do not require a work card.

There was no further discussion.

(1:11 - 1:25)

2-3081

RECEIVED
CITY CLERK

1999 JUN 29 P 3:19

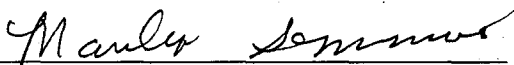
June 29, 1999

Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

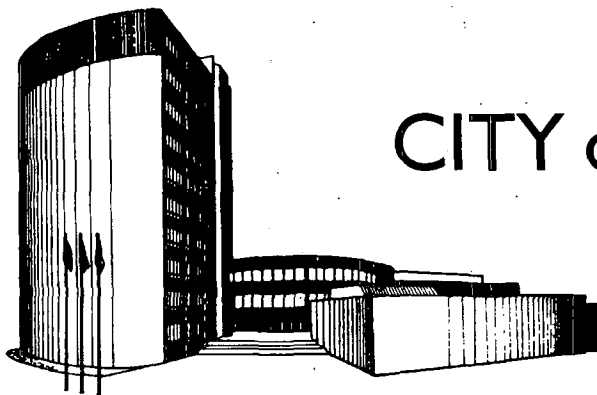
Sincerely,


Marilyn Simmons
1109 W. Adams
Las Vegas, Nevada 89106

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 29, 1999

Marilyn Simmons
1109 W. Adams
Las Vegas, Nevada 89106

Re: **WORK CARD APPEAL**

Dear Ms. Rabon:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of July 12, 1999.

Your appeal is scheduled to be heard during the morning session of the meeting which commences at 10:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, **it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee)** for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,

BEVERLY K. BRIDGES
CHIEF DEPUTY CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB



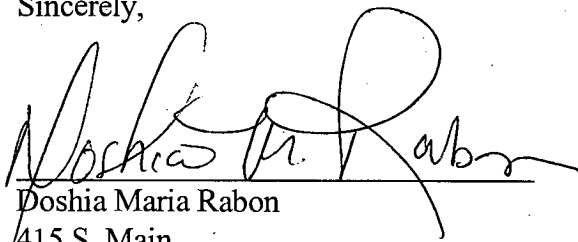
June 29, 1999

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City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

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Sincerely,



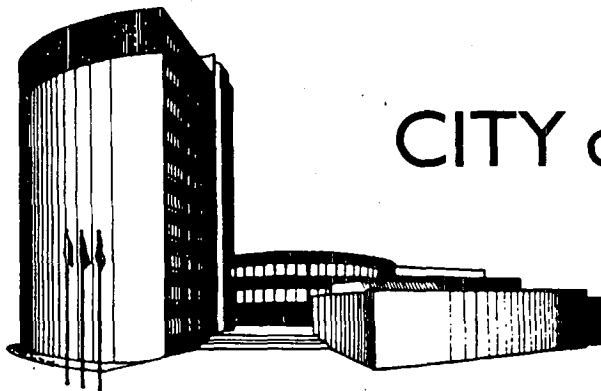
Doshia Maria Rabon
415 S. Main
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
1999 JUN 29 A 11:26

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 29, 1999

Doshia Maria Rabon
415 S. Main
Las Vegas, Nevada 89101

Re: **WORK CARD APPEAL**

Dear Ms. Rabon:

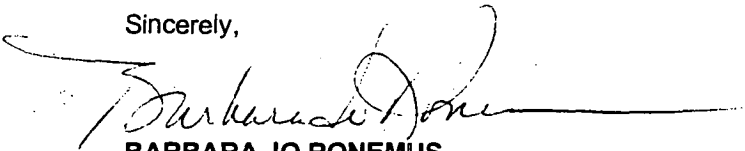
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Sincerely,


BARBARA JO RONEMUS
CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

400 STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)



400 East Stewart Avenue
Las Vegas, Nevada 89101-2984
(702) 795-3111



July 20, 1999

MAYOR OSCAR B GOODMAN
400 E STEWART AVE
LAS VEGAS NV 89101

A standard linear barcode consisting of vertical black bars of varying widths on a white background.

In Response,
Please Reply To:

Sergeant Vincent Cannito Jr.
(702)229-4182

Mayor Goodman,

I wanted to take a few minutes to update you on one of the applicants from last Mondays meeting. As you recall Ms. Doshia Marie Rabon was denied a work card for change person at a local casino due to her arrest record. At this meeting I offered to give Ms. Rabon some direction as to what options she had available to her. She did contact me and after a brief discussion said she would try to get a job as a cook. This is what she wanted to do all along.

On Monday, July 19, 1999, Ms Rabon called me back. She advised me she followed my recommendations and got a job as a cook. She stated how happy she was and appreciated our taking the time to assist her.

I felt it was appropriate for me to notify you of Ms. Rabon's progress. Unfortunately most of our exposure with these individuals is negative. As with you, I don't want to prevent anyone from getting a fresh start in life if they are sincere. Of course with that fresh start comes the responsibility of dealing with ones past and the need to re-establish oneself.

I was pleased to hear from Ms. Rabon and the fact she was moving forward. I've since taken the liberty to compile a list of professions which require the applicant to obtain a work card. In the future I will make this list available to those applicants which appeal their denials. Hopefully this will reduce the number of appeals heard by the council and give the applicants additional options in choosing a career.

Respectfully,

 312
Vincent Cannito Jr., Sergeant
Special Investigations Section

cc: Timothy M. Leveque, Lieutenant

#63



CITY COUNCIL

MEETING OF

JULY 12, 1999

*City of Las Vegas***AGENDA & MINUTES**

Page 44

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM**ACTION****CITY ATTORNEY - DISCUSSION**

75

Appeal of Work Card Denial:

Ms. Lorrain A. Carter
5345 Desert Blossom Road
Las Vegas, NV 89107

M. McDONALD - Motion to bring forward and hold in ABEYANCE items 70 and 85 to 7/26/99, STRIKE items 71 and 96, and ACCEPT WITHDRAWAL of item 75 - UNANIMOUS

There was no related discussion. See Item No. 85 for discussion.

(10:57 - 11:00)

1-1171

76

Appeal of Work Card Denial:

Mr. Mark T. Lancia
8617 Titleist Circle
Henderson, NV 89117

M. McDONALD - Motion to STRIKE from the Agenda - UNANIMOUS

Since the appellant was not present, the matter was stricken from the Agenda.

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, was present.

There was no discussion.

(1:25)

3-131

77

Appeal of Work Card Denial:

Mr. Robert Lee Henry, III
5734 Duval Drive
Las Vegas, NV 89115

M. McDONALD - Motion to STRIKE from the Agenda - UNANIMOUS

Since the appellant was not present, the matter was stricken from the Agenda.

SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, was present.

JOE MAVIGLIA, 5422 Indigo Hills, North Las Vegas, stated that he was arrested in Nevada for registering to vote after he thought his civil rights had been restored locally because they were restored in California. The Nevada statutes are becoming antiquated and need to be reevaluated or the prisons will continue to remain full.

There was no further discussion.

(1:25 - 1:29)

3-140

June 30, 1999

Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
1999 JUN 30 P 3:26

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

Sincerely,

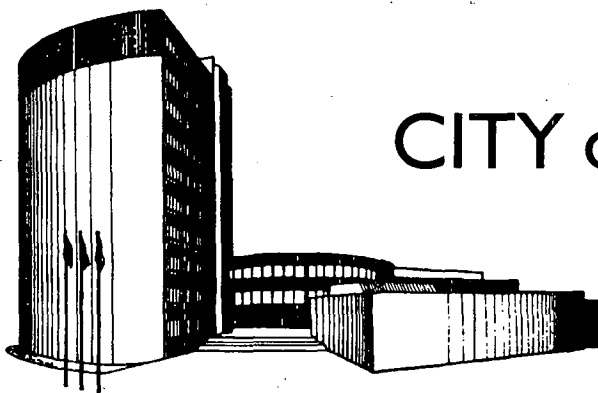


Lorrain A. Carter
5345 Desert Blossom Road
Las Vegas, Nevada 89107

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 20, 1999

Lorrain A. Carter
5345 Desert Blossom Road
Las Vegas, Nevada 89107

Re: WORK CARD APPEAL

Dear Ms. Carter:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of July 12, 1999.

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CHIEF DEPUTY CITY CLERK**

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

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www.ci.las-vegas.nv.us (WEBSITE)



June 30, 1999

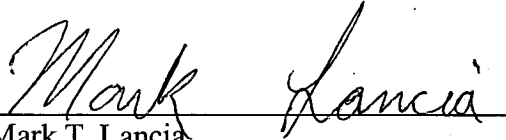
Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
1999 JUN 30 P 4: 03

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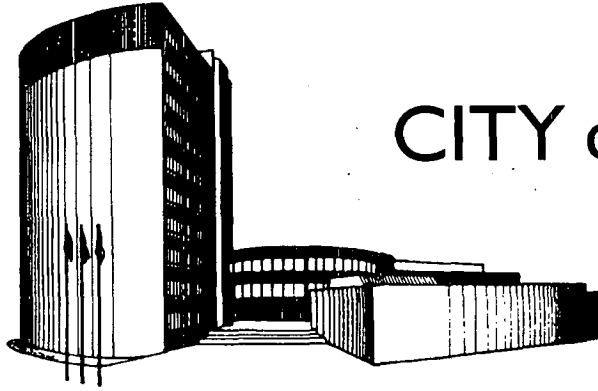
Sincerely,


Mark T. Lancia
8617 Titleist Circle
Henderson, Nevada 89117

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

June 30, 1999

Mark T. Lancia
8617 Titleist Circle
Henderson, Nevada 89117

Re: **WORK CARD APPEAL**

Dear Mr. Lancia:

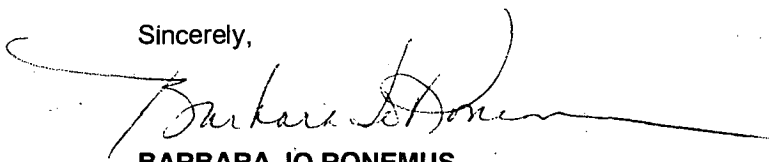
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Sincerely,


BARBARA JO RONEMUS
CITY CLERK

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

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(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)



RECEIVED
CITY CLERK

1999 JUL -1 P 1:52

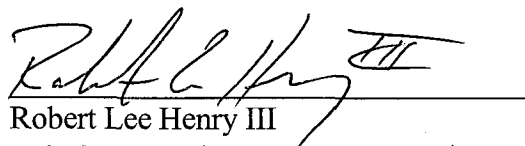
July 1, 1999

Ms. Barbara Jo Ronemus
City Clerk
400 East Stewart Avenue
Las Vegas, Nevada 89101

Dear Ms. Ronemus:

This letter constitutes my formal appeal of denial of a work card by the Las Vegas Metropolitan Police Department. I wish to appeal this denial before the City Council.

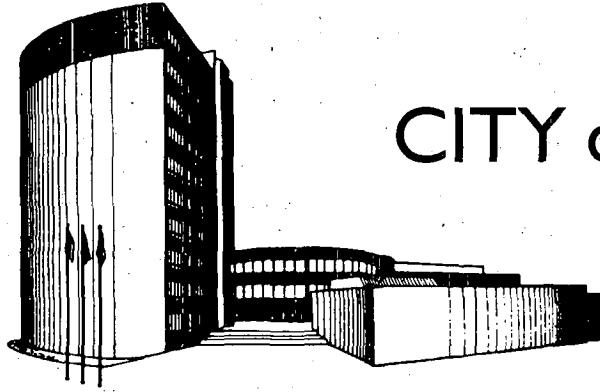
Sincerely,


Robert Lee Henry III
5734 Duval Drive
Las Vegas, Nevada 89115

MAYOR
OSCAR B. GOODMAN

COUNCILMEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

July 1, 1999

Mr. Robert Lee Henry III
5734 Duval Drive
Las Vegas, Nevada 89115

Re: **WORK CARD APPEAL**

Dear Mr. Henry:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of July 12, 1999.

Your appeal is scheduled to be heard during the morning session of the meeting which commences at 10:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, **it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee)** for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,

BARBARA JO RONEMUS
CITY CLERK

/gpb

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

400 STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)



CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION

78

Discussion and Possible Action to Accept the City's Debt Management Policy and the Indebtedness Report

REESE - APPROVED as recommended - UNANIMOUS with M. McDONALD not voting

MARK VINCENT, Director of Finance & Business Services, referred to documentation (made part of the backup documentation) presented on the overhead and explained the requirements by NRS regarding the Debt Management Policy and the reasons for it. Currently, the City has an outstanding general obligation debt of approximately \$233.5 million. He pointed out that NRS 377 places a pledged revenue limitation of 15 percent of the consolidated tax revenue – in this case \$50.525 million. The rating agencies do not like this debt to exceed 50 percent of that 15 percent debt limitation. The City is currently at about less than 25 percent.

There are several proposed issues for this year – the parking garage and parks projects are both scheduled for this meeting. The sanitation plant expansion will be considered later in the year. The *special assess interim warrants* include construction activity in the area of Buffalo, Jones, Durango, and Ann Road.

With respect to the City of Las Vegas Statutory Debt Limitation, the Charter states that the City cannot have more than 20 percent of assessed valuation in general obligation debt. However, even with the proposed debt, the City is at about 3.9 percent of its assessed valuation. As a point of comparison, when the general obligation debt is converted to a per-capita basis, it demonstrates that the City of Las Vegas on a per-capita basis has a very low debt. He requested approval of the Debt Management Policy.

COUNCILMAN REESE commended staff for its good work.

There was no further discussion.

(1:29 - 1:34)

3-252

AGENDA DOCUMENTATION

MEETING OF

July 12, 1999

TO:

City Council

FROM:

Mark R. Vincent, Director
Finance and Business Services

SUBJECT:

DISCUSSION AND POSSIBLE ACTION TO ACCEPT THE CITY'S DEBT MANAGEMENT
POLICY AND INDEBTEDNESS REPORTPURPOSE/BACKGROUND

Nevada Revised Statute 350.0035 requires that the City of Las Vegas file an annual debt management policy addressing our ability to afford existing debt, our capacity for future debt, our general obligation debt payable from ad valorem (property) taxes, and various other analysis. In compliance with that statute, the attached Debt Management Policy and Indebtedness Report is provided for your review and approval.

The City enjoys a favorable debt structure, and we will continue to work to keep it that way. For example, the City's FY 2000 general obligation debt service is just 23 percent of the pledged consolidated tax revenue limit imposed by the State of Nevada. Furthermore, the City's debt tax rate for general obligation debt payable from ad valorem taxes is significantly lower than those of North Las Vegas, Henderson, and Clark County.

In addition to the annual filing, the Debt Management Policy will need to be amended periodically for new debt issues. When that need arises, an amended Debt Management Policy will be presented for council approval.

FISCAL IMPACT

None

RECOMMENDATIONS

Accept the June 30, 1999 Debt Management and Indebtedness Report

Agenda Item

78

CITY OF LAS VEGAS, NEVADA
DEBT MANAGEMENT POLICY
AS OF JUNE 30, 1999



Prepared by:
City of Las Vegas Department of
Finance and Business Services

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****TABLE OF CONTENTS**

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CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****DEBT MANAGEMENT POLICY
CITY OF LAS VEGAS, NEVADA
As of June 30, 1999****INTRODUCTION**

Las Vegas is an incorporated municipality, a body politic and corporate, existing under the laws of the State of Nevada. The City was created by a special act of the legislature in 1911. Las Vegas is the County Seat of Clark County and is the most populous city in the State. The City provides its citizens with fire protection, sewer collection and treatment, parks, streets, a municipal court and other general governmental services. The Las Vegas Metropolitan Police Department provides police protection for the City. Electricity is provided by Nevada Power Company, telephone service by Sprint Central Telephone of Nevada and gas and water services are provided by Southwest Gas Corporation and the Las Vegas Valley Water District, respectively.

The governing body of the City is its City Council, which has all municipal powers except as limited by the City Charter, which is a special legislative enactment by the State legislature. City Council members are elected to four-year terms, with the Mayor and two Council members being elected at one biennial election and the other two members being elected at the next succeeding biennial election. The Mayor or, in his absence, the Mayor Pro Tem presides at meetings of the City Council. All members of the City Council, including the Mayor and the Mayor Pro Tem have full voting powers. The procedures for actions taken by the City Council are prescribed in the City Charter, which include provisions for initiatives and referenda by citizens.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****SECTION I - DEBT MANAGEMENT POLICY**

Listed below are excerpts from Nevada Law which requires local governments to submit a debt management policy:

NRS 350.0035 1. Except as otherwise provided in this section, on or before July 1 of each year, the governing body of a municipality which proposes to issue or has outstanding any general obligation debt, other general obligations or special obligations, or which levies or proposes to levy any special elective tax, shall submit to the department of taxation and the commission:

(b) A written statement of the debt management policy of the municipality, which must include, without limitation;

- (1) A discussion of its ability to afford existing general obligation debt, authorized future general obligation debt and proposed future general obligation debt;*
- (2) A discussion of its capacity to incur authorized and proposed future general obligation debt without exceeding the applicable debt limit*
- (3) A discussion of general obligation debt that is payable from ad valorem taxes per capita as compared with such debt of other municipalities in the state;*
- (4) A discussion of its general obligation debt that is payable from ad valorem taxes as a percentage of assessed valuation of all taxable property within the boundaries of the municipality;*
- (5) Policy regarding the manner in which the municipalities expects to sell its debt;*
- (6) A discussion of its sources of money projected to be available to pay existing general obligation debt, authorized future general obligation debt and proposed future general obligation debt;*
- (7) A discussion of its operational costs and revenue sources, for the ensuing 5 fiscal years, associated with each project included in its plan for capital improvement submitted pursuant to paragraph (c), if those costs and revenues are expected to affect the tax rate.*

This document is intended to meet the requirements of NRS 350.0035 subsection 1 (b), it is not a review of the City of Las Vegas's (the City's) total financial position.

The City of Las Vegas (the "City") has a Capital Improvement Plan ("CIP") which is a multi-year planning document that identifies and prioritizes the need for a variety of public improvements and coordinates the City's financing and construction time frames. More specifically, the CIP is a process that provides order and continuity to the repair, replacement, construction or expansion of the City's capital assets. With revenue limitations in mind, the City's CIP focuses primarily on the City's more immediate needs.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****General Obligation Bonds Supported by Ad Valorem Taxes****Security for the Bonds**

The ad valorem bonds constitute direct and general obligations of the City, and the full faith and credit of the City is pledged for the payment of principal and interest, subject to Nevada constitutional and statutory limitations on the aggregate amount of ad valorem taxes.

In any year in which the total property taxes levied within the City by all overlapping units (e.g., the State, Clark County, or any special district) exceed such tax limitations, the reduction to be made by those units must be in taxes levied for purposes other than the payment of their bonded indebtedness, including interest on such indebtedness.

The following table illustrates the City's outstanding general obligation bonded indebtedness supported by ad valorem taxes as of June 30, 1999:

**GENERAL OBLIGATION INDEBTEDNESS
SUPPORTED BY AD VALOREM TAXES
City of Las Vegas, Nevada
As of June 30, 1999**

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
Misdemeanant Jail Facility Bonds	08/01/89	\$9,500,000	\$1,175,000	08/01/99
Fire Protection Bonds	03/01/93	9,700,000	6,955,000	03/01/08
TOTAL		\$19,200,000	\$8,130,000	

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service to maturity on the City's outstanding general obligation bonds supported with ad valorem taxes and the estimated tax rate required to retire that debt:

**EXISTING AD VALOREM SUPPORTED BONDS
DEBT SERVICE REQUIREMENTS AND TAX RATE**

**City of Las Vegas, Nevada
As of June 30, 1999**

Fiscal Year	Assessed Value ^{1/}	Principal	Interest	Total	Estimated Tax Rate
2000	\$ 8,304,500,420	1,785,000	405,838	2,190,838	0.0264 *
2001	8,636,680,437	645,000	336,608	981,608	0.0114
2002	8,982,147,654	680,000	305,003	985,003	0.0110
2003	9,341,433,560	720,000	271,003	991,003	0.0106
2004	9,715,090,903	760,000	233,923	993,923	0.0102
2005	10,103,694,539	810,000	194,023	1,004,023	0.0099
2006	10,507,842,321	855,000	150,688	1,005,688	0.0096
2007	10,928,156,013	910,000	104,090	1,014,090	0.0093
2008	11,365,282,254	965,000	54,040	1,019,040	0.0090
TOTAL		\$8,130,000	\$2,055,216	\$10,185,216	

^{1/} 2000 assessed valuation actual; growth thereafter estimated at 4%. Excludes RDA.

* Detention Center Bonds' debt service will be paid from fund balance, because they will be retired in FY 2000 and the reserve fund has adequate funds to retire these bonds - therefore no tax levy is necessary for this bond issue. The City of Las Vegas Final Budget for FY 2000 has reported the tax debt rate to be .0110.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****General Obligation Medium-Term Bonds Supported by General Fund Revenues**

The bonds supported by general fund revenues constitute direct and general obligations of the City, and the full faith and credit of the City is pledged for the payment of principal and interest, subject to Nevada constitutional and statutory limitations regarding the City's operating levy. The ad valorem tax rate available to pay the bonds is limited to the City's operating levy. The City's fiscal 2000 operating levy is \$.6765 the allowed tax rate is \$.7778

The principal and interest on the bonds supported by general fund revenues will be payable from all funds of the City legally available for the purpose of making such payment. Provision for the payment of principal and interest requirements on the bonds supported by general fund revenues will be made as provided in NRS 350.085 and 350.095. Nevada statutes provide that no act concerning these bonds or their security may be repealed, amended, or modified in such a manner as to impair materially and adversely these bonds or their security until all of the bonds supported by general fund revenues have been discharged in full or provision for their payment has been fully made.

All bonds listed below are supported by General Fund revenues. Additionally, the City has been using revenues received from land sales and other general fund revenues to retire the 1993A Short-Term Refunding Bonds.

Proposed Park and Recreation Bonds

The City is proposing to issue approximately \$25,000,000 in general obligation park and recreation bonds for the purpose of acquiring, constructing, improving and equipping park and recreation projects for the City.

The following is a list of the outstanding and proposed bonds supported by general fund revenues:

**GENERAL OBLIGATION INDEBTEDNESS
SUPPORTED BY GENERAL FUND REVENUES
City of Las Vegas, Nevada
As of June 30, 1999**

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
Outstanding				
1993A Short-Term Refunding Bonds	08/01/93A	\$3,610,000	\$ 685,000	11/01/99
1996 Detention Center Bonds	08/01/96	9,500,000	7,065,000	06/01/06
1997 Recreation Bonds	02/01/97	10,500,000	8,810,000	02/01/07
1998 Medium-Term Loan	11/24/98	8,000,000	8,000,000	12/01/00
Subtotal		31,610,000	24,560,000	
Proposed				
Medium Term Park & Recreation Bonds	09/08/99	25,000,000	25,000,000	09/01/09
TOTAL OUTSTANDING & AUTHORIZED		\$56,610,000	\$49,560,000	

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service requirements to maturity for the 1993A Short-Term Refunding Bonds, the 1996 Detention Center Bonds, the 1997 Recreation Bonds, the 1998 Medium-Term Loan, and the proposed 1999 Park and Recreation Bonds supported by General Fund Revenues:

**GENERAL OBLIGATION DEBT SERVICE
SUPPORTED BY GENERAL FUND REVENUES**

City of Las Vegas, Nevada

As of June 30, 1999

Fiscal Year	Outstanding			Proposed Park Bonds	Total Debt Service
	Principal	Interest	Total		
2000	\$ 2,475,000	\$1,214,838	\$3,689,838	\$523,451	\$4,213,289
2001	9,875,000	665,885	10,768,885	2,279,225	13,048,110
2002	1,965,000	582,480	2,547,480	2,323,155	4,870,635
2003	2,065,000	494,055	2,559,055	2,531,515	5,090,570
2004	2,175,000	399,065	2,574,065	2,761,300	5,335,365
2005	2,290,000	296,840	2,586,840	3,000,435	5,587,275
2006	2,415,000	184,570	2,599,570	3,261,770	5,861,340
2007	1,300,000	65,000	1,365,000	3,548,135	4,913,135
2008	0	0	0	3,851,780	3,851,780
2009	0	0	0	4,179,705	4,179,705
2010	0	0	0	4,533,413	4,533,413
TOTAL	\$24,560,000	\$4,130,733	\$28,690,733	\$32,793,884	\$61,484,617

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****General Obligation Bonds Supported by Local Government Tax Distribution Fund**

The Local Government Tax Distribution Fund consists of local government revenues from six sources: Supplemental City/County Relief Tax (SCCRT), Basic City/County Relief Tax (BCCRT), Cigarette Tax, Liquor Tax, Motor Vehicle Privilege Tax (MVPT), and Real Property Transfer Tax (RPTT) (collectively the "Consolidated Tax"). NRS 377.080 allows for up to 15 percent of the combination of these six revenue sources to be pledged as security for debt. The City currently estimates that consolidated pledged tax revenues will be sufficient to cover outstanding and proposed debt service.

The Consolidated Tax Bonds are general obligation bonds additionally secured with revenues derived from a 15% portion of the City's Consolidated Tax Revenue.

Authorized Consolidated Tax Revenue Supported Bonds

The City is authorized to issue approximately \$10,000,000 in general obligation parking bonds in October 1999. These bonds will be supported by the Pledgeable Consolidated Tax Revenues.

The following is a list of the outstanding and proposed bonds supported by Consolidated Tax Revenues:

**GENERAL OBLIGATION BONDS
SUPPORTED BY CONSOLIDATED TAX REVENUES
City of Las Vegas, Nevada
As of June 30, 1999**

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
<u>Outstanding</u>				
Housing Bonds	11/01/93	\$2,000,000	\$1,665,000	11/01/13
Redevelopment Project Bonds	03/01/96	10,250,000	7,605,000	06/15/06
Various Purpose Bonds	11/15/97B	10,000,000	9,255,000	11/01/07
Redevelopment Project Bonds	11/01/99A	17,000,000	17,000,000	11/01/12
Redevelopment Project Bonds	11/01/99B	15,000,000	15,000,000	11/01/18
Subtotal		54,250,000	50,525,000	
<u>Proposed</u>				
Parking Project Bonds	10/01/99	10,000,000	10,000,000	10/01/29
TOTAL OUTSTANDING & AUTHORIZED		\$64,250,000	\$60,525,000	

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service requirements to maturity for the existing 1994 Housing Bonds, the 1996 Redevelopment Project Bonds, the 1997B Various Purpose Bonds, the two 1998 Redevelopment Project Bonds and the pro forma debt service on the proposed parking bonds:

**GENERAL OBLIGATION DEBT SERVICE SUPPORTED BY
CONSOLIDATED TAX REVENUES**

City of Las Vegas, Nevada
As of June 30, 1999

Fiscal Year	Outstanding		Proposed Parking Bonds	Total Outstanding & Proposed
	Principal	Interest		
2000	1,895,000	2,581,226	803,065	5,279,291
2001	2,975,000	2,503,058	801,881	6,279,939
2002	3,135,000	2,357,056	803,809	6,295,865
2003	3,305,000	2,200,398	799,454	6,304,852
2004	3,490,000	1,663,911	799,324	5,953,235
2005	3,675,000	1,853,998	802,994	6,331,992
2006	3,860,000	1,663,151	800,369	6,323,520
2007	2,765,000	1,461,135	801,649	5,027,784
2008	2,915,000	1,308,984	801,559	5,025,543
2009	1,800,000	1,177,650	800,059	3,777,709
2010	1,910,000	1,071,868	802,334	3,784,202
2011	2,025,000	958,830	802,871	3,786,701
2012	2,150,000	838,035	801,621	3,789,656
2013	2,275,000	717,370	798,796	3,791,166
2014	2,285,000	609,670	799,371	3,694,041
2015	2,335,000	499,690	802,906	3,637,596
2016	2,450,000	385,275	799,389	3,634,664
2017	2,575,000	264,000	804,075	3,643,075
2018	2,705,000	135,250	801,400	3,641,650
2019	0	0	801,800	801,800
TOTAL	\$50,525,000	\$24,250,554	\$16,028,726	\$90,804,280

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

Although the Consolidated Tax supported bonds will be general obligations of the City, the bonds will be additionally secured with a pledge of the City's Consolidated Tax Revenues. The City anticipates that no revenue from general ad valorem taxes will be necessary to support the debt service requirements of the outstanding bonds. The following table illustrates the sufficiency of Consolidated Tax revenues:

SUFFICIENCY OF PLEDGED CONSOLIDATED TAX REVENUES

City of Las Vegas, Nevada

Fiscal Year	Consolidated Tax Revenues ^{1/}	Pledged Revenue Limitation (15%)	Total Debt Service ^{2/}	Coverage
2000	\$151,500,000	\$22,725,000	5,279,291	4.59
2001	151,500,000	22,725,000	6,279,939	3.76
2002	151,500,000	22,725,000	6,295,865	3.76
2003	151,500,000	22,725,000	6,304,852	3.76
2004	151,500,000	22,725,000	5,953,235	3.76
2005	151,500,000	22,725,000	6,331,992	3.76
2006	151,500,000	22,725,000	6,323,520	3.76
2007	151,500,000	22,725,000	5,027,784	4.93
2008	151,500,000	22,725,000	5,025,543	4.93
2009	151,500,000	22,725,000	3,777,709	7.03
2010	151,500,000	22,725,000	3,784,202	7.02
2011	151,500,000	22,725,000	3,786,701	7.04
2012	151,500,000	22,725,000	3,789,656	7.04
2013	151,500,000	22,725,000	3,791,166	7.03
2014	151,500,000	22,725,000	3,694,041	7.28
2015	151,500,000	22,725,000	3,637,596	7.45
2016	151,500,000	22,725,000	3,634,664	7.44
2017	151,500,000	22,725,000	3,643,075	7.45
2018	151,500,000	22,725,000	3,641,650	7.45
2019	151,500,000	22,725,000	801,800	7.46
TOTAL			\$90,804,280	

1/ 2000 Budgeted. Future growth is estimated at 0%.

2/ See "Total Outstanding & Authorized Debt Service" on page 7.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****General Obligation Bonds Supported by Room Tax Revenues**

The bonds supported by room tax revenues constitute direct and general obligations of the City, and the full faith and credit of the City is pledged for the payment of principal and interest, subject to Nevada constitutional and statutory limitations on the aggregate amount of ad valorem taxes. These bonds will be additionally secured by pledged revenues described below.

The Fremont Street bonds are payable from the proceeds of a one/two percent tax on the gross receipts from the rental of transient lodging within specific boundaries in the City, upon all persons in the business of providing transient lodging within those specific boundaries in the City, which was authorized by Chapter 144, of the Statutes of Nevada 1993, (the "Downtown Room Tax"), and from certain grants to be paid by the Las Vegas Convention and Visitors Authority, and from revenues, if any, of the projects. The Downtown Room Tax proceeds are limited to receipts from the 1% (2% in the case of properties that front on Fremont Street) tax imposed under Chapter 144, 1993 Legislature, on hotels with 75 or more rooms located in a specified area (generally, not more than 4 blocks from the project).

The Transportation Improvement bonds are payable from the proceeds of a one percent tax on the gross receipts from the rental of transient lodging in the City, upon all persons in the business of providing transient lodging throughout the City, which was authorized by NRS 244.3351 and 268.446 and Question 10 on the 1990 General Election.

The following is a list of the outstanding bonds supported by Room Tax revenues:

**GENERAL OBLIGATION BONDS
SUPPORTED BY ROOM TAX REVENUES
City of Las Vegas, Nevada
As of June 30, 1999**

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
Fremont Street Bonds	11/01/93	\$21,000,000	\$16,330,000	07/01/15
Transportation Improvement Bonds	11/01/93	10,250,000	8,120,000	07/01/09
TOTAL		\$31,250,000	\$24,450,000	

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service requirements to maturity for the 1993 Fremont Street Bonds and the expected sufficiency of the pledged revenues:

**FREMONT STREET BONDS
DEBT SERVICE REQUIREMENTS AND PLEDGED REVENUES**

Fiscal Year	Principal	Interest	Total Debt Service	Estimated Pledged Revenues ^{1/}
2000	1,175,000	1,063,799	2,238,799	2,238,799
2001	1,265,000	992,723	2,257,723	2,257,723
2002	1,355,000	914,224	2,269,224	2,269,224
2003	460,000	858,467	1,318,477	1,318,477
2004	505,000	828,300	1,333,300	1,333,300
2005	555,000	794,771	1,349,771	1,349,771
2006	610,000	757,630	1,367,630	1,367,630
2007	670,000	715,665	1,385,665	1,385,665
2008	735,000	668,597	1,403,598	1,403,598
2009	805,000	617,008	1,422,008	1,422,008
2010	880,000	558,360	1,438,360	1,438,360
2011	965,000	491,940	1,456,940	1,456,940
2012	1,060,000	419,040	1,479,040	1,479,040
2013	1,155,000	339,300	1,494,300	1,494,300
2014	1,260,000	525,360	1,512,360	1,512,360
2015	1,375,000	157,500	1,532,500	1,532,500
2016	1,500,000	54,000	1,554,000	1,554,000
TOTAL	\$16,330,000	\$10,483,684	\$26,813,684	\$26,813,684

^{1/} Room Tax revenues which exceed the annual debt service payment are refunded to the Fremont Street L.L.C.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service requirements to maturity for the 1993 Transportation Improvement Bonds and the expected sufficiency of the pledged revenues:

**TRANSPORTATION IMPROVEMENT BONDS
DEBT SERVICE REQUIREMENTS AND PLEDGED REVENUES**

Fiscal Year	Principal	Interest	Total Debt Service	Estimated Pledged Revenues ^{1/}
2000	585,000	381,392	966,392	1,360,000
2001	610,000	354,505	964,505	1,360,000
2002	635,000	326,334	961,334	1,360,000
2003	665,000	296,426	961,426	1,360,000
2004	695,000	264,633	959,633	1,360,000
2005	725,000	230,900	955,900	1,360,000
2006	760,000	194,880	954,880	1,360,000
2007	800,000	156,260	956,260	1,360,000
2008	840,000	114,840	954,840	1,360,000
2009	880,000	70,760	950,760	1,360,000
2010	925,000	24,050	949,050	1,360,000
TOTAL	\$8,120,000	\$2,414,980	\$10,534,980	\$14,960,000

^{1/} Represents 1% room tax for transportation. Assumes 0% growth from 2000 estimated.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****General Obligation Bonds Supported by Sanitation Fund Revenues**

The bonds supported by sanitation fund revenues constitute direct and general obligations of the City, and the full faith and credit of the City is pledged for the payment of principal and interest, subject to Nevada constitutional and statutory limitations on the aggregate amount of ad valorem taxes. These bonds will be additionally secured by pledged revenues described below.

In any year in which the total property taxes levied within the City by all overlapping units (e.g., the State, Clark County, or any special district) exceed such tax limitations, the reduction to be made by those units must be in taxes levied for purposes other than the payment of their bonded indebtedness, including interest on such indebtedness. The pledged revenues for the bonds are from net revenues which consists of the gross revenues remaining after deduction of operation and maintenance expenses (the "Net Pledged Revenues"). Although these bonds are general obligations of the City, the City intends to pay the bonds from the Net Pledged Revenues derived from the operation of the City's sewer system. The City's facilities are not mortgaged to secure payment of the bonds supported by sanitation fund revenues.

The City has made a covenant in the bond ordinances to fix and collect rates and other charges for the services or commodities pertaining to the sewer system in amounts sufficient to pay the following items of cost and expense in the order listed: (1) operation and maintenance expenses, (2) debt service requirements for the sanitation fund supported bonds and any outstanding parity securities, and (3) other amounts and debt service on all other securities payable from net revenues. Enforcement of this covenant may be subject to the limitation that rates and charges must be reasonable.

Proposed Future General Obligation Bonds Supported by Sanitation Fund Revenues

The City plans to issue \$50,000,000 in general obligation bonds supported by sanitation fund revenues during fiscal year 2000. Proceeds will be used to expand the waste water treatment center to allow for the rate of growth which Las Vegas has been experiencing..

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following is a list of the outstanding bonds supported by Net Pledged Revenues of the sanitation fund:

**GENERAL OBLIGATION BONDS
SUPPORTED BY SANITATION FUND REVENUES**

City of Las Vegas, Nevada

As of June 30, 1999

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
<u>Outstanding</u>				
Sanitary Sewer & Refunding Bonds	04/01/92	67,295,000	21,380,000	10/01/12
Sewer Refunding Bonds	08/01/93B	31,305,000	29,030,000	01/01/09
Sewer Refunding Bonds	01/01/97	35,680,000	35,265,000	10/01/12
Sewer Bonds	11/15/97A	35,000,000	34,000,000	07/01/09
Subtotal		169,280,000	119,675,000	
<u>Proposed</u>				
Water Resource Center Bonds	01/01/00	50,000,000	50,000,000	1/01/20
TOTAL OUTSTANDING & PROPOSED		\$219,280,000	\$169,675,000	

SOURCE: City of Las Vegas, Nevada
City of Las Vegas Capital Improvement Plan 1999-2003

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the debt service to maturity on the City's outstanding and proposed general obligation bonds supported by Sanitation Fund Net Pledged Revenues:

**OUTSTANDING AND PROPOSED GENERAL OBLIGATION DEBT SERVICE SUPPORTED
BY SANITATION FUND NET PLEDGED REVENUES**

City of Las Vegas, Nevada

As of June 30, 1999

Fiscal Year	Principal	Interest	Total Debt Service	Proposed Water Resource Center Debt Service ^{1/}	Total Outstanding & Proposed
2000	7,425,000	6,172,565	13,597,565	0	13,597,565
2001	7,845,000	5,764,776	13,609,776	4,205,794	17,815,570
2002	8,290,000	5,329,116	13,619,116	4,206,420	17,825,536
2003	8,780,000	4,863,101	13,643,101	4,205,515	17,848,616
2004	9,300,000	4,363,985	13,663,985	4,209,865	17,873,850
2005	7,340,000	3,914,053	11,254,053	4,207,985	15,462,038
2006	7,735,000	3,517,659	11,252,659	4,205,565	15,458,224
2007	8,170,000	3,099,346	11,269,346	4,207,205	15,476,551
2008	8,625,000	2,653,328	11,278,328	4,207,245	15,485,573
2009	9,105,000	2,182,246	11,287,246	4,205,245	15,492,491
2010	5,790,000	1,704,565	7,494,565	4,206,872	11,701,437
2011	6,075,000	1,410,683	7,485,683	4,210,332	11,696,015
2012	6,390,000	1,100,000	7,490,000	4,209,870	11,699,870
2013	6,715,000	772,375	7,487,375	4,206,275	11,693,650
2014	2,180,000	550,000	2,730,000	4,209,150	6,939,150
2015	2,295,000	438,125	2,733,125	4,207,550	6,940,675
2016	2,410,000	320,500	2,730,500	4,206,052	6,936,552
2017	2,535,000	196,875	2,731,875	4,205,401	6,937,276
2018	2,670,000	66,750	2,736,750	4,209,525	6,946,275
2019	0	0	0	4,207,350	4,207,350
2020	0	0	0	4,209,450	4,209,450
TOTAL	\$119,675,000	\$ 48,420,048	\$ 168,095,048	\$ 84,148,664	\$ 252,243,714

1/ Represents pro forma debt service requirements.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000**

The following table illustrates the City's ability to retire its existing Sanitation Fund bonds:

NET PLEDGED REVENUES**City of Las Vegas, Nevada****Sanitation Fund**

Fiscal Year	1995 Audited	1996 Audited	1997 Audited	1998 Audited	1999 Estimated	2000 Budgeted
<u>Operating Revenues</u>						
User Fees - Las Vegas	\$ 28,147,949	\$30,083,549	\$32,463,903	\$32,744,500	\$ 35,835,500	37,702,000
User Fees - North Las Vegas	3,064,100	3,542,708	4,685,352	4,800,000	5,448,000	5,672,000
Connection Charges	13,437,094	17,354,725	16,505,632	14,500,000	15,330,000	15,700,000
Miscellaneous	24,688	238	40,263	450	735,300	0
Total Operating Revenues	\$ 44,673,831	\$50,981,220	\$53,695,150	\$52,044,950	\$ 57,348,800	59,074,000
<u>Less Operation and Maintenance Expenses ^{1/}</u>						
Salaries & Benefits	7,798,655	8,826,288	9,738,978	10,750,400	14,007,171	15,452,523
Services & Supplies	7,580,929	8,466,721	9,808,284	11,268,800	14,044,996	18,797,188
Total Operation And Maintenance Expenses	\$ 15,749,312	\$17,663,269	\$19,977,105	\$22,352,932	\$ 28,363,899	34,249,711
<u>Non-Operating Revenues</u>						
Interest Income	-	-	-	6,146,686	6,556,500	6,288,400
Reimb. from Other Govts.	97,835	1,932,255	56,878	222,433	4,500,000	9,100,000
Other	0	0	0	(66,571)	0	0
Total Non-Operating Revenues	97,835	1,932,255	56,878	6,302,548	11,056,500	15,388,400
<u>Non-Operating Expenses</u>						
Interest Expense	-	-	-	6,826,917	7,034,392	6,615,875
Payment on AWT Debt	369,728	370,260	429,843	333,732	311,732	385,200
Contributions to other Govt.	-	-	-	-	-	0
Total Non-Operating Expenses	369,728	370,260	429,843	7,160,649	7,346,124	7,001,075
NET PLEDGED REVENUES	\$ 29,022,354	\$35,250,206	\$33,774,923	\$32,043,622	\$ 33,007,009	\$33,211,614
Debt Service ^{2/}	10,794,040	10,806,833	10,723,102	11,586,101	13,481,150	17,873,850
Coverage	2.69	3.26	3.15	2.77	2.45	1.86

1/ Operating expenses do not include allowance for depreciation.

2/ Fiscal year 2000 debt service represents maximum annual debt service on outstanding and proposed sanitation fund bonds of \$17,873,850 in fiscal year 2004. See "Total Outstanding and Proposed Debt Service" on previous page.

SOURCE: City of Las Vegas Audited Financial Statements, and 2000 Final budget.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****Special Assessment District Bonds Secured By Assessment Revenue & the City's General Obligation**

The City has issued bonds to construct various local improvements in the Las Vegas area. These bonds are special obligations of the City, payable from the assessments levied in each District and the City's surplus and deficiency fund. Additionally, the bonds are secured by the general obligation of the City.

Future Special Assessment District Interim Warrants

The City forms "special improvement districts" from time to time to finance various improvements such as curb and gutter, street and sidewalk and other projects described in NRS 271.265. A special assessment is imposed against properties within the district to defray part or all of the cost of improvements deemed to provide special benefits on those properties, separate and apart from the general benefit accruing to the public at large. The amount of a special assessment is usually not obtainable until construction is in progress. In order to finance construction prior to the levy of special assessments, interim warrants are often used.

An interim warrant is essentially a short-term construction loan. Interim warrants are usually structured as a bank line of credit. Funds from the interim warrants are advanced from time to time from banks as construction financing is needed. Interim warrants may be issued as special obligations payable from special assessments and bond proceeds or may be issued as general obligations for the payment of which the City pledges its full faith and credit pursuant to NRS 271.355. The City has issued its interim warrants as general obligations in order to obtain the lowest possible interest rate. If the assessments and bond proceeds become insufficient to pay the interim warrants and the interest as such becomes due, the deficiency is paid from the City's surplus and deficiency fund and then out of the general fund of the City. If there is a deficiency in the pledged general fund, it is mandatory for the City to levy and collect ad valorem taxes upon all property in the city which is by law taxable for State, County and municipal purposes, subject to the limitations of section 2 of Article 10 of the Constitution of the State of Nevada and of NRS 361.453.

The City plans to issue \$3,200,000 of Special Assessment Interim Warrants during fiscal year 2000 to finance certain local improvements including street paving, curbs, gutter, sidewalk, and streetlight improvements within the City of Las Vegas, Nevada, Special Improvement District Nos. 1470, 1471, 1472, and 1473 formed by the City pursuant to NRS Chapter 271.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****SPECIAL ASSESSMENT DISTRICT BONDS**

City of Las Vegas, Nevada

As of June 30, 1999

Issue	Date Issued	Principal Amount	Amount Outstanding	Retirement Date
Outstanding				
Special Assessment Bond	06/01/91	\$2,682,000	\$ 470,000	06/01/01
Special Assessment Bond	01/01/92	5,111,000	1,460,000	01/01/02
Special Assessment Bond	09/01/92	762,000	305,000	09/01/02
Special Assessment Bond	06/01/94	1,919,000	1,045,000	06/01/04
Special Assessment Bond	10/01/95	2,249,000	1,555,000	01/01/09
Special Assessment Bond	07/01/98	1,305,000	1,305,000	07/01/08
Subtotal		14,028,000	6,140,000	
Proposed				
Special Assessment Interim Warrants	09/01/99	3,200,000	3,200,000	09/01/01
TOTAL OUTSTANDING & AUTHORIZED		\$17,228,000	\$9,340,000	

SOURCE: City of Las Vegas, Nevada

**OUTSTANDING & PROPOSED SPECIAL
ASSESSMENT DISTRICT BOND DEBT SERVICE**

City of Las Vegas, Nevada

As of June 30, 1999

Fiscal Year	Outstanding			Proposed Assessment	Total
	Principal	Interest	Total	District Interim Warrants ^{1/}	Outstanding & Proposed
2000	1,190,000	298,859	1,488,859	88,533	1,577,392
2001	1,490,000	234,720	1,724,720	3,332,800	5,057,520
2002	1,250,000	155,210	1,405,210	0	1,405,210
2003	430,000	94,633	524,633	0	524,633
2004	695,000	76,453	771,453	0	771,453
2005	345,000	41,556	386,556	0	386,556
2006	350,000	25,570	375,570	0	375,570
2007	130,000	14,593	144,593	0	144,593
2008	130,000	8,775	138,775	0	138,775
2009	130,000	2,925	132,925	0	132,925
TOTAL	\$6,140,000	\$953,293	\$ 7,093,293	\$ 3,421,333	\$ 10,514,626

1/ Represents pro forma debt service requirements. Interest rate estimated at 4.15%.

SOURCE: City of Las Vegas, Nevada

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****Debt Capacity**

NRS 350.0035 (1)(b)(2) requires "...capacity to incur authorized and proposed future General Obligation debt without exceeding the applicable debt limit."

The Charter for the City of Las Vegas limits the aggregate principal amount of the City's general obligation debt to 20% of the City's total reported assessed valuation. Based upon the assessed valuation for fiscal year 2000 of \$8,304,500,420 (excluding the assessed valuation of the Las Vegas Redevelopment Agency with an aggregate assessed value of \$290,152,389) the City's debt limit for general obligations is \$1,660,900,084. In addition to the City's legal debt limit as a percentage of its total assessed value, the City's ability to issue future property tax supported debt is also constrained by constitutional and statutory limits of total property taxes that may be levied.

STATUTORY DEBT LIMITATION**City of Las Vegas, Nevada****As of June 30, 1999**

Statutory Debt Limitation	\$1,660,900,084
Outstanding General Obligation Indebtedness	233,480,000
Plus: Special Assessment Interim Warrants	3,200,000
Plus: Parking Project Bonds	10,000,000
Plus: Park Bonds	25,000,000
Plus: Sanitary Sewer Bonds	50,000,000
Total Outstanding and Proposed General Obligation Indebtedness	321,680,000
Additional Statutory Debt Limitation Available	\$1,339,220,084

Source: Las Vegas City Charter, City of Las Vegas 2000 Final Budget, and City of Las Vegas 1999-2002 Capital Improvement Plan

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****Other Municipalities General Obligation Debt Comparison**

NRS 350.0035 (1)(b)(3) requires "...General Obligation debt that is payable from Ad Valorem taxes per capita as compared with such debt of other municipalities in the State..." and NRS 350.0035 (1)(b)(4) requires "...General Obligation debt that is payable from ad Valorem taxes as a percentage of assessed valuation of all taxable property with the boundaries of the municipality..."

DEBT RATIO COMPARISONS**As of June 1, 1999**

Municipality	Total General Obligation Debt ^{1/}	1998 Population ^{2/}	FY 1999 Assessed Value ^{3/}	General Obligation Debt Per Capita	General Obligation Debt as a % of Assessed Value
Elko	\$ 8,347,988	18,420	\$ 272,500,390	\$ 453.20	3.06
Henderson	330,829,077	159,380	3,883,331,694	2,075.73	8.52
Las Vegas	228,255,000	441,230	8,304,500,420	517.32	2.75
Lovelock	1,220,000	2,630	18,402,273	463.88	6.63
North Las Vegas	78,157,300	106,660	1,690,419,042	732.77	4.62
Reno	56,485,000	165,940	3,869,088,594	340.39	1.46
Average:				\$ 763.88	

1/ Outstanding as of June 1, 1999; does not include revenue bonds or lease/purchase agreements.

2/ Nevada State Demographer's Office as of 7/1/98 (as revised 12/07/98).

3/ Nevada Department of Taxation as of 3/15/99; does not include Redevelopment Agencies.

SOURCE: Compiled by Howarth and Associates

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY	FY 2000
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NRS Policy Regarding Debt Sales

NRS 350.0035 (1)(b)(5) requires a "...policy regarding the manner in which the municipalities expects to sell its debt..."

The City of Las Vegas can sell its debt competitively to a bank, or it can issue bonds in the Municipal Bond Market. The decision as to whether to issue bonds or obtain bank financing is based upon which alternative will provide the City with the lowest cost.

If bonds are issued, there are two ways that bonds may be sold: Competitive or negotiated sale. Except for unusual circumstances, the City will sell its bonds competitively. In a competitive sale, any interested underwriters(s) is invited to submit a proposal for purchase of the bonds. The bonds are awarded to the underwriter(s) presenting the best bid according to stipulated criteria set forth in the Notice of Sale. The best bid is usually determined based on the lowest true interest cost.

Negotiated sales are permitted for unusual circumstances, as defined in NRS 350.155. In this type of sale an exclusive arrangement is made between the issuer and an underwriter or underwriting syndicate. If the City were to sell its debt by a negotiated sale, we would provide notices of the request for proposals to negotiate in a manner that will ensure that a reasonable number of underwriters, based on the size and complexity, are notified of such request. At the end of negotiations, the issue is awarded to the underwriter(s) that will best serve the City. A negotiated sale may be advisable under the following conditions:

- * Complex financing structure (i.e., new security feature, variable rate financings, new derivatives, etc.) which provides desirable benefits to the City.
- * Difficulty in marketing due to credit rating or lack of bids.
- * Non General Obligation issues (i.e., developer improvement districts, etc.)
- * Private placement, or sale to a municipality, to the state, or a federal agency.
- * Extremely large issue size.

If bonds are sold through a negotiated sale, the City will prepare a certificate as described in NRS 350.155(3).

It is the policy of the City to provide minority, women, and disabled veteran owned business enterprises an equal opportunity to participate in the performance of City contracts. Bidders are requested to assist the City in implementing this policy by taking all reasonable steps to ensure that all business enterprises, including minority, women and disabled veteran owned enterprises, have an equal opportunity to participate in City debt issuance.

The term of City debt issues should not extend beyond the useful life of the project or equipment financed by that debt issue. When appropriate, debt issued by the City should be structured to provide level debt service. Deferring repayment of principal should generally be avoided except in instances where it will take a period of time before project or other City revenues are sufficient to pay debt service, or where deferral of principal payment allows the City to achieve combined level debt service on all outstanding debt.

Bond insurance, which guarantees payment of principal and interest, may be purchased by either the issuer or underwriter on either the entire issue or specific maturities. This provides a higher credit rating for the issue and lower borrowing cost to the issuer. The City will attempt to qualify its bond issues for insurance from companies rated AAA by Moody's Investor Service and Standard & Poor's Corporation. Among other things, the decision to purchase insurance will be based upon the present value of the interest savings being greater than or equal to the cost of the insurance.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY FY 2000**NRS Discussion of Operational Costs and Revenue Sources**

NRS 350.0035(1)(b)(7) requires "...a discussion of its operational costs and revenue sources, for the ensuing five fiscal years, associated with each project included in its plan for capital improvement submitted pursuant to paragraph (c), if those costs and revenues are expected to affect the tax rate..."

All projects identified in the City's Capital Improvement Plan are not expected to affect the tax rate.

CITY OF LAS VEGAS DEBT MANAGEMENT POLICY**FY 2000****SECTION II - CHIEF FINANCIAL OFFICER INFORMATION**

NRS 350.0035 Subsection 1(d)

A statement containing the name, title, mailing address and telephone number of the chief financial officer of the municipality.

Mark R. Vincent
Director of Finance and Business Services
City of Las Vegas, Nevada
400 East Stewart Avenue - 6th Floor
Las Vegas, Nevada 89101
702/229-6280
702/383-0769 fax

Debt Management Policy

- Informs the public of City's debt obligations
- Required by NRS to be filed with the Department of Taxation and County Debt Management Committee
- Required when seeking new debt issue approval from the Debt Management Committee

8/78

Debt Management Policy

Identifies the City's...

- Ability to afford existing and authorized G.O. debt
- Ability to incur proposed future G.O. debt
- Sources of funds to pay existing, authorized, and future general obligation debt
- Selling of debt; competitive vs negotiated

Debt Management Policy

TYPES OF G.O. BONDS OUTSTANDING

JUNE 30, 1999

<u>REVENUE SOURCE</u>	<u>AMOUNT</u>
SPECIAL ASSESSMENT DISTRICTS	\$ 6,140,000
PROPERTY TAX	8,130,000
ROOM TAX	24,450,000
GENERAL FUND REVENUES	24,560,000
CONSOLIDATED TAX	50,525,000
SANITATION FUND REVENUES	119,675,000
	\$ 233,480,000

Debt Management Policy

Proposed General Obligation Debt

Santitation Expantion	50,000,000
Parks	25,000,000
City Hall Phase I - Gararge	10,000,000
Spec. Assess Interim Warrants	3,200,000
	\$ 88,200,000

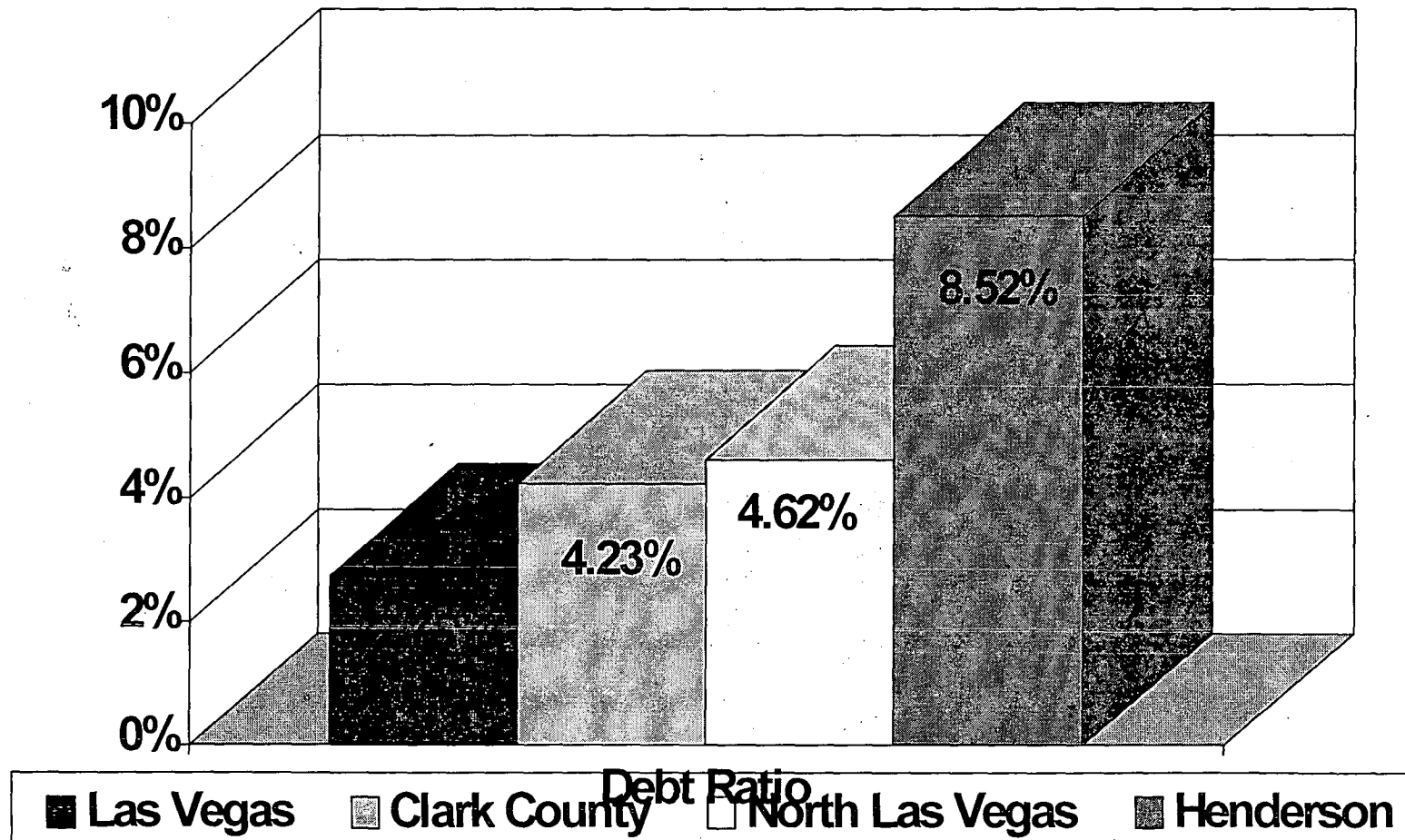
Debt Management Policy

CLV Statutory Debt Limitation

FY 2000 Assessed Valuation	\$ 8,304,500,420
20% statutory limitation	\$ 1,660,900,084
General Obligation Debt	
Existing	\$ 233,480,000
Proposed	88,200,000
Total Existing & Proposed	\$ 321,680,000

Debt Management Policy

DEBT RATIO COMPARISONS
G.O. DEBT AS A % OF ASSESSED VALUE
JUNE 30, 1999



Debt Management Policy

G. O. DEBT COMPARISON

JUNE 30, 1999

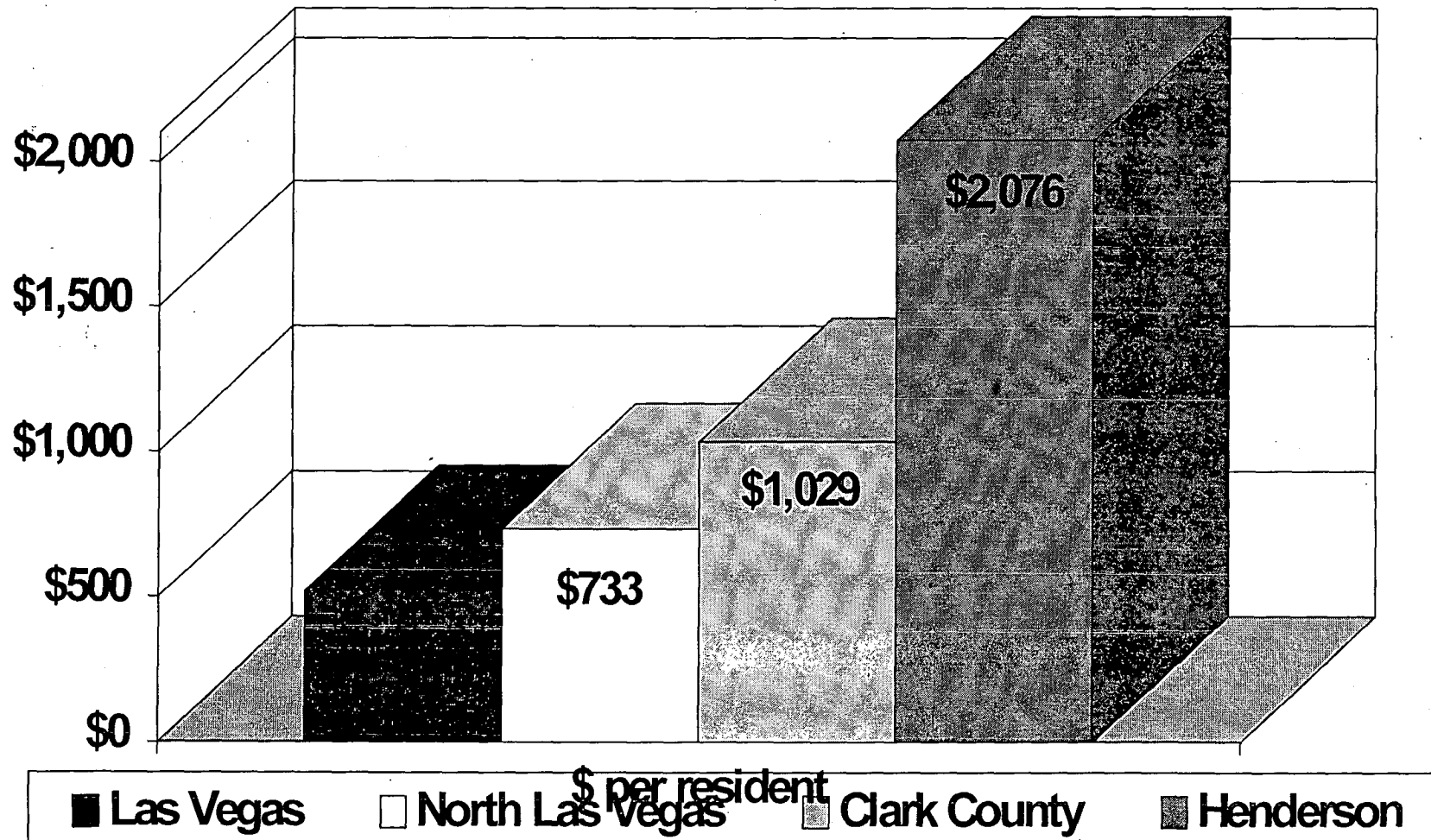
<u>ENTITY</u>	<u>AMOUNT</u>
NORTH LAS VEGAS \$	78,157,300.00
LAS VEGAS	233,480,000.00
HENDERSON	330,829,077.00
CLARK COUNTY	1,291,305,000.00

Debt Management Policy

DEBT RATIO COMPARISONS

G.O. DEBT PER CAPITA

JUNE 30, 1999



MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

Page 46

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM

ACTION

	ITEM	ACTION
79	DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION <u>ABEYANCE ITEM</u> <u>APPEAL OF DENIAL OF BUSINESS LICENSE</u> Discussion and possible action regarding the appeal of the denial of a new restaurant license JON SATTWHITE dba MARTHA'S SOULFOOD AND BBQ 611 Fremont Street, Suite 1 Jon P. Sattwhite, 100%	REESE - APPROVED subject to a six-month review - carried with BROWN and M. McDONALD voting NO 1/5/2000 Agenda ***** <u>APPEARANCES:</u> JIM DiFIORE, Manager, Finance & Business Services CHIEF CIVIL DEPUTY CITY ATTORNEY JOHN REDLEIN SERGEANT RANDY MONTANDON, Las Vegas Metropolitan Police Department JON SATTWHITE JACKIE GLASPER SATTWHITE, mother of JON SATTWHITE GARY PECK, Executive Director, American Civil Liberties Union RICHARD STURMAN, proprietor of 611 Fremont Street building RENALDO LUBUS, Editor, Las Vegas Tribune BEATRICE TURNER, West Las Vegas JOE MAVIGLIA, 5422 Indigo Hills, North Las Vegas ANTHONY SNOWDEN, 412 West Jefferson TOM McGOWAN, 720 South Casino Center Boulevard CITY ATTORNEY BRAD JERBIC NOTE: A Verbatim Transcript is made a part of the Final Minutes. Recess: 2:21 - 2:40 p.m. (1:34 - 2:21/2:40 - 3:19) 3-409/4-1
80	<u>INDEPENDENT MASSAGE THERAPIST - Six-Month Review</u> Discussion and possible action regarding a six-month review of an Independent Massage Therapist License SONG LEI dba SONG LEI 4035 West Sahara Avenue Song Lei, 100%	REESE - Motion to APPROVE as recommended - carried with M. McDONALD not voting ***** The applicant was not present. JIM DiFIORE, Manager, Business Services, explained that the original area of concern was that MS. LEI was involved in an unlicensed business. That business is no longer operating. He recommended approval. SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, was present. There was no further discussion. (3:19 - 3:20) 4-323

CITY COUNCIL

MEETING OF

AGENDA DOCUMENTATION

JUNE 14, 1999

TO:

City Council

FROM:

MARK R. VINCENT, DIRECTOR *for*
DEPT. OF FINANCE & BUSINESS SERVICES

SUBJECT:

APPEAL OF DENIAL OF BUSINESS LICENSE

PURPOSE/BACKGROUND

Appearing on the Department of Finance & Business Services portion of the agenda is an appeal of the denial of a restaurant license submitted by Jon Sattwhite, dba Martha's Soulfood and BBQ, 611 Fremont Street, Suite 1.

On December 21, 1998, an application for a restaurant license was submitted under the name of Martha's BBQ, 611 Fremont Street; Jon Sattwhite, owner. Mr. Sattwhite was found operating without a business license on January 15, 1999 and cited for such. He subsequently received a temporary license for 60 days that same day. On March 30, 1999, 15 days after the temporary license expired, the temporary license was not renewed due to non-compliance with zoning and Building & Safety codes.

On April 9, 1999 Mr. Sattwhite submitted a new application for a restaurant license and a 30-day temporary license was issued that same date. During the 30-day temporary license period, the Las Vegas Metropolitan Police Department reported to this Department that illegal drug sales were taking place on the premises and that in at least one instance Mr. Sattwhite was a participant.

Based on this report, the Department denied this license on May 18, 1999, as provided in Las Vegas Municipal Code 6.02.090, which states, in pertinent part:

"...The Director may:

(A) Deny an applicant a license if:...

(9) The premises on which the business is proposed to be conducted do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed to be engaged in...

(B) Refuse to renew a license if:...

(8) The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner."

Las Vegas Municipal Code provides an applicant the right to appeal a decision of the Director within thirty days to the City Council. Attached is Mr. Sattwhite's notice of appeal.

FISCAL IMPACT

RECOMMENDATIONS

Recommend Council uphold the denial.

Agenda Item

79

1 LIZZIE R. HATCHER, ESQ.
 2 302 East Carson #930
 3 Las Vegas, Nevada 89101
 4 (702) 386-2988
 5 State Bar #000247
 6 Attorney for Defendant

RECEIVED
CITY CLERK

1999 MAY 21 P 1:49

5 CITY OF LAS VEGAS
 6 CLARK COUNTY, NEVADA

8 JON P. SATTWHITE,
 9 Appellant,

10 vs.

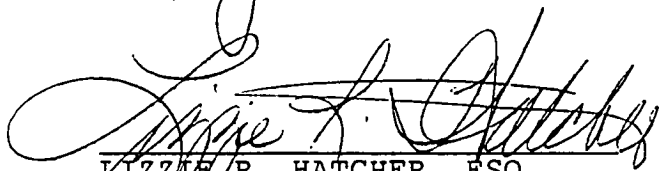
NOTICE OF APPEAL

11 CITY OF LAS VEGAS
 12 BUSINESS SERVICE DIVISION
 13 FINANCE AND BUSINESS SERVICE
 14 Defendant.

14 COMES NOW JON P. SATTWHITE, and files this Appeal from the
 15 Denial of Business License on May 18, 1999.

16 This Appeal is based upon the fact that the Appellant has
 17 not been involved in an illicit, unlawful or illegal activity and
 18 neither has he allowed any to occur at the business.

19 DATED this 21st day of May, 1999.

21
 22 
 23 LIZZIE R. HATCHER, ESQ.
 24 302 East Carson, #930
 25 Las Vegas, Nevada 89101

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

~~MAY~~
March 18, 1999 *ACTUAL DATE
AS REFLECTED
ON Pg. 2*

HAND DELIVERED

Jon P. Sattwhite
c/o Martha's Soulfood and BBQ
611 Fremont Street
Las Vegas, NV 89101

RE: Temporary License R05-971479-4-85088

Dear Mr. Sattwhite:

On April 9, 1999, a temporary license was issued to Martha's Soulfood and BBQ at 611 Fremont Street to operate a restaurant business. This temporary license was issued for 30 days to allow for a review of the business operations to determine if all codes were in compliance. It has been brought to my attention that sales of illegal drugs have taken place on the business premises, at least one of which you were a participant in the illegal sale. This letter is to formally advise you that the business license for Martha's Soulfood and BBQ is **denied** based on Las Vegas Municipal Code 6.02.090 Action on application—Refusal grounds, which in part states, "...The Director may:

(A) Deny an applicant a license if:

(9) The premises on which the business is proposed to be conducted do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed to be engaged in;"

Additionally, Las Vegas Municipal Code 6.02.090 Section (B) states in part, "...The Director may:

(B) Refuse to renew a license if:

(8) The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner."

You are hereby requested to **cease and desist** all business activity upon notification of this denial. Any business conducted without a valid business license could subject you to all legal sanctions available to the City including, but not limited to, citation into Municipal Court. You have a right to appeal this decision to the City Council pursuant to Las Vegas Municipal Code 6.02.110 which states:



Jon P. Sattwhite
May 18, 1999
Page 2

"Appeal of action by Director. Any person aggrieved by a decision of the Director denying or refusing to renew a license or denying, revoking or suspending a permit may appeal that decision within thirty days to the City Council by filing written notice of appeal with the Department. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant filed a notice of appeal."

Sincerely,



Jim DiFiore, Manager
Business Services Division
Finance & Business Services

cc: Mark Vincent, Director, Finance & Business Services

Received By _____

Date _____

EXHIBITS

- 1 CHRONOLOGY**
- 2 APPLICATION #1 -- 12-21-98**
- 3 PATROL REPORT -- 1-2-99**
- 4 COURT RECORDS ON CITATION**
- 5 JESSIE LETTER TO SHERIFF -- 2-1-99**
- 6 NARCOTICS BUY REPORT -- 2-17-99**
- 7 ROBBERY REPORT -- 3-29-99**
- 8 APPLICATION #2 -- 4-9-99**
- 9 DEPARTMENT OF TAXATION LETTERS**
- 10 NOTICE OF DENIAL -- 5-18-99**

#79

CHRONOLOGY

- EARLY DEC. --- MARTHA'S OPENED PER JESSIE SATTWHITE
- 12-21-99 --- APPLICATION FOR LICENSE (NO LICENSE ISSUED)
- 1-2-99 --- METRO PATROL REPORT SHOWS MARTHA'S IS OPEN
- 1-15-99 --- CRIMINAL CITATION FOR NO BUSINESS LICENSE
- 1-15-99 --- CITATION ISSUED --- TEMPORARY LICENSE #1 ISSUED
- 2-9-99 --- GUILTY PLEA - DOING BUSINESS WITHOUT LICENSE
- 2-17-99 --- SALE OF COCAINE IN MARTHA'S BY JON SATTWHITE
- 3-15-99 --- TEMPORARY LICENSE #1 EXPIRES
- 3-29-99 --- OPEN FOR BUSINESS DURING ROBBERY (NO LICENSE)
- 3-30-99 --- BUSINESS LICENSING SERVES CEASE & DESIST LETTER
- 4-9-99 --- TEMPORARY LICENSE #2 ISSUED
- 5-9-99 --- TEMPORARY LICENSE #2 EXPIRES
- 5-10-99 --- FAILURE TO PAY CRIMINAL FINE - BENCH WARRANT
- 5-18-99 --- APPLICATION FOR PERMANENT LICENSE DENIED

79 Exhibit #1

NEVADA BUSINESS REGISTRATION

Please read instructions before completing this form. Information on this form must be printed or typed.

PLEASE UNDERSTAND THAT EACH AGENCY MAY NEED TO REQUEST ADDITIONAL INFORMATION PARTICULAR TO THE NEEDS OF YOUR BUSINESS IN ORDER TO ACT ON YOUR APPLICATION. THE COMPLETION OF THIS FORM DOES NOT RELIEVE YOU OF ANY STATUTORY OR REGULATORY REQUIREMENTS RELATING TO YOUR BUSINESS.

1 ☒ New Business ☐ Change in Ownership ☐ Change in Location ☐ Change of Name ☐ Change of Mail Address ☐ Other			
2 Corporate Name <u>MARTHA'S BBQ</u>		3 Federal Tax Identification Number	
4 Corporate Address <u>611 Fremont Ste 1</u>			
5 Doing Business In Nevada as: <u>SAME Martha's BBQ</u>		Business Telephone #: <u>(702) 838-8340</u>	Cellular #: <u>(702) 383-8320</u> Fax #: <u>(702) 383-8320</u>
6 Mailing Address <u>SAME 611 Fremont Ste 1 Las Vegas NV 89101</u>			
7 Location(s) of Business Operations <u>SAME 611 Fremont Ste 1 Las Vegas NV 89101</u>			
8 Location of Business Records <u>SAME 611 Fremont Ste 1 Las Vegas NV 89101</u>			
9 Location Where Local Business License is Displayed <u>SAME 611 Fremont Ste 1 Las Vegas NV 89101</u>			
10 Type of Business Entity: ☒ Sole Proprietor ☐ S. Corp ☐ Association ☐ Partnership ☐ Limited Liability ☐ Publicly-Traded Corporation ☐ Privately-Held Corporation ☐ Other			
11 Name of Owner(s), Partners, Corporate Officers, etc. (If Individual Ownership, list only one Owner.)			
Name of Owner, Partner, Officer, etc. (Last, First MI): <u>Sattwhite Jon P</u>		Residence Address (Street): <u>5719 Rainwood</u>	SSN: <u>530-49-9917</u>
Title: <u>President</u>		City, State, Zip: <u>NORTH LAS VEGAS Nevada 89031</u>	Date of Birth: <u>8-31-74</u>
Percent Owned: <u>100%</u>		Res. Phone: <u>639-9270</u>	
Name of Owner, Partner, Officer, etc. (Last, First MI):			
Title:		Residence Address (Street):	SSN:
Percent Owned:		City, State, Zip:	Date of Birth:
Name of Owner, Partner, Officer, etc. (Last, First MI):		Residence Address (Street):	SSN:
Title:		City, State, Zip:	Date of Birth:
Percent Owned:		City, State, Zip:	Res. Phone:
Name of Owner, Partner, Officer, etc. (Last, First MI):		Residence Address (Street):	SSN:
Title:		City, State, Zip:	Date of Birth:
Percent Owned:		City, State, Zip:	Res. Phone:
Name of Local Contact (Last, First MI):		Residence Address (Street), City, State, Zip:	Res. Phone:
12 Date Business started in Nevada		Date first worker hired in Nevada	Date and amount of first Nevada payroll:
			Number of Employees: <u>3</u>
PLEASE CHECK ALL THAT APPLY			
13 ☐ Mining ☐ Domestic ☐ Outside Dining ☐ Water Appropriation ☐ Adult Materials/Activity ☐ Supply/Use Temporary Workers ☒ Service ☐ Agriculture ☐ Home Occupation ☐ Hazardous Materials ☐ Amusement Machines ☐ Alcohol ☐ Tobacco ☐ Manufacturing ☐ Retail Sales—New ☐ Construction/Erection ☐ Leased or Leasing Employees ☐ Gaming ☐ Delivery ☐ Transportation ☐ Retail Sales—Used ☐ Telephone Solicitation ☐ Leasing (Other than Employees) ☐ Other ☐ Wholesale ☐ Not for Profit ☐ Live Entertainment ☐ Environmental Discharge ☐ Regulated by Federal/State Permit #			
14 Describe the Nature of Your Business <u>Restaurant 20 seats No gaming NO liquor</u>			
15 If you have acquired a Nevada business or changed ownership, please complete this section:			
Date Acquired: _____ Acquired by: ☐ Purchase ☐ Lease ☐ Other: _____ ☐ In Whole ☐ In Part			
Name(s) of Previous Owner(s)		Business Name and ESD Account Number of Previous Owner(s)	
Address (Street)		City	State
			Zip Code
16 I am applying for: ☐ Unemployment Insurance (Employment Security) ☐ State Industrial Insurance ☐ State Business License ☐ State Sales/Use Tax Permit ☐ Local Business License			
17 **Do not sign until reading signature instructions. If the Business is a general partnership or joint venture, more than one signature is required. I CERTIFY THE INFORMATION PROVIDED IN THIS REGISTRATION FORM IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.			
Signature/Original: <u>Jon Sattwhite</u>		Print Name: <u>Jon Sattwhite</u>	Date and Time: <u>12-21-98 1:41</u>
Signature/Original:		Print Name:	Date and Time:

LAS VEGAS/CLARK COUNTY SUPPLEMENT

Is your Business located in a shopping center? If so, please provide the name.		License No.
FAX Number	Preliminary Telephone No. to contact for inspections:	License No.
If you use or store ANY hazardous materials or waste, you are required to contact the Fire Department at _____		License No.
Industrial Waste _____		License No.

Will the manner in which this business is to be conducted be consistent with the normal operating methods of your industry in the unincorporated area of Clark County? ☐ YES ☐ NO, Please explain in detail.

Additional space for business description:

Where will your merchandise and/or your office equipment be stored?:

Nevada State License No.: <u>None</u>	Nevada Sales/Use Tax Permit No.: <u>Applied for</u>	Clark County Health Permit No.: <u>15353-01</u>	Other: <u>448</u>	Seating Capacity (if a restaurant): <u>0</u>
---------------------------------------	---	---	-------------------	--

Paola Axelrod
Department Rep. Signature

6/21/98
Date

FOR AGENCY USE ONLY

Applicant Referred for an Industrial Waste Survey? ☐ Yes ☒ No Permit Issued: _____ Area No. 1

Comments: * F&P please expedite *

No signature on 30 day temp 11-3-99

General Receipt No. 443909 Date: 6/21/98 Amount \$: 20 Paid To: Pax fee
11 11 25 6/21/99

Sewer Amount \$: _____ Initials: _____ Room Tax Amount \$: _____ Initials: _____

Approvals 01-13-99 Temporary PH Final _____

Fire: Schr 12-31-98

License: 1-15-99 to 2-15-99 30 day temp Denied By JD-see letter dated 3-30-99

CITY OF LAS VEGAS
DEPARTMENT OF FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION
400 STEWART AVENUE, LAS VEGAS, NV 89101
(702) 229-6281 VOICE
(702) 386-9108 TDD

BUSINESS LICENSE APPLICATION/CHILD SUPPORT SUPPLEMENT

Pursuant to the passage of Senate Bill 356 at the 1997 State Legislature, each new applicant is required to complete the following supplement regarding child support payments. Failure to mark one of the three questions will result in the denial of the application.

PLEASE MARK THE APPROPRIATE RESPONSE:

- ☒ I am not subject to a court order for the support of a child.
- ☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or
- ☐ I am subject to a court order for the support of one or more children and am **not** in compliance with the order or a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

MARTHA'S BBQ

Name of Business

611 Fremont Ste 1 Las Vegas NV

Business Address

Jon Sattahite

Signature of Applicant

12-21-98

Date

City of Las Vegas
Dept. of Finance & Business Services
400 Stewart Avenue
Las Vegas, NV 89101

AFFIRMATION OF COMPLIANCE

Clark County
Department of Business License
500 So. Grand Central Pkwy.
Las Vegas, NV 89101

To: Business License Applicants

Pursuant to **NRS 268.095** and **NRS 268.0955**, the local licensing agencies are imposed the responsibility to obtain from new business license applicants assurance of compliance with the business tax requirements (NRS 364A) and industrial insurance regulations (NRS 616). **The Affirmation of Compliance below must be completed, signed, and submitted to this office prior to the issuance of a license.** If mailed in or submitted by someone other than the applicant, this form must be notarized. All questions pertaining to these laws should be directed to:

Re: NRS 364A

State of Nevada, Department of Taxation
555 E. Washington Avenue
Las Vegas, Nevada 89101
(702) 486-2300

Re: NRS 616

Employers Insurance of Nevada
7180 Pollack Drive #200
Las Vegas, Nevada 89123
(702) 837-3000

Owner's Name Jon Sattwhite Owner's Address 5719 Rainwood

Business Name MARtha's BBQ Business Address 611 Fremont Ste 1

Business Telephone # 383-8320 Home Telephone # 639-9270

Federal I.D. # or Social Security # 530-49-9917 Contractors Board License # (if applicable) _____

☒ sole proprietor ☐ partnership ☐ corporation ☐ association

The undersigned business license applicant declares that he/she:

1. Has complied with the provisions of NRS 364A; and

☐ obtained a State business license. ☒ have applied for a State business license and have paid all applicable fees.

Under the provisions of NRS 364A.020, I have concluded that I am not required to obtain a state business license and pay the business tax based upon one of the following reasons:

- ☐ tax exempt non-profit organization
- ☐ tax exempt religious organization
- ☐ tax exempt charitable or fraternal organization
- ☐ other tax exempt organization (please identify) _____
- ☐ governmental agency
- ☐ sole proprietor; no employees; not incorporated

2. The undersigned business license applicant declares that he/she:
(Check appropriate subsection)

☒ (a) Has received coverage by the State Industrial System required pursuant to Chapter 616 of NRS.

(Effective Date _____ Account # _____)

☐ (b) Maintains a valid certificate of self-insurance pursuant to Chapter 616 of NRS.

(Effective Date _____ Account # _____)

☐ (c) Is not subject to the provisions of Chapter 616 of NRS, due to a statutory exemption or as a business which has no employees nor hires any independent contractor or subcontractor.

I do hereby affirm that the above information is true and correct dated this _____ day of _____, 199__.

Jon Sattwhite
Business License Applicant

Paula Axelrod 12/21/98
Business License Representative (if submitted in person)

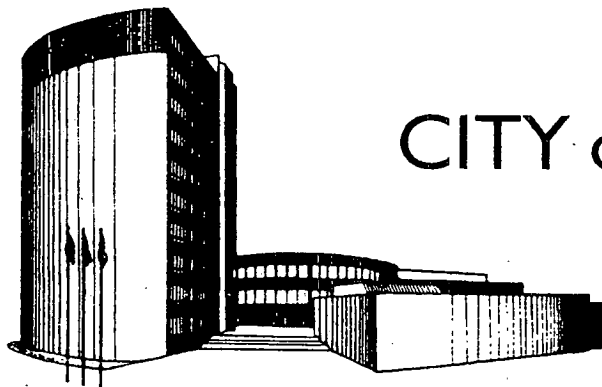
Subscribed and sworn to before me this

21 day of December, 1998

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

March 30, 1999

HAND DELIVERED

John Sattwhite
Martha's BBQ
611 Fremont Street, Suite 1
Las Vegas, NV 89101

RE: Temporary Business License; Martha's BBQ; R07-95357-6-83593

Dear Mr. Sattwhite:

On January 15, 1999, a temporary business license was issued to Martha's BBQ to operate a restaurant at 611 Fremont Street, Suite 1. The temporary license was issued due to tentative approval given by the Planning Department contingent upon a review of a parking agreement for the business location. Additionally, it has been brought to my attention that a certificate of occupancy was never issued by the Building Department for this location. Each business open to the public is required by Building codes to have a valid certificate of occupancy before a business license can be issued.

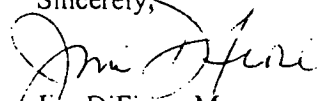
This letter is to formally notify you that the temporary business license issued on January 15th has expired and will not be renewed based on Las Vegas Municipal Code 6.02.090 (B) which in part reads, "...the Director may:

(B) Refuse to renew a license if:

(7) the premises on which the business is conducted do not satisfy local, state or federal laws or regulations which pertain to the activity which is actually engaged in, or;..."

Therefore, you are requested to cease and desist all business activity at this business location until all requirements with Planning and Building codes are in compliance. Failure to comply with this request will subject you to all available legal sanctions including a citation into Municipal Court. Your cooperation is appreciated.

Sincerely,


Jim DiFiore, Manager
Business Services Division
Finance & Business Services

cc: Paul Wilkins
Doug Powell

RECEIVED BY

DATE

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)
www.ci.las-vegas.nv.us (WEBSITE)



Is your RETURN ADDRESS completed on the reverse side?

SENDER:

- Complete items 1 and/or 2 for additional services.
- Complete items 3, 4a, and 4b.
- Print your name and address on the reverse of this form so that we can return this card to you.
- Attach this form to the front of the mailpiece, or on the back if space does not permit.
- Write "Return Receipt Requested" on the mailpiece below the article number.
- The Return Receipt will show to whom the article was delivered and the date delivered.

I also wish to receive the following services (for an extra fee):

1. ☐ Addressee's Address
2. ☐ Restricted Delivery

Consult postmaster for fee.

3. Article Addressed to:

John Sattwhite
Martha's BBQ
611 Fremont St., Suite 1
Las Vegas, NV 89101
(JD)

4a. Article Number

2245235 932

4b. Service Type

- | | |
|---|---|
| ☐ Registered | ☒ Certified |
| ☐ Express Mail | ☐ Insured |
| ☐ Return Receipt for Merchandise | ☐ COD |

7. Date of Delivery

3-31-99

5. Received By: (Print Name)**6. Signature: (Addressee or Agent)**

X

8. Addressee's Address (Only if requested and fee is paid)

PS Form 3811, December 1994

102595-97-B-0179

Domestic Return Receipt

EVENT #: 990102-1589

OFFICER'S REPORT: NARRATION FOR EVENT NUMBER

990102-1589

SUBJECT

DIVISION REPORTING:

PATROL

DIVISION OF OCCURRENCE:

A2

DATE AND TIME OCCURRED:

010299 AT
APPROXIMATELY 1710
HRS

LOCATION OF OCCURRENCE:

611 E. FREMONT, SUITE #1

PERTINENT SUBJECT:

SATTWHITE, JESSIE, DOB/091548, METRO ID#527748

DETAILS:

On the 2nd day of January, 1999 at approximately 1650 hrs, I, Officer R. Wood, P#5266 and Officer T. Zufelt, P#5473 while acting as marked bicycle patrol unit 3A33 Bike stopped a subject just east of 611 E. Fremont, Suite #1 and arrested him for PEDESTRIAN INTERFERENCE. During the course of that arrest, a BMA, who was later identified as Jessie Sattwhite exited the business, which is a restaurant located at 611 E. Fremont, Suite #1, Las Vegas, NV 89101. Initially Sattwhite questioned our reason for stopping the individual we were arresting and further went on to tell us that we were not allowed to make arrests in front of his business and that in the future we must conduct our business either to the east or the west of his business but not in front of his business or we would be okay to conduct business on the north side of the street but again not in front of his business.

I explained to Mr. Sattwhite that the arrest didn't concern him or his business and asked him to please refrain from disturbing us and hindering and delaying our actions as we were engaged in the business of lawful police conduct.

Sattwhite went into the business briefly and then came back outside. He seemed to be more irritated and began shouting. Although I cannot directly quote what Sattwhite was saying he was telling us that we were not going to close his business down by arresting his customers. He referred to us, while shouting in front of numerous people walking both east and west on the street as *Nazis, motherfuckers, niggers, poor trash, peckerwoods*. I explained to Sattwhite that he was currently engaged in disturbing the peace, as several of the persons walking on the sidewalk had stopped to observe Sattwhite as he was yelling and shouting those foul and abusive terms.

Date and Time of Report:

01/03/99 AT 0044 HRS

Officer:

R. WOOD

P#:

5266

Approved:

Officer:

T. ZUFELT

P#:

5473

SIGNATURE:

LVMPD 82 (REV. 1-91) - AUTOMATED

F.02

382 5014

Jan-26-99 03:01P LVMPD Records

#79 Exhibit #3

Event Number: 990102-1589

Page 2 of 2

Sattwhite again went into the business. We concluded our arrest, loaded the subject into the prisoner transport van and they left. We cleared that call A (Adam) and began to depart by riding our bicycles eastbound on Fremont St. on the south side. As we were preparing to leave, I noticed that Sattwhite was standing just inside the double glass doors of his business looking out and watching our actions. As we began to ride off, Sattwhite exited the business, stepped out onto the sidewalk and again began shouting, *that's right you Nazis motherfuckers, don't come back to my business. You can't arrest people in front of here, you can't shut me down, you peckerwoods.*

At that point, we turned our bicycles around and rode back to the business and we made a pedestrian stop on Sattwhite under event number 990102-1589. Sattwhite walked back into the business. I asked him to step outside, he refused to do so, so we conducted the pedestrian stop inside the business at 611 Suite #1, East Fremont St. Sattwhite provided the information I required of him to fill out a Field Interview Card. During the course of taking this information, again Sattwhite was foul and abusive and was shouting at us. At that point, Sattwhite's wife approached and asked for our names and P numbers. I provided them by writing on a piece of paper both mine and Officer's Zufelts name and P number on the piece of paper she provided to me and then I returned it to her once it was complete.

I explained to Sattwhite that he had again engaged in disturbing the peace, that that would be his final warning and in the event that the behavior he was displaying continued in the future he would be arrested and taken to jail for DISTURBING THE PEACE.

RW/all (10)

Job #68064

Dict: 010299 at 0044 hrs

Tran: 010999 at 1343 hrs

cc: Business Licensing Detail

Court Case # **388639M** CLARK COUNTY
REGIONAL MISDEMEANOR CITATION/COMPLAINT COURT

STATE OF NEVADA ss: Complaint/Affidavit
COUNTY OF CLARK
CITY OF **LAS VEGAS**
☒ In the Municipal Court of **LAS VEGAS**
☐ In the Justice Court of Clark County

A ☐ 1 ☒ 2 ☐ 3 EVENT #
Code ☒ Adult ID #
☐ Juvenile

☐ Traffic ☐ Parking ☒ Non-Traffic ☐ Accident ☐ Radar ☐ School Zone
Officer's Report? ☐ Y ☐ N Crime Report? ☐ Y ☐ N

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA

NAME (Last, First, Initial) **SATTWHITE JON PEVNA**
Res. Address **5719 RAINBOW PR LAS VEGAS NV 89031** Home Phone **639-428**
DOB **08-31-74** Orig. **IN** Sex **M** Ht **5'10"** Wt **185** Hair **BLK** Eyes **BRN** S.S. # **530-499917**
Driver's License # _____ State _____ Class _____ Exp. Date _____ Restrictions _____

VIOLATION DATE Month **01** Day **15** Year **99** **TIME** **1:50 PM** **DATE OF ISSUANCE** Month **01** Day **15** Year **99**
On or about _____ 24 Hour _____
At Location: **611 FREMONT ST MARTHA'S BBQ** Name of Business (If Applicable)
☒ In the city of **LAS VEGAS**, County of Clark, State of Nevada.
☐ In the unincorporated area, County of Clark, State of Nevada.

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE ON A PUBLIC HIGHWAY AND

Veh. Lic. # _____ Year _____ Month _____ State _____ Veh. Yr. _____ Make _____ Body Type _____ Color(s) _____
Reg. Owner's Name _____ Address _____

DID THEN AND THERE COMMIT EACH OF THE FOLLOWING OFFENSES/INFRACTIONS

1. Violation **DOING BUSINESS A-WITHOUT UNEXPIRED LICENSE** State NRS _____ City Ord. **6.02.060**
to wit: **DID COMMENCE AND CONTINUE TO DO BUSINESS ON JANUARY 15, 1999 AT 1:50 PM WITHOUT OBTAINING AND THERE AFTER MAINTAINING A VALID UNEXPIRED BUSINESS LICENSE FOR BAR-BQ RESTAURANT** Bail Amount _____
State NRS _____ City Ord. _____ County Code _____

2. Violation _____ State NRS _____ City Ord. _____ County Code _____
to wit: _____

I certify (or declare) under penalty of perjury under the laws of the state of Nevada that I have reasonable grounds/probable cause to believe and do believe the above named person committed the above infraction(s) and/or offense(s) contrary to law.

Officer/Complainant's PRINTED Name **DON C MEYER** Officer/Complainant's Signature _____ P # _____ Bureau _____

Clark County Justice Court 200 S. Third St. Las Vegas, NV 89155 455-4435	Clark County Justice Court NLV Township 1916 N. Bruce St. NLV, NV 89030 455-7801	Clark County Juvenile Court Zenoff-Hall Bldg. #8 3401 E. Bonanza Las Vegas, NV 89101 455-5200	Las Vegas Municipal Court 400 E. Stewart Las Vegas, NV 89101 229-6497	Henderson Municipal Court 243 Water St. Henderson, NV 89015 565-2075	N. Las Vegas Municipal Court 2240 Civic Center Dr. N. Las Vegas, NV 89030 657-2334	Laughlin Justice Court PO Box 2305 101 Civic Way Laughlin, NV 89029 298-4622
---	--	---	--	---	---	--

Township _____ Justice Court _____

You are hereby ordered to appear on the _____ day of **FEBRUARY** 19 **99** at **1:00** a.m.
to answer the above charges.

Without admitting having committed each of the above infractions/offenses, I hereby promise to respond as directed on this notice and waive my right to be taken immediately before a magistrate.

Defendant's Signature **x Jon Sattwhite** Interpreter Needed? ☐ LANGUAGE _____ Total Bail Amount _____

Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense.

I HEREBY CERTIFY that this is a full, true and correct copy of the Citation made and entered on the above entitled action.
Shirley Cervantes
MUNICIPAL COURT CLERK

#79 Exhibit #4

IN THE MUNICIPAL COURT OF THE CITY OF LAS VEGAS, NEVADA
JUDGMENTCASE NO. C388639A

On 2/9/99 the Defendant, Jon Sathwhite, being ☒ Present ☐ In-custody
☐ Not Present — Presence Waived ☐ Represented by Counsel ☐ Having waived Counsel
☐ Having been found guilty by the Court after trial ☐ Having been found not guilty at trial
☒ Having entered a plea of: ☒ Guilty ☐ Nolo Contendere to the Charge/Amended Charge of Do Bus w/o Lic
 _____, THE DEFENDANT IS HEREBY ADJUDGED ☒ Guilty ☐ Not Guilty

☐ Complaint Dismissed ☐ Other _____SENTENCED on 2/9/99, by the Court as follows:

Sentence Imposed

Contempt

☐ Jail _____
☐ Credit for time served _____
☒ Fine \$ 500 + AA Fee \$ 105
☒ Court Fee \$10.00
☐ DUI Program _____ hrs.
☐ Chemical Analyst Fee \$ _____
☐ Work Program _____ hrs.
☐ Victim Impact Panel _____
☐ Counseling _____
☐ Community Service _____ hrs.
☐ Charitable Donation \$ _____
☐ Restitution \$ _____
☐ In-House Arrest _____ Days

DATE REASON PENALTY SIGNATURE

Sentence Suspended ☒ Yes ☐ NoSuspension period 3 MONTHS

Terms of Suspension

1. to get valid Bus/Lic.

2. _____

3. _____

4. _____

Upon successful completion
 of suspension, sentence
 modified to:

FV to 100 + 60 + 10 PER
CIA

☐ Notice of Appeal filed _____, 19____ on _____ Charge(s). Appeal Bond _____

The undersigned does hereby certify that the foregoing is the true and correct docket and proceedings of the above entitled Court.

SC
 Clerk
 1320-007-8/95

Ron Dan
 Judge

I HEREBY CERTIFY that this is a
 full, true and correct copy of the
 judgment
 made and entered on the above
 entitled action.

Shirley Carter
 MUNICIPAL COURT CLERK

IN THE MUNICIPAL COURT OF THE CITY OF LAS VEGAS, NEVADA

City of Las Vegas

vs.

CASE NO. C388639ACRIMINAL CHARGE: DO BUS w/o Lic

CITATION CHARGE: _____

PCN: _____

AKA _____ ID# _____ DR# 9ARREST DATE/TIME: 1-15-99 RELEASE DATE: _____ BOND/BAIL: \$ _____

ATTORNEY OF RECORD: _____

ARRAIGNMENT

Now on 299 the above defendant came before the Court for Arraignment: The Defendant:
☒ Present ☐ Not Present ☐ Presence Waived ☐ Represented by Counsel ☒ Waived Counsel ☐ In-custody
 Defendant advised of his/her rights, and the charges by the Court ☐ Complaint dismissed by City
 The Defendant entered a plea of: ☒ Guilty ☐ Not Guilty ☐ Nolo Contendere

Pretrial Date: ____/____/____ Defendant told to be present.

PRETRIAL

Now on ____/____/____ ☐ Charge Amended to _____
☐ Change of Plea to _____ ☐ Maintained Not Guilty Plea
☐ Submitted on Record ☐ Dismissed by City ☐ In-custody
☐ Present ☐ Not Present ☐ Presence Waived ☐ Represented by Counsel ☐ Waived Counsel

PROCEEDING

PROCEEDINGS
APPEARANCE HEARING

CONTINUED TO

Date: MO. Day Yr. <u>1</u> <u>15</u> <u>99</u> ☐ Defendant Present ☒ Not Present ☐ In Custody ☐ Counsel Present City Att _____ Clerk <u>ST</u> Judge _____		Date: Mo. Day Yr. <u>2</u> <u>9</u> <u>99</u> Dept. <u>6</u> Time: <u>1P</u> For <u>P</u>
Date: MO. Day Yr. <u>2</u> <u>9</u> <u>99</u> ☒ Defendant Present ☐ Not Present ☐ In Custody ☐ Counsel Present City Att <u>LQ</u> Clerk <u>LA</u> Judge <u>BDP</u>		Date: Mo. Day Yr. <u>5</u> <u>10</u> <u>99</u> Dept. <u>6</u> Time: <u>8:30</u> For <u>R.</u>
Date: MO. Day Yr. <u>5</u> <u>10</u> <u>99</u> ☒ Defendant Present ☐ Not Present ☐ In Custody ☐ Counsel Present City Att <u>CS</u> Clerk <u>LW</u> Judge <u>BDP</u>	Defendant did not appear, Bench Warrant ordered. No O.R. allowed per Judge Parraguirre.	Date: Mo. Day Yr. _____ _____ _____ Dept. _____ Time: _____ For _____
Date: MO. Day Yr. _____ _____ _____ ☐ Defendant Present ☐ Not Present ☐ In Custody ☐ Counsel Present City Att _____ Clerk _____ Judge _____		Date: Mo. Day Yr. _____ _____ _____ Dept. _____ Time: _____ For _____

1320-007-8/95 B

I HEREBY CERTIFY that this is a
 full, true and correct copy of the
proceedings
 made and entered on the above
 entitled action.
Shirley Cervantes
 MUNICIPAL COURT CLERK

MARTHA'S SOUL FOOD AND BAR-B-Q
611 FREMONT STREET, STE 1
LAS VEGAS, NV 89101
(702) 639-9270 FAX (702) 639-9271

February 2, 1999

TO: Sheriff Keller, Clark County.

FROM: Jessie Sattwhite *Jessie Sattwhite*

SUBJECT: Martha's Bar-B-Que & Soul Food Restaurant
Fremont Street Black Business

CONFIDENTIAL

Why didn't someone tell me that they did not want any black businesses on Fremont Street. Martha's is located at 611 Fremont Street right next to the Police station. I worked on this place, remodeling and getting it in shape to be a restaurant for well over a year. This was ample time for someone to tell me, we do not want you on Fremont Street. Why do I say I am not wanted? Well to get to the doors of Martha you have to wade through Metro police officers, on bikes, in cars, on horseback, on foot, in plain clothes and undercover officers. Now who is going to come to Martha's if you got to go through two to six officers? The police often stand six deep in front of Martha's nightly. Many people on Fremont do not want to interact with the police. Good citizens will make an assumption that if the police is there something must be wrong. But of course you know this. You need to stop this harassment or either give me back the \$150,000 I have invested. For my investment you can have Martha's and turn it into a police station.

My first inclination was that it was a common occurrence to be suspect of legitimate black businesses. I assume that Metro or some official would do some checking and then they would back off. Martha's has been open for eight weeks, long enough for you to find out who I am. I am ashamed to admit now that I actually envision that Metro would be part of my clientele. How stupid could I have been.

I have a long history with the state of Nevada. I played football at UNR from 1968-1970. I played with Jay Nady, the boxing referee; Tom Dolan, the Toyota and Lexus dealership owner in Reno. These individuals have known me since I was 20 years old. You can ask anyone that attended UNR from 1968-1971, and they can tell you something about me. This would include other law enforcement officers like Frankie Sue DelPapa, Attorney General of the State of Nevada; Richard Kirkland, Washoe County Sheriff, former Judge Mills Lane; Nevada Senator Bernice Martin Mathews; Richard Wyatt, former Probation and Parole Chief for the state. All these people are involved in some form of law enforcement in the state. All of these people have known me for 25-30 years. Additionally, you may contact the Corono Family of Reno, NV (owner of El Dorado and Silver Legacy), Dawn Gibbons, the wife of US Congressman, Ex Governor Bob Miller,

#7 Exhibit #5

Luther Mack, Boxing Commissioner. All these individuals will tell you that I have been the same man for twenty-five years that you see today. All of them will tell you that I am not a criminal. I am not a felon, like some of your officers continually want to insist that I am. But rather I am a college graduate from the University of Nevada Reno with a degree in Social Service & Correction. I chose to apply my degree in a different manner. I urge you to contact any of the above. These are your colleagues, if you want to know who I am, check with them. As you probably have already ascertain, I do not have the personality that one easily forgets. But I am not, nor have I ever been a criminal.

I have the same clientele that the Fremont Street Deli has. I have the same clientele that El Cortez have. Place your officers in front of the Golden Nugget. Do not place your officers in front of Martha's. We are just a small business trying to make a profit. Stop and think about it, if I were doing something improper why would I have clear glass whereby everyone can see who is in the place? This harassment has got to stop. I invite you and all others copied on this letter to come and enjoy a good soul food meal and excellent bar-b-que. Believe it or not, I actually thought I was bring a little diversity to the Fremont Street Experience area. I will contact you within the next couple of days to ensure that you have received this communication. Your attention to this matter would be appreciated.

Thank you.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
OFFICER'S REPORT

EVENT #: 990217-1949

CONTROLLED NARCOTICS BUY
SUBJECT

DIVISION REPORTING:

PATROL

DIVISION OF OCCURRENCE:

PATROL

DATE AND TIME OCCURRED:

02/17/99 AT 1900 HOURS

LOCATION OF OCCURRENCE:

611, #1 E. FREMONT ST., LAS
VEGAS, NV, 89101
MARTHA'S BARBEQUE

CONNECTING REPORTS:

PROPERTY IMPOUND REPORT, BECTON-DICKINSON
NIK G TEST KIT, AND COCAINE CHECKLIST.

OFFICERS:

J. VIALARD, P#4994
J. LARTOMITA, P#4295
C. BURGESS, P#5260
P. CALOS, P#4772
SGT. R. MONTANDON, P#2296Metropolitan Police
Records Distribution
Distr *JD*
WVS

DETAILS:

On 02/17/99 at approximately 1830 hours, Officer J. Lartomita, P#4295, and Sgt. R. Montandon, P#2296, made contact with a confidential informant, number 98006. The CI agreed to make a purchase of rock cocaine from 611 Fremont, #1, Las Vegas, Nevada, 89101, also known as Martha's Barbeque Restaurant. Prior to the buy, the CI was thoroughly searched. The CI was given the following currency;

a twenty dollar bill, Serial #L8348679F,
a second twenty dollar bill, Serial #L83426199F and
a ten dollar bill, Serial #L60739771B.

The Serial numbers were recorded prior to the buy. The CI was under surveillance, traveling to the buy location and away from the buy location, by Officers of the Downtown Area Command Utility Squad, utilizing electronic surveillance methods. The CI did return to the designated location, after the buy, where I, Officer J. Vialard, P#4994, received the item which was purchased. The item being a styrofoam container of cobbler, containing a foil wrapped package, containing rock cocaine, in the weight of .2 grams. The item was NIK tested positive for cocaine. I was certified to perform the NIK test in 12/95. The purchased narcotics were impounded under Event#990217-1949. For any further details, see all reports under this event.

JV/dad (07) 0222-07.dad
Job#:73134
Dict:021799/2015 hours
Tran:022299/2327 hours

cc: J. Vialard/DTAC

Dissemination is restricted to Criminal
Justice Agencies ONLY. Secondary
Dissemination to Non-Criminal Justice
Agencies is PROHIBITED.
Rel. To: J. VIALARD / DTAC
Date: 2/25/99
Las Vegas Metropolitan Police Department

Date and Time of Report:

02/17/99 AT 2015 HOURS

Officer:

J. VIALARD

P#: 4994

Approved:

Officer:

P#:

#79 Exhibit #6



LAS VEGAS METROPOLITAN POLICE DEPARTMENT
BECTON-DICKINSON-NIK-G TEST KIT FOR COCAINE
CHECKLIST AND RESULTS



SUBJECT: CONTROLLED NARCOTICS Buy EV #: 990217-1949
 I.D. #: _____ DATE: 2/17/99 PKG. #: 1 ITEM #: 1
 EXAMINER: VIALARD P #: 4994 DATE CERTIFIED: 12/95

EXAMINER SHALL READ, PERFORM, AND CHECK EACH STEP.

- ☒ 1. Net Weight 2 (grams).
- ☒ 2. Test kit "A" result or officer's opinion based upon circumstances of seizure and appearance of substance indicates cocaine.
- ☒ 3. Hold "G" test kit before a white background so that writing on kit faces operator in a readable position.
- ☒ 4. Check that all three ampoules within the kit are intact and are located in the left to right color sequence of pink, clear, clear.
- ☒ 5. Remove plastic clip, open kit, and insert sample using uncontaminated instrument.
- ☒ 6. Replace plastic clip, closing kit.
- ☒ 7. Break pink ampoule.
- ☒ 8. Agitate sample gently until color develops.
- ☒ 9. Observe development of blue color. (If no blue color, go to step 16.)
- ☒ 10. Break clear middle ampoule.
- ☒ 11. Agitate sample gently until color becomes pink. (If no pink color, go to step 16.)
- ☒ 12. Break remaining clear ampoule.
- ☒ 13. Agitate sample gently until color layers separate.
- ☒ 14. Observe two levels of color, upper level pink, lower level blue.
- ☒ 15. Result **POSITIVE** for cocaine.
- ☐ 16. Result **INCONCLUSIVE** for cocaine.

[Signature] 4994
 EXAMINER

[Signature] 4295
 WITNESS

GENERAL

SUSPECT(S)

VICTIM

OWNER/REINDEE

CIRCUMSTANCES

PROPERTY

LAS VEGAS METROPOLITAN POLICE DEPARTMENT INCIDENT REPORT

Page 1 of 5

Event # 990329-2339

Specific Crime(s) ROBBERY / W. WEAPON					Attempt ☐		☒ City ☐ County		☒ FLD ☐ TELE ☐ STA		Sect/Beat A3	
Location of Incident: (Number & Street) 611-1 E. FREMONT					Bldg. # Apt. #		City LAS VEGAS		State NV		Zip Code 89104	
Occurred	Month 03	Day 29	Year 99	Day/Wk MON	Time 2100	Report Taken	Month 03	Day 29	Year 99	Time 2145	Bias Crime Y (N) U	Gang Related Y (N) U
On / Btwn					Citizen Advd Follow-Up Y N N/P		Connecting Reports VCL					

If Arrest was made, name Arrestee(s) on appropriate page and place # of Arrestees in box **Y N**

Was there a witness? ☒ Victim ☐ Other	Can suspect vehicle be identified?	P # 5457	Reporting Officer K. FREDERICK	Squad 3338	Follow-Up Y N
Can suspect be named?	Is stolen property traceable? (identifiable?)	P # 5816	Reporting Officer D. MARTEL	Squad 3338	
Can suspect be located?	Is there physical evidence present?	P #	Supervisor Approving Report	Follow-Up Y N	
Can suspect be described?	Is there significant M.O.?	P #	I.D. Specialist		
Can suspect be identified?	Criminalistics work performed?	P #			

▼ ALWAYS LIST VICTIM(S) FIRST ▼

# 1	☒ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Privacy	Veh. #	Statement ☒ Obtained? N	Can LD. ☒ Suspect? N	Name (Last / First / Middle) OR Business Name TAYLOR, NICOLE CERISE				
Date of Birth 03-10-70	Social Security # 530-68-5207	Race B	Sex F	Ht. 5'7"	Wt. 120	Hair BLK	Eyes BRN	Work Schdl. (Hrs / Days Off) VARIES T/W	Business / School A NEW DEW
Residence Address: (Number & Street) 3750 E. BONANZA		Bldg./Apt. # 43		City LAS VEGAS		State NV		Zip Code 89110	
Bus. (Local) Address: (Number & Street) DISCOUNT MALL		Bldg./Apt. #		City LAS VEGAS		State NV		Zip Code 89107	
Occupation MANICURIST		Tourist: Depart Date							

# 2	☒ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Privacy	Veh. #	Statement ☒ Obtained? N	Can LD. ☒ Suspect? N	Name (Last / First / Middle) OR Business Name REASON, RENAE				
Date of Birth 12-26-67	Social Security # 530-68-1719	Race B	Sex F	Ht. 5'4"	Wt. 135	Hair BLK	Eyes BRN	Work Schdl. (Hrs / Days Off) N/A	Business / School N/A
Residence Address: (Number & Street) 5320 REDBERRY		Bldg./Apt. #		City LAS VEGAS		State NV		Zip Code 89108	
Bus. (Local) Address: (Number & Street) N/A		Bldg./Apt. #		City		State		Zip Code	
Occupation		Tourist: Depart Date							

# ☒ Suspect ☐ Victim	Year	Make	Model	Value	DESCRIPTION				12 Off-Road				18 Trailer																					
License #	State	LIC Type	Mo./Yr.		1 2-door	6 Golf Cart	13 Pickup	19 Utility Truck	2 4-door	8 Mini Trk/Camper	14 P/up w/Camper	20 Van/Mini Van	3 Bicycle	9 Mini Trk/Utility	15 RV	99 Other (describe)	4 Convertible	10 Moped	16 Snowmobile	5 Dirt Bike	11 Motorcycle	17 Station Wagon												
VIN #					FEATURES				20 4-Wheel Drive				34 Extra Antenna				43 Door Panels Gone																	
COLOR 1 (top) ☐					COLOR 2 (bottom) ☐					COLOR 3 (middle) ☐					25 Yellow					35 Primer					44 Broken Windows									
1 Unknown					7 Bronze					13 Lt. Green					19 Purple					26 Primer/Rust					36 Rust					45 Loud Muffler				
2 Beige					8 Brown					14 Green					20 Red					27 Primer/Gray					37 Decorative Paint					46 Trailer Hitch/Towbar				
3 Black					9 Copper					15 Dk. Green					21 Silver					28 Chrome					38 Metallic Paint					49 Damage to Front				
4 Lt. Blue					10 Cream					16 Maroon					22 Tan					29 Lavender					39 Painted Inscription					50 Damage to Rear				
5 Blue					11 Gold					17 Orange					23 Turquoise					30 Multi					40 Sticker on Body					51 Damage to Side				
6 Dk. Blue					12 Gray					13 Pink					24 White					39 Other					41 Sticker on Window									
Lost/Stolen Plates Only					# of Plates Missing					☐ Front ☐ Rear					Where is Other Plate? WVS					P # / Date / Time														
Remarks																																		

☐ Registered:	Owner's Name (Last, First, Middle) or Firm Name	Date of Birth	Social Security #
☐ Legal:	Address: (Number & Street)	Bldg./Apt. #	City
	State	Zip Code	Res. Phone:
			Bus. Phone:

▼ S = Stolen D = Damaged L = Lost E = Stolen, but Retained by Security

Pers. #	SOLE Status	UCR Code	Make or Brand / Model	Color(s)	Caliber Size	Barrel Length	S-Seq. # O=QAN M=Misc	Serial Number / QAN	Qty.	Description (Include other Marks of I.D.)	Value
1	S	K		BLK					1	LEATHER PURSE w/ SHOULDER STRAP	
1	S	K							1	JC PENNY CARD	
1	S	K							1	NV DRIVERS LIC	
1	S	K							1	SSAN CARD	
1	S	A	US CURRENCY						1	\$10.00 BILL	10.00
1	S	K							1	MISCELLANEOUS PAPERS	

* UCR CODE CATEGORIES	A Cash/Notes/Casino Chips/etc. B Jewelry & Precious Metals C Clothing & Furs	E Office Equip. (Incl. Computers) F TVs/Stereoes/Cameras/VCRs/Phones G Firearms (NOT Ammo or Scopes)	H Household Goods/Appliances I Consumable Goods: (Incl. Drugs) J Livestock (NOT Domestic)	K Miscellaneous (Bicycles/Auto Parts/Badges/etc.)
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#79 Exhibit #7

GENERAL

PERSONS

VEHICLE

PROPERTY

Page 3 of 5

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORT

990329-2339

SEE COLOR LIST ON P.1A	FACIAL HAIR	TEETH	TATTOOS (describe in narrative)	PRIMARY MEANS OF ATTACK
CLOTHING COLOR	1 1 Clean Shaven	1 1 Normal	1 1 Name	1 1 Handgun
Headwear	2 2 Unshaven	2 2 Missing/Gaps	2 2 Initials	2 2 Shotgun
Coat	3 3 Full Beard	3 3 Protrude/Overbite	3 3 Words	3 3 Rifle
Shirt	4 4 Goatee	4 4 Decayed	4 4 Picture	4 4 Simulated Gun
Pants	5 5 Moustache	5 5 Crooked	5 5 Number/s	5 5 Unknown Gun
Shorts	6 6 Sideburns	6 6 Broken	6 6 Symbol/s	6 6 Strongarm
Suit	99 99 Other	7 7 Gold Design/Cap		7 7 Threats
Shoes		8 8 Silver Design/Cap		8 8 Drugs/Poison
		9 9 Braces		9 9 Knife
		99 99 Other		10 10 Explosives
BUILD	SPEECH MANNER	EYES	SCARS / MARKS / TATTOOS & INJURIES (Location Identifiers)	11 11 Vehicle
1 1 Thin	1 1 Not Heard	1 1 Normal	S = Scar M = Mark	12 12 Club/Tire Iron
2 2 Medium	2 2 Not Unusual	2 2 Crossed	T = Tattoo I = Injury	13 13 Blunt Object
3 3 Heavy	3 3 Apologetic	3 3 Small		14 14 Fire/Incendiary Devices
4 4 Muscular	4 4 Articulate	4 4 Large	1 None Observed	99 99 Other
HANDEDNESS	5 5 Bad Grammar	5 5 Afflicted Eye	2 Head	WEAPON FEATURES
1 1 Left	6 6 Polite	6 6 Glasses	3 Left Cheek	1 1 Chrome/Nickel/Stainless
2 2 Right	7 7 Profane/Abusive	7 7 Contact Lenses	4 Right Cheek	2 2 Blue Steel
HAIR LENGTH	99 99 Other	8 8 Different Colors	5 Chin	3 3 Distinctive Grips
1 1 Over Ears	SPEECH CHARACTERISTICS	99 99 Other	6 Forehead	4 4 Automatic
2 2 Short	1 1 Accent	COMPLEXION	7 Lip	5 5 Revolver
3 3 Bald/Shaved	2 2 Stutter	1 1 Fair	8 Nose	6 6 Large Frame
4 4 Balding	3 3 Lisp	2 2 Medium	9 Left Ear	7 7 Small Frame
5 5 Varied Length	4 4 Slurred	3 3 Dark	10 Right Ear	8 8 Short Barrel
6 6 Shoulder Length	5 5 Loud	4 4 Suntanned	11 Eyebrow/Eyes	9 9 Long Barrel
99 99 Other	6 6 Soft	5 5 Acne	12 Neck	10 10 Double Barrel
HAIR STYLE	7 7 Slow	6 6 Pock Marks	13 Left Upper Arm	11 11 Over/Under
1 1 Afro	8 8 Rapid	7 7 Freckled	14 Right Upper Arm	12 12 Saver/Off
2 2 Curly	9 9 Not Unusual	99 99 Other	15 Left Forearm	13 13 Bolt Action
3 3 Jerri Curls	99 99 Other	INJURY/CONDITION	16 Right Forearm	14 14 Lever Action
4 4 Straight	APPEARANCE	1 1 None Observed	17 Left Hand	15 15 Pump Action
5 5 Braided	1 1 Stocking Mask	2 2 Cast	18 Right Hand	99 99 Other (Make/Model/etc.)
6 6 Thin	2 2 Ski Mask	3 3 Crutches	19 Finger(s)	
7 7 Ponytail	3 3 Bandana Mask	4 4 Cane	20 Chest	
8 8 Flat Top	4 4 Costume Mask	5 5 Limping	21 Back	
9 9 Shaved Design	5 5 Facial Disguise	6 6 Bandages	22 Left Leg	
99 99 Other	6 6 Ragged/Transient	7 7 Bleeding/Blood Stains	23 Right Leg	
	7 7 Business Clothes	8 8 Appeared Sick	99 Other	
	8 8 Casual Clothes	9 9 Appeared Intoxicated/UICS		
	9 9 Uniform	99 99 Other		
	10 10 Coat/Jacket			
	11 11 Dressed as Opp. Sex			
	12 12 Distinctive Jewelry			
	99 99 Other			

LIST THE PERSON MISSING IN THE SPACE PROVIDED BELOW

☐ Voluntary	☐ Involuntary	☐ Unknown	Missing Y	Last Seen by Whom?	Last Seen with Whom?
☐ Abducted by Stranger	☐ Voluntary		Before? N		
☐ Abducted by Parent	☐ Cause Unknown		Where Last Seen?	Date	Time
How Long at Present Address?	Previous Address (Number & Street)	Bldg./Apt.#	City	State	Zip Code
Last Seen Wearing	Description of Jewelry	Scars, Tattoos, Teeth Info, etc.			
Blood Type	Fingerprints Available?	Footprints Available?	Body X-Rays?	Dental Records?	Corrected Vision?
	Y N	Y N	F P N	Y N	Y N
Cust. Parent / Lgl. Guardian (if juv.) - Relative (# adult)	Relationship	☐ Natural	Medical Info (medicines used, etc.)		
		☐ Step			
Address (Number & Street)	Bldg./Apt.#	City / State / Zip	Res. Phone:	Work Schdl. (Hrs / Days Off)	
			Bus. Phone:		
Parent / Legal Guardian (if juvenile) - Relative (# adult)	Relationship	Address (Number & Street)	Bldg./Apt.#	City / State / Zip	
Year	Make	Brand (model)	Hull Identification # (HIN)	State Registration #	State / Year Reg.
☐ Runabout	☐ Canoe	☐ Wood	☐ Rubber	☐ Outboard	☐ In/Out
☐ Cruiser	☐ Housbt	☐ Metal	☐ Other	☐ Inboard	☐ Sail
☐ Jet Ski	☐ Other	☐ Fiberglass	☐ Other	☐ Oars/Pad	☐ Jet
Engine Serial #	Propulsion Serial #	Value	Marks of Identification		
TRAILER INFORMATION					
Year	Trailer Brand	Trailer License #	State	Year	Style
					Trailer Length
Trailer VIN #		Value	Marks of Identification		

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
INCIDENT REPORT

Event #

990329-2339

Page 5 of 5

# 5	☐ V ☐ Contact ☒ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? (N)	Can LD. Y Suspect? (N)	Name (Last / First / Middle) OR Business Name JOHNSON JESSIE				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
		B	M						
Residence Address: (Number & Street) 5719 RAINWOOD		Bldg./Apt.#		City N LAS VEGAS	State NV		Zip Code 89031		Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Occupation Depart Date (visitor)
# 6	☐ V ☐ Contact ☒ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? (N)	Name (Last / First / Middle) OR Business Name SATT WHITE JACQUELINE				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
02-01-50	566-80-0830	B	F	5'6	145	BRK	BLU		MARTHA'S P.B. QUE
Residence Address: (Number & Street) 5719 RAINWOOD		Bldg./Apt.#		City N LAS VEGAS	State NV		Zip Code 89031		Res. Phone: 639-9270 Bus. Phone: 383-8340
Bus. (Local) Address: (Number & Street) 611-1 FREMONT		Bldg./Apt.#		City LAS VEGAS	State NV		Zip Code 89104		Occupation OWNER Depart Date (visitor) N/A
# 7	☐ V ☐ Contact ☒ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? (N)	Name (Last / First / Middle) OR Business Name SATT WHITE JON PEUNA				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
08-31-74	530-49-9917	B	M	5'10	310	BRK	BRK	UNK	MARTHA'S B-B-Q
Residence Address: (Number & Street) 5719 RAINWOOD		Bldg./Apt.#		City N LAS VEGAS	State NV		Zip Code 89031		Res. Phone: 639-9270 Bus. Phone: 383-8340
Bus. (Local) Address: (Number & Street) 611-1 FREMONT		Bldg./Apt.#		City LV	State NV		Zip Code 89104		Occupation CASHIER Depart Date (visitor)
# 8	☐ V ☐ Contact ☒ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? N	Name (Last / First / Middle) OR Business Name JOHNSON ANTHONY				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
11-28-77	566-49-6779	B	M	6'2	150	BRK	BLU		UNK
Residence Address: (Number & Street) 116 RANCHO LAGUNA		Bldg./Apt.#		City DIAMOND BAR	State CA		Zip Code 91760		Res. Phone: (909) 983-2324 Bus. Phone:
Bus. (Local) Address: (Number & Street) 5724 FAIR AVE		Bldg./Apt.#		City N. HOLLYWOOD	State CA		Zip Code 91771		Occupation EMT Depart Date (visitor)
#	☐ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? N	Name (Last / First / Middle) OR Business Name				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Occupation Depart Date (visitor)
#	☐ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? N	Name (Last / First / Middle) OR Business Name				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Occupation Depart Date (visitor)
#	☐ V ☐ Contact ☐ W ☐ P/R ☐ Missing/Runaway	Veh. #	Statement Y Obtained? N	Can LD. Y Suspect? N	Name (Last / First / Middle) OR Business Name				
Date of Birth	Social Security #	Race	Sex	Ht.	Wt.	Hair	Eyes	Work Schdl. (Hrs / Days Off)	Business / School
Residence Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Res. Phone: Bus. Phone:
Bus. (Local) Address: (Number & Street)		Bldg./Apt.#		City	State		Zip Code		Occupation Depart Date (visitor)

Page 1 of 2LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT

Event #

690329-2339

THIS PORTION TO BE COMPLETED BY OFFICER

Specific Crime ROBBERY w/ WEAPON		Date Occurred 03-29-99	Time Occurred 2:10
Location of Occurrence 611-1 E. FREMONT		☒ City ☐ County	

Your Name (Last / First / Middle) Taylor, Nicole, Cerise		Date of Birth 3-10-70	Social Security # 530-68-520
Race BLK	Sex F	Height 5'7"	Weight 250
Hair BLK	Eyes Brown	Work Schd. (Hours) Manicurist Tue, Wed	(Days Off) A New Dew
Residence Address: (Number & Street) 3750 E. Bonanza		Bldg./Apt. # 11431	City Las Vegas
State NV		Zip Code 89110	Res. Phone: 313-0309
Bus. (Local) Address: (Number & Street) Discount Mall		Bldg./Apt. # 11431	City Las Vegas
State NV		Zip Code 89110	Bus. Phone: 669-2505
Occupation Manicurist		Depart Date (if visitor)	
Best place to contact you during the day 6631-0006		Best time to contact you during the day	
Can You Identify the Suspect?		☐ Yes ☒ No	

DETAILS

"I was sitting at the bar on the end eating a bar B Que link sandwich, and two men came into the White's B-B Que and Soul Food Restaurant and knocked over the chairs in the front of the shop and then came towards the counter and shouted "Get Down, Get Down." I then ~~looked~~ looked up and saw a gun and my face at the counter and ran to the back and me and my cousin got locked in a office and then after getting let out I ran to the El Centro and tried to tell the Security about my purse being stolen, after I retuned that after being let out the room that my purse was gone. Then

I HAVE READ THIS STATEMENT AND I AFFIRM TO THE TRUTH AND ACCURACY OF THE FACTS CONTAINED HEREIN. THIS STATEMENT WAS

COMPLETED AT (LOCATION) **611-1 FREMONT**ON THE **29** DAY OF **MARCH** AT **2:15** (AM / PM), 19**99**.

Witness/Officer

K. Frederick

(SIGNATURE)

Witness/Officer

K. FREDERICK**5457**

LVMPD 85 (REV. 1-84)

(PRINTED)

Nicole Taylor

SIGNATURE OF PERSON GIVING STATEMENT

LAS VEGAS METROPOLITAN POLICE DEPARTMENT
VOLUNTARY STATEMENT CONTINUATIONPage 2 of 2Event #: 99C329-2339

The Security of the El Cortez was ^{that} locked me in their office and then a man walked into my the office at the El Cortez and gave a description of the suspects and then the put the man out and then finally let me out while I was trying to call 911 again. Then I ran out and went back to the restaurant and then Metro showed up.

P.S. And Personally I feel like Fort Play is at hand.

Witness:

K. Frederick

Witness:

K. Frederick 5457

LVMPD 86 (REV. 3-91)

SIGNATURE OF PERSON GIVING STATEMENT

Michelle Taylor

PRINT NAME OF PERSON GIVING STATEMENT

NEVADA BUSINESS REGISTRATION

Please read instructions before completing this form. Information on this form must be printed or typed.

PLEASE UNDERSTAND THAT EACH AGENCY MAY NEED TO REQUEST ADDITIONAL INFORMATION PARTICULAR TO THE NEEDS OF YOUR BUSINESS IN ORDER TO ACT ON YOUR APPLICATION. THE COMPLETION OF THIS FORM DOES NOT RELIEVE YOU OF ANY STATUTORY OR REGULATORY REQUIREMENTS RELATING TO YOUR BUSINESS.

1	☒ New Business ☐ Change in Ownership ☐ Change in Location ☐ Change of Name ☐ Change of Mail Address ☐ Other _____		
2	Corporate Name Martha's Soulfood and BBQ		3
4	Corporate Address 611 Fremont Ste 1		
5	Doing Business In Nevada as: Martha's Soulfood & BBQ		Business Telephone #: (702) 383-8340 Cellular #: () Fax #: (702) 383-8320
6	Mailing Address 611 Fremont Ste 1 Las Vegas, NV 89101		
7	Location(s) of Business Operations 611 Fremont Ste 1 Las Vegas, NV 89101		
8	Location of Business Records 611 Fremont Ste 1 Las Vegas NV		Telephone #: 383-8340
9	Location Where Local Business License is Displayed 611 Fremont Ste 1 Las Vegas NV 89101		License Hang ☒ Yes ☐ No
10	Type of Business Entity: ☒ Sole Proprietor ☐ S. Corp ☐ Association ☐ Partnership ☐ Limited Liability ☐ Publicly-Traded Corporation ☐ Privately-Held Corporation ☐ Other _____		
11	Name of Owner(s), Partners, Corporate Officers, etc. (If Individual Ownership, list only one Owner.)		
	Name of Owner, Partner, Officer, etc. (Last, First MI): Sattwhite Jon P		Residence Address (Street): 5719 Rainwood Dr
	Title: Owner 95		SSN: 530-49-9917
	Percent Owned: 100%		Date of Birth: 8/31/74
	City, State, Zip: North Las Vegas NV 89031		Res. Phone: 639-9270
	Name of Owner, Partner, Officer, etc. (Last, First MI):		Residence Address (Street):
	Title:		SSN:
	Percent Owned:		Date of Birth:
	City, State, Zip:		Res. Phone:
	Name of Owner, Partner, Officer, etc. (Last, First MI):		Residence Address (Street):
	Title:		SSN:
	Percent Owned:		Date of Birth:
	City, State, Zip:		Res. Phone:
	Name of Local Contact (Last, First MI):		Residence Address (Street), City, State, Zip
			Res. Phone:
12	Date Business started in Nevada	Date first worker hired in Nevada	Date and amount of first Nevada payroll: Number of Employees
13	PLEASE CHECK ALL THAT APPLY ☐ Mining ☐ Domestic ☒ Outside Dining <i>NO SATUR</i> ☐ Water Appropriation ☐ Adult Materials/Activity ☐ Supply/Use Temporary Workers ☒ Service ☐ Agriculture ☐ Home Occupation ☐ Hazardous Materials ☐ Amusement Machines ☐ Alcohol ☐ Tobacco ☐ Manufacturing ☐ Retail Sales—New ☐ Construction/Erection ☐ Leased or Leasing Employees ☐ Gaming ☐ Delivery ☐ Transportation ☐ Retail Sales—Used ☐ Telephone Solicitation ☐ Leasing (Other than Employees) ☐ Other _____ ☐ Wholesale ☐ Not for Profit ☐ Live Entertainment ☐ Environmental Discharge ☐ Regulated by Federal/State Permit # _____		
14	Describe the Nature of Your Business Restaurant that can seat twenty 7s No gaming no liquor Will be Take Out. Take Out		
15	If you have acquired a Nevada business or changed ownership, please complete this section:		
	Date Acquired: _____ Acquired by: ☐ Purchase ☐ Lease ☐ Other: _____ ☐ In Whole ☐ In Part		
	Name(s) of Previous Owner(s)		Business Name and ESD Account Number of Previous Owner(s)
	Address (Street)		City State Zip Code
16	I am applying for: ☐ Unemployment Insurance (Employment Security) ☐ State Industrial Insurance ☐ State Business License ☐ State Sales/Use Tax Permit ☒ Local Business License		
17	**Do not sign until reading signature instructions. If the Business is a general partnership or joint venture, more than one signature is required. I CERTIFY THE INFORMATION PROVIDED IN THIS REGISTRATION FORM IS TRUE, CORRECT AND COMPLETE TO THE BEST OF MY KNOWLEDGE AND BELIEF.		
	Signature/Original: <i>Jon Sattwhite</i>		Print Name: Jon Sattwhite
	Signature/Original:		Date and Time: 4/7/99

LAS VEGAS/CLARK COUNTY SUPPLEMENT

Is your Business located in a shopping center? If so, please provide the name.		License No.
FAX Number	Preliminary Telephone No. to contact for inspections:	License No.
If you use or store ANY hazardous materials or waste, you are required to contact the Fire Department at _____		License No.
Industrial Waste _____		License No.

Will the manner in which this business is to be conducted be consistent with the normal operating methods of your industry in the unincorporated area of Clark County? ☐ YES ☐ NO, Please explain in detail.

Additional space for business description:

Where will your merchandise and/or your office equipment be stored?:

Nevada State License No.:	Nevada Sales/Use Tax Permit No.: 530 650 506	Clark County Health Permit No.: 15353-01	Other:	Seating Capacity (if a restaurant)
---------------------------	---	---	--------	---------------------------------------

Department Rep. Signature

Date

FOR AGENCY USE ONLY

Applicant Referred for an Industrial Waste Survey? ☐ Yes ☐ No Permit Issued: _____ Area No. _____

Comments: copy of parking agreement

copy of Certificate of Occupancy

- Applicant indicates they have health cards for individuals.

- Food prepared at Fat Jessies and brought to site for service.

2pm/4-9-99 spoke w/ Tom Copley - COFO approved.

General Receipt No. 452322 Date: 4-9-99 Amount \$: 30 Paid To: Per Fee

Sewer Amount \$: _____ Initials: _____ Room Tax Amount \$: _____ Initials: _____

Approvals TD 4-9-99 Temporary _____ Final _____

Planning: 4-9-99 BARTON

Fire: 4-9-99 SCHROEN

License: 4-9-99 30 day Dennis By JA - See letter

DATED 5-18-99



April 5, 1999

City of Las Vegas
Licensing Department

RE: Parking Spaces / Martha's Soul Food & Barbecue

To Whom It May Concern:

The Martha Soul Food & Barbecue Restaurant has the use of 10 (ten) parking spaces in our lot on the southwest corner of Fremont and Seventh Street.

South you have any questions or concerns please contact me at 3864-6413.

Sincerely,

Greg Griffin
C.E.O.



DEPARTMENT OF BUILDING & SAFETY—CITY OF LAS VEGAS, NEVADA

FOR INSPECTION CALL 229-2071

Approved Plans Must Be on Job Site During Construction

JOB ADDRESS 511 FREMONT ST -1

MAP NO. 2425 47 DATE ISSUED 04/05/99

DESCR. OF WORK NON WORK, CERTIFICATE OF OCCUP

CONTRACTOR OWNER/SALTWHITE

OWNER MARTHAS SOUL FOOD & BBQ

OWNER

NOTICE: DO NOT COVER WORK REQUIRING INSPECTION UNTIL INSPECTION IS MADE. REQUIRED INSPECTION MAY VARY FROM THOSE DESIGNATED BELOW.

DESCRIPTION	TYPE	PERMIT NO.
BUILDING		99006463

INSPECT	DESCRIPTION	APPROVED	DATE
☐ 101	FOOTING, LAYOUT, REBAR, ZONING		
☐ 103	STEM WALL—FORMS & REBAR		
☐ 105	PRE-SLAB		
☐ 201	UNDERGROUND ELECTRICAL		
☐ 407	UNDERSLAB PLUMBING		

Pour No Concrete Until Above is Approved

☐ 107	ROOF SHEATHING		
☐ 109	SHEAR		
☐ 120	FRAMING		
☐ 123	INSULATION		
☐ 126	HOOD SHAFT		
☐ 220	ROUGH ELECTRICAL		
☐ 223	LOW VOLTAGE ELECTRICAL		
☐ 220	ROUGH MECHANICAL		
☐ 420	TOP OUT—WATER, GAS, WASTE		

Do Not Sheetrock Until Above is Approved

☐ 115	BLDG. INVESTIGATION		
☐ 125	DRYWALL NAILING		
☐ 127	CEILING GRID		
☐ 129	EXTERIOR LATH/STUCCO		
☐ 131	WALL GROUT & STEEL		
☐ 139	TEMP POWER/TAG/TEMP BLDG. FINAL		
☐ 140	INSUL. SUPV. 04 CLV		
☐ 150	OTHER		
☐ 203	UFER GROUND		
☐ 215	ELEC. INVESTIGATION		
☐ 225	SIGN INSPECTION		
☐ 231	SERVICE CHANGE		
☐ 235	EMERGENCY ELECTRICAL TEST		
☐ 239	TEMP ELEC./POLE/CONST POWER		
☐ 240	FINAL ELECTRICAL		
☐ 250	OTHER		
☐ 305	HOOD		
☐ 315	MECHANICAL INVESTIGATION		
☐ 323	MECHANICAL GAS LINE		
☐ 339	TEMP MECHANICAL		
☐ 340	FINAL MECHANICAL		
☐ 350	OTHER		

INSPECT	DESCRIPTION	APPROVED	DATE
☐ 401	ON SITE SEWER (MAIN)		
☐ 403	ON SITE WATER		
☐ 405	BUILDING SEWER (YARD LINES)		
☐ 415	PLUMBING INVESTIGATION		
☐ 423	FINAL GAS TEST		
☐ 440	FINAL PLUMBING		
☐ 441	IRRIGATION		
☐ 450	OTHER		
☐ 501	UNDER/ABOVE GROUND TANK		
☐ 503	HOOD SYSTEM		
☐ 505	UNDERGROUND FINAL/FLOW		
☐ 507	SPRINKLER SYSTEM HYDRO/OVERHD		
☐ 509	FIRE ALARM SYSTEM		
☐ 513	EXTINGUISHING SYSTEM		
☐ 515	FIRE INVESTIGATION		
☐ 516	MEDICAL GAS		
☐ 517	LIQUID PETROLEUM GAS		
☐ 519	SUPERVISION/MONITORING		
☐ 539	TEMP FIRE		
☒ 540	FINAL FIRE	W. Schumacher	04/06/99
☐ 543	KICKER/FLUSH (FIRE)		
☐ 545	UNDERGROUND HYDRO (FIRE)		
☐ 550	OTHER		
☐ 640	PLANNING COMPLETE		
☐ 650	OTHER		
☐ 901	POOL PRE-GUNITE		
☐ 903	POOL POOL GAS TEST		
☐ 910	POOL PRE-PLASTER/FINAL		
☐ 913	TRAILER		
☐ 914	DEMOLITION/TRAILER REMOVAL		
☐ 915	INVESTIGATION		
☐ 939	TEMP CERT OF OCCUPANCY		
☐ 940	INSP. SUPV. 04 CLV		

Occupancy Approval

Planning Dept. (229-6301) 4-7-99

Const. Serv. (229-6337) 4-7-99

Fire Serv. (229-2071) 04/06/99

Bldg. Dept. (229-2071) 4/9/99

INSP. SUPV. 04 CLV

POST THIS CARD ON FRONT OF BUILDING

FOR TECHNICAL ASSISTANCE CALL 229-6916

BRING HARD COPY WITH FIRE, CONST. SERV. & PLANNING APPROVALS SIGNED OFF TO

CITY OF LAS VEGAS
DEPARTMENT OF FINANCE & BUSINESS SERVICES
BUSINESS SERVICES DIVISION
400 STEWART AVENUE, LAS VEGAS, NV 89101
(702) 229-6281 VOICE
(702) 386-9108 TDD

BUSINESS LICENSE APPLICATION/CHILD SUPPORT SUPPLEMENT

Pursuant to the passage of Senate Bill 356 at the 1997 State Legislature, each new applicant is required to complete the following supplement regarding child support payments. Failure to mark one of the three questions will result in the denial of the application.

PLEASE MARK THE APPROPRIATE RESPONSE:

☒ I am not subject to a court order for the support of a child.

☐ I am subject to a court order for the support of one or more children and am in compliance with the order or am in compliance with a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order; or

☐ I am subject to a court order for the support of one or more children and am **not** in compliance with the order or a plan approved by the District Attorney or other public agency enforcing the order for the repayment of the amount owed pursuant to the order.

Martha's Soulfood 3, BBQ
Name of Business

611 Fremont St Ste 1
Business Address

Jon D. Smith
Signature of Applicant

4/3/99
Date

City of Las Vegas
Dept. of Finance & Business Services
400 Stewart Avenue
Las Vegas, NV 89101

AFFIRMATION OF COMPLIANCE

Clark County
Department of Business License
500 So. Grand Central Pkwy.
Las Vegas, NV 89101

To: Business License Applicants

Pursuant to **NRS 268.095** and **NRS 268.0955**, the local licensing agencies are imposed the responsibility to obtain from new business license applicants assurance of compliance with the business tax requirements (NRS 364A) and industrial insurance regulations (NRS 616). **The Affirmation of Compliance below must be completed, signed, and submitted to this office prior to the issuance of a license.** If mailed in or submitted by someone other than the applicant, this form must be notarized. All questions pertaining to these laws should be directed to:

Re: NRS 364A

State of Nevada, Department of Taxation
555 E. Washington Avenue
Las Vegas, Nevada 89101
(702) 486-2300

Re: NRS 616

Employers Insurance of Nevada
7180 Pollack Drive #200
Las Vegas, Nevada 89123
(702) 837-3000

Owner's Name Jon Sathwhite Owner's Address 5719 Rainwood Dr

Business Name Martha's Soulfood BBQ Business Address 611 Fremont St. Ste 1

Business Telephone # 383-8340 Home Telephone # 639-9270

Federal I.D. # or Social Security # 530-49-9917 Contractors Board License # (if applicable) _____

☒ sole proprietor ☐ partnership ☐ corporation ☐ association

The undersigned business license applicant declares that he/she:

1. Has complied with the provisions of NRS 364A; and

☒ obtained a State business license. ☐ have applied for a State business license and have paid all applicable fees.

Under the provisions of NRS 364A.020, I have concluded that I am not required to obtain a state business license and pay the business tax based upon one of the following reasons:

- ☐ tax exempt non-profit organization
- ☐ tax exempt religious organization
- ☐ tax exempt charitable or fraternal organization
- ☐ other tax exempt organization (please identify) _____
- ☐ governmental agency
- ☐ sole proprietor; no employees; not incorporated

2. The undersigned business license applicant declares that he/she:

(Check appropriate subsection)

☒ (a) Has received coverage by the State Industrial System required pursuant to Chapter 616 of NRS.

(Effective Date 12/1/98 Account # 204 332-06).

☐ (b) Maintains a valid certificate of self-insurance pursuant to Chapter 616 of NRS.

(Effective Date _____ Account # _____).

☐ (c) Is not subject to the provisions of Chapter 616 of NRS, due to a statutory exemption or as a business which has no employees nor hires any independent contractor or subcontractor.

I do hereby affirm that the above information is true and correct dated this 9 day of April, 1999.

Jon Sathwhite
Business License Applicant

WA 4-9-99
Business License Representative (if submitted in person)

Subscribed and sworn to before me this

_____ day of _____, 1999.



KENNY C. GUINN
Governor

DAVID P. PURSELL
Executive Director

July 8, 1999

STATE OF NEVADA
DEPARTMENT OF TAXATION

1550 E. College Parkway
Suite 115
Carson City, Nevada 89708-7921

Phone: (775) 687-4820 • Fax: (775) 687-5981
In-State Toll Free: 800-992-0900

LAS VEGAS OFFICE
Grant Sawyer Office Building
Suite 1300
666 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 488-2300
Fax: (702) 488-2373

RENO OFFICE
4800 Kietzke Lane
Building O, Suite 283
Reno, Nevada 89502
Phone: (775) 888-1296
Fax: (775) 888-1303

DON MEYER, SENIOR LICENSE OFFICER
CITY OF LAS VEGAS
DEPARTMENT OF FINANCE & BUSINESS SERVICES
400 STEWART - THIRD FLOOR
LAS VEGAS, NV 89101

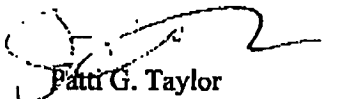
RE: Jacqueline Glasper
DBA Fat Jessies BBQ
Permit #530-650-506

Dear Mr. Meyer:

As per our telephone conversation, this letter will confirm that the subject-mentioned above has not applied for a second location for the business known as Martha's Soul Food & BBQ at 611 Fremont St.

If you have any further questions, please contact me at (702) 486-2337.

Sincerely,


Patti G. Taylor
Revenue Officer III
Las Vegas District Office

#79 Exhibit #9



KENNY C. GUINN
Governor

DAVID P. PURSELL
Executive Director

July 9, 1999

STATE OF NEVADA
DEPARTMENT OF TAXATION

1550 E. College Parkway
Suite 115
Carson City, Nevada 89706-7921

Phone: (775) 687-4820 • Fax: (775) 687-5981

In-State Toll Free: 800-992-0900

LAS VEGAS OFFICE

Grant Sawyer Office Building
Suite 1300
565 E. Washington Avenue
Las Vegas, Nevada 89101
Phone: (702) 486-2300
Fax: (702) 486-2373

RENO OFFICE

4600 Kirtzke Lane
Building C, Suite 263
Reno, Nevada 89502
Phone: (775) 888-1295
Fax: (775) 888-1303

Mr. John Redlein
Assistant City Attorney
City of Las Vegas
400 E Stewart Av 9th Floor
Las Vegas NV 89101

Dear Mr. Redlein:

RE: Nevada Sale/Use Tax Permit 880-033-064

The following information is in response to your letter faxed July 8, 1999.

Based on Department of Taxation's records, Jon Sattwhite, SSN 530-49-9917, dba Martha's BBQ and Soul Food located at 611 Fremont St #1, Las Vegas Nevada has been register since May 15, 1999.

Should you require further information, please call me at (775) 687-6484.

Sincerely,

A handwritten signature in cursive script that reads "Kelly DiCianno".

Kelly DiCianno, Tax Examiner
Revenue Division

Enclosures

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE



CITY of LAS VEGAS

MAY

March 18, 1999

*ACTUAL DATE AS
REFLECTED ON PG. 2*

(JD)

HAND DELIVERED

Jon P. Sattwhite
c/o Martha's Soulfood and BBQ
611 Fremont Street
Las Vegas, NV 89101

RE: Temporary License R05-971479-4-85088

Dear Mr. Sattwhite:

On April 9, 1999, a temporary license was issued to Martha's Soulfood and BBQ at 611 Fremont Street to operate a restaurant business. This temporary license was issued for 30 days to allow for a review of the business operations to determine if all codes were in compliance. It has been brought to my attention that sales of illegal drugs have taken place on the business premises, at least one of which you were a participant in the illegal sale. This letter is to formally advise you that the business license for Martha's Soulfood and BBQ is **denied** based on Las Vegas Municipal Code 6.02.090 Action on application—Refusal grounds, which in part states, "...The Director may:

(A) Deny an applicant a license if:

(9) The premises on which the business is proposed to be conducted do not satisfy local, state or federal laws or regulations which pertain to the activity that is proposed to be engaged in;"

Additionally, Las Vegas Municipal Code 6.02.090 Section (B) states in part, "...The Director may:

(B) Refuse to renew a license if:

(8) The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner."

You are hereby requested to **cease and desist** all business activity upon notification of this denial. Any business conducted without a valid business license could subject you to all legal sanctions available to the City including, but not limited to, citation into Municipal Court. You have a right to appeal this decision to the City Council pursuant to Las Vegas Municipal Code 6.02.110 which states:



Jon P. Sattwhite

May 18, 1999

Page 2

"Appeal of action by Director. Any person aggrieved by a decision of the Director denying or refusing to renew a license or denying, revoking or suspending a permit may appeal that decision within thirty days to the City Council by filing written notice of appeal with the Department. The City Council shall hear the applicant at the next regularly scheduled meeting following the expiration of ten days after the applicant filed a notice of appeal."

Sincerely,



Jim DiFiore, Manager
Business Services Division
Finance & Business Services

cc: Mark Vincent, Director, Finance & Business Services

Received By

Date

5:33 p.m. May 18, 1999

Jon P. Sattwhite refused to sign for original letter denying business license. The appeal of action was explained to him and the paragraph explaining the appeal process was pointed out to him in the letter.

Don Meyer
Senior Secretary
Confidential and Enforcement 5-18-99

**CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999**

Page 1

**VERBATIM TRANSCRIPT - ITEM 79: DISCUSSION AND POSSIBLE ACTION REGARDING THE APPEAL OF
THE DENIAL OF A NEW RESTAURANT LICENSE - JON SATTWHITE DBA MARTHA'S SOULFOOD AND
BBQ, 611 FREMONT STREET, SUITE 1**

MAYOR GOODMAN

Item 79. This is an abeyance item. It's appeal of a denial of a business license, concerning Jon Sattwhite, dba Martha's Soulfood and BBQ, 611 Fremont Street. Is Mr. DiFiore here? Yes, Sir. And the Sattwhites, or Mr. Sattwhite? Very good.

As you know, this is an abeyance item. We took testimony from certain individuals two weeks ago, and those comments and testimony is certainly part of this record. Mr. Redlein? Or, Mr. DiFiore?

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

We're ready to proceed with processing Mr. Sattwhite's appeal. And I have testimony to listen from two witnesses. I could make a very brief opening statement, then it would be my proposition to have them both swear in, and I have a number of exhibits to admit along the way.

MAYOR GOODMAN

Very good. Make a brief opening statement, please.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

I will. The license at issue this morning is Martha's Soulfood and BBQ. It's located at 611 Fremont Street. It's just a couple of doors to the east of the old Centel Building that Metro's now taken over. It's a 20-seat restaurant. The sole and 100 percent licensee in this matter is Jon Sattwhite, who's standing next to me. He, his mother, Jackie Glasper Sattwhite is also here. His father, Jessie Sattwhite, was involved in the operation as well. He's recently deceased, this spring.

This restaurant was one that really didn't even have a kitchen. It was a warming station and a sales point for a restaurant that Mr. Sattwhite's father, Jessie, owned across town called Jessie's Soulfood. We will present proof this morning that their initial application was made just four days before Christmas, this last December. They, Mr. Sattwhite came in, represented himself, as I said, to be the 100 percent owner of the operation, was advised that he had Planning Department and Fire Department approvals to get before he could open his doors and, even though he'd paid his fees and submitted the application, that he was not licensed to do business.

When he left licensing, he was already opened and running and may have been so for weeks. And after he left licensing that day in December, he didn't stop operating. He continued to do so.

**CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999**

Page 2

**VERBATIM TRANSCRIPT - ITEM 79: DISCUSSION AND POSSIBLE ACTION REGARDING THE APPEAL OF
THE DENIAL OF A NEW RESTAURANT LICENSE - JON SATTWHITE DBA MARTHA'S SOULFOOD AND
BBQ, 611 FREMONT STREET, SUITE 1**

January, in the middle of the month, the citation was written to him for doing business without a license. He went to Municipal Court. He was convicted of it. He was fined. He was given three months to pay his fine. Never paid his fine. Never came back to court. And there's a warrant for his arrest out from our Muni Court judge on that case right now.

He did, after he get (sic) the citation, actually start doing what he needed to do with the Fire and the Planning folks, and Mr. DiFiore was able to give him a temporary license on the 15th January that was good for a maximum period of 60 days.

January - Metro started to receive complaints of drug activity around this location, and they set up an investigation and surveillance, and they observed over a period of a couple of months many drug sales, just outside the - restaurant. Some, by folks who were coming out of the restaurant, then returning to the restaurant after they conducted their transactions. And eventually, in a controlled buy situation, they sent a confidential informant in —and this is not a police officer, this is a CI -- who made a purchase of crack cocaine directly from Mr. Sattwhite in the restaurant, across the counter with the dope having been put in a Martha's Soulfood container and the money that the police had supplied him to make this purchase going into the Martha's cash register.

The license that they'd been issued in January expired in the middle of March. They didn't cease operating. Two weeks after their license expired, we know they were still up and running, because the police were called to the facility 'cause they'd had the misfortune of having a robbery take place there. The place was open for business while that license was lapsed and, again, they were in unable lawfully to have been open.

We served a Cease and Desist Notice, and came back in and asked for another temporary. By this time Mr. DiFiore new about the police operation, wasn't anxious to issue the temporary, but the police hadn't wrapped up their operation yet. He didn't wanna reveal it, so he did go ahead and issue a temporary license in April, expired in the middle of May. And upon conclusion of that second temporary license, he was unwilling to issue another, denied the application of Mr. Sattwhite on the grounds that he was operating the business unlawfully and that his operation of the business

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constituted a nuisance.

MAYOR GOODMAN

Mr. DiFiore, what unlawful aspect were you citing when you said he was operating the business unlawfully?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

Well, the fact that a -- drug sale occurred on the premises with Mr. Jon Sattwhite as the owner, licensee, that was my point to make with the criminal activity being unlawful.

MAYOR GOODMAN

Okay, so it's a drug sale that's at issue here?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

That's correct.

MAYOR GOODMAN

All right --

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

May I point out, Mr. Mayor, that in addition to the drug transactions, which by definition under our Code does constitute a nuisance, we had violations of the Building Codes --

MAYOR GOODMAN

I understand. But I was -- trying to focus in as to why the license has been denied, and, as I understand it from Mr. DiFiore, it's being denied on the basis that there was a drug sale and not on these other aspects. That's the reason I asked the question. So if you would limit your presentation to the drug sale, I'd like to, that's what I would like to hear.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

Mr. Mayor, the fact that this place opened without the benefit of a license, --

MAYOR GOODMAN

But that's -- not --

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

-- operated after their license lapsed --

MAYOR GOODMAN

With all due respect, Mr. Redlein, I appreciate where you're coming from, but Mr. DiFiore says that he denied the application --unless somebody disagrees with me-- based on the drug sale, and that's the only thing that's relevant, as far as I'm concerned. Now if one of the Council members disagrees and wants to hear the other aspects, I'll certainly accede to that --

COUNCILMAN REESE

Well, I think -- we ought to hear the whole case. I mean there's, there has to be other circumstances --

MAYOR GOODMAN

Fair enough --

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COUNCILMAN REESE	You know?
MAYOR GOODMAN	That's fine. I'll accede to Councilman Reese's position. Why don't you put your case on, please.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Thank you. Could I have the witnesses sworn, please.
MAYOR GOODMAN	Madam Clerk, would you swear the witnesses, please.
CITY CLERK RONEMUS	(inaudible)
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	In tandem, please.
CITY CLERK RONEMUS	In tandem. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?
JON SATTWHITE	I do.
JIM DiFIORE, MANAGER, BUSINESSES SERVICES	I do.
JACKIE GLASPER SATTWHITE	I do.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Mr. Mayor, I have an exhibit, which will help the members of the Council track this. It's a chronology which I've shared with the Sattwhites, and I'm gonna have it marked as Exhibit No. 1, offer it to the Clerk. And if I may, share the copies with the rest of you, it'll help you follow. You mind passing them to your left?
MAYOR GOODMAN	No, not at all. Thank you very much.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	First of all, Mr. DiFiore, state your name and give your position, please.
JIM DiFIORE, MANAGER, BUSINESS SERVICES	My name is Jim DiFiore. I'm the Business Services Manager for the City of Las Vegas, Finance and Business Services Department.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	And when was your first involvement with the application that is before us on the appeal?
JIM DiFIORE MANAGER, BUSINESS SERVICES	Close to around mid January of 1999.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Show you an exhibit that's been marked as number two; do you recognize this item?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, I do.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Is this the application received from Jon Sattwhite on December for opening up Martha's Soulfood at 611 Fremont Street?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, it is.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Mr. Sattwhite, I understand from this document, paid his fees, made the application to open up the restaurant, as I've described; is that correct?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

When he left your offices on that date, is there any reason he would have had to believe that he was possessed of a business license from the City of Las Vegas?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

No, there is not.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And do you have some reason to believe what your staff informed him about the necessary requirements before he could open up for business.

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Our staff routinely informs all applicants that all applications must go before the Planning and Fire Departments for review and approval of their codes, and that within 30 days, unless there is extrane', extreme circumstances, the business license would be issued within a 30-day period.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. I wanna draw your attention to one parti', portion of this exhibit. Specifically, does your application form ask whether or not pursuant to State Law that the applicant has applied for or obtained a State Business License?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, it does.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And on this application from December 21st, what did Mr. Sattwhite tell you?

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JIM DiFIORE, MANAGER, BUSINESS SERVICES He marked the box that had, they have applied to the State Taxation Department.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Thank you. I offer Exhibit No. 2.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Would you state your name, please, and tell us what your employment is, officer.

SERGEAN RANDY MONTANDON Randy Montandon, Sergeant, Las Vegas Metro Police.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Were you part of the investigation that was taking place in and around Martha's Soulfood and BBQ on 611 Fremont Street in the spring of this year?

SERGEAN RANDY MONTANDON Yes, I was.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Specifically, at my request, did you search records to find out whether or not there was any indication that Metro had an awareness of when exactly this place had started up for a business, and I specifically refer to an incident that occurred on or about January 2nd?

SERGEAN RANDY MONTANDON Yes, I do.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN What was the incident?

SERGEAN RANDY MONTANDON The incident was a situation where two Metro officers had a contact with a citizen in front of 611 Fremont Street, wherein they contacted a subject who was committing a, or alleged violation. During that time Mr. Jessie Sattwhite came outside of the business and addressed the officers while they were conducting their interviews.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Okay. Now, the trouble that the, that brought the officers there didn't have anything to do with the folks at Martha's BBQ; did it?

SERGEAN RANDY MONTANDON It did not.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN They eventually made arrest of some other person for interfering with pedestrian traffic on the sidewalk near the restaurant; is that correct?

SERGEAN RANDY MONTANDON Yes.

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CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	But in the course of finishing up their work there, they talked to Jessie Sattwhite and some other person?
SERGEANTRANDY MONTANDON	Yes, they did.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Who was the other person?
SERGEANTRANDY MONTANDON	His, the person reported to be his wife, Jaclyn Glasper, I believe is her name.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Did they go inside the restaurant on that date, January 2 nd ?
SERGEANTRANDY MONTANDON	Yes, they did.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Was the restaurant open for business on that date?
SERGEANTRANDY MONTANDON	Yes, it was.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Do you know whether or not Mr. DiFiore's shop had issued a business license for them to be open on January 2 nd ?
SERGEANTRANDY MONTANDON	I believe that no license had been issued.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	It's Exhibit No. 3; I'd ask you if you recognize it as a report about the incident that we've just discussed, where the officers made the arrest on the sidewalk outside the restaurant?
SERGEANTRANDY MONTANDON	Yes, I do.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	Offer this to the Clerk.
	Mr. DiFiore, on or about January 15 th , 1999, did somebody from your shop have occasion to issue a citation to Jon Sattwhite for doing business without a license?
JIM DiFIORE, MANAGER, BUSINESS SERVICES	Yes, Senior License Officer Don Meyer.
CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN	I've got a packet here that's been marked as Exhibit No. 4; would you take a look at it, please, and tell me what it is.
JIM DiFIORE, MANAGER, BUSINESS SERVICES	This is a copy of the citation that was issued by Senior License Officer Meyer and a judgment from Municipal Court

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in Las Vegas on the disposition of that particular citation.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

On January 15th, you had not yet issued a business license, had you?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Did the court records reflect that Mr. Sattwhite went to court on that citation that your investigator issued?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, it does.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And what happened in court?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

It was, it found guilty of a misdemeanor crime. A fine was issued for \$500, plus a hundred and fifteen dollars administrative court costs.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Now, he was given a return date three months later to come back in and have that fine paid in May of 1999; is that correct?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Did he come into court on the assigned return date in May of 1999?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

No, he did not.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

What did he do?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

He failed to appear and a bench warrant was issued for his arrest.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Any reason to believe that the bench warrant for his arrest is not active as of this time?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

No – reason to believe it is not active.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

I would submit Exhibit No. 4.

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The citation on January 15th, did precipitate some action in regards to getting what they needed done to get a business license? They came to visit you on that same date, didn't they?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

They actually, I actually spoke to Ms. Glasper, and, I believe, she visited the Planning Department to try to address the issues that the Planning Department had not given their approval on at that point.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

Had they gotten the fire approval that you informed them of in December was gonna be necessary before they opened up?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

Yes, they did.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

And in regards to Planning Department, what was their deficiency in December?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

It was an approved parking plan for that particular location.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

Okay. Did they at least get together with the Planning folks by the middle of January and come up with a plan to solve parking?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

Yes, I believe they did.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

They didn't have any parking for this restaurant, did they?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

No, they did not.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

Made an agreement to rent some from a neighbor in business?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN

And that was satisfactory to you and to Planning?

JIM DiFIORE, MANAGER, BUSINESS SERVICES

Yes, it was.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And on that basis, did you take action on January 15th, 1999?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

I issued a temporary license for 60 days on that date.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Officer Montandon, are you aware of the fact that Sheriff Keller received a letter on or about February 2nd, 1999, or that was dated February 2nd, 1999, regarding the incident that had taken place outside of this restaurant where the patrol officer had arrested the fellow for interfering with pedestrian traffic?

SERGEANT RANDY MONTANDON

Yes, I'm aware of it.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

The general complaint to Sheriff Keller, the essence of it was what?

SERGEANT RANDY MONTANDON

Was that the Police Department had too high of a presence at and around Mr. Sattwhite's business.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Does Mr. Jessie Sattwhite, in that letter to the Sheriff from February, tell the Sheriff how long he's been opened for business at the Martha's location on Fremont Street?

SERGEANT RANDY MONTANDON

Yes, he does.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

How long did he claim to have been opened when he wrote at the beginning of February.

SERGEANT RANDY MONTANDON

I believe, it said two months.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Mr. DiFiore, at the time that that letter was written, how long had Martha's BBQ had a license to do business?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Approximately two weeks, two and a half weeks.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Offer Exhibit No. 5, a letter from Jessie Sattwhite to the Sheriff.

Officer Montandon, in regards to the investigation that was taking place in around Martha's, did you play a role in it?

SERGEANT RANDY MONTANDON

Yes, I did.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Describe the nature of it to the members of the Council, please.

SERGEANTRANDY MONTANDON

At this time I was the supervisor in charge of the Downtown Problem Solving Unit. We had received numerous complaints from street officers that had observed a large increase in drug trafficking and individuals that appeared to be selling drugs in the area. As a result of this, we opened up an investigation into the trafficking of narcotics in and around Martha's BBQ.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And how was the investigation conducted?

SERGEANTRANDY MONTANDON

We conducted surveillances to first confirm whether or not there was a – large amount of trafficking around the area. We determined that there was. At a subsequent time, we had a confidential informant go into Martha's BBQ and make a purchase of a controlled substance from the licensee, Jon Sattwhite.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Now, Officer Montandon, the person that went in to make the purchase from Mr. Sattwhite was not a police officer; is that correct?

SERGEANT RANDY MONTANDON

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

You wouldn't describe him as a model citizen either, would you?

SERGEANT RANDY MONTANDON

No. He's not a model citizen, but he's not a convicted person or a felon either.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

On February 17th, 1999, when, was that the date that he went to make the purchase from Jon Sattwhite?

SERGEANT RANDY MONTANDON

I believe so.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Here's a report that's numbered as Exhibit No. 6, which relates to this incident. Could you confirm the date of the activity?

SERGEANTRANDY MONTANDON

2-17.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. Was the purchase a hand to hand purchase from Jon Sattwhite?

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SERGEANT RANDY MONTANDON Yes, it was.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Where did the money come from that the confidential informant used to purchase the substance from Mr. Sattwhite?

SERGEANT RANDY MONTANDON It came from the Police Department.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Now, do you know that the informant was searched so that he didn't have any narcotics on him when he went into the shop?

SERGEANT RANDY MONTANDON Yes, I do.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Was he surveilled (sic) during the time he was in the shop?

SERGEANT RANDY MONTANDON Yes, he was.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And how did the transaction go between him and Mr. Sattwhite as far as the transfer?

SERGEANT RANDY MONTANDON He entered into --

MAYOR GOODMAN Excuse me, let me interrupt. Did you see this yourself, or is this what was told you? In other words, you are now testifying as to what took place as though you were seeing it; is that the case?

SERGEANT RANDY MONTANDON I have seen it, because it was on videotape, Sir.

MAYOR GOODMAN Okay. Thank you.

SERGEANT RANDY MONTANDON So, I did, I observed the videotape. I was involved in monitoring and handling of the confidential informant during this incident. He was under surveillance constantly from the time that he left my presence to the time he came back to my presence, which was in a undercover vehicle close to but not directly in front of the business --

MAYOR GOODMAN Well, I appreciate that. I'm interested, though, in the hand-to-hand sale, whether or not you saw that, and you say you saw it on videotape?

SERGEANT RANDY MONTANDON Yes, Sir.

MAYOR GOODMAN All right. Thank you. Proceed, please.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

How did the transaction go as far as how the – money was handed over, the drugs handed over?

SERGEANT RANDY MONTANDON

The confidential informant went into the business, ordered the – drugs via a prearranged signal, purple signal. Mr. Sattwhite placed the narcotics into a Styrofoam container containing cobbler. He then brought the cobbler to the confidential informant, passed it across the counter, at which time the confidential informant passed him money. He took the money, made change, actually, and put the money that we had given him into the cash register. The confidential informant then took the food item containing the rock cocaine and left the store and came back to our location.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. The cobbler container was a tall Styrofoam cup; is that a fair description of it?

SERGEANT RANDY MONTANDON

Yes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Where was the narcotics?

SERGEANT RANDY MONTANDON

The narcotics was inside tin foil on top of the cobbler. When you took the plastic top off, it was clearly present up on top.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. The cobbler container had been put into another container?

SERGEANT RANDY MONTANDON

White paper bag.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay.

On the film you see the confidential informant exit the restaurant with the sealed up white paper bag?

SERGEANT RANDY MONTANDON

Yes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And where did he go to when he left the restaurant with containing this paper bag?

SERGEANT RANDY MONTANDON

He met me and several other officers in a surveillance vehicle, a short distance from the business.

CHIEF CIVIL DEPUTY CITY

Did he have any occasion to open the paper bag to monkey

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ATTORNEY REDLEIN with the contents?

SERGEANT RANDY MONTANDON He did not. There were officers posted his entire route from when he left the store to my location.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN How much money did you supplied him with?

SERGEANT RANDY MONTANDON We supplied him with, I believe, \$50.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And how much did his cup of cobbler cost?

SERGEANT RANDY MONTANDON It was \$18 and some cents, I believe. That's why it was a, an unusual purchase.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN It was a small amount of cocaine inside the cobbler; wasn't it?

SERGEANT RANDY MONTANDON Yes, it was. It was .2 grams.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Does the report contain an analysis that reflects that it was analyzed as cocaine?

SERGEANT RANDY MONTANDON Yes. After we recovered it, we performed a Nick test on it, and it came back with a positive result.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Thank you. I'd offer Exhibit No. 6. This is the report on the drug purchase.

JACKIE GLASPER SATTWHITE Can we ask a question?

MAYOR GOODMAN Not at this time.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Mr. DiFiore, when did the temporary business license that had been mailed, issued in the middle of January expire?

JIM DiFIORE, MANAGER, BUSINESS SERVICES It expired March 15th, 1999.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Officer Montandon, do you have reason to believe that the Sattwhites closed up shop upon the expiration of their temporary business license on March 15th?

SERGEANT RANDY MONTANDON No, I do not.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Indeed, was there an incident on March 29th, 1999, which reflected that they were still open for business.

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SERGEANT RANDY MONTANDON Yes, there was. Once again, this incident was videotaped. An armed robbery occurred inside of the business and they were opened for business at the time that the robbery occurred.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Here's a report that I've marked as Exhibit No. 7. Is it the Las Vegas Metropolitan Police Reports that connect to their investigation of their robbery?

SERGEANT RANDY MONTANDON Yes, it is.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Some of the folks who were witnesses actually described what they were eating at the time the robbers came; is that correct?

SERGEANT RANDY MONTANDON Yes. It's in the voluntary statements.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Now, are you aware of how it went as far as the cooperation received by the officers investigating the robbery inside Martha's?

SERGEANT RANDY MONTANDON I have had, read reports and spoken personally to the supervisor that was on the scene of that robbery.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And how'd they do?

SERGEANT RANDY MONTANDON There were two individuals who identified themselves as employees, who were subsequently arrested by the responding officers for obstructing the investigation and other charges such as possession of narcotics, paraphernalia, and ex-felon (inaudible) failure to register; they had a change of address.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN So at least two of the employees —and I'm not suggesting that one of them was Jon Sattwhite or that he was on duty that night— but at least two of the employees in the restaurant, when they investigated the robbery, were arrested for obstructing, one of them for failure ex-felon/failure to register, and one of them for possession of narcotics/paraphernalia?

SERGEANT RANDY MONTANDON Yeah. They were obstructing the investigation and those, they were arrested for those charges.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Thank you. I'd offer Exhibit No. 7 on the robbery investigation.

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Mr. DiFiore, their license had been expired for approximately two weeks at the time this robbery took place; is that right?

JIM DiFIORE, MANAGER, BUSINESS SERVICES That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Shouldn't have been open for business?

JIM DiFIORE, MANAGER, BUSINESS SERVICES That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Did you take any action the day following the robbery towards Mr. Sattwhite and Martha's BBQ?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, I did. I had a letter prepared which actually denied the renewal or the issuance of a, of the temporary license for an extended period of time, based upon the fact that they had no planning requirements met with code violations there, as well as the fact that we determined during that temporary period that they had no authorized Certificate of Occupancy issued by the Building and Safety Department.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Okay. After the Cease and Desist, did they come, did Mr. Sattwhite come back to you and make a second application for a business license at that location?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, they did.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN When was that application made?

JIM DiFIORE, MANAGER, BUSINESS SERVICES On April 9th, 1999.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Had he solved Fire Code inspection and approval?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, he had.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Had he gotten a Certificate of Occupancy?

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JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, he had.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And he had a plan for the parking that involved the rental from the neighboring business; is that right?

JIM DiFIORE, MANAGER, BUSINESS SERVICES That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Okay, now at this time, on April 9th, you knew what the Metropolitan Police Department was up to and what they thought was going on at that restaurant; didn't you?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, I did.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Were you comfortable about issuing a temporary?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Not really.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Were you at a position to be able to tell Jan Sa', Jon Sattwhite why you would deny him on April 9th?

JIM DiFIORE, MANAGER, BUSINESS SERVICES No, I was not.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Why not.

JIM DiFIORE, MANAGER, BUSINESS SERVICES Because the investigation by Metro was an ongoing investigation, and they had not completed that investigation to point. And I could not reveal that information as a - basis for denial at that point.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN The temporary license then was issued on April 9th; is that correct?

JIM DiFIORE, MANAGER, BUSINESS SERVICES That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN For 30 days this time?

JIM DiFIORE, MANAGER, BUSINESS SERVICES For 30 days this time.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. I wanna hand you an exhibit that's been marked as No. 8, purports to be an application from Mr. Sattwhite for the second business license on April 9th, 1999; you recognize it?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, I do.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Again, does he represent himself to be the sole owner and hundred percent operator of the business?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, he does.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Any other principals identified on either of these applications?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

No, there is not.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. Let's draw your attention to the same portion of the application form as we did on the last line regarding State business licensing. The same questions are asked of an applicant on all of these forms whether or not they've applied for or whether or not they've obtained State business licensing. This time, after having said he'd applied in December, what did Mr. Sattwhite say about his status with State Business License?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

He marked the box that he has obtained a State Business License.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Okay. Did he give you, on that application form, a tax registration number, that number that he would utilize to pay his sales tax into an account to the State Department of Taxation?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, he did.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Have you had occasion to compare that number to another operation to find out whether or not indeed that number was issued to Martha's BBQ?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, I have.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

I wanna hand you Exhibit No. 9, which is a pair of letters from the State Department of Taxation, ask you to look them over. Number one, does it tell us when Mr. -- Sattwhite opened up his account for payment of his sales taxes?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

On a letter that was directed on July 9th, 1999, it -- states, based on Department of Taxation records, Jon Sattwhite, Social Security No. 530-49-9917, dba Martha's BBQ and Soulfood, located at 611 Fremont Street, No. 1, has been registered since May 15th, 1999.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

So, from the period of time that we believe he'd been opened early December all the way through May, or at least the early part of May, that indicates that he had no account with the State Department of Taxation and, therefore, was not paying sales tax on any of the sales at that location; is that correct?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Now, there's another letter that you requested from the State Department of Taxation as part of Exhibit No. 9 that related to Fat Jesse's BBQ, Mr. Sattwhite's father's operation in another neighborhood; is that right?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

And does that letter, in regards to Fat Jesse's BBQ, specifically tell us whether or not Fat Jesse's was authorized to have a second location, or whether they had been issued a permit, which they could have two locations to sell on their account number?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

The letter states that it confirms that the subject mentioned above, being Jaclyn Gasper, dba Fat Jesse's BBQ, Permit No. 530-650-506, has not applied for a second location for the business known as Martha's Soulfood and BBQ at 611 Fremont Street.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN.

So from these documents from State Department of Taxation you can conclude that the number he gave you that said, yes, he was registered with the State when he made the second application on April 9th was indeed one for Fat Jesse's?

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JIM DiFIORE, MANAGER, BUSINESS SERVICES That's correct.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And that according to the State Department of Taxation, Fat Jesse's had never given Fat Jesse's permission to sell at the location --

JIM DiFIORE, MANAGER, BUSINESS SERVICES That's right.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN -- on Fremont Street? They needed their own number.

JIM DiFIORE, MANAGER, BUSINESS SERVICES Exactly.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And they didn't have it?

JIM DiFIORE, MANAGER, BUSINESS SERVICES And they didn't have it.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Thank you.

I would offer Exhibits No. 8 and 9 as to the application and then the documents from the State Department of Taxation.

When did, Mr. DiFiore, temporary business license number two expire?

JIM DiFIORE, MANAGER, BUSINESS SERVICES It expired on May 9th, 1999.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN And did you make a decision immediately about whether or not they could stay open, whether or not you were gonna deny the business license application that was pending?

JIM DiFIORE, MANAGER, BUSINESS SERVICES I advised Ms. Glasper on that same day, or a couple days before that, that it was still under review and that I would verbally allow her to open until I did make a decision on -- the temporary license.

CHIEF CIVIL DEPUTY CITY ATTORNEY REDLEIN Was your delay in this in some part dependent upon the status of the Metro investigation?

JIM DiFIORE, MANAGER, BUSINESS SERVICES Yes, it was.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Did you finally conclude that Metro's investigation was not going any further in this regard and that you could deny the license?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

Yes, I did.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Exhibit No. 10 has been marked as a letter that came out of your shop. Now, I believe it's typed with the date March 18th, and then it's got a hand-written notation that says May 18th on it. What is the true date of that letter?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

The true date is May 18th, as it is marked.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And what is that letter, Exhibit No. 10?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

It's a letter to Mr. Sattwhite which denies the application for Martha's Soulfood and BBQ, based upon violations of the Las Vegas Municipal Code.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Thank you. I have no other questions of the witnesses, and would defer to Mr. Sattwhite if he wants to cross examine --

MAYOR GOODMAN

Well, before you start, Mr. Sattwhite, I have a couple of comments that, and some questions that -- Mr. Difiore, the letter which is the last exhibit dated May 18th, 1999, specifies that the reason that there was a denial -- I mean, as far as the specificity, was that there was a sale of drugs taking place in the business premises, correct?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

MAYOR GOODMAN

The other aspects that you've testified to really weren't encompassed within this letter, giving him notice as to what the scope of this hearing would be, correct?

JIM DiFIORE, MANAGER, BUSINESS
SERVICES

That's correct.

MAYOR GOODMAN

All right. So -- I think -- In all fairness to the gentleman, I think that we have limit it -- I appreciate the background, but he has only had notice on the issue of the -- drug sale.

COUNCILMAN REESE

Well, I can certainly appreciate that, Your Honor. But also, I

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didn't have the luxury of attending a law school, I don't know. To me, you know, this -- all is part of this application, whether it be for selling drugs or for not obeying our City Codes, you know. A man is supposed to have a license to operate business. I have a license to operate my business. I pay my fees, you know. So I -- think it's still -- there again, I'm not gonna get into the rhetoric about whether it's right, wrong or whatever. It's all part of the case. And I think that if a person understands that he can't operate, that he has to operate with a business license, he doesn't have the business license, that he's still doing business, and yet he's doing illegal business within this business, then we need to hear all of it. It's all part of the evidence.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Mr. Mayor, if I might.

MAYOR GOODMAN

Yes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

I -- appreciate the questions you asked were perfect questions. I don't think the answers you got were perfect answers. Permit me to read from Exhibit No., which is the notice letter about why Mr. Sattwhite was finally denied --

MAYOR GOODMAN

Right, 'cause I think it's important, if Mr. Sattwhite is gonna take this further, that we're -- able to know the scope of this, this denial.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

No, I appreciate it, and -- you're right. He states, two grounds are given in this letter from the Municipal Code, with the citations given in both -- instances. Number one, acknowledges Mr. DiFiore's capability to deny a license: if the premises on which the business is proposed to be conducted do not satisfy local, State, or Federal laws, or regulations which pertain to the activity that is proposed to be engaged in. My view, of course, is that this encompasses the tax, the fire, the building, the planning, and, of course, the operation without the business license. Grounds number two contained in the letter asserts that Mr. DiFiore has the grounds to deny the license and he is activating those grounds or utilizing them in this instance: if the actual business activity constitutes a public or private nuisance or has been or is being conducted in an unlawful, illegal, or impermissible manner. Clearly, because our Municipal Code defines a nuisance as a place where drug activity takes place, I think that they're both covered here.

MAYOR GOODMAN

Thank you.

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Sergeant Montandon, was Mr. Sattwhite arrested as a result of this sale that you testified to?

SERGEANT RANDY MONTANDON

He was not.

MAYOR GOODMAN

All right. Mr. Sattwhite, I don't know whether or not you plan to admit that a sale took place. If you did, you should be advised that you have the Fifth Amendment privilege against self-incrimination. If you're gonna deny it, then I'm not gonna worry about that. You don't have counsel with you today, do you?

JON SATTWHITE

No. We're just speaking on behalf, but we asked Gary Peck to speak for us --

MAYOR GOODMAN

All right. Fine. Now, you have the opportunity right now to cross examine Mr. DiFiore or Sergeant Montandon.

JON SATTWHITE

Was I ever arrested for the drug sale?

SERGEANT RANDY MONTANDON

No.

JACKIE GLASPER SATTWHITE

Ask him about the hand-to-hand --

JON SATTWHITE

Yeah --

MAYOR GOODMAN

Wait, wait, Mr., you have to do this yourself. You can't have the help of somebody who perhaps will be a witness.

JON SATTWHITE

Okay. What about the hand-to-hand sale that you said that took place, where I sold the guy \$18 worth of peach cobbler; can you tell me about that?

SERGEANT RANDY MONTANDON

Is that a question?

JON SATTWHITE

Yeah.

MAYOR GOODMAN

He wants you to describe it, apparently.

JON SATTWHITE

Please.

SERGEANT RANDY MONTANDON

Okay.

MAYOR GOODMAN

He wants you to describe the hand-to-hand sale.

SERGEANT RANDY MONTANDON

You've seen, he's seen the videos, Sir, of --

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MAYOR GOODMAN But he'd like you to describe it for the record.

SERGEANT RANDY MONTANDON Okay. Once again, the confidential informant went into the business. He was under surveillance the entire time. He went to the counter. He made the purchase with a prearranged code word --

JON SATTWHITE What was the prearranged code word?

SERGEANT RANDY MONTANDON Can you hook me up.

JON SATTWHITE What's that mean?

SERGEANT RANDY MONTANDON Our confidential informant had already told us that that was the prearranged code word that was going to be used for the sale of the drugs.

JON SATTWHITE How can you take his word for that?

JACKIE GLASPER SATTWHITE (inaudible)

JON SATTWHITE He's got some moral turpitude? Hook me up, what's that mean?

MAYOR GOODMAN He's -- asking you whether or not you believe your confidential informant to be credible.

SERGEANT RANDY MONTANDON Absolutely.

JON SATTWHITE Why? You just said he's not a model citizen, so how is he credible?

SERGEANT RANDY MONTANDON He had worked with us on numerous occasions and every single time he (inaudible) --

JON SATTWHITE So he gets paid --

MAYOR GOODMAN Wait --. Please, Mr. Sattwhite, let the officer answer the question.

JON SATTWHITE Sorry about that.

MAYOR GOODMAN Go ahead, Sir.

SERGEANT RANDY MONTANDON He had worked with us on numerous other occasions, and every single time the information he had supplied had been 100 percent correct.

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MAYOR GOODMAN Sattwhite.

JON SATTWHITE Okay. So do you pay this confidential informant?

SERGEANT RANDY MONTANDON Yes.

JON SATTWHITE Okay. So he pretty much tells you what you wanna hear?

SERGEANT RANDY MONTANDON No.

JON SATTWHITE Okay.

JACKIE GLASPER SATTWHITE (inaudible)

JON SATTWHITE Okay. You said that he gave me \$50, right? And the peach cobbler was \$18. Where the money, what happened to the money? Did you guys come in and get the money off the register, or anything like that?

SERGEANT RANDY MONTANDON No.

JON SATTWHITE Then how do you -- What do you mean, no. I mean, you know --

MAYOR GOODMAN Well, don't argue with him. Ask questions, please.

JON SATTWHITE Okay. Sorry. Okay --

JACKIE GLASPER SATTWHITE (inaudible)

JON SATTWHITE Right. Let's see. How can you sit -- Well, I don't know. I'm not no lawyer. But, see --

JACKIE GLASPER SATTWHITE Can I ask questions, or just him?

MAYOR GOODMAN No --, you can't. I, just for purposes of the record, Mr. Sattwhite is the --

JACKIE GLASPER SATTWHITE But I can make a statement?

MAYOR GOODMAN Certainly. You can testify after he's through with his cross examination. But I did check with the Nevada State Bar Association, because I thought that there might be the occasion where you would wanna participate acting as a, your son's representatives, and I was told that that would be practicing law without a license, and they would prefer that you not do that.

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But if, Mr. Sattwhite, if you would continue with your questioning, please.

JON SATTWHITE

Okay. If you had me on video making a sale of crack cocaine, why wasn't I arrested?

SERGEANT RANDY MONTANDON

There are lots of times when on-going investigations allow for numerous purchases or sales or further follow up before warrants are issued for arrest.

JON SATTWHITE

Can I ask you what happened on Fremont Street? Is it just - Can I ask you this question: Is Fremont Street known to have crack sales all through, up and down Fremont Street?

SERGEANT RANDY MONTANDON

We're gonna go this broad, Sir?

MAYOR GOODMAN

He asked a question --

JON SATTWHITE

Well, it's a question --

MAYOR GOODMAN

Please answer -- That's a fair question.

SERGEANT RANDY MONTANDON

Yes. Fremont Street is known for rock cocaine sales.

JON SATTWHITE

So why am I the only one that's here right now for business on -- All the other businesses and --

MAYOR GOODMAN

Well, the -- answer. you're the one who's here right now 'cause it's your license, so --

JON SATTWHITE

Okay. I'm sorry.

MAYOR GOODMAN

-- ask another question.

JON SATTWHITE

But, like -- Okay, you said the general area of Fremont Street where Martha's BBQ is located at, so does that include other businesses or just Martha's BBQ?

SERGEANT RANDY MONTANDON

Well, (inaudible) --

JON SATTWHITE

Where the sale of crack cocaine take place at?

SERGEANT RANDY MONTANDON

No. I believe that crack cocaine is sold in other businesses on Fremont Street.

JON SATTWHITE

Okay. And --

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MAYOR GOODMAN

Any other questions, Mr. Sattwhite?

JON SATTWHITE

What's that?

MAYOR GOODMAN

Any other questions?

JON SATTWHITE

No. No, thank you.

MAYOR GOODMAN

Thank you. Any redirect?

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

In regards to the vicinity immediately around Martha's, during the time of the Metro, at least periodic surveillance of the premises –February, March, April of this year– what did you see that related to Martha's, completely aside from the purchase that was made inside from Mr. Sattwhite? What sort of activity that revolved around Martha's?

SERGEANT RANDY MONTANDON

We observed numerous other narcotics sales occurring in front of, next to with the sellers and buyers both completing business, and then going back into Martha's. There were numerous occasions where the drug sellers were sitting at a table next to the window, would then exit, make narcotics transactions, and then go back in and sit down inside the business.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Did you indeed observe another narcotics sale by an employee of Martha's?

SERGEANT RANDY MONTANDON

We observed a – narcotics transaction where an employee came outside, and then distributed a package of what we believe to be cocaine to another individual who then began distributing it to deliverers of cocaine in front of the business.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

The follow who made the initial transfer, was still wearing his Martha's apron at the time?

SERGEANT RANDY MONTANDON

Yes, he was.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Thank you.

I don't have any other questions on the redirect.

MAYOR GOODMAN

All right. Thank you. Now, Mr. Sattwhite, you have an opportunity to present your case. You have any witnesses you wanna call?

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JON SATTWHITE

Yeah, we're here -- We'd like to, we've ask Gary Peck, Director of the ACLU, to speak as well for us to issues relating to the City licensing process and its advocacy in our case.

MAYOR GOODMAN

Wanna put the --

GARY PECK

Mr. Mayor, I'm not here as a representative, I'm not here in -

MAYOR GOODMAN

No. I want you -- under oath if you're gonna testify.

GARY PECK

That's perfectly fine.

CITY CLERK RONEBUS

Would you raise your hand, please. Do you solemnly swear to tell the truth, the whole truth, and nothing but the truth, so help you God?

GARY PECK

I do.

MAYOR GOODMAN

Please state your name and your address.

GARY PECK

My name is Gary Peck. I am the Executive Director of the American Civil Liberties Union of Nevada. My address is 4810 Walteta Way, Las Vegas, Nevada 89119.

I'm here really principally to speak to this whole process, as it related to this case. Maybe, I have been to law school. Maybe I must have missed some important classes. But the way in which this hearing is being conducted raises, from the ACLU's perspective, some very serious due-process and separation-of-powers issues. This is not a courtroom. This is not adjudicated in the sense that a court process or hearing is. We are fortunate to have in Mr. Goodman, a Mayor who has spent his entire lifetime as a professional, defending the public's right to fairness and due process. This is not a scheme that is designed to ensure that kind of fairness and due process.

As I understand it, and I don't conflate issues here, on the one hand, there are issues about violations of administrative codes, administrative procedures, and the like. On the other hand, there are issues and these are, as the Mayor suggested, the crux of the matter, frankly, issues about drug transactions, illegal activities, and being a public nuisance.

As I understand it, there have been no arrests. There have

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been no prosecutions. There have been no convictions. What there has been is an investigation by the Las Vegas Metropolitan Police Department, extensive consultation between the Police Department and the Licensing Bureau relating to a license that is not, I want to underscore, is not a privileged license. We are not talking about a privileged license. This whole proceeding is a really dubious one. The ACLU has been asked that -- if I may, Mr. Mayor --

MAYOR GOODMAN

No, but with all due respect, this is not the time to criticize the procedure. If you have something you could say as far as the facts that apply in the situation, I would appreciate that. But as far as criticizing the way the hearing's being run and the due process --

GARY PECK

I'll state it -- succinctly, Mr. Mayor.

MAYOR GOODMAN

Thank you.

GARY PECK

We have a lot of allegations about drug trafficking and drug activity that have been adjudicated nowhere. People are entitled to fairness and due process, and that applies to these applicants, as well as it applied to the scores of clients you represented in your professional life. And I think everybody on this Council understands that. And the reason that the process is up for grabs and being subjected to scrutiny is because this license is being treated as if it were a privileged license, and this Council is acting in a manner that suggests that it is a court and it is not.

MAYOR GOODMAN

Thank you. I appreciate your comments. Mr. Sattwhite, any other witnesses? Are these witnesses in the nature of character witnesses, or witnesses that know about the facts of the allegations?

COUNCILMAN REESE

We had the character witnesses last time (inaudible).

JON SATTWHITE

Excuse me?

MAYOR GOODMAN

All right, who do you want as a witness?

JON SATTWHITE

Can I read my statement?

MAYOR GOODMAN

Yes.

JON SATTWHITE

Okay. On 12/21/1998 I applied for my business license, and I thought it was just a simple matter of going to the business office, filling out an application, paying -- the money, paying

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the dues. At the time, I didn't realize I needed to have the fire inspector and all the other inspectors come back out, 'cause they already been out there. They already came out and signed some stuff off. I didn't know they had to come back out and sign some more stuff off. So I just thought it was a simple thing of just going to the business office and paying my money and putting in an application.

And then on -- 1/15, the Planning Department still hasn't come to inspect Martha's, but instead ten to twelve uniformed police came with several City officials and who knows how many undercover police were around. Police started running checks on all the patrons in Martha's --, just not the employees, but the customers also. I was issued a citation for not having a business license. And I understood that, and I went to court. And, when I went to court, it was in my understanding that I had 90 days to get a permanent license and it'd be reduced to a hundred- and seventy-dollar fine.

So in that 90 days, when I was trying to get my license, and what not, I kept coming up -- the City kept coming up with more stuff I needed. I needed -- a CO, they said. Well, I didn't know I didn't know I needed a CO, 'cause it was the first time that building had been used as a restaurant. They said I needed a parking plan, but I come to find out, it was my understanding, as part of the downtown central area, business area, that you don't need parking 'cause you got parking garages all around. I had more than ample parking. There was your meter parking, the El Cortez garage parking, had the big, the Red Garage over there. And they, then kept saying that parking was a issue, but parking was never a issue.

So, the Fremont Medical Center, they came up and they, we got -- an agreement with them. And they gave us -- What, ten spaces? Ten spaces and that, and I thought that was sufficient enough to for the City Planning, and then on --

So, every time the City told me what I needed to be done I did it --, you know? Tried to get it done right. And then why I didn't pay the fine was I had to go to court -- on the tenth? I believe. May 10th. But that's the same day that the -- temporary license expired. So, I was over here trying to get my license; you know?

But I don't see how that, the Metro Police Department can say that I'm, the restaurant's just a color for a drug

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operation. You know?

MAYOR GOODMAN

Well, don't -- argue now. The, this is your testimony.

JON SATTWHITE

Yeah. I'm just saying.

MAYOR GOODMAN

All right. So, tell us about the facts if you can.

JON SATTWHITE

Okay. We heard that we were under investigation for major drug operations, somewhat supported because suddenly Metro Administrative Staff stops coming in. Metros begins questioning customers as they're leaving, asking them: How's the crack business today? And, you know, that's not right. We write a letter to Sheriff Keller asking why -- is the police on us like this; you know? They didn't tell us.

In response, believe, I believe an Oscar Gasson contacts us by letter and by phone, and then a detective from next door he comes by and he talks to my dad, Jessie. We both, they're both there invited, so we believe everything okay. You know?

Then a rumor with the El Cortez Management had heard they had heard rumors. This is when their management owner met with Jessie Sattwhite and told us their camera was pointed right at us. Now, if we knew the camera was pointed at us, why would we continue?

MAYOR GOODMAN

Is that it?

JON SATTWHITE

Yes, Sir.

MAYOR GOODMAN

Okay. I have a question. The thing that I -- don't understand is there's a videotape. Okay. Everybody's seen the videotape except us.

JACKIE GLASPER SATTWHITE

Can you see it?

MAYOR GOODMAN

I don't understand that, Mr. Redlein. If there's a drug sale on the videotape, why can't we see it? If it isn't, Mr. Sattwhite, why can't we see it? Why are we being kept --

JON SATTWHITE

I'd like you to see it. Can you take a recess and see the video?

MAYOR GOODMAN

Yeah, we'll take a ten-minute recess. You get the video up, please.

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RECESS: 2:21 - 2:40 P.M.

MAYOR GOODMAN

Patience. One of my first campaign promises was that I was going to speed up these Council hearings and I don't know what happened here.

All right, could we see the tape, please.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Mr. Mayor, before it rolls, if I could ask a couple of questions of Officer Montandon to set it up for you. On this date on February 17th, 1999, how do you handle a controlled-buy situation so that you have some assurance that the confidential informant isn't, say, carrying dope into the location where the buy takes place?

SERGEANT RANDY MONTANDON

When we pick him up, we bring him back to our office, he's searched, strip searched to, and all his pockets are emptied and --

JACKIE GLASPER SATTWHITE

(inaudible)

SERGEANT RANDY MONTANDON

-- mouth's checked, all the places where someone would conceal contraband, and, to make sure that he doesn't have any contraband or any other moneys on his person prior to the beginning of the operation.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And he had no narcotics when he walked into Martha's?

SERGEANT RANDY MONTANDON

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And he had no other money but that you had supplied him when he walked into Martha's?

SERGEANT RANDY MONTANDON

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And he was inside Marthat's roughly how long to purchase the cup of cobbler?

SERGEANT RANDY MONTANDON

Approximately five minutes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

And when he walks out, the cobbler is inside a rolled paper bag and in his hand; is that correct?

SERGEANT RANDY MONTANDON

Yes, it is.

CHIEF CIVIL DEPUTY CITY

And from the time he stepped out of Martha's until the bag

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ATTORNEY REDLEIN was taken from him, was he in the view of you or others on your team the whole time?

SERGEANT RANDY MONTANDON Yes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN So your sure he wasn't able to insert anything in the bag after he left the store?

SERGEANT RANDY MONTANDON Absolutely.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN And who took the bag from him, do you remember?

SERGEANT RANDY MONTANDON I was driving the vehicle that picked him up. I couldn't tell you exactly who took the bag from his hand, but I saw him when I picked him up. The bag was in his hand and he handed it directly to one of the officers that was with me.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN Okay. And when it was opened up, was it, did that happen in the car in which he was picked up?

SERGEANT RANDY MONTANDON Yes.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN Was the foil wrap rock of cocaine plainly visible when it was opened up?

SERGEANT RANDY MONTANDON Yes, it was.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN Now, in regards to the film, do you see the foil wrapped rock of cocaine get inserted into the Styrofoam cobbler cup underneath the plastic lid?

SERGEANT RANDY MONTANDON No, you do not.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN So what we see in this film is him walk into the store, spend --

MAYOR GOODMAN Well, now, let's -- see the film.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN I just, I'm trying to prepare you for the fact the reason it didn't get shown is it shows somebody make a purchase of food and the rest --

JON SATTWHITE You said you saw hand-to-hand and --

MAYOR GOODMAN Well, I'd like to see the film, please. Let's see the film, please.

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CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

The tapes ready to roll. You can roll it now.

Now his face has been blocked out; is that right, Officer Montandon?

SERGEANT RANDY MONTANDON

That's correct.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

The person behind the counter with the apron.

JACKIE GLASPER SATTWHITE

Is Jon.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

This package we're seeing wrapped up, that's not for your confidential informant, is it?

SERGEANT RANDY MONTANDON

No, it's not.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Another customer?

SERGEANT RANDY MONTANDON

That's correct.

JACKIE GLASPER SATTWHITE

This is Jon preparing the cobbler now. He got the top. He's getting a spoon now. That's the customer giving him the money; watch the change.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Appears to be carrying a bag in his left hand with the top rolled; is that the way it was when he came out of the store and you saw him?

SERGEANT RANDY MONTANDON

Yes, it is.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Could you see him exit the store?

SERGEANT RANDY MONTANDON

He was under constant surveillance by officers the entire time.

MAYOR GOODMAN

Okay. Mr. Redlein, could you make that part of the record, please.

CHIEF CIVIL DEPUTY CITY
ATTORNEY REDLEIN

Sure.

MAYOR GOODMAN

Okay. Thank you. Any questions by any Council members? You have any additional testimony?

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JACKIE GLASPER SATTWHITE

Yes, we do.

MAYOR GOODMAN

All right.

JACKIE GLASPER SATTWHITE

I mean, from the tape you could see from the time he
(inaudible) --

MAYOR GOODMAN

Well, that's -- argument. I don't want --

JACKIE GLASPER SATTWHITE

Okay.

MAYOR GOODMAN

-- to hear that.

JACKIE GLASPER SATTWHITE

(inaudible) Tell (inaudible) me --

JON SATTWHITE

Yeah, I'd like to call Jackie Glasper Sattwhite up.

JACKIE GLASPER SATTWHITE

I have a prepared statement. First, I'm gonna give honor to
God, and I'm gonna ask him to help me say the things I feel
compelled to say.

Also, despite these are trying times, I wanna congratulate
the Mayor and the new City Councilwoman. Okay? But
needless to say, I'm very angry. I'm very upset. I find it ironic
that I'm even here today when history is being made, when
we have our first Black, female Councilwoman.

But I'm here today before the new Mayor, an ex-policeman,
a prior athlete, a blue-collar businessman, and our first
Black, female Councilwoman. It seems like a fairly diverse
group. But here I am today stating —and let's call this
exactly what it is— Why is Martha's the only business that's
being put to this type of test? Is it because we're Black
perhaps? Is it perhaps racially motivated? We are the only
Black business on Fremont Street. And we're the only
business that has been denied a regular license. Like it's
been brought up, it's not a privileged license. It's just a
regular license.

For the past two months, Jon has been called a drug dealer.
He's been said to be unfit to possess a business license. My
question is: How? How did this, how did it get to this? He's a
United States citizen? His parents are citizens. His parents
are both graduates of UNR. I have an advanced degree
from Stanford. He's a graduate of Monogue in, high school
in Reno, which is a sister school to your Bishop Gorman. He
has several years of college. He's not a felon. He doesn't

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have an arrest record of any kind, let alone drug arrests. He's not a drug dealer, nor has he ever been known as a drug dealer. He is, though, a 24-year-old Black male, so, I guess, that makes him unfit. It's become apparent he does not fit the profile of a businessman. I think that some instances they expected Jon to have a criminal record of some sort, so that, because that certainly would have made their case look a lot better. But this particular child does not have any kind of arrest record. Not to mention that during this two-months period when you've said that he was a drug dealer, you caused me to doubt him. I've gone to him because everybody seemed to be so certain. I was told: You don't wanna see the tapes. Your son is lying to you. You don't wanna see this because you're going to be embarrassed. I haven't seen anything on the tapes that indicate, to me, that Jon was a drug dealer of any sort.

I have admitted before, I admitted in the paper, yes, there was some things that we did not do properly from administrative standpoint. But we had been working on that building for over a year. During that time – period, in that year's time, we had been getting various check-offs and approvals from various different people. I submit that in a lot ways some of the errors that we made was a part of the City, 'cause they did not find, for instance, that we did not have a Certificate of Occupancy until much later, they started to doing the digging. But as it's been pointed out, as Jon has indicated, once we were told the things we needed to do, we always went forward and got the things completed as best we know how.

It didn't start out being an administrative issue to begin with, as you tried to point out, Mayor Goodman. The, this administrative issue, what it's doing, it's muddying the waters. It's making us look like there's a lot of different things going on.

But I wanna get back to where we started. Martha's was denied a license based on the fact that it was a drug operation. And the letter that you read states as such. I think that Mr. Redlein has taken a lot of liberty and defining and expanding what was stated in the particular letter that Jon was given. The reason we went to a criminal attorney to begin with, because it, they said that he was a drug dealer. Had him scared that he was gonna be arrested, then we all did not know what to do.

I've heard stories in the past about Black entertainers not

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being able to frequent the places where they were entertaining. Instead they had to go to North, to West Las Vegas, like places like the Moulin Rouge. Now, we can -- well, now, --we being Black-- can go into the downtown casinos. We can work in downtown casinos. This month's Black Enterprise even showed two Black twins that work in downtown casinos. But it does not appear that we have yet been allowed to own a business in Downtown Las Vegas.

Blacks are still, in 1999, being restricted to West Las Vegas. I say this because my other business, Fat Jessie's has not had nearly the amount of problems, and it also in an area that a lot of activity goes on, but we haven't had nearly the amount of problems over there. In fact, we haven't had any, like we've had at Martha's.

So, I'm before this diverse Council today asking you to make a decision. We thought that we were bringing diversity to the downtown area. A 1988, 1998 Ebony article states that Blacks spend \$2 billion a year in Las Vegas. We know for a fact that when Blacks go on vacation one of the first things that they wanna know is where's a good barbecue place, where's a good soul food place. We thought we were going to become the Sylvia's of New York City or the Dukey Chase of New Orleans. But that dream has been robbed from us. And I'm not, being as naive as we apparently were, we thought we were gonna add a Black soul food experience to the Fremont Street Experience.

Metro watched us for six months. I believe, DiFiore -- originally stated, Martha's was closed based on Metro's reports. So it remains -- It's clear, to me, that it was based on Metro's recommendation that Martha's was closed. I disagree that Metro is not in the licensing business. They were in the case of Martha's. But they had no reason to be -- I will acknowledge that-- since we were not applying for a privileged license of any sort. Okay?

Mayor Goodman, when you ran your campaign, which I worked for, by the way, before the primary, the people you said that you were gonna work for the people of the City. There are no Black, other black businesses on Fremont Street. My research shows, tells me that there haven't been any Black businesses on Fremont Street for a long time. And I don't believe there's any on the Strip. And given what I've had to suffer, I'm beginning to understand why.

I've heard comments about this being the Mississippi of the

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West; I don't buy that. I've been Nevada since, in and out of the State of Nevada since 1969. I've had a lot of good Jewish friends, Italian friends, and Mormon friends to assist me. So, I don't buy that this is Mississippi of the West. I do know, though, that we're having a hard time here getting a business license.

Jon deserves the business license. He has no arrests. There's no citations made on the place, and there never were any drug busts. And out of the six months that Metro surveyed us, they were only able to come up with what you've seen on this particular film and two other flimsy things that they have not shown, which does not show any drug activity happening on our premises.

We are not responsible for what happens on Fremont Street. The drugs were there before we got there. They're there now, and they gonna be there for a while. It is not our responsibility, and I'm not certain why we are the only people that are being singled out and in here trying to defend ourselves for the activities that go on on Fremont Street.

MAYOR GOODMAN

Thank you.

JACKIE GLASPER SATTWHITE

I have, well, just some questions I'd like for you guys to keep in mind. Who would name a restaurant Martha's? It's gonna be a drug operation and name it after they mother. I think most people would know if you were name it, it was set up to be a drug operation, you certainly wouldn't name it after your mother, first of all. Second of all, if we were dealing drugs, we had 36 feet of clear windows. If we knew that El Cortez had a camera, because the owner came over and told us that there was a camera pointed at us, why wouldn't we frost the windows or do something to keep you from even being able to even make such a video? Why aren't there, why weren't there any more arrests? And why has license, this licensing issue been changed from drugs now to administrative issues?

MAYOR GOODMAN

Thank you. I'll deem that as the closing argument for your position. Do my fellow Councilmen and women have any questions of any of the parties?

JACKIE GLASPER SATTWHITE

Wait a minute, we need to have the – owner of the building speak, 'cause he has something to say as well, 'cause some allegations has been made about his particular building, and that is Richard Sturman.

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MAYOR GOODMAN

All right, if that's part of the -- issue. Is Mr. Sturman here?

JACKIE GLASPER SATTWHITE

Yes, it is. And not to mention, one more thing, when we were here the last -- Council meeting there was also some people that were here that wanted to speak, and you said they would be allowed to speak this particular time.

MAYOR GOODMAN

That's correct.

JACKIE GLASPER SATTWHITE

Okay. So they are here to speak.

MAYOR GOODMAN

I'm gonna limit it to three minutes, please.

RICHARD STURMAN

My name is Richard Sturman. I'm the owner of the building at 611 Fremont Street. I met Jackie, her husband, and her son over a year ago, when they expressed tremendous desire to open up a soul food restaurant on Fremont Street. I thought it was an excellent idea. I thought it was something that was needed, and I supported them in that matter.

From the beginning all they wanted to do was open up the best soul food restaurant around. That was their prime desire, and that was my firm belief. From the beginning they were harassed by the downtown police. I see this as a case of racial profiling. I see that they saw that there were problems with people on the street, and they were sitting in Martha's restaurant, and they said, we have a problem and we're gonna correct that problem by closing this restaurant. And it's simply that case.

I was in that restaurant. I visited the building at least once each day. I, myself, never saw drugs. I don't like drugs. I never saw any kind of drugs being dealt in that restaurant. If I did, I would have thrown them right out. Period. Simple.

I think that these people were abused. I think that the process that was supposed to help the citizens of Las Vegas was abused in the way it was handled. Number one, no drugs were at that premises. Number two, they did everything they could in a manner that they felt they were doing it correctly. This was their first business in the City of Las Vegas. They believed that what they were doing was correct. When they found out something was incorrect, they went and they did it the correct way. They got their sales tax forms. They got their Certificate of Occupancy. They got the -- Health Department to okay the kitchen area. Everything was done in accordance to information that they needed to

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go ahead with the opening of their business. And from the beginning to the end, their sole desire was to grace the Las Vegas Experience with a soul food experience, simply and finished.

MAYOR GOODMAN

Thank you. Next. Two minutes.

JON SATTWHITE

I'd like to call Renaldo of Las Vegas – Tribune.

MAYOR GOODMAN

Okay. Two minutes.

BEATRICE TURNER

Now we've put down to two, what happened to three?

MAYOR GOODMAN

Changed to two. Three's too long.

BEATRICE TURNER

'Cause it's me.

RENALDO LUBUS

My name is Renaldo Lubus. I'm the Editor of Las Vegas Tribune. I go over there almost every day. I got an office on 709 East Fremont, and I never seen any activity that can be conceived as any wrong. Anyway, I buy my sandwich next door in the – family delicatessen everyday. And I go there and put papers in the, this people's business. I met his father one time and I never seen anything suspicious or anything that can be considered illegal in there.

MAYOR GOODMAN

Thank you. Name and address, please.

BEATRICE TURNER

Beatrice Turner. West Las Vegas. You know, she got up, when she, when Ms., when Jackie said she had two businesses. She have one that's in Nucleus Plaza and she had the one that's Soul Food. And she said she's never had a problem in the one that's in West Las Vegas. And God in Heaven, this is my right hand to the Good Lord. We know is so many problems over there in Nucleus Plaza and we done had killings in the parking lots, the drugs, the whole nine yards, and never once have Metro even went over there. The business department, nothing else have ever went over there to shut nothing down. But, when she opened up Martha's, my son was working for their cleaning company out at the, one of the hotels. They went in to pick up their checks from their restaurant and it was about maybe 11, 12 of 'em went up in there. Metro asked them questions, ran their names, the officer even called me and asked me did I know my son was driving my car. I said yes, it's his car, he drive it, he paid the insurance.

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And you know, if it hadn't been for her husband, Jessie, from taking my son off the street. Before you became Mayor, Mr. Goodman, I would had to be at your door asking you, could you represent my son. But this, her husband is the one that took him in off the street, and even when he went down there and after they call and asked me, did I know he had my car and where - is he supposed to be. He told me, he said, mama, whenever we go in there to buy food, after we pick up our check from Jackie, when we go in there to buy food, Metro constantly harass us when we go up in there. So, it's been a problem from day one, since Martha's been open. But now, if you look at their other business in Nucleus Plaza, there's never no problem over there. And we know something of that need to be shut down.

MAYOR GOODMAN

Thank you, Ms. Turner. Now this is not public, this is not time for public statements, Sir. Are these witnesses that you're calling?

JON SATTWHITE

Yes.

MAYOR GOODMAN

All right. One minute.

JOE MAVIGLIA

All right. I'd like to testify.

MAYOR GOODMAN

One minute.

JOE MAVIGLIA

Thanks. Why don't you make it a half a minute?

MAYOR GOODMAN

No, one minute's fine.

JOE MAVIGLIA

Now, first of all, as you well know, there's a word that we have seen years and years and years, and it's called entrapment. Now, the issue before this tribunal is number one, whether or not is conclusively proved that there was drugs sold out of that market or out that store. The second is the informant and the individual that supposedly purchased the drugs, when in fact there was no charge put on this guy. He should have been immediately arrested and charged for selling illegal drugs. That didn't happen.

As long as the benefit of the doubt and the one issue, if there were a numerous issues of drugs selling out of that place, then you could show the preponderance of evidence beyond a reasonable doubt. But in this particular instances, whether or not he in fact sold the drugs or not, is irrelevant

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in this sense that the business has been harassed to that point.

MAYOR GOODMAN

'Kay. Thank you, Mr. Maviglia.

JOE MAVIGLIA

And I'd ask you to override this thing until this guy gets arrested. If that's the case and they can prove that they did the drugs, then close him down. Otherwise, give him the license.

MAYOR GOODMAN

Thank you. Any other witnesses that you folks are calling?

JON SATTWHITE

Mr. Snowden, please.

MAYOR GOODMAN

All right. One minute, Mr. Snowden.

ANTHONY SNOWDEN

One minute? That's not long enough. Yes, just for the record, my name is Anthony Snowden. You know, under the 14th and 15th Amendments of our illustrious Constitution, it makes it illegal to use racial profiling as a manner in which business is conducted by the Police Department. However, I see that the Metropolitan Police Department in cahoots with the business department here, have more or less used that particular guise, racial profiling, to go in and to ridicule and to blame, without a benefit of evidence, that this person is using this business for a drug location.

Now, several key factors come into point, when I make thoughts about this whole particular situation. First of all, it has to do with the fact that process. You know, I mean, as Mr. Peck stated, there is such thing as due process of the law. And in a court of law, if this was a court of law, there are certain standards that need to be adhered to. This is a criminal proceeding, it would have to be beyond a reasonable doubt. If it was a civil matter, it would have to be a preponderance of evidence. And in this particular factor, I don't think that either one of those tests have been more or less measured up here today. I don't think they've been able to prove that. And I think under that particular situation, that it would be very unwise, I think, in respect to diversity and economics and all the things that we claim that we want to make sure that everyone has equal access to here in this great City, for you to deny them a business license, surely based on allegations made by Metropolitan Police Department, without the benefit of anyone being arrested.

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Just one -- final point, Mr. Goodman and I'm finished. And also, you know, I think that for the most part, you know, Metro can make anyone come in and have a story, as far as their informant. Mr. Sattwhite I don't think has had the benefit of being able to more or less impeach the credibility of that witness. They said it wasn't a police --

MAYOR GOODMAN

No, I appreci -- Okay. I have to limit you, Mr. Snowden, please.

ANTHONY SNOWDEN

Okay.

MAYOR GOODMAN

Do you have any other witnesses, Sir?

JON SATTWHITE

Just one more.

MAYOR GOODMAN

Yes.

JON SATTWHITE

Mr. McGowan.

MAYOR GOODMAN

All right. One minute.

TOM MCGOWAN

Thank you. Tom McGowan, 720 South Casino Center Boulevard. I'll be succinct. This is not a court of law, period, from the out set. Second, I happen to have had the honor and privilege of having been at the world premiere, grand opening of the only Black owned and operated resort/hotel and casino in this State. It was called the Moulen Rouge. It was so successful that it literally vacuumed the late night trade, including the star entertainers and high rollers from the Strip. Five months later it was closed. You're little early with Martha's. Don't close it yet. Wait until they vacuum the Strip and then close it.

MAYOR GOODMAN

Does that concludes your witnesses? Thank you, Sir.

JON SATTWHITE

Yeah. Can I -- ?

MAYOR GOODMAN

Do any of my -- Excuse me. Do any of my, no -- do any of my fellow Council members have any questions?

COUNCILWOMAN McDONALD

Just comments.

MAYOR GOODMAN

Or comments. Certainly.

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COUNCILWOMAN McDONALD

Just have a few comments and I just wanted to enter into the record. I have sat here and listened to all of the information from both sides and for me seeing is believing. And I sat here and watched this video tape and I have problems with what my eyes have seen. The – evidence is not just compelling to me to say beyond a reasonable doubt that a drug transaction did in fact occur. You know, I myself, have been known to go into soul food establishments and ask, can you hook me up? You know, that's not uncommon. And – if such a transaction had in fact occurred, the question that I sit with is, why not an arrest? And so, there are just a lot of things that just don't jive with me and with the information. Here my first day of the job, you know, presented to me today and so therefore, I just find it very stringent that based on the information presented today that we would permanently deny the business license. And that's just my comments.

MAYOR GOODMAN

Thank you. Any other comments from my Councilmen?

CITY ATTORNEY BRAD JERBIC

I'm sorry. If I could just jump in on that note and just inform the Council that the letter of appeal on this case is very specific. It does not allege a drug operation, but it does allege sale of drugs. But that's all the letter alleges. With this Council were to consider granting or denying the license, it must limit its finding to that simple fact alone; whether or not you believe there was a drug sale or not. It should not be based upon any other fact that was entered into this record because that is not one of the bases of allegations contained in the letter sent by Mr. DiFiore.

MAYOR GOODMAN

Any other comments or statements?

COUNCILMAN REESE

Actually, yes I have quite a few comments. Maybe not so many questions. I don't know how this application got all muddled up like it is. I can see in, being a small businessman, you know, the applicant not having a tax license. Now they – have another business, a second business in the City of Las Vegas. They understand the process. They're college graduates from their own admission and I have problems, you know, with them being open without the proper licensing. They – had, went to court, was fined for operating a business without a license. They opened up a second time on a temporary license and still, after that license expired, they were still operating on an expired license. Still without a tax number where they're paying sales tax to the proper entity.

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So, I don't know how we got where we're at today. I mean, I don't know whether I can my decision based upon what the attorneys are trying to tell me here on what I feel or what I know. I am a small businessman. I understand anybody trying to go into business how to me easy the application process is. So, if there's no other questions or comments by the other Council members. I understand Metro. I know that they have worked very closely with my office in trying to clean up Downtown. I – can call Metro when I have problems, when I get complaints. They do work very closely with me. And I want them to know that I really, truly appreciate their efforts. I know that the area where this business is, is one of the – tougher area that I represent.

I also feel compelled to want to work with the applicant. I think that the applicant, to me, if they – really are honest and sincere and wanted to go in and do a good business, an honest business, they wouldn't mind working with the City. I think that if they will work with our Building Department, our Code Enforcement Division, and go in there and make sure that their applications are in process, if they get the proper tax number, so on and so forth, that I would be willing to give them a six-month temporary business license with a six-month review.

MAYOR GOODMAN

Is that in a form of a motion, Councilman?

COUNCILMAN GARY REESE

That would be my motion.

MAYOR GOODMAN

Councilman Brown?

COUNCILMAN BROWN

Thank you, Mayor. I just want to clarify from – the perspective here. We've been advised that if there's ignorance on the part of the applicant, as far as license inspection, parking, conditions of approval, that's not before us today. If there's a failure to pay a criminal fine and a bench warrant out, that's not before us today. What is before us today is the fact that allegedly there was a sale of illegal drugs. Now, for my edification, we have, if I'm not mistaken, sworn testimony from the Metropolitan Police that their CI went into an establishment without drugs, came out of that establishment with drugs. So that's Metro's sworn testimony. We have sworn testimony that there weren't any drugs. If we are, in fact, not a court of law, how do I base my judgment on sworn testimony that obviously is in conflict?

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COUNCILMAN REESE Well, I -- there -- again, if I -- might interject here. I feel, because there was no arrest made, the applicant, you know, I -- don't either. And so, if -- somebody can answer that question, it would sure --

COUNCILMAN BROWN Councilman, I'll certainly support the motion. I -- just need to understand from one vote perspective how am I supposed to base a judgment.

MAYOR GOODMAN Mr. Jerbic. You, I'm not going to give any legal advice now. Will you help Councilman Brown, please.

CITY ATTORNEY BRAD JERBIC Sure. With respect to the evidence that you consider here, there's an entirely different standard of proof and this an entirely different type of proceeding. As impossible as it may sound, you can actually have a charge that goes to District Court, where someone is actually acquitted and you could still consider it here. However, along with that consideration would be the acquittal as well. I would expect all the facts would come out. However, the adjudication or failure to adjudicate in a different tribunal does not prohibit the City from presenting evidence in this tribunal today. And therefore, you may consider the evidence on its own merit. Whether or not it rises to the level of convincing you that it occurred and should be a basis for denial the license, is purely within your discretion.

MAYOR GOODMAN We have a motion. Any other comment? All right. Call --

COUNCILMAN REESE Just, -- there again, this is -- a clarification of my motion. And my motion is not based, I guess, upon the fact that they was operating a business without a license, that they didn't have, they wasn't paying taxes --

JACKIE GLASPER SATTWHITE Excuse me. We do have a sales tax receipt -- he won't speak up.

MAYOR GOODMAN Wait, please, please. Let (inaudible) --

COUNCILMAN REESE When -- no, when -- was this sales tax number got, though?

JACKIE GLASPER SATTWHITE 4-1.

JON SATTWHITE 4-1-99.

JACKIE GLASPER SATTWHITE And we thought we could use, we did, we made a mistake once again. We thought we could use Fat Jessie's and we

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were going to State and they were saying that we had to incorporate in order to be able to get, to use the same number.

COUNCILMAN REESE

But there again, though, we -- there -- was four months or five months that we was not paying sales tax.

JACKIE GLASPER SATTWHITE

No. We were using Fat Jessie's and we thought we could do that. And then they told us we had to incorporate.

COUNCILMAN REESE

Well --

JACKIE GLASPER SATTWHITE

There's a lot of things that we're doing behind the scene that we haven't talked, you know, talked about.

COUNCILMAN REESE

Okay. But there -- again, and I -- appreciate the effort that Metro has put into this. I -- feel very uncomfortable in this -- because I, like I say, there has been some -- evidence brought forward here today. I -- understand what we're trying to do, what I'm trying to do on Fremont Street. So, I'm -- just saying that I would make a motion based upon what I've heard here today to give six months temporary license, with a six month review to where you come back and if there's any problems at all, we will have the authority then to come in and say, we'll take the license. So --

JACKIE GLASPER SATTWHITE

What you mean any problems at all? That's a high flagged area. We had no control over the, a robbery that comes in.

COUNCILMAN REESE

Well, I -- there again --

JACKIE GLASPER SATTWHITE

Why are we being, and I'm almo -- why are we being put to that? I mean, we have a business license.

COUNCILMAN REESE

There -- again, Ma'am, this -- is not singling, this --

JACKIE GLASPER SATTWHITE

No one else is being put to that.

MAYOR GOODMAN

Wait. Wait. Please let the Councilman speak.

COUNCILMAN REESE

This is not singling you out. We have got, I've got other --

JACKIE GLASPER SATTWHITE

I disagree.

COUNCILMAN REESE

-- businesses and you may not be aware of these businesses that we've been going into and trying to close up and trying to take their license away from 'em. You're not -- the only one.

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JACKIE GLASPER SATTWHITE

Privileged license.

COUNCILMAN REESE

And we, we've been up and down East Fremont Street for the last four years trying to make sure that it's cleaned up. I've worked with every organization that is, had business down there. The group, the special interest groups that care about their safety of their kids that grow, that are growing up in that area. It is a big concern that I have in this area. And I'm going continue to work with that area and if there's any - concerns or problems, whatever, brought - forth to me, then I'm going to look at them. And that's what I'm saying. We're going to get, I'm willing to make a **motion for a temporary business license for six months with a six month review.**

JON SATTWHITE

Can I ask you a question?

COUNCILMAN REESE

Yes, Sir.

JON SATTWHITE

Okay. So, we got to go through all this all over again; getting the CO, getting the Fire Department out there, getting the Health and Safety.

COUNCILMAN REESE

Apparently - if you've got all that done then it, there shouldn't be any problem then.

JON SATTWHITE

We got that right here. So, why can we just, if you're going vote, why's there need to be a six-month temporary? I don't quite understand that part.

COUNCILMAN REESE

Because, well, because of the - issue that we've spending here for the last two hours listening to.

JON SATTWHITE

Two hours.

COUNCILMAN REESE

That is - my - area of concern and I feel like I - that I have that right because I've sat here and I've listened to this. That, you know, you may have, you may, you could probably go in there if you have all that paper work done and go into business tomorrow. And if everything's on the up and up and --

JON SATTWHITE

Okay. So - so it's a problem with business license? I mean --

COUNCILMAN REESE

No. It's a temporary business license. We're going to have a six-month review. And if there's no - questions or - what

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brought before us, then we, you come back, we go through the same thing and – you, you'll get your permanent license.

JON SATTWHITE

Okay.

MAYOR GOODMAN

And I just want the record to be perfectly clear, from where I'm sitting here, okay? I agree a 100% with Councilman Reese. We have a problem down there on Fremont Street. We got a problem in the Downtown area, as far as Crack's concerned. And six months from now when you come back here, at least from my perspective, on the review, I want to hear whether or not Metro feels you're cooperating with them down there, so we don't have a problem any more. So, I call for the vote. Post.

COUNCILMAN MCDONALD

Passes.

MAYOR GOODMAN

Motion passes. Motion carries. **(Motion carried with Brown and McDonald voting NO.)** Thank you.

JON SATTWHITE

Thank you.

(END OF DISCUSSION)

/gpb/ac

CITY COUNCIL
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TO:

City Council

FROM:

MARK R. VINCENT, DIRECTOR
DEPT. OF FINANCE & BUSINESS SERVICES

SUBJECT:

INDEPENDENT MASSAGE THERAPIST - Six-Month Review

PURPOSE/BACKGROUND

Appearing on the Department of Finance & Business Services portion of the agenda is a six-month review of the independent massage therapist license issued to Song Lei dba Song Lei, 4035 West Sahara Avenue.

On January 11, 1999 the City Council approved this license subject to a six-month review due to an area of concern in the police report. Attached is a copy of the annotated agenda from that meeting.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

FISCAL IMPACT**RECOMMENDATIONS**

Recommend approval subject to a favorable police report.

Agenda Item**80**