CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION	NOTE: Item to be heard in afternoon session in conjunction with Item #121 Special Use Permit U-36-99
81	LIQUOR & GAMING - New 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	**REESE - DENIED - UNANIMOUS** MAYOR GOODMAN declared the Public Hearing open. APPEARANCES: ATTORNEY MATTHEW CALLISTER, Callister & Reynolds, 823 S. Las Vegas Boulevard TOM McGOWAN, 720 S. Casino Center Boulevard TACY STANFILL, 6371 Sandpiper Way RICHARD STANFILL, 6371 Sandpiper Way SHARON FINGER, Manager of Trade Realty Apartment Complex JOE MAVIGLIA, 5422 Indigo Hills, North Las Vegas SAMANTHA JOHNSON, 505 S. 13th Street JOHN RAMSEY, 505 S. 13th Street, Apt. A-26 JEREMY JOHNSON, 505 S. 13th Street, Apt. A-13 MAYOR GOODMAN declared the Public Hearing closed. NOTE: MRS. STANFILL submitted a petition in opposition with 290 signatures. ATTORNEY CALLISTER submitted a petition in support with 186 signatures. NOTE: A Combined Verbatim Transcript of Item 81 and Item 121 [U-36-99] is made a part of the Final Minutes under Item 121 [U-36-99]. (5:01 - 5:36) **5-986**

June 5th, 1999

To whom it may concern:
Opening a convenience store with beer & wine license carryout, at 1401 East Charleston. Is not objectionable with us. We believe there will be no impact or disturbance to our services.

X ____

Temploma Hermosa - minster Louis
His answer was He has No objection. I have some one Translate to him in spanish. Reason He did not sign He was scared to sign any papes because He did not speak OR Read English -

Church address is

1431 Charlison Building 14-15

81

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
82	**DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION** INDEPENDENT MASSAGE THERAPIST - New 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%	**M. McDONALD - APPROVED requiring the license to take effect once a Nevada Driver's License is obtained by the applicant - UNANIMOUS** ****** JIM DiFIORE, Manager, Business Services, was present. SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, stated that Metro's area of concern dealt with a battery/domestic violence arrest which was supposed to have been adjudicated on June 30, 1999. Also, MR. SALVADOR has a Florida Driver's License. His Nevada Driver's License was suspended in 1988 due to traffic problems. NRS requires him to have a Nevada Driver's License due to his need for mobility with this particular license. He recommended that MR. SALVADOR be granted a license contingent upon the provision of documentation indicating that MR. SALVADOR completed the prescribed counseling for the battery/domestic violence conviction and that he obtain a Nevada Driver's License. MR. SALVADOR presented documentation regarding counseling classes and documentation indicating that he applied for a Nevada Driver's License. He noted that he still has to take a driving test. SERGEANT CANNITO requested the business license become effective as soon as MR. SALVADOR obtains a Nevada Driver's License. There was no further discussion. (3:20 - 3:22) **4-355**

Alternative Sentencing and Education Division
of the
Las Vegas Municipal Court
416 N 7th Street
Las Vegas, Nevada 89101

Counseling Program

CC#: 98-06672-I Client Name: SALVADOR, JONATHAN JIMENEZ SS#: 530-94-9320

Deficiencies:

Fee Balance Due:	$0
Classes Pending:	0
Counseling Sessions Pending:	0
Outside Agency Counseling Sessions Pending:	0
AA/NA Sessions Pending:	0
Community Service Pending:	0

Recommendation:
COUNSELING REQUIREMENTS COMPLETED
(Last Review Date is: 1/04/99)

Counselor: BELCHER, BARBARA Date: 6/22/99

#82

Alternative Sentencing and Education Division
of the
Las Vegas Municipal Court
416 N 7th Street
Las Vegas, Nevada 89101

Counseling Program

CC#: 98-06672-I Client Name: SALVADOR, JONATHAN JIMENEZ SS#: 530-94-9320

Case# C-0357765-A Charge: BATTERY/DOMESTI Program: IMPULSE CONTROL

Referral Date: 09/22/98 Admit Date: 09/29/98

Court: MUNI Judge: RDP Dept: 6

Next Court Date: 6/30/99 Court Time: 15:00P

Charges:	Due	Waived	Paid	Balance
Counseling Program Charge	$225		$225	
Total:	$225		$225	

Classes:

Class	Session	Date	Status
IMPULSE CONTROL	1	11/02/98	COMPLETED
IMPULSE CONTROL	2	11/09/98	COMPLETED
IMPULSE CONTROL	3	11/16/98	COMPLETED
IMPULSE CONTROL	4	11/23/98	COMPLETED

TOTAL CLASSES OUTSTANDING: 0

Counseling Sessions:

Counseling Sessions Due	2
Counseling Sessions Completed	0
Intake Completed	1
Phone Contacts Completed	1

TOTAL COMPLETED: 2 BALANCE DUE: 0

ITEM		ACTION
	DEPARTMENT OF FINANCE & BUSINESS SERVICES - DISCUSSION	
83	MASSAGE ESTABLISHMENT - New/Request For Temporary License 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%	**M. McDONALD - APPROVED the temporary license subject to the provisions of the planning and fire codes - UNANIMOUS** ****** GARY WAYSACK, 4482 Amber Canyon Drive, was present. JIM DiFIORE, Manager, Business Services, indicated that MR. WAYSACK has met the criteria for Business Services to consider a temporary license. An investigation was conducted earlier this year and found no areas of concern; therefore, he recommended approval of a temporary license. SERGEANT VINCENT CANNITO, Las Vegas Metropolitan Police Department, was present. There was no further discussion. (3:22 - 3:23) **4-432**

AGENDA DOCUMENTATION

CITY COUNCIL
MEETING OF
JULY 12, 1999

TO:	FROM:
City Council	MARK R. VINCENT, DIRECTOR DEPT. OF FINANCE & BUSINESS SERVICES

SUBJECT:
MASSAGE ESTABLISHMENT - New/Request For Temporary License

PURPOSE/BACKGROUND

Appearing on the Department of Finance & Business Services portion of the agenda is an application for a new temporary massage establishment license submitted by Waysak, Inc., dba Destination Garden Salon Spa, 601 South Rainbow Boulevard.

The applicant is requesting approval of a temporary license as provided by LVMC 6.02.070(E) as amended July 13, 1998. This subsection was amended to read as follows:

> ..."The provisions of this Section authorizing the issuance of a temporary business license do not apply to any business subject to the provisions of Chapter 6.06 of this Title or to any business which requires formal approval by the City Council unless:
> ...(2) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable investigative fees;
> (3) The Director makes a preliminary finding that all of the principals of the business are suitable; and
> (4) The City Council approves the issuance of a temporary business license."

Gary S. Waysack, the sole officer and 100% stockholder of Waysak, Inc., submitted all of the required documentation and paid all applicable fees for investigation on June 25, 1999. Mr. Waysack was previously investigated and approved by the City Council on March 22, 1999 for a massage establishment license for Destination Garden Salon Spa & Cafe, 7331 West Lake Mead Boulevard, Suite 103. There is no derogatory information in our files that would indicate that this individual is not suitable to be licensed at this additional location.

In the event the Special Investigations Section, Las Vegas Metropolitan Police Department, should develop an area of concern with Mr. Waysack this item will be brought back before the Council for appropriate action.

FISCAL IMPACT

RECOMMENDATIONS

Recommend approval subject to a favorable police report.

Agenda Item
83

ITEM	ACTION
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.	**REESE - Motion to APPROVE as recommended - carried with M. McDONALD not voting**

******

SHARON SEGERBLOM, Director, Neighborhood Services, FRANKLIN SIMPSON, Executive Director of the Weed and Seed Program, and SUE PRESCOTT, Senior Analyst, Neighborhood Services, were present.

MS. SEGERBLOM advised that part of the Special Emphasis Initiative Programs for the Las Vegas Weed and Seed Vision 2003 and Beyond is to provide jobs and asset building for at-risk youths and adults. Weed and Seed has identified three locations for the installation of Family Life Long Learning Centers: West Middle School, Stupak Community Center, and Booker Elementary School, which are all located in Weed and Seed areas and designated as underserved.

The Executive Office for Weed and Seed, US Department of Justice, has created an initiative entitled SEEDTECH to provide access to personal computers, information technology, and innovative programs to promote technical skills to youth, unemployed adults, and small businesses to prepare for job and business opportunities.

This type of initiative has been done in only 12 other cities throughout the country and can really make a difference in the community. She recommended the City take advantage of this opportunity to provide computers to the underserved areas.

COUNCILMAN REESE noted it is a great program.

ANTHONY SNOWDEN, 412 West Jefferson, asked who National Urban Technology Center, Inc. is. MS. SEGERBLOM replied that it is a non-profit provider that the US Department of Justice recommended to install the subject centers.

There was no further discussion.

(3:23 - 3:27)

4-468

CITY COUNCIL
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	SHARON SEGERBLOM, DIRECTOR NEIGHBORHOOD SERVICES DEPARTMENT

SUBJECT: 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.

PURPOSE/BACKGROUND

Part of the Special Emphasis Initiative Programs for the Las Vegas Weed and Seed "Vision 2003 and Beyond" Project is to provide jobs and asset building for at-risk youths and adults. To promote this initiative, Weed and Seed has identified three locations for the installation of Family Life Long Learning Centers: West Middle School, Stupak Community Center, and Booker Elementary School. All three sites are located in specified Weed and Seed areas and designated as underserved.

The Executive Office for Weed and Seed, U.S. Department of Justice has created an initiative entitled SEEDTECH to provide access to personal computers, information technology, and innovative programs to promote technical skills to youth, unemployed adults, and small businesses to prepare for job and business opportunities. The National Urban Technology Center (TA) has entered into a partnership with the Executive Office for Weed and Seed to provide the SEEDTECH centers. Each of the three designated sites will receive ten workstations, two printers, and a teaching station. All equipment is state-of-the-art. In addition, program software, teaching workshops, and manuals will be included. The TA will also assist with community planning to ensure what will be taught is what the community desires and needs.

Technical Assistance Agreement is attached.

FISCAL IMPACT

No impact to general fund. Project will be funded through the Department of Justice Weed and Seed Program

RECOMMENDATIONS

It is the recommendation of the City Manager that the City Council approve the Technical Assistance Agreement with The National Urban Technology Center and authorize the Mayor to sign the appropriate documents.

Agenda Item
84

Briefing Paper
July 12, 1999, Council Agenda

Discussion and possible approval of a Technical Services 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.

Part of the Special Emphasis Initiative Programs for the Las Vegas Weed and Seed "Vision 2003 and Beyond" Project is to provide jobs and asset building for at-risk youths and adults. To promote this initiative, Weed and Seed has identified three locations for the installation of Family Life Long Learning Centers: West Middle School, Stupak Community Center, and Booker Elementary School. All three sites are located in specified Weed and Seed areas and designated as underserved.

The Executive Office for Weed and Seed, U.S. Department of Justice has created an initiative entitled SEEDTECH to provide access to personal computers, information technology, and innovative programs to promote technical skills to youth, unemployed adults, and small businesses to prepare for job and business opportunities. The National Urban Technology Center (TA) has entered into a partnership with the Executive Office for Weed and Seed to provide the SEEDTECH centers. Each of the three designated sites will receive ten workstations, two printers, and a teaching station. All equipment is state-of-the-art. In addition, program software, teaching workshops, and manuals will be included. The TA will also assist with community planning to ensure what will be taught is what the community desires and needs.

Project to be paid for from Weed and Seed grant money.

TECHNICAL ASSISTANCE AGREEMENT

THIS AGREEMENT is made and entered into this 12th day of July, 1999, by and between the incorporated City of Las Vegas, a municipal corporation of the State of Nevada, hereinafter referred to as "City"; and The National Urban Technology Center., a New York Corporation, hereinafter referred to as "TA."

WITNESSETH:

WHEREAS, the City desires to contract for a Technical Services Agreement 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 hereinafter referred to as Project; and

WHEREAS, pursuant to 28 CFR 66, the City of Las Vegas desires to use its Weed and Seed Grant funds for the Project; and

WHEREAS, TA has entered into a partnership with the United States Department of Justice to create an initiative titled SEEDTECH for the purupose of providing access to personal computers and information technology in under-served communities in the United States; and

WHEREAS, TA has designed innovative programs to provide technological skills to youth, unemployed adults, and small businesses in inner cities; developing state-of-the-art training tools replicated successfully in twelve Weed and Seed communities; and

WHEREAS, the City desires the services of a knowledgeable, reputable TA to establish three high performance SEEDTECH Centers for computer literacy and competency training, integration of on-line academic instruction, expansion of computer training to prepare community members for employment in computer-related fields, preparation of staff in the three centers for The Youth Leadership Academy; and

WHEREAS, TA has indicated it possesses the staff, requisite specialized knowledge, skill, experience, is capable and desirous to supply the technical assistance recommended by the Executive Office of Weed and Seed, Department of Justice and desired by the City.

NOW THEREFORE, in consideration of the premises contained herein, the parties hereto agree to the following terms, conditions and covenants.

I. RESPONSIBILITY OF THE TA

A. The TA shall be responsible for professional quality, technical accuracy, timely completion and coordination of all services furnished by the TA, its subcontractors and its principals, officers, employees and agents under this Agreement.

B. City review, approval, acceptance or payment for any of the TA's services herein shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause or action arising out of the performance of this Agreement and the TA shall be and remain liable in accordance with the terms of this Agreement and applicable law for all damages to the City caused by the TA's negligent acts, errors or omissions in performance of this Agreement.

C. The TA shall assign a Project Manager to oversee each of the three sites designated in the Deliverables as set forth in Exhibit "A," and as outlined in Section III entitled "The Scope of Service." All of the services specified by this Agreement shall be performed by the Project Manager or by the TA's associates and employees identified in the TA's proposal dated and under the direct supervision of the Project Manager. Should the Project Manager, or any key employee of the TA be unable to complete his/her responsibility for any reason, the TA will replace him/her with a qualified person whom the City's representative finds satisfactory. If the TA fails to make a required replacement within 30 days, the City may terminate this Agreement for default. This provision shall not be applicable to administrative, clerical or support staff.

D. The TA agrees that its officers, partners and employees will cooperate with the City in the performance of services under this Agreement and will be available for consultation under the terms of the Agreement under such reasonable times with advance notice as to not conflict with their other responsibilities.

E. The rights and remedies of the City provided for under this section are in addition to any other rights and remedies provided by law or under other sections of this Agreement.

II. RESPONSIBILITY OF THE CITY

A. The City agrees that its officers and employees will cooperate with the TA in performance of services under this Agreement and will be available to meet with the TA at such reasonable times with advance notice as to not conflict with their other responsibilities.

B. The City shall assist the TA in obtaining data and documents from public officers or agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services specified by this Agreement. The TA shall notify the City in advance and obtain written approval before incurring any additional costs not provided for in this Agreement.

III. SCOPE OF SERVICES

A. The purpose of the Section is to set forth terms upon which the TA will provide the City with the services it has requested which is generally described as preparing, installing, facilitating, and training three Family Life Long Learning Centers to be located at West Middle School, Stupak Community Center, and Booker Elementary School, as well as other tasks identified as Deliverables as set forth in Exhibit "A," Statement of Work. The TA agrees to provide its technical knowledge, skills and expertise to perform the Deliverables as set forth in Exhibit "A." Each Deliverable shall be submitted to the City in accordance with the Implementation Schedule set forth in Exhibit "B".

B. Project management, including planning, staffing, professional quality, technical accuracy, timely completion and coordination of all services provided by it, its subcontractors and their principals, officers, employees, and agents under this Agreement will be the responsibility of the TA. In performing the work specified in this Agreement, the TA shall follow practices consistent with generally accepted professional and technical standards.

C. The TA shall, without additional compensation, correct or revise any errors or material not in conformance with the requirements of this Agreement as identified by the City in Exhibit A for ninety (90) days following City's acceptance of each Deliverable as defined in the Implementation Schedule (Exhibit B).

D. TA has requested financial support of the City to enable TA to provide the services contemplated herein. The City shall have no relationship whatsoever with the services contemplated herein except with the provision of financial support and the receipt of Deliverables as provided herein. In any and all events, the services contemplated herein shall be rendered at the time, in the manner and under circumstances determined solely and exclusively by the TA, subject only to review by the City of Las Vegas, Neighborhood Services Department Director or other designee of the Neighborhood Services Director, to assure continuing eligibility for Weed and Seed funding.

IV. DURATION, TERMINATION OF AGREEMENT

This Agreement shall commence effective the date the Agreement is approved by the City Council of the City of Las Vegas and the TA. It remains in force until ______________ (herein referred to as the "Expiration Date), unless the TA terms of the Agreement must be agreed to in writing by both parties. The City may by written notice via certified mail, postage prepaid and addressed to TA at their provided location, terminate this Agreement in whole or part, with or without cause or for failure of TA to perform in a timely manner any of its obligations hereunder. Termination of this Agreement shall be as of the date that such notice is received by TA unless otherwise specified in the notice. Upon receipt of such notice, TA shall:

A. Immediately discontinue the performance of any further services (unless the notice directs otherwise).

B. Deliver all data, drawings, specifications, reports, estimates, summaries and other information and material as may have been prepared or developed by the TA, whether completed or in progress, to the City.

C. If the termination is for the convenience of the City, TA shall submit a final invoice within thirty (30) days of termination. The City shall pay the TA costs incurred up to the effective date of termination. The TA shall deliver or otherwise make available to the City all Deliverables up to the date of termination.

D. The right of termination by the City provided for under this Section is in addition to, and not in lieu of, any other rights and remedies provided by law or under other sections of this Agreement.

V. CHANGES TO SCOPE OF SERVICES

A. The City may at any time, by written order, make changes within the Statement of Work and the Deliverables contained therein. If such changes cause an increase or decrease in TA's cost or time required for performance of any services under this Agreement, an equitable adjustment shall be made and this Agreement modified in writing accordingly. Any claim of TA under this clause must be asserted in writing within thirty (30) days from the date of receipt of written notification of change by TA unless the City grants, in writing, a further period of time prior to the date of final payment under this Agreement.

B. Services due to a change in scope for which additional compensation will be charged by TA shall not be furnished without the prior written authorization by the City.

VI. INSPECTION OF SERVICES AND ACCEPTANCE

A. The City reserves the right to inspect each and every part of the services provided by TA under this Agreement, as it may see fit.

B. If TA does not accomplish the Deliverables denoted within Exhibit "A" in a timely manner, or in a manner acceptable to the City, TA will be notified in writing that its performance is unsatisfactory and in breach of this Agreement. TA agrees to remedy its unsatisfactory performance within five (5) calendar days of receipt of written notice thereof, or to commence such a remedy and to complete it within a reasonable time (not to exceed 15 calendar days). Failure to remedy the breach as provided herein shall entitle the City to terminate this Agreement for cause pursuant to Section IV. The City shall not be obligated to make any inspections, and the failure to make such an inspection shall not relieve the TA of its responsibility for performing the services in accordance with the terms of this Agreement.

VII. COMPENSATION

A. For the services provided under this Agreement, the City agrees to compensate TA upon the basis of the completion of certain services as more specifically set forth in Exhibit "C", Payment Schedule, in the amount not to exceed of One Hundred Thirty-Seven Thousand Seven Hundred Eighty-four dollars and no cents ($137,784.00), unless as specified in Section V.

B. TA shall submit invoices for payment of the services rendered for the designated incremental periods wherein Deliverables of the Statement of Work are completed. At minimum, the invoice shall specify the date of the invoice, TA's invoice number, invoice total, year-to-date invoice/payment history, and the total amount due as of the invoice date. Invoices shall be submitted in the increments specified in Exhibit "C".

C. Each invoice shall be signed and certified by the designated Project Manager in the following manner:

> I certify under penalty of perjury that the above invoice is just and correct, and that payment has not been received.

VII. SUBCONTRACTS

Provided prior approval has been given by the City, TA may retain various subcontractors to assist in the performance of the Statement of Work and Deliverables set forth in Exhibit "A." The compensation to be paid to a retained subcontractor shall be the responsibility of TA and shall not entitle the payment of any additional compensation under this Agreement. The subcontractors performance of the Statement of Work and Deliverables shall be subject to the same right of review and approval by the City as set forth in Section VI.

VIII. PAYMENT OF TAXES

The TA shall pay all taxes, duties, levies and assessments applicable to and assessable against any equipment, materials and services, incidental to or involved in this Agreement including but is not limited to, retail sales and use, transportation, export, import, business, and special taxes. TA is responsible for ascertaining and acquainting itself with such taxes and making all necessary arrangements to pay them. The fixed fee established in this Agreement includes compensation for any taxes TA is required to pay by the laws and regulations in effect on the effective date of this Agreement. TA shall maintain auditable records subject to the City's review confirming that tax payments are current at that time.

IX. DISPUTES

A. If the City and TA cannot agree as to the quality or acceptability of the services performed hereunder, or whether there is a change in the services and/or the compensation required under this Agreement, the City or TA may promptly give to the other a written notice thereof. A written response shall be given within ten (10) days thereafter. The City and TA shall prepare a memorandum which supports their positions and file the same with the City Council.

B. TA's memorandum shall include any possible claims against the City, including the amount of compensation requested. Thereafter, the City Council shall, with reasonable diligence, determine the quality or acceptability of the services or whether a change in the services is required, and/or the compensation payable to TA. Such determination by the City Council shall be binding upon the parties.

X. CONFLICTS OF INTEREST

No board member, officer of the City or its designees or agents, and no other public official who exercises any functions or responsibilities with respect to any requested provisions of this Agreement, shall be permitted to financially or professionally benefit from this Agreement or have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with this Agreement.

XI. NOTIFICATIONS

All notices hereunder and communications regarding interpretation of the terms of this Agreement, or changes thereto, shall be effected by mailing the notice, registered or certified mail, return receipt requested, postage prepaid and address to the City or TA as follows:

CITY: Ms. Sharon Segerblom, Director
Neighborhood Services Department
City of Las Vegas
400 E. Stewart Avenue, 2nd Floor
Las Vegas, NV 89101

TA Pat Bransford, Executive Director
The National Urban Technology Center
1204 Third Avenue, Suite 124
New York, NY 10021

XII. DELIVERABLES

A. The Deliverables, whether finished, unfinished, or draft, developed, prepared, completed or acquired by TA during the performance of services for which it has been compensated shall become the property of the City and shall be delivered to the City's representative upon completion or termination of this Agreement, whichever occurs first.

B. All Deliverables prepared by TA shall be reviewed and approved by the City as to compliance with the requirements of this Agreement. The City's approval of a Deliverable shall not be unreasonably withheld.

C. The City's review and tentative acceptance of a Deliverable shall be solely for the purpose of determining compliance with requirements hereof and not for format or style or for the incorporation of additional ideas and functionality. Tentative acceptance shall be granted if the Deliverable conforms in all material respects to the descriptions set forth in Exhibit "D", Work Station Configuration, and this Agreement. In the event of the rejection of a Deliverable, the City shall identify in reasonable detail, with specific references to the requirements of this Agreement, all deficiencies which require corrective actions or changes to be made by the TA in order to make the Deliverable conform to the requirements of this Agreement.

XIII. OWNERSHIP OF MATERIAL AND DOCUMENTS

All final reports and other materials prepared by TA for the City shall be the property of the City. However, all work papers and other source materials shall be the property of TA. TA shall deliver such materials to the City in accordance with the terms and conditions of this Agreement. The City shall not, without TA's written consent. associate TA's names with the report/product, if a subsequent change is made in such report/product after submission to the City.

XIV. INDEMNIFICATION

The TA shall protect, indemnify and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, suits, actions, decrees, judgments, attorney's fees, court costs and other expenses of any kind or character which the City, its officers, employees or agents, may suffer, or which may be sought against, recovered from or obtainable against the City, its officers, employees or agents, (i) as a result of, by reason of, arising out of, on account of, or in consequence of, the operations of the TA, its subcontractors or agents, or anyone directly or indirectly employed by any subcontractor or agent, in the fulfillment or performance of the terms, conditions or covenants of this Agreement, regardless of whether or not the occurrence which gave rise to such claim, damage, loss, suit, action, judgment or expense was caused, in part, by the party indemnified hereunder. Any money due the TA under and by virtue of this Agreement which is considered necessary by the City for such purpose, may be retained by the City for its protection.

In this connection, it is expressly agreed that the TA shall, at its own expense, defend the City, its officers, employees and agents against any and all claims, suits or actions which may be brought against them, or any of them, as a result of, by reason of, arising out of, on account of, or in consequence of, any act or omission against which the TA has indemnified the City. If the TA shall fail to do so, the City shall have the right, but not the obligation, to defend the same and to charge all direct and incidental costs of such defense to the TA, including attorney's fees and court costs.

The TA guarantees the payment of all just claims for materials, supplies and labor, and all other just claims against it or any subcontractor, in connection with this Agreement.

XV. LIABILITY INSURANCE

A. Type and Amount of Insurance. For the term of this Agreement or longer if specified herein, TA at its sole cost and expense shall obtain and maintain the following coverages of insurance:

1. General Liability Insurance in the amount of One Million Dollars ($1,000,000) combined single limit per occurrence, and Two Million Dollars ($2,000,000) aggregate for bodily injury (including death), personal injury and property damage. Such coverage shall be on an "occurrence" basis and not on a "claims made" basis. The coverage must be provided either on an ISO Commercial General Liability form or an ISO Broad Form Comprehensive General Liability form. Any exceptions to coverages must be fully disclosed on the required certificates. If other than these forms are submitted as evidence of compliance, complete copies of such policy forms must be submitted to the City within ten (10) days after the notice of award. Policies must include, but need not be

limited to, coverages for bodily injury, property damage, personal injury, Broad Form property damage, premises and operations, severability of interest, products and completed operations, contractual and independent contractors.

2. Automobile Liability Insurance in the amount of One Million Dollars ($1,000,000) combined single limit "per accident" for bodily injury or property damage, or both, caused by or arising out of the ownership, maintenance or use of any automobile by TA (owned or hired) in the performance of the services under this Agreement.

3. Professional Liability Insurance in an amount of not less than One Million Dollars ($1,000,000). Coverage may be on a "claims made" basis or on an "occurrence" basis. If coverage is provided on a "claims made" basis, TA shall maintain coverage for one (1) year following the completion of this Agreement.

The insurance coverages required under this Section are in additional to, and not in lieu of, TA's indemnification obligation provided under Section XVI. The City, its officers, employees and volunteers must be expressly named as additional insured parties under the coverages required under this Section.

B. <u>Certificates of Insurance</u>. Prior to the commencement of its performance under this Agreement, TA shall have on file with the City current certificates of insurance evidencing the coverages required herein. Insurance certificates for the City should contain the information shown on the sample Certificate of Insurance (Accord Form 25S) and the Additional Insured Endorsement (Form CG-20-26) as provided by the City.

1. TA shall furnish the renewal certificates for the required insurance during the period of coverage required by this Agreement. If the renewal certificates are not provided, the City may declare TA in default of its obligation under this Section.

2. Except for the Professional Liability Insurance, the City shall be named as an additional insured party under the coverages required under this section.

C. <u>Insurance Rating</u>. Each insurance company's rating as shown in the latest Best's Key Rating Guide shall be fully disclosed and entered on the required certificate of insurance. The adequacy of the insurance supplied by TA, including the rating and financial health of each insurance company providing coverage, is subject to the approval of the City. The City requires insurance carriers to maintain a Best's Key rating of A VII or higher (i.e., A VII, A VIII, A IX, A X, etc.).

D. <u>Lapse of Insurance</u>. If TA fails to maintain any of the insurance coverages required under this Section, then the City will have the option to (i) declare a breach of this Agreement, (ii) purchase replacement insurance, or (iii) pay the premiums that are due on existing policies in order that the required coverages may be maintained. TA is responsible for any expenses paid by the City to maintain or purchase the insurance required under this Section and the City may collect the same from TA or deduct the amount paid from any sums due TA under this Agreement.

E. Primary Coverage. TA's insurance shall be the primary coverage with respect to the City, its officers, employees and volunteers. Any other coverage (insurance or otherwise) available to the City, its officers, employees and volunteers shall be considered coverage in excess to that required of TA and shall not contribute with it.

F. Notice of Cancellation. Each insurance policy supplied by TA must be endorsed to provide that the coverage shall not be suspended, voided, canceled or reduced in coverage or in limits until thirty (30) days prior written notice by certified mail "return receipt requested" has been given to the City. This notice requirement does not waive the insurance requirements contained herein.

XVI. WARRANTY

TA warrants that all services shall be in accordance with this Agreement, and it is experienced and competent to perform the Statement of Work and Deliverables (Exhibit "A") contained within this Agreement. In the event of breach of this warranty, TA shall take the necessary actions to correct the breach at TA's sole expense. These actions shall be carried out in the most expeditious manner as permitted by existing circumstances. If TA does not promptly take steps to correct the breach upon notification thereof by the City, the City, without waiving any other rights or remedies it may have at law, may take steps to correct the breach. TA shall promptly reimburse the City for all expenses and costs incurred in connection therewith.

XVII. RECORD RETENTION AND INSPECTION

TA agrees that the City or any duly authorized representative shall have the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time cards, or other records and proprietary data created or maintained by TA for this Agreement. These records and data must be kept and maintained by TA for a period of five years after expiration or termination of this Agreement unless written permission for the City is obtained to dispose of material prior to this time.

At any time during the term of this Agreement, or at any time within five years after the expiration or termination of this Agreement, the City or an authorized representative may conduct an audit of TA regarding the services provided to the City and if such audit finds the City's dollar liability for such services is to be less than payments made by the City to TA then TA agrees that the difference shall be either: (1) repaid immediately by TA to the City by cash payment or (2) at the City's option, credited against any future payments to TA.

XVIII. MISCELLANEOUS

1. Waiver. Any waiver of a breach of this Agreement by a party, whether express or implied, shall not constitute a waiver of any other or subsequent breach.

2. Attorney Fees. In the event of any litigation in any way arising out of or relating to this Agreement, the prevailing party shall be entitled to recover from the unsuccessful party its costs and expenses, including reasonable attorneys' fees, all of which shall be included in and as a part of the judgment rendered in such litigation subject to the fiscal funding out clause.

3. Applicable Law. TA agrees to comply with all applicable federal, state and local laws in the conduct of the work hereunder. This Agreement shall be construed, interpreted and the rights of the parties determined, in accordance with the laws of the State of Nevada.

4. Equal Opportunity. TA shall comply with all provisions of Title VI of the Civil Rights Act of 1964 and of the rules, regulations and relevant order of the Secretary of Labor regarding discrimination.

5. Meaning of Article and Section Headings. The section headings appearing herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of this Agreement.

6. Confidentiality of Reports. TA shall keep confidential all reports, information and data given to, prepared or assembled by TA pursuant to TA's performance hereunder and City designates as confidential. Such information shall not be made available to any person, firm, corporation or entity without the prior written consent of the City first obtained.

7. Release of News Information. No news release, including photographs, public announcements or confirmation of same, or any part of the subject matter of this Agreement or any phase of any program hereunder shall be made without prior written approval of both parties.

8. Compliance with all pertinent Federal Regulations. Pursuant to 28 Code of Federal Regulations (CFR) Part 66 et. seq., the following regulatory provisions shall apply to this agreement. § 66.21 Payment:

a) Scope. This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors

b) Basic standard. Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR part 205.

c) Advances. Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee

d) Reimbursement. Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.

e) Working capital advances. If a grantee cannot meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash or a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for an initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.

f) Effect of program income, refunds, and audit recoveries on payment.

(1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.

(2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

g) Withholding payments.

(1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless-- (i) The grantee or subgrantee has failed to comply with grant award conditions or (ii) The grantee or subgrantee is indebted to the United States.

(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with Sec. 66.43(c).

(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

h) Cash depositories.

(1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.

(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State agreement.

i) Interest earned on advances. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but at[[Page 155]]least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to $100 per year for administrative expenses.

9. Severability. A determination that any part of this Agreement is invalid shall not invalidate or impair the force of the remainder of this Agreement.

10. Effective Date. The effective date of this Agreement shall be the date that the City Council approves the execution hereof, and such date shall be inserted in the first paragraph of this Agreement.

11. Entire Agreement. This Agreement and any exhibits or documents incorporated herein by reference, constitutes the complete and entire Agreement between the parties and shall also include those provisions and revisions set forth and agreed to in discussion.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed by their duly authorized officers. Signatory approval by an entity to this Agreement represents a legal obligation by the parties herein identified to abide by the above provisions.

PASSED, ADOPTED, AND APPROVED this 12th day of ~~February~~ July, 1999.

CITY COUNCIL OF CITY OF LAS VEGAS

OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

PASSED, ADOPTED, AND APPROVED this 12th day of ~~February~~ July, 1999.

NATIONAL URBAN TECHNOLOGY CENTER

Patricia S. Bransford, PRESIDENT

ATTEST:

J. Spindler 7/8/99

expires 11/25/2001

APPROVED AS TO FORM:

Thomas R. Green

6-30-99 Date

EXHIBIT "A"

STATEMENT OF WORK

Project Description

The Executive Office of Weed and Seed (EOWS), United States Department of Justice has entered into a partnership with the National Urban Technology Center, Inc. (TA) to create an initiative called SEEDTECH, which addresses the information technology needs of targeted communities.

SEEDTECH has established a comprehensive database of all Weed and Seed sites including a hardware/software inventory, outreach and training programs at each site, staffing levels and specific interests in technology and community training. The program has currently established twelve high-performance computer training centers with Internet access.

Through citizen input during meetings and surveys, along with staff evaluation, three sites have been determined within the designated Weed and Seed area of the City of Las Vegas as underserved communities which require technological training to better prepare both at-risk youth and unemployed adults in life skills.

The TA will install at each site: ten student workstations, a teaching computer station, ensure proper telephone and telecommunication services are in place, and provide on-going technical assistance through the TA's help desk.

Statement of Work

Deliverable 1: Site Preparation with each site which includes guidance in the selection of adequate space for each Center, the layout and design of the classroom, selection of furniture and furnishings, coordination of telephone and telecommunications services from Sprint, assistance in the selection of an Intent Service Provider (ISP) for sites not currently connected to the Internet, advice regarding security and protection of the equipment; and systems integration services which include pre-configuration, testing and packaging of each SEEDTECH Center before shipping.

Deliverable 2: Community planning facilitated by TA with the stakeholders within the community to formulate a shared vision for using the tools of technology and telecommunications to improve learning, develop employable skills and enhance the quality of life in the community. This three-hour session will serve to gain a greater level of community support, identify previously obscured issues that may affect the outcome of the program, and assure the successful implementation of SEEDTECH.

EXHIBIT "A"

Deliverable 3: Installation of a SEEDTECH Center in each location which includes ten state-of-the-art student workstations and one trainer station, two Hewlett Packard LaserJet 6P printers, networked and connected to the Internet with one year of on-site technical support (See attached Hardware/Software Specifications - Exhibit "D").

Deliverable 4: Customized curriculum in Computer Fundamentals, Word Processing, Using the Internet, Web Publishing with student workbooks, instructor manual, and PowerPoint slides

Deliverable 5: Teacher Workshops to prepare selected individuals from each site to use TA's curriculum materials and effectively conduct instruction in each course

EXHIBIT B

Tentative
Implementation Schedule

Deliverable 1:	Site Preparation Six days each site	Week of July 19, 1999
Deliverable 2:	Community Planning Two days each site	Week of July 26, 1999
Deliverable 3:	Installation of SEEDTECH Center Two days each site	Week of August 9, 1999
Deliverable 4:	Customized curriculum	Week of August 9, 1999
Deliverable 5:	Teacher Workshops Two days per course per site	Week of August 16, 1999

EXHIBIT C

Payment Schedule

The City shall pay the TA $139,830.00 as specified in Section VII of the Technical Assistance Agreement as follows:

Deliverable 1: Site Preparation	$20,000
Deliverable 2: Community Planning	6,000
Deliverable 3: Installation of SEEDTECH Centers three identified sites: West Middle School, Stupak Community Center, Booker Elementary School	$75,000
Deliverable 4: Customized curriculum:	$15,000
Deliverable 5: Teacher Workshops	$21,784
TOTAL PAYMENT:	$137,784

EXHIBIT D

WORKSTATION CONFIGURATION & PRICING

Hardware & Software	Student Workstation	Trainer Station
Basic Machine		
Processor	Pentium III	Pentium III
Speed	450 MHz	450 MHz
Cache	512K	512K
Motherboard	Intel SE440BX-2	Intel SE440BX-2
Case	mid-tower	mid-tower
Memory	64 MB SDRAM, 100Mhz Memory	128 MB SDRAM, 100 Mhz Memory
Keyboard	104 keys	104 keys
Mouse	MS Mouse	MS Mouse
Network Card - 10/100 BaseTX (PCI)	Yes	Yes
Storage Devices		
Floppy Disk Drive	1.44 MB	1.44 MB
Hard Disk Drive	6.4 GB	6.4GB
CD ROM	32X	32X
ZIP drive	No	Yes
Monitor		
Size	17"	15"
Max Resolution	1284 x 1024 @ 66Hz	1280 x 1024 @ 66Hz
Dpi	0.28 mm	0.28 mm
Power saving	Yes	Yes
DPMS Conformance	EPA Energy Star	EPA Energy Star
Emissions Standard	MPR II	MPR II
Video Card		
Bus	AGP	AGP
Video memory	8 MB	8 MB
Sound		
Sound Blaster compatibility	Yes	Yes
Speakers	Yes	Yes
Operating System		
Windows NT Workstation	Included	Included
Standard Software		
Microsoft Office 97 Standard Edition	Included	
Microsoft Office 97 Professional Edition		Included
Subtotal: HW, OS & Standard SW	$1,600	$1,800
Application Software		
Mavis Beacon Teaches Typing V9.0	$39	$39
MacAfee AntiVirus	$68	$68
Cyber Patrol		$40
PC Anywhere		$132
Encarta Encyclopedia Deluxe Edition	$66	$66
Subtotal: Application Software	$213	$345
Total: Hardware & Software*	$1,813	$2,145
*Additional software is required for YLA		

ITEM		ACTION
	DEPARTMENT OF PUBLIC WORKS - DISCUSSION	
85	**SEWER CONNECTION AND APPROVAL OF INTERLOCAL CONTRACT WITH CLARK COUNTY SANITATION DISTRICT** D.A. ENTERPISES, 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. **Recommendation**: The Department of Public Works acknowledges from a capacity point of view the connection could be allowed, subject to conformance with all City Codes and Department standards and off-site improvements being installed per City standards.	**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** ****** ROBERT RATNER, 9081 Ivory Beach Drive, requested that item No. 85 be held for two weeks to allow him time to resolve some pending issues with the Health Department. COUNCILMAN BROWN asked RICHARD GOECKE, Director of Public Works, if the matter could be held. MR. GOECKE answered that the issue needs to be sorted out between the Health Department and the owner of the restaurant. The City is under no obligation to act at this time. He concurred with holding it for two weeks. There was no further discussion. (10:57 - 11:00) **1-1171**

AGENDA DOCUMENTATION

CITY COUNCIL
MEETING OF
JULY 12, 1999

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

SUBJECT: DISCUSSION
SEWER CONNECTION AND APPROVAL OF INTERLOCAL CONTRACT WITH CLARK COUNTY SANITATION DISTRICT - D.A. ENTERPRISES, INC., OWNER (6250 RIO VISTA STREET - BOB TAYLORS RANCH HOUSE RESTAURANT)

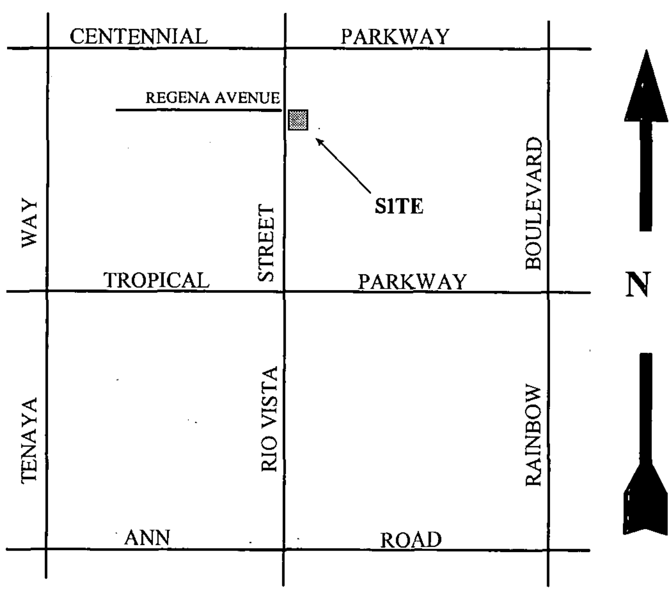
PURPOSE/BACKGROUND

This request is 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.

The applicant proposes to connect to the existing 27" line located in Rio Vista Street.

The City limit is located adjacent to this site.

The proposed use of this parcel does not conform to 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. It is understood that the city will provide sewer service only and no commitment for water is included with the approval. The applicant will be required to sign a "Sewer Connection Agreement" and a "Petition for Annexation" that will require the development to conform to City Standards. An Interlocal Contract was approved by the Clark County Sanitation District on June 7, 1999. Fees will be determined and paid prior to connection.



FISCAL IMPACT

None

RECOMMENDATIONS

The Department of Public Works acknowledges from a capacity point of view the connection could be allowed, subject to conformance with all City Codes and Department standards and off-site improvements being installed per City standards.

Agenda Item
85

	ITEM	ACTION
	DEPARTMENT OF PUBLIC WORKS - DISCUSSION	
86	**REPORT/ACTION ITEM** **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	**NO ACTION TAKEN.** RICHARD GOECKE, Director of the Department of Public Works, stated that the County Commission will continue to consider Special Improvement District Interlocal Agreements. No action is necessary and there is no longer a need to carry it on the Council Agenda. There was no further discussion. (3:27 - 3:28) **4-588**

CITY COUNCIL
MEETING OF
July 12, 1999

AGENDA DOCUMENTATION

TO: City Council

FROM: Richard D. Goecke
Director of Public Works

SUBJECT: 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.

PURPOSE/BACKGROUND

Clark County has informed the Department of Public Works that the County Commission will no longer be placing Interlocal Agreements, that are associated with the Special Improvement District process, on the Commission agenda for approval. The Agreements are now considered routine and will be executed by the County Manager. Historically these agreements have been approved by the County Commission and City Council.

This item has been placed on the City Council's agenda to make you aware of their decisions and review input as to whether we should look at changing any of our procedures in dealing with Clark County/City of Las Vegas Interlocal SID agreements. I believe there is value in elevating the SID interlocal to the level of the elected officials very early on. The SID process is a lengthy process and significant amounts of money can be spent before the SID is formally created. If there simply is not an interest in jointly working on an SID project it would be good to know so the money is not wasted.

FISCAL IMPACT

None.

RECOMMENDATIONS

Receive input from City Council

Agenda Item
86

	ITEM	ACTION
	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	**REESE - APPROVED R-75-99 as recommended - carried with M. McDONALD not voting** ****** SHARON SEGERBLOM, Director, Neighborhood Services, indicated that the proposed Resolution is based on the residents' complaints to Metro and the City that the subject parks are not safe for the public, nor the children, due to considerable drug activity and the amount of homeless individuals living in the parks. Neighborhood Services staff has surveyed the parks and has confirmed the concerns brought forth to staff and to COUNCILMAN REESE at various neighborhood meetings. It would be in the best interest of the community to designate the subject parks as children's parks, which is not the first time this has been done. Staff would like to enforce a set schedule for the park so that vagrants cannot sleep and also prohibit the use of alcohol. Staff intends to survey the community after the changes have been made. MAYOR GOODMAN expressed concern about limiting access to the parks. Parks are for everybody. MS. SEGERBLOM stated that the survey indicated that the neighbors are not using the parks because they are afraid. COUNCILWOMAN McDONALD agreed that the parks are not being used because of suspicious activity and vagrant use. She supported the recommendations of staff. MS. SEGERBLOM offered to update the Council regarding these parks and provide pictures once the changes are in place. COUNCILMAN REESE stated these parks have been a concern for awhile and he has received many complaints. He supported the Resolution. There was no further discussion. (3:28 - 3:34) **4-601**

CITY COUNCIL
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: **City Council**	FROM: Bradford R. Jerbic City Attorney

SUBJECT:
Discussion and Possible Action to Approve a Resolution Designating James Gay Park, Ethel Pearson Park and Fitzgerald Tot Lot as Children's Parks.

PURPOSE/BACKGROUND

LVMC Chapter 13.56 provides for the establishment of children's parks within the City, and restricts their use to children and adults accompanying those children. The only park designated as a children's park, Fantasy Park, was removed a number of years ago, leaving the City without any such park locations.

Three City parks recently have been determined appropriate for designation as children's parks, namely:

James Gay Park, located at Morgan Avenue & "B" Street;
Ethel Pearson Park, located at Washington Avenue & "D" Street; and
Fitzgerald Tot Lot, located at Monroe Avenue and "H" Street.

Under current conditions, children do not feel secure or comfortable using these parks. Park and law enforcement personnel regularly observe, and receive complaints about, drug and alcohol-related activity, sexual activity and violence. A survey of residents in the area indicated that a majority would like to see the parks be designated children's parks.

Under LVMC Chapter 13.56, children's parks are designated by resolution of the City Council. The effect of the designation is to make the parks off-limits for adults other than those who are accompanying children using the park. Chapter 13.56 includes provisions that limit park use to the period from 7:00 A.M. to 9:00 P.M., with the ability to restrict the hours further and to set other limitations administratively as necessary.

FISCAL IMPACT

None

RECOMMENDATIONS

It is the recommendation of the Department of Neighborhood Services that the Resolution be approved and that the Mayor be authorized to execute the same.

R-75-99

RESOLUTION DESIGNATING JAMES GAY PARK, ETHEL PEARSON PARK AND FITZGERALD TOT LOT AS CHILDREN'S PARKS

WHEREAS, LVMC Chapter 13.36 is concerned with the administration and regulation of City parks; and

WHEREAS, several provisions of LVMC Chapter 13.36 address the establishment and regulation of children's parks, which are parks that are intended primarily for the use of children twelve years of age or younger; and

WHEREAS, LVMC 13.36.060 designates Fantasy Park as a children's park and authorizes the designation of additional parks as children's parks; and

WHEREAS, Fantasy Park no longer exists and no other parks have been designated as children's parks; and

WHEREAS, as part of its focus on the preservation of neighborhoods, the City Council believes it important to have parks within the community that provide a safe and comfortable recreational environment for children; and

WHEREAS, residents within the vicinity of James Gay Park, Ethel Pearson Park and Fitzgerald Tot Lot have expressed great concern over the present environment to be found within each of the named parks, an environment which includes a number of activities that are inconsistent with the use and enjoyment of each park by children; and

WHEREAS, those activities include the use of each park by adults as a place for the following: the drinking of alcoholic beverages, drug use, other drug-related activities, violence and the threat of violence, sexual activity, and sleeping; and

WHEREAS, the existence of this environment in each park has also been observed by officers of the Las Vegas Metropolitan Police Department and by officers, employees and representatives of various City departments and units, such as the Department of Public Works, Department of Leisure Activities, and the City Marshal Unit; and

WHEREAS, the City Council finds that the preservation of these parks as recreational locations in which children can feel safe and secure is essential, and is consistent with the authority granted by and the purposes underlying LVMC 13.36.060; and

WHEREAS, the City Council finds that it is in the interest of the public health, safety and welfare to designate the above-named parks as children's parks, which will then be subject to all the provisions of LVMC Chapter 13.36 that govern children's parks.

NOW, THEREFORE, pursuant to and in accordance with LVMC 13.36.060, IT IS HEREBY RESOLVED by the City Council of the City of Las Vegas, Nevada that the following parks be designated as children's parks:

1. James Gay Park, located at Morgan Avenue & "B" Street.
2. Ethel Pearson Park, located at Washington Avenue & "D" Street.
3. Fitzgerald Tot Lot, located at Monroe Avenue and "H" Street.

PASSED, ADOPTED, and APPROVED this 12a day of July, 1999.

CITY OF LAS VEGAS

By [signature]
OSCAR B. GOODMAN, Mayor

ATTEST:

[signature]
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steed 6-28-99
Date

ITEM	ACTION

IV. RESOLUTIONS - DISCUSSION

PUBLIC HEARING

88 **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

REESE - APPROVED R-76-99 as recommended - carried with M. McDONALD not voting

******

MAYOR GOODMAN declared the public hearing open.

DEPUTY CITY MANAGER HOUCHENS stated that this is the next step in the process to issue the $25 million bonds related to the park development matter that was discussed earlier.

CITY ATTORNEY JERBIC advised that a super majority of two-thirds would be required to pass because it concerns bond obligations.

ANTHONY SNOWDEN, 412 West Jefferson, suggested that some of the $25 million be spent to install restroom facilities in James Gay Park, Ethel Pearson Park, and Fitzgerald Tot Lot, the three parks designated earlier as children's parks. A regional-type park is also needed in the West Las Vegas area.

MAYOR GOODMAN declared the public hearing closed.

There was no further discussion.

(3:34 - 3:36)

4-811

Summary - a resolution authorizing a medium-term obligations.

RESOLUTION NO.R-76-99

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.

WHEREAS, the City Council of the City of Las Vegas, Nevada (the "Council", "City", and"State", respectively) proposes to incur medium-term obligations of the City in an amount up to $25,000,000, under Chapter 350 of Nevada Revised Statutes ("NRS"), in order to finance the cost of acquiring, constructing, improving and equipping park and recreation projects for the City (the "Project"); the financing to bear interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or negotiated offers are accepted, and to mature within 10 years of the date of issuance thereof, in order to pay the costs of the Project (the "Proposal"); and

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on such medium-term obligations; and

WHEREAS, NRS 350.087 requires that a notice of intention to authorize a medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing a medium-term obligations; and

WHEREAS, a notice of intention to act upon the resolution authorizing such medium-term obligations has been duly published in a newspaper of general circulation in the

City not less than 10 days prior to the date of a public hearing thereon, and such public hearing was held prior to adoption of this resolution; and

WHEREAS, all comments made at the July 12, 1999 public hearing have been duly considered by the Council and the minutes of such public hearing are attached hereto as Exhibit "C".

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

Section 1. This resolution is hereby designated by the short title the "1999 Medium-Term Recreation Bond Authorization Resolution" (the "Resolution").

Section 2. The Council hereby finds and determines that the public interest requires medium-term obligations for the Project, in an amount not exceeding $25,000,000.

Section 3. The facts upon which the finding stated in § 1 above are:

(a) There is a continuing need to meet the demands of and to serve the existing and future residents of the City and those needs are likely to persist or increase in the future due to the growth of the City.

(b) The existing park and recreation facilities are inadequate to serve the needs of the existing and future residents of the City, and those needs are likely to persist or increase in the future due to the growth of the City.

(c) It is in the best interests of the City and its inhabitants, and would best serve the public interest thereof, if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) and (b) above;

(d) It is not feasible to finance the Project from other funds of the City, among other reasons because of restraints on the City's budget for the current fiscal year and other demands on and needs for existing funds of the City.

Section 4. The City proposes to borrow a sum not to exceed $25,000,000 in the aggregate at an annual interest rate estimated to be 5.50% to be repaid over a period of not more than 10 years. Such medium-term obligations shall be evidenced by the issuance by the City of negotiable notes or medium-term negotiable bonds which mature not later than 10 years after the date of issuance (which term does not exceed the useful life of the Project), and the interest rate shall not exceed by more than 3 percent the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before bids are received or a negotiated offer is accepted.

Section 5. The Director of Finance or his designee is hereby authorized to arrange for the issuance and sale of the financing in an amount not more than $25,000,000, to carry out the Project, subject to ratification by Council. The medium-term notes or bonds issued to effect the Project shall be issued on such other terms and conditions as the Council determines, all as provided in NRS 350.085 to 350.095, inclusive (the "Note Act"), NRS 350.500 to 350.720, inclusive (the "Bond Act"), and as authorized by the Director of Finance of the City at the time of sale of such medium-term notes or bonds and thereafter ratified by the Council as set forth in this Resolution.

Section 6. The medium-term obligations shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but shall be paid from other legally available funds of the City, including, without limitation, monies derived from ad valorem taxes in the City's general fund estimated to range from $2,500,000 in 2000 to $5,000,000 in 2009, or an average of approximately $3,600,000 per year.

Section 7. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this Resolution, including, without limitation, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and, if necessary, amending the City's capital improvement plan to include the Project.

Section 8. The Director of Finance is authorized to offer for sale the City's medium-term notes or bonds in the maximum aggregate principal amount of $25,000,000 (the "Bonds") for sale in such manner as he shall determine, and he is authorized to specify the terms and details of the Bonds, including, without limitation, the maturity date or dates, the interest rate or rates, the redemption features, if any, and the other terms and conditions thereof; all subject to ratification by the Council by adoption of an ordinance authorizing the issuance of the Bonds (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, assembling of financial and other information concerning the City, the Project and the Bonds, and preparing and circulating an official statement for the Bonds, and, if deemed appropriate by the Director of Finance 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 Director of Finance, or his designee. The Director of Finance or his designee 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 15(c)212 of the Securities and Exchange Commission.

Section 10. The Director of Finance shall, after arranging for the sale of the Bonds and after approval of the medium-term obligations by the Executive Director of the Department of Taxation of the State of Nevada, present the proposed final terms of the Bonds to the Board for its approval by adoption of the Bond Ordinance.

Section 11. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 12. 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 13. 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 14. This Resolution shall become effective upon passage and approval, except for Section 10 of this Resolution which shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS 350.089, which approval shall be recorded in the minutes of the Council in conjunction with the adoption of the Bond Ordinance.

PASSED AND ADOPTED AND APPROVED BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, THIS July 12, 1999.

(SEAL)

Oscar Goodman

Mayor

Attest:

Barbara Jo Ronemus

City Clerk

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (the "Council") at a meeting held on July 12, 1999.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a two-thirds majority of the members of Council as follows:

Those Voting Aye:	Oscar B. Goodman 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 acting City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meeting was given not later than 9:00 a.m. on the third working days before the meeting including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

(i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada

(ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada

(iii) Senior Citizens Center
Las Vegas, Nevada

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

(v) 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 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 ordinance 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 such notice so given of the meeting of the Council on December 4, 1996 is attached to this certificate as Exhibit "A". A copy of the affidavit of publication of the notice of public hearing is attached hereto as Exhibit "B", and a copy of the minutes of the public hearing held on July 12, 1999, prior to adoption of the resolution is

attached hereto as Exhibit "C".

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

(SEAL)

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 HMH 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. ENTERPISES, 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) - NORTHSHORE 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)

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 2296311LV
817389

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/01/99 to 07/01/1999, on the following days: JULY 1, 1999

Signed: Barbara Linford

SUBSCRIBED AND SWORN BEFORE ME THIS THE ____________

day of July 1999

Monica A. Peterson
Notary Public

MONICA A. PETERSON
Notary Public - Nevada
No. 97-3700-1
My appt. exp. Sept. 11, 2001

NOTICE OF HEARING AND OF INTENTION TO AUTHORIZE A MEDIUM TERM OBLIGATION BY THE CITY OF LAS VEGAS, NEVADA

[illegible] hereby given that the City C[illegible]e City of Las Vegas, Nevada [illegible]ouncil" and "City", respectively, [illegible] hold a public hearing at a regular meeting to be held on Monday, July 12, 1999 at the hour of 10:00 a.m. in the Council Chambers, Las Vegas City Hall Complex, 400 East Stewart, Las Vegas, Nevada to act upon a resolution authorizing medium term financing of the City in the maximum principal amount of $25,000,000 to enable the Council to pay all or a portion of the cost of acquiring, constructing, equipping and improving park and recreation projects for the City.

The loan is not proposed to be repaid in whole or in part by the levy of a tax exempt from the limitations on taxes ad valorem, but is to be repaid from legally available funds of the City, including, without limitation, monies derived from ad valorem taxes in the City's general fund estimated to range from $2,500,000 in 2000 to $5,000,000 in 2009, or an average of approximately $3,600,000 per year.

The form of the resolution authorizing such medium term financing, to be considered by the Council after such hearing and other information concerning such medium term obligation and the purpose for which it is proposed to be used, may be examined in the office of the City Clerk, City Hall Complex, 400 East Stewart, Las Vegas, Nevada. All persons are invited to attend and to be heard regarding the proposed action. Prior to the hearing, written comments may be filed with the City Clerk at the aforementioned address.

Publication Date: July 1, 1999

By order of the City Council of the City of Las Vegas, Nevada this June 28, 1999

/s/ Barbara Jo Ronemus
City Clerk
(SEAL)
PUB: July 1, 1999
Las Vegas Review-Journal

EXHIBIT "C"

(Minutes of Public Hearing)

ITEM		ACTION
	IV. RESOLUTIONS - DISCUSSION	
	PUBLIC HEARING	**REESE - APPROVED R-76-99 as recommended - carried with M. McDONALD not voting**
88	**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	****** MAYOR GOODMAN declared the public hearing open. DEPUTY CITY MANAGER HOUCHENS stated that this is the next step in the process to issue the $25 million bonds related to the park development matter that was discussed earlier. CITY ATTORNEY JERBIC advised that a super majority of two-thirds would be required to pass because it concerns bond obligations. ANTHONY SNOWDEN, 412 West Jefferson, suggested that some of the $25 million be spent to install restroom facilities in James Gay Park, Ethel Pearson Park, and Fitzgerald Tot Lot, the three parks designated earlier as children's parks. A regional-type park is also needed in the West Las Vegas area. MAYOR GOODMAN declared the public hearing closed. There was no further discussion. (3:34 - 3:36) **4-811**

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	V. REPORTS FROM RECOMMENDING COMMITTEES - DISCUSSION **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 Committee: Councilmen McDonald and Brown First Reading - 6/14/99 Recommending Committee - 6/21/99 **ADOPTION at 7/12/99 Council meeting** City Council - 6/28/99 NO ACTION First Publication - 7/1/99	**M. McDONALD - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5154 - UNANIMOUS** **Clerk to proceed with second publication** ****** There was no discussion. (3:36 - 3:37) **4-902**
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 Committee: Councilmen McDonald and Brown First Reading - 6/14/99 Recommending Committee - 6/21/99 **ADOPTION at 7/12/99 Council meeting** City Council - 6/28/99 NO ACTION First Publication - 7/1/99	**M. McDONALD - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5155 - UNANIMOUS** **Clerk to proceed with second publication** ****** There was no discussion. (3:37 - 3:38) **4-927**

CITY COUNCIL
MEETING OF
JUNE 14, 1999

AGENDA DOCUMENTATION

TO: City Council	FROM: Bradford R. Jerbic, City Attorney

SUBJECT:
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.

PURPOSE/BACKGROUND

Bill No. 99-30 will change the name of the Department of Fire Services to the Department of Fire and Rescue, which will more accurately reflect its mission in the community. The bill also establishes service and billing parameters to implement the Council's previous approval for the Department to provide ambulance transportation services.

FISCAL IMPACT

None

RECOMMENDATIONS

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item
89

CITY CO...
MEETING OF
JUNE 14, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	Bradford R. Jerbic City Attorney

SUBJECT:

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.

PURPOSE/BACKGROUND

Under present zoning regulations, it has been unclear whether an employment agency or a location that provides opportunities for day labor should be treated as a social service provider, a business office, or some other category. What is clear is that a traditional employment agency has a neighborhood impact similar to that of a business office, but a location at which day labor is made available tends to have a significant impact on a neighborhood, including congestion in terms of pedestrian and vehicle traffic.

In order to address these concerns, this bill will:

-Define "employment agency" and "daily labor service."

-Allow an employment agency as a matter of right in commercial and industrial districts.

-Allow a daily labor service only in the C-1, C-2, C-M and M Zoning Districts, and then only by means of special use permit.

-Include minimum standards that a daily labor service must meet in order to make it more compatible with surrounding areas.

FISCAL IMPACT

None

RECOMMENDATIONS

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	V. REPORTS FROM RECOMMENDING COMMITTEES - DISCUSSION	
	BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING	
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 Committee: Councilmen McDonald and Brown First Reading - 6/14/99 Recommending Committee - 6/21/99 **ADOPTION at 7/12/99 Council meeting as First Amendment** City Council - 6/28/99 NO ACTION First Publication - 7/1/99 **(Fiscal Impact: Increased salary costs of approximately $17,075 annually)**	**M. McDONALD - Second Reading and BILL ADOPTED as First Amendment as Ordinance No. 5156 - UNANIMOUS** **Clerk to proceed with second publication** ****** There was no discussion. (3:38 - 3:39) **4-955**
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 Committee: Councilmen McDonald and Brown First Reading - 6/28/99 Recommending Committee - 7/6/99 **ADOPTION at 7/12/99 Council meeting** First Publication - 7/1/99	**M. McDONALD - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5157 - UNANIMOUS** **Clerk to proceed with second publication** ****** There was no discussion. (3:39) **4-973**

CITY C[illegible]
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	Bradford R. Jerbic City Attorney

SUBJECT:
Bill No. 99-32 -- Increases the salaries of the Municipal Court Judges and eliminates the stipend for the Master Judge.

PURPOSE/BACKGROUND

Bill No. 99-32 will simultaneously eliminate the stipend paid the Municipal Court Master Judge, $3,000 per year, and increase the salaries of all Municipal Court Judges approximately $3,415 per year. This bill is proposed to conform the Municipal Court Judges' salaries to law. Since 1991 the Master Judge has been paid $3,000 per year more than other Municipal Court Judges. Although the Municipal Code characterizes the additional amount as a stipend that corresponds to the additional duties associated with the position, one District Court Judge has found it to be salary. LAS VEGAS CITY CHARTER 4.020(2) provides "the salary of the municipal judges must be . . . uniform for all of the departments of the municipal court." NRS 5.030 provides that the salary of a Municipal Judge "must not be diminished during the period for which the judge is elected." Elimination of the stipend paid only one judge, and increasing the salary of all judges to the amount paid the highest paid judge conforms the Municipal Court pay structure to law. $94,500 per year is the amount deemed necessary to do this as of July 1, 1999.

The bill amends LVMC 2.26.030 by replacing the base salary described therein with the new figure of $94,500. The new figure takes into account subsequent adjustments that have been made to the base figure in accordance with the Consumer Price Index. Therefore, notwithstanding the difference between the present figure listed in LVMC 2.26.030 and the replacement figure, the net increase is approximately $3,415.

FIRST AMENDMENT

This bill was heard by a Recommending Committee on June 21, 1999. The Committee recommended approval of this bill, subject to increasing the new salary figure to $95,633 to reflect the CPI adjustment that will have gone into effect by the time this bill is adopted. The First Amendment to this bill incorporates this change. The First Amendment also includes a change to acknowledge that the judge with seniority will be recognized as Chief Judge.

FISCAL IMPACT

Increased salary costs of approximately $17,075 annually

RECOMMENDATIONS

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item
91

CITY COUNCIL
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	Bradford R. Jerbic City Attorney

SUBJECT: 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.

PURPOSE/BACKGROUND

Customers of the City's sewage disposal system are each charged an annual surcharge representing the customer's proportionate share of the annual service charge due from the City to Clark County pursuant to Clark County Ordinance No. 730 for the retirement of outstanding bonds. The current surcharge rate set forth in City ordinance is $1.39 per equivalent residential unit.

Periodically, the County adjusts the debt service requirements in accordance with County Ordinance No. 730, which results in a modification of the required debt service rate accordingly. A year ago, there was a decrease in the surcharge amount from $2.01 per equivalent residential unit to $1.39 per equivalent residential unit. Because of another interest adjustment, it has been determined that a increase in the surcharge amount is necessary. This bill will adjust the surcharge upward from $1.39 per equivalent residential unit to $1.60 per equivalent residential unit.

This bill will also authorize staff to adjust the surcharge administratively as necessary to correspond to adjustments made in the annual service charge payable to the County by the City.

FISCAL IMPACT

Surcharge increase for customers as necessary to meet City service charge obligations

RECOMMENDATIONS

This bill should be submitted to the Recommending Committee for review, hearing and recommendation to the City Council for final action.

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	V. REPORTS FROM RECOMMENDING COMMITTEES - DISCUSSION	
	BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING	
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 Committee: Councilmen McDonald and Brown First Reading - 6/28/99 Recommending Committee - 7/6/99 **ADOPTION at 7/12/99 Council meeting as First Amendment** First Publication - 7/1/99	**M. McDONALD - Motion to hold in ABEYANCE to 7/26/99 - UNANIMOUS** **7/26/99 Agenda** ****** COUNCILMAN McDONALD confirmed with CITY CLERK RONEMUS that the bill would not die if it were held for two weeks. NOTE: COUNCILMAN McDONALD directed CITY ATTORNEY JERBIC and DEPUTY CITY ATTORNEYS REDLEIN and STEED and SERGEANT VINCENT CANNITO to meet with him to clearly define the language regarding moral turpitude. There was no further discussion. (3:39 - 3:41) **4-992**

CITY CO[UNCIL]
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	Bradford R. Jerbic City Attorney

SUBJECT:

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.

PURPOSE/BACKGROUND

Pursuant to NRS 648.060(3)(d), a person who is licensed by the State of Nevada as a private investigator, private patrolman, process server, repossessor, dog handler, security consultant, or polygraphic examiner or intern may not employ a person who has been "convicted of a felony or a crime involving moral turpitude or the illegal use or possession of a dangerous weapon." Persons who have been convicted of such a crime and who desire work within these occupations routinely are denied work cards by the Las Vegas Metropolitan Police Department because of the statutory prohibition. When those persons appeal the denial of the work card to the City Council, the Council finds itself unable to give any meaningful relief, since a person whose work card is granted upon appeal is unlikely to be hired by anyone who wishes to maintain State licensure.

Realistically, a person who appeals a work card denial under these circumstances is likely to obtain meaningful relief only by demonstrating the invalidity of a past conviction. Whether in terms of expertise or jurisdiction, the City Council is in no position to pass upon the validity of a criminal conviction. On the other hand, the State District Court is in a position to make that determination. Therefore, it only makes sense for the denial of a work card of this type to be heard by the District Court. This bill provides that a work card denial of this type is appealable only by means of a petition to the District Court.

FISCAL IMPACT

None

RECOMMENDATIONS

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

Agenda Item
93

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	V. REPORTS FROM RECOMMENDING COMMITTEES - DISCUSSION	
	BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING	**RECOMMENDATION NOTED**
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 Committee: Councilmen McDonald and Brown First Reading - 4/12/99 Recommending Committee - 4/19/99 **ADOPTION at 5/10/99 Council meeting** City Council - 4/26/99 NO ACTION City Council - 5/10/99 NO ACTION City Council - 5/24/99 NO ACTION City Council - 6/14/99 NO ACTION First Publication -	**7/26/99 Agenda**
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 Committee: Councilmen McDonald and Brown First Reading - 6/28/99 Recommending Committee - 7/6/99 **ADOPTION at 7/26/99 Council meeting** First Publication -	**RECOMMENDATION NOTED** **7/26/99 Agenda**

CITY COUNCIL
MEETING OF
April 12, 1999

AGENDA DOCUMENTATION

TO: City Council	FROM: Bradford R. Jerbic City Attorney

SUBJECT: 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).

PURPOSE/BACKGROUND

S. I. D. NO.: 1470

STEP: Ordinance creating the special improvement district.

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

LOCATION: Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) and Craig Road (US-95 to approximately 300 feet west of Buffalo Drive).

FISCAL IMPACT

Interim Warrants, and ultimately, special assessment bonds, will be sold to pay the estimated costs in the amount of $1,110,520.00 that the City will incur in installing the improvements in Special Improvement District No. 1470 - Buffalo/Craig. 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 this Bill be referred to a recommending committee for a review, hearing and recommendation to the City Council for final action.

Agenda Item

94

CITY COUNCIL

MEETING OF

AGENDA DOCUMENTATION June 28, 1999

TO:	City Council	FROM:	Bradford R. Jerbic BJ for City Attorney

SUBJECT: Bill No. 99-34
Annexation No. A-20-99(A)

PURPOSE/BACKGROUND

The proposed ordinance annexes certain real property located between Alexander Road and Fox Forest Avenue, approximately 660 feet west of Fort Apache Road. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (August 6, 1999) is set by this ordinance.

The following is pertinent information:

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 P. O. Box 55 Las Vegas, Nevada 89125
Acreage:	Approximately 5.13 acres
Zoned:	R-E (County Zoning) U (L and ML) (City Equivalents)

FISCAL IMPACT

NONE

RECOMMENDATIONS

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

	ITEM	ACTION
	VI. REPORTS FROM REAL ESTATE COMMITTEE - DISCUSSION	
96	**REAL ESTATE COMMITTEE - COUNCILMEN REESE and McDONALD** Discussion and 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 **REAL ESTATE COMMITTEE - 7/6/99** **STRICKEN**	**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**
97	Discussion and 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 **REAL ESTATE COMMITTEE - 7/6/99** **APPROVED as recommended** **(Fiscal Impact: $12,000 over a 25-month period)**	**M. McDONALD - APPROVED as recommended - UNANIMOUS** ****** There was no discussion. (3:41) **4-1053**

CITY COUNCIL

MEETING OF

AGENDA DOCUMENTATION

July 12, 1999

TO:	FROM:
City Council	SHARON SEGERBLOM, DIRECTOR NEIGHBORHOOD SERVICES DEPARTMENT

Discussion and possible action to approve Second Amendment to Lease Agreement between the City of Las Vegas and On Time Productions in the Incubator Program at the Las Vegas Business Center

PURPOSE/BACKGROUND

The Incubator Program at the Las Vegas Business Center has been a success since it first opened. From the first day, all of the office units have been occupied and there has been a waiting list. In May, 1999, The Tax Wizards successfully graduated from the Incubator program and vacated Suite 14. On Time Productions ("Tenant") is one of the original tenants that occupied the Incubator when it opened March 2, 1998 and desires to move into Suite 14 so that it can hire an employee to help the business grow. Tenant will keep the suite open at least 75% of the business week.

FISCAL IMPACT

There will be no fiscal impact.

RECOMMENDATIONS

Staff recommends approval of the Second Amendment to the Lease Agreement between the City of Las Vegas and On Time Productions in the Incubator of the Las Vegas Business Center.

Agenda Item

96

CITY COUNCIL

MEETING OF

AGENDA DOCUMENTATION July 12, 1999

TO:	FROM:
City Council	SHARON SEGERBLOM, DIRECTOR NEIGHBORHOOD SERVICES DEPARTMENT

Discussion and possible action to approve Lease Agreement between the City of Las Vegas and, Dee's Vocational and Rehabilitation Services in the Incubator Program at the Las Vegas Business Center

PURPOSE/BACKGROUND

The Incubator Program at the Las Vegas Business Center has been a success since it first opened on March 2, 1998. From the first day, all of the office units have been occupied and there has been a waiting list. Due to the move of the previous tenant to Suite 23, Tenant is able to move into Suite 9-A of the Office #2 Incubator program. The above tenant, Dee's Vocational and Rehabilitation Services ("Tenant") has been on the waiting list since March, 1998.

Tenant will occupy Suite 9-A, as shown on Exhibit "A" of the Lease Agreement. Tenant will provide vocational and rehabilitation related services, as well as tours and charters. Tenant will be eligible for all other benefits enjoyed by other incubator tenants. Tenant's Lease Agreement is on a month-to-month basis for a maximum period of 24 months.

FISCAL IMPACT

The fiscal impact will be $12,000 over a 24 month period.

RECOMMENDATIONS

Staff recommends approval of the Lease Agreement between the City of Las Vegas and Dee's Vocational and Rehabilitation Services in the Incubator of the Las Vegas Business Center.

Agenda Item 97

LEASE AND MANAGEMENT AGREEMENT

Las Vegas Incubator

THIS LEASE AND MANAGEMENT AGREEMENT (hereinafter "Agreement") entered into this 12th day of July, 1999, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter "City"), and DEE'S VOCATIONAL AND REHABILITATION SERVICES, a for-profit Nevada proprietorship (hereinafter "Tenant").

WITNESSETH:

WHEREAS, City is the owner of the Las Vegas Business Center ("Business Center"), located at 1951 Stella Lake Drive in Las Vegas, Nevada; and

WHEREAS, City has established the Las Vegas Incubator ("Incubator") within the Business Center to provide a supportive environment to improve the management skills of small and new businesses to stabilize them and provide for eventual expansion; and

WHEREAS, City proposes to improve the business environment to enhance the economic well-being of the community and provide employment opportunities for area residents who are of low to moderate income; and

WHEREAS, City desires to make available to Incubator Tenant ("Tenant"), by means of this Agreement, certain space within the Incubator on the terms and conditions set forth herein; and

WHEREAS, the Business Center was constructed in part with funds from the Economic Development Administration ("EDA") in the form of a grant (#07-01-03025), whose general and special purpose (hereinafter referred to as the purpose of the EDA grant") was to construct a light industrial/office building for multiple tenants in the Las Vegas Special Impact Area; and

WHEREAS, the Business Center was also constructed in part with funds from the U. S. Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") as a capital improvement project; and

WHEREAS, the operations of the Incubator are being jointly funded through Business Center Program Income, a grant from Wells Fargo Bank, and a grant from the Southern Nevada Enterprise Community; and

WHEREAS, this Agreement is consistent with the purpose of the separate and various federal and private funds provided for that purpose:

NOW, THEREFORE, in consideration of the foregoing and the covenants and conditions set forth herein, the parties agree as follows:

1. AGREEMENT OF PREMISES

Subject to the provisions of this Agreement, City hereby leases to Tenant, and Tenant hereby leases from City, certain space within the Incubator commonly known as 1951 Stella Lake Drive, Suite 9A, Las Vegas, Nevada. The suite (hereinafter the "Premises") consists of approximately 100 square feet and its location and dimensions are shown particularly on the copy of the Floor Plan of the Business Center which is attached hereto as Exhibit "A" and incorporated herein by this reference. Included in the Premises are: desk, executive chair, a guest chair, file cabinet, computer software and hardware, and telephone.

It is understood and agreed by Tenant that private offices will be available for rent only by tenants which will be occupied at least 75% of each work week either by the tenant or the tenant's employees or associates, with the exception of occasional vacations or business trips out of town. In the event that the office areas or cubicles will be occupied less than 75% of the work week as described earlier in this Section, then the Tenant will occupy shared or cubicle space.

2. TERM

Unless earlier terminated in accordance with the provisions of this Agreement, the term of this Agreement shall be on a month to month basis. The term shall begin on August 1, 1999 (the "Commencement Date") and shall end on July 31, 2001. In the event that either City or Tenant desires to terminate this Agreement, City (or its designated representative) or Tenant shall terminate this Agreement by providing fifteen (15) days notice without cause. Such notice will not negate the obligations of the Tenant to pay any rent that is due and payable for term that the Premises are occupied. However, under no circumstances, shall this Agreement exceed twenty-four months from the Commencement Date.

3. OBLIGATIONS OF THE CITY

City will provide the Premises and Services as detailed in this section. Services shall include:

a) all utilities;

b) basic telephone system;

c) staff support;

d) business counseling to Tenant or refer Tenant to persons with the needed business skills;

e) shared computer printer;

f) fax and copy machines;

g) limited reception services; and

h) a minimum of six free training seminars.

4. OBLIGATIONS OF THE TENANT

In exchange for the Rent and Services provided by this Agreement, Tenant agrees to the following:

a) Attend a minimum of six classes of business skill training during the first six months of occupancy, which training will be agreed by Tenant and City staff;

b) Develop a Business Plan by the end of the first year of occupancy;

c) Obtain a City of Las Vegas business license before commencement of this agreement;

d) Attend a "round table" discussion each month of related business topics established and designated by City in advance and with sufficient and proper notice;

e) Provide financial reports including a balance sheet, profit and loss statement, and cash flow analysis at the end of every quarter.

5. MINIMUM RENT

Tenant agrees to pay City at such place as City may designate, without prior demand therefor and without any deductions or setoff whatsoever, and as minimum monthly rent, the sum of Five Hundred Dollars and No/Hundredths ($500.00) in advance, on the first day of each calendar month of the Agreement. Tenant agrees to pay City, on July 1, 1999, the first full month's rent and, if the Commencement Date occurs on a day other than the first day of the month, additional rent for the initial fractional month prorated on a per diem basis. Rental payments made by Tenant to City may be by check or draft and are subject to collection. If payment of any rent by check or draft is dishonored upon presentation for payment, Tenant shall pay a Twenty-five and No/hundredths ($25.00) return check charge, which shall be payable to City, as additional rent, together with Tenant's next monthly rental payment. If the square footage of the Premises is increased or decreased by mutual written agreement during the term of this Agreement, the minimum rent shall be adjusted accordingly.

It is understood and agreed that the monthly rental payments may be paid to the City of Las Vegas on behalf of Tenant by the Southern Nevada Enterprise Community (SNEC) in accordance with the terms of the Interlocal Agreement between Clark County (Grantee Agency for the Southern Nevada Enterprise Community Program) and City of Las Vegas for State of Nevada Social Services Block Grant Title XX Grant Funds. In the event that the monthly rents are paid by SNEC, it shall be as follows:

Schedule	**Tenant**	**SNEC**
First six (6) months	$150.00	$350.00
Second six (6) months	$175.00	$325.00
Second twelve (12) months	$200.00	$300.00

It is understood that that the supplemental rent will be provided by SNEC because Tenant will provide rehabilitation and vocational services to one Enterprise Community resident for each month.

6. <u>NON-RELOCATION</u>

It is understood and agreed that 34% of the funds to reconstruct the Business Center were received by means of a grant from EDA. Sixty-six (66%) of the funds were received from the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. It is a condition of the EDA grant that the building on the Premises not be leased to a company which has relocated its facility from one commuting area to another. Tenant represents and warrants that it has not relocated its business facility from a location outside the Las Vegas Metropolitan Statistical Area ("Area") to the Business Center. Tenant agrees to comply with EDA policies concerning nonrelocation by furnishing to City, a "Employer's Certificate of Nonrelocation", the form of which is attached as Exhibit "B" and provided by the City.

This condition does not apply to businesses which:

(i) relocated to the Area prior to the date of the Tenant's application for Agreement;

(ii) have moved or will move into the Area primarily for reasons which have no connection to the Agreement of the Las Vegas Business Center;

(iii) will expand employment in the Area substantially beyond employment in the area in which the business had originally been located;

(iv) are relocating from technologically obsolete facilities to be competitive;

(v) are expanding into the Area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old areas; or

(vi) are determined by EDA to be exempt (13 CFR Section 316.4(b).

7. EMPLOYMENT

A. It is understood, acknowledged and agreed by Tenant that funds to reconstruct the Business Center were received from the EDA and the CDBG Program. Consistent with the requirements of those funding sources, Tenant agrees that it will implement a program to offer and provide jobs to persons of low and moderate incomes.

B. In order for Tenant to comply with the requirements of subsection A of this Section 7, Tenant either must fill at least fifty-one percent (51%) of the job openings that are created after the Commencement Date of this Agreement with persons of low to moderate income, as defined by HUD regulations, or make openings available to such persons. In order to assure that the latter alternative is met, the requirement of special skills or education may not be used as a barrier to such openings, and first consideration for filling those openings must be accorded to low to moderate income persons. Tenant may, but is not required to, fulfill this requirement of "first consideration" through the use of a referral agency that has been approved by City as being capable of identifying and placing eligible persons, such as Nevada Business Services. Tenant may fulfill its obligation under subsection A of this Section 7 by complying with alternative job creation plans that may be adopted and approved by City and the federal funding agencies described in said subsection.

C. In order to demonstrate compliance with this Section 7, Tenant shall, for each person who is hired or considered for hire, either obtain and keep on file for verification the necessary information about the person to determine low to moderate income status or otherwise document satisfaction of the requirements of this Section.

D. Tenant agrees to repay to City any costs which may be disallowed by City or the United States Government in connection with Tenant's failure to comply with the provisions of this Section 7.

8. CONDITION OF PREMISES

The Premises are leased to Tenant on an "as-is" basis, except that City warrants that the building complies with applicable building-related codes. City makes no other warranty concerning the Premises and shall have no obligation to construct any improvements other than those that presently exist.

9. RENT DEFINED

The terms "rent" and "rental" as used in this Agreement means the minimum rent as described in Section 5, any rental adjustment to reflect increases or decreases in the area of the Premises, any additional rents, any amounts to be reimbursed by Tenant and any and all other sums, no matter how designated, that are required to be paid by Tenant under this Agreement.

10. LATE CHARGES

In the event Tenant is delinquent in the payment of rent for a period in excess of ten (10) days, there shall be added to the rent a late charge equal to three percent (3%) of the monthly rent.

11. USE OF PREMISES

Tenant agrees to use the Premises solely for the purpose of conducting its business, which is expressly limited to services related to rehabilitation and vocational services, including Dee's Charter and Tours, both of which must be approved under the City Business License and duly licensed. Except as expressly consented to in writing by City, Tenant shall not use or permit the Premises to be used for any purpose, and shall not operate under any name, other than those which are set forth in this Section 11. In addition, Tenant agrees not to use the Premises or permit its use for any purpose that is inconsistent with the purpose of the EDA and CDBG grants. Tenant agrees to maintain Premises in good condition and to not use any nails, bolts, or any other materials to change the walls, floors, or any other portion of the Premises, without the written consent of City. In addition, Tenant agrees to not add any computer software or any other computer materials to the computer provided by the City without written consent of City. Tenant agrees to use reasonable caution and respect other Tenants' confidentiality when using shared equipment and space. Because the building was constructed with federal funds, Tenant agrees to maintain a drug free environment and will sign the Drug Free Certification, the form of which is attached hereto as Exhibit C.

12. LAWS, WASTE, NUISANCE

Tenant covenants that it:

A. Will not use or suffer or permit any persons or persons to use the Premises or any part thereof for conducting thereon any activity not authorized in this Agreement;
B. Will comply with all laws, ordinances, regulations and requirements, now in force or which hereafter may be in force, of any lawful governmental body or authority having jurisdiction over the Premises;
C. Will keep the Premises and every part thereof in a clean, neat and orderly condition, and will in all respects and at all times fully comply with all health and police regulations; and
D. Will not suffer, permit or commit any nuisance or waste.

13. CHANGES TO AND OPERATION OF BUSINESS CENTER

City reserves the right at all times to exercise reasonable control over, and from time to time to make changes, alterations or additions to, the Business Center. City shall endeavor to do so with a minimum of disruption to Tenant's rights under this Agreement. This Section does not diminish Tenant's right to seek any remedy available at law or in equity for injury or damage that Tenant may suffer because of City's alteration of the interior of the Premises.

City shall maintain the structural components of the Business Center. The structural components of the Business Center shall consist of the following: the foundations, bearing and exterior walls, the roof; the electrical, plumbing and sewage systems lying outside the Premises; gutters and downspouts and other structural improvements made by City to the building in which the Premises are located. If City is required to make structural repairs by reason of Tenant's negligent act or omission, Tenant shall pay City's cost for making such repairs within fifteen (15) days after presentation of a bill therefor. Failure of Tenant to do so shall constitute a default by Tenant hereunder. City's obligation of repair as provided for herein is expressly conditioned upon City's receipt of written notice, given in the manner set forth in Section 42, of the need for such repair. City shall have no liability to Tenant based upon City's failure to repair in the absence of the notice hereby required to be given.

14. ALTERATIONS

Tenant shall not make or cause to be made to the Premises any alterations, additions or improvements, or install or cause to be installed any trade fixtures, exterior signs, floor coverings, interior or exterior lighting, plumbing fixtures, or shades or awnings, or make any other changes, without first obtaining City's written approval. Tenant shall present to the City plans and specifications for such work at the time approval is sought. In the event City consents to the making of any alterations, additions or improvements to the Premises by Tenant, the same shall be made by Tenant at Tenant's sole cost and expense. All such work with respect to any alterations, additions and changes shall be done in a good and workmanlike manner and diligently prosecuted to completion such that, except as absolutely necessary during the course of such work, the Premises shall at all times be a complete operating unit. Any such alterations, additions or changes shall be performed and done strictly in accordance with all laws, regulations and ordinances relating thereto. In performing the work of any such alterations, additions or changes, Tenant shall have the same performed in such a manner as not to obstruct access to any portion of the Premises or the Business Center. Any alterations, additions or improvements to the Premises including wall covering, paneling and built-in cabinet work, but excepting movable furniture and trade fixtures, shall at once become a part of the realty and shall be surrendered with the Premises and to become the property of City unless City otherwise elects at the end of the term hereof.

15. UTILITIES

City shall provide all utilities, including gas, electricity, water, sewer, and the basic telephone system. Tenant shall be responsible for and shall promptly pay all additional charges to the monthly telephone bills, such as second line or voice mail, in excess of the basic telephone system which is provided by the City, including long distance fax charges. City shall not be liable in the event of any interruption in the supply of any utility services to the Premises or Business Center except and unless said interruption is due City's negligence. Tenant agrees that it will not install any equipment which will exceed or overload the capacity of any utility facilities and that if any equipment installed by Tenant shall require additional utility facilities, the same shall be installed at Tenant's expense in accordance with plans and specifications previously approved in writing by City.

16. USE OF PARKING AND OTHER AREAS

In connection with its use of the Premises pursuant to this Agreement, Tenant is entitled to reasonable use of the parking lot for the Business Center under a revocable license. All facilities in or about the Business Center shall be subject to the exclusive control and management of City. City shall have the right to construct, maintain and operate lighting and other facilities on all said areas and improvements; to police the same; to change the area, level, location and arrangements of the parking area and other common facilities; to restrict parking by Tenants, their officers, agents, and employees; to close all or any portion of said areas or facilities to such extent as may be legally sufficient to prevent a dedication thereof or the accrual of any right to any person or the public therein; and to close temporarily all or any portion of the parking areas or facilities to discourage non-customer parking. City shall operate and maintain the parking area in such manner as City in its discretion shall determine. City shall have full right and authority to employ and discharge all its personnel with respect thereto, and shall have the right, through reasonable rules, regulations and/or restrictive covenants promulgated by it from time to time, to control use and operation of the parking area in order that the same may occur in a proper and orderly fashion. No such rules, regulations or restrictive covenants may be enforced against Tenant unless notice thereof is first provided to Tenant.

17. TAXES

Subject to applicable exemptions from tax, Tenant shall be solely responsible for and shall pay before delinquency any and all taxes of any nature that may be levied, assessed or imposed upon the possession or use of the Premises or buildings, structures, improvements, personal property and other taxable interests located in or upon the Premises.

18. RESPONSIBILITY AND LIABILITY

Tenant will be financially responsible to City for liability or claims for damages or injury resulting from negligent or intentional acts or omissions by Tenant and its employees in connection with an occurrence upon the Premises during the term of this Agreement, and Tenant will resist and defend at its own expense any actions or proceeding brought against City by reason of such claims.

19. INSURANCE

Tenant agrees to procure and maintain, at its sole cost and expense by the end of the first year of this Agreement and any renewal period thereof, the following:

A. Fire insurance and extended coverage insurance to cover the replacement cost of Tenant's improvements, trade fixtures, furnishings, equipment and all other personal property;
B. Workmen's compensation coverage as required by law, whether by self-insurance or otherwise.
C. General liability and property damage coverage with respect to the Premises with combined single limits of not less than $1,000,000 per person and per occurrence for bodily injury and a limit of not less than $1,000,000 per accident or occurrence for property damage. The liability coverage may be provided through self-insurance.

Tenant agrees that City shall be an additional named insured with respect to the property damage coverage described in subsection C of this Section 19. Tenant further agrees to deliver to City evidence of the coverages required herein no later than 30 days after the Commencement Date of the Second Year, August 1, 2000. The policy or policies that provide property damage coverage shall contain a provision that the insurer will not cancel or reduce the required coverage without first providing City at least 30 days' written notice.

20. ACCESS TO PREMISES

City shall have the right to place, maintain and repair all utility equipment of any kind in, upon and under the Premises as may be necessary for the servicing of the Premises and other portions of the Business Center. City shall also have the right to enter the Premises upon reasonable notice to inspect or to exhibit the same to prospective purchasers, and Tenants, and to make such repairs, additions, alterations or improvements as City may deem desirable. During the two (2) months prior to the expiration of this Agreement, City may place upon the Premises signs indicating the availability of the Premises for Agreement, which Tenant shall permit to remain thereon.

City may enter the Premises at any time, without notice, in the event of an actual or believed emergency. City shall at all times have and retain a key with which to unlock all of the doors of the Premises, excluding Tenant's vaults and safes, and City shall have the right to use any and all means which City may deem proper to open said doors in an emergency in order to obtain entry to the Premises. Any entry to the Premises by any of said means, or otherwise, shall not under any circumstances be construed or deemed to be a forcible or unlawful entry into, or a detainer of the Premises, or an eviction of Tenant from the leased Premises or any portion thereof.

21. SURRENDER OF PREMISES

Upon expiration or other authorized termination of this Agreement, Tenant shall surrender the Premises in the same condition as they were in at the commencement of this Agreement, except for additions, alterations or changes specifically authorized by City and reasonable wear and tear, and shall deliver all keys to City. Before surrendering the Premises, Tenant shall remove all of its personal property and trade fixtures and such alterations or additions to the Premises made by Tenant as may be specified for removal by City, and shall repair any damage caused by such property or the removal thereof.

22. HOLDING OVER

There will be no holding over after the twenty-four month term. Prior to the end of the twenty-four month term, Tenant will receive a thirty (30) day notice to vacant on or before July 31, 2001.

23. SALE OF BUSINESS CENTER

City reserves the right at any time to sell, convey or otherwise transfer its interest in the Business Center or any portion thereof. In the event of a sale, conveyance or transfer of its interest (other than a transfer for purposes of creating a security interest), City must include, as part of the documents transferring its interest, a provision obligating its successor to honor City's obligations under this Agreement.

24. EMINENT DOMAIN

In case the whole of the Premises, or such part thereof as shall substantially interfere with Tenant's use and occupancy thereof, shall be taken by any lawful power or authority by exercise of the right of eminent domain, or sold to prevent such taking, either Party may terminate this Agreement effective as of the date possession is required to be surrendered to said authority. Tenant shall not because of such taking assert any claim against City or the taking authority for any compensation because of such taking, and City shall be entitled to receive the entire amount of any award without deduction for any estate or interest of Tenant. In the event the amount of property or the type of estate taken shall not substantially interfere with the conduct of Tenant's business, City shall be entitled to the entire amount of the award without deduction for any estate or interest of Tenant. In such event, City shall promptly proceed to restore the Premises to substantially their condition prior to such partial taking, and a proportionate allowance shall be made to Tenant for the rent corresponding to the time during which, and to the part of the Premises of which, Tenant is so deprived on account of such taking and restoration. Nothing contained in this Section 24 shall be deemed to give City any interest in, or prevent Tenant from seeking any award against the taking authority for, the taking of personal property and fixtures belonging to Tenant or for relocation expenses recoverable against the taking authority.

25. DAMAGE OR DESTRUCTION

A. Tenant shall give prompt notice to City in case of fire or accidents in or near the Premises or in the common areas.

B. If the Premises are partially damaged by fire or other casualty, City shall repair such damage at its cost, subject to City's option contained in subsection C of this Section, and rent shall be abated according to the part of the Premises which remains unusable by Tenant until such repairs are completed.

C. If the Business Center or common areas are substantially or totally destroyed, or if the Premises are damaged so extensively that they cannot, in City's opinion, be repaired within sixty (60) days after commencement of such repairs, or if City shall decide to rebuild the Business Center or common areas so that they will be substantially different structurally or architecturally, then either party, at its option and within thirty (30) days after such damage or destruction, may give the other party written notice thereof and this Agreement shall thereupon be canceled effective as of the date of the occurrence of such damage or destruction. If the Agreement is not canceled and City elects to repair and rebuild, this Agreement shall remain in effect and rent shall be abated in proportion to the part of the Premises which are unusable by Tenant.

D. If any damage referred to in this Section 25 is due in whole or in part to the act, neglect, fault or omission of Tenant, there shall be no abatement of rent.

26. LIENS AND ENCUMBRANCES

Tenant agrees to keep the Premises and its interest therein free from liens and encumbrances. If any lien or other encumbrance is filed against the Premises or any part thereof by reason of Tenant's acts or omissions or because of a claim against Tenant, Tenant shall cause the same to be canceled and discharged of record by bond or otherwise within ten (10) days after notice by City. The failure of Tenant to obtain a cancellation or discharge of record by bond or otherwise as provided herein within the time limit hereby established shall constitute a default of the terms of this Agreement.

27. ASSIGNMENT AND SUBLETTING

Tenant shall not transfer, assign, delegate, mortgage or hypothecate this Agreement, in whole or in part, or permit the use of the Premises by any person or persons other than Tenant, or sublet the Premises, or any part thereof, without the prior written consent of City in each instance. In accordance with 13 C.F.R. Part 314, Tenant also agrees not to transfer, assign, delegate, mortgage or hypothecate this Agreement, in whole or in part, or sublet the Premises, in whole or in part, for any purpose, or with any effect, that is inconsistent with the purpose of the EDA and CDBG grants.

Any assignment or subletting without City's consent shall be voidable by City and shall constitute a default hereunder which, at the option of City, shall result in the termination of this Agreement or the exercise of City's other remedies hereunder, or both. Consent to any assignment or subletting shall not operate as a waiver of the necessity for consent to any subsequent assignment or subletting. The terms of any such consent shall be binding upon any persons holding by, under or through Tenant.

28. DEFAULT BY CITY

In the event City fails to fulfill any obligation under this Agreement, Tenant shall, before exercising any right or remedy available to it, give City written notice of the claimed breach, default or noncompliance, which City shall have the right to cure for the thirty (30) days following the giving of the notice. Subject to the provisions of Section 25 if City fails or refuses to make repairs or provide services which are required hereunder within thirty (30) days after receiving written notice from Tenant of the need therefor, Tenant may exercise any right or remedy available to it under Nevada law.

29. DEFAULT BY TENANT

A. Upon the occurrence of any of the following events, City shall have the remedies set forth in subsection B.

1) Tenant's failure to pay any rental or any other sum due hereunder within thirty (30) days after the same shall be due.

2) Tenant's failure to perform any other term, condition, or covenant to be performed by it pursuant to this Agreement within thirty (30) days after written notice of such default shall have been given to Tenant by City.

3) The falsification by Tenant or its agents of any document required to be furnished to City hereunder.

B. Upon the occurrence of any of the events set forth in subsection A, City shall have the option to take any or all of the following actions, without further notice or demand of any kind to Tenant or any other person:

1) Terminate this Agreement by written notice to Tenant. In the event of such termination, Tenant agrees to immediately surrender possession of the Premises.

2) Seek damages and any other remedy, legal or equitable, available under Nevada law.

30. GOVERNING LAW

This Agreement shall be governed by and interpreted according to the laws of the State of Nevada.

31. NO PARTNERSHIP

City does not by this Agreement, in any way or for any purpose, become a partner or joint venturer of Tenant in the conduct of its business or otherwise.

32. FORCE MAJEURE

Each of the parties shall be excused for the period of any delay in the performance of any obligation hereunder when prevented from doing so by cause or causes beyond that party's control, including labor disputes, civil commotion, war, governmental regulations or controls, fire or other casualty, inability to obtain any material or services, or acts of God.

33. NO WAIVER

Failure of City to insist upon the strict performance of any provision or to exercise any option hereunder shall not be deemed a waiver of its right to do so in the future. No provision of this Agreement shall be deemed to have been waived by City unless such waiver is in writing.

34. PARTIAL INVALIDITY

If any provision of this Agreement or the application thereof to any person or circumstances shall to any extent be invalid, the remainder of this Agreement or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby and each provision of this Agreement shall be valid and enforceable to the fullest extent permitted by Law.

35. BROKER'S COMMISSIONS

Tenant represents and warrants that there are no claims against it for brokerage commissions or finder's fees in connection with this Agreement. If any such instances do occur, brokerage commissions or finder's fees will be paid entirely by the Tenant.

36. PROVISIONS BINDING

Except as otherwise provided, all provisions herein shall be binding upon and shall inure to the benefit of the parties, their legal representatives, successors and assigns. In the event of any sale or assignment (except for purpose of security or collateral) by City of the Business Center, the Premises or this Agreement, City shall, from and after the effective date thereof (irrespective of when such sale or assignment occurs), be entirely relieved of all of its obligations which shall, as of the time of such sale or assignment or on the effective date, whichever is later, automatically pass to City's successor in interest. The preceding sentence applies only if City's successor-in-interest is required by the transfer documents to honor City's obligations under this Agreement.

37. NON-DISCRIMINATION

City and Tenant each assures that the Premises are not segregated with respect to race, color, religion or national origin, and each agrees that it will not segregate or discriminate on such grounds with respect to public utilization of or access to the Premises. Tenant agrees to comply with EDA policies concerning nondiscrimination and civil rights by furnishing to City, for transmittal to EDA, a properly executed "Assurance of Compliance with Civil Rights and Other Legal Requirements" form and such other civil rights materials as EDA may require in order to analyze Tenant's civil rights posture and practices. City agrees to provide Tenant with any forms that Tenant may be required to furnish hereunder.

38. ENTIRE AGREEMENT

This Agreement, including any exhibits and addenda attached hereto, set forth the entire agreement between the parties. All such exhibits and addenda mentioned in this Agreement are incorporated herein by reference. Any prior conversations or writings concerning the Agreement of the Premises are merged herein and extinguished. No amendment to this Agreement shall be binding upon City or Tenant unless reduced to writing and executed by the Parties and, in the case of the Tenant, executed with the same formality as attended Tenant's execution of this Agreement.

39. SUBMISSION OF THIS AGREEMENT

Submission of this Agreement for examination by Tenant does not constitute an option for the Premises and becomes effective as an Agreement only upon execution and delivery thereof by City to Tenant. If any provision contained in an amendment or addendum is inconsistent with a provision in the body of this Agreement, the provision contained in said amendment or addendum shall control. The captions and section numbers appearing herein are inserted only as a matter of convenience and are not intended to define, limit, construe or describe the scope or intent of any section or paragraph.

40. AUTHORITY OF SIGNATORIES

Each signatory to this Agreement represents that he or she is duly authorized to execute and deliver the same on behalf of the entity for which he or she is signing and that this Agreement is binding upon said entity in accordance with its terms.

41. NOTICES

Any notice, demand, request, or other instrument which may be or is required to be given under this Agreement shall be delivered in person or sent by United States certified or registered mail, postage prepaid, and shall be sent to the following address:

If to the City: City of Las Vegas
Attn: City Manager, c/o Director
Neighborhood Services Department
400 East Stewart Avenue,
Las Vegas, Nevada 89101

If to the Tenant: Dee's Vocational and Rehabilitation Services
Doloris Wallace Douglas, owner
1951 Stella Lake Drive, Suite #9A
Las Vegas NV 89106

Either party may designate a different address by giving written notice to the other Party.

42. EDA APPROVAL OR WAIVER THEREOF

This Agreement shall not be binding on the parties or take effect until it has been approved by the Assistant Secretary of EDA or his designee, or until such approval has been waived in writing; provided, however, that if such approval or waiver is obtained, the Commencement Date of this Agreement shall be as set forth herein.

43. APPROVAL OR CONSENT BY CITY

Whenever the approval or consent of City is required by this Agreement, such approval or consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, the Parties hereto have executed this Agreement on the date first set forth above.

CITY OF LAS VEGAS

By Oscar B. Goodman

OSCAR B.GOODMAN, Mayor

"CITY"

ATTEST: Barbara Jo Ronemus

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM J. Pontecello 6/17/99

APPROVED BY CITY COUNCIL 7/12/99

DEE'S VOCATIONAL AND REHABILITATION SERVICES

By Doloris Wallace Douglas

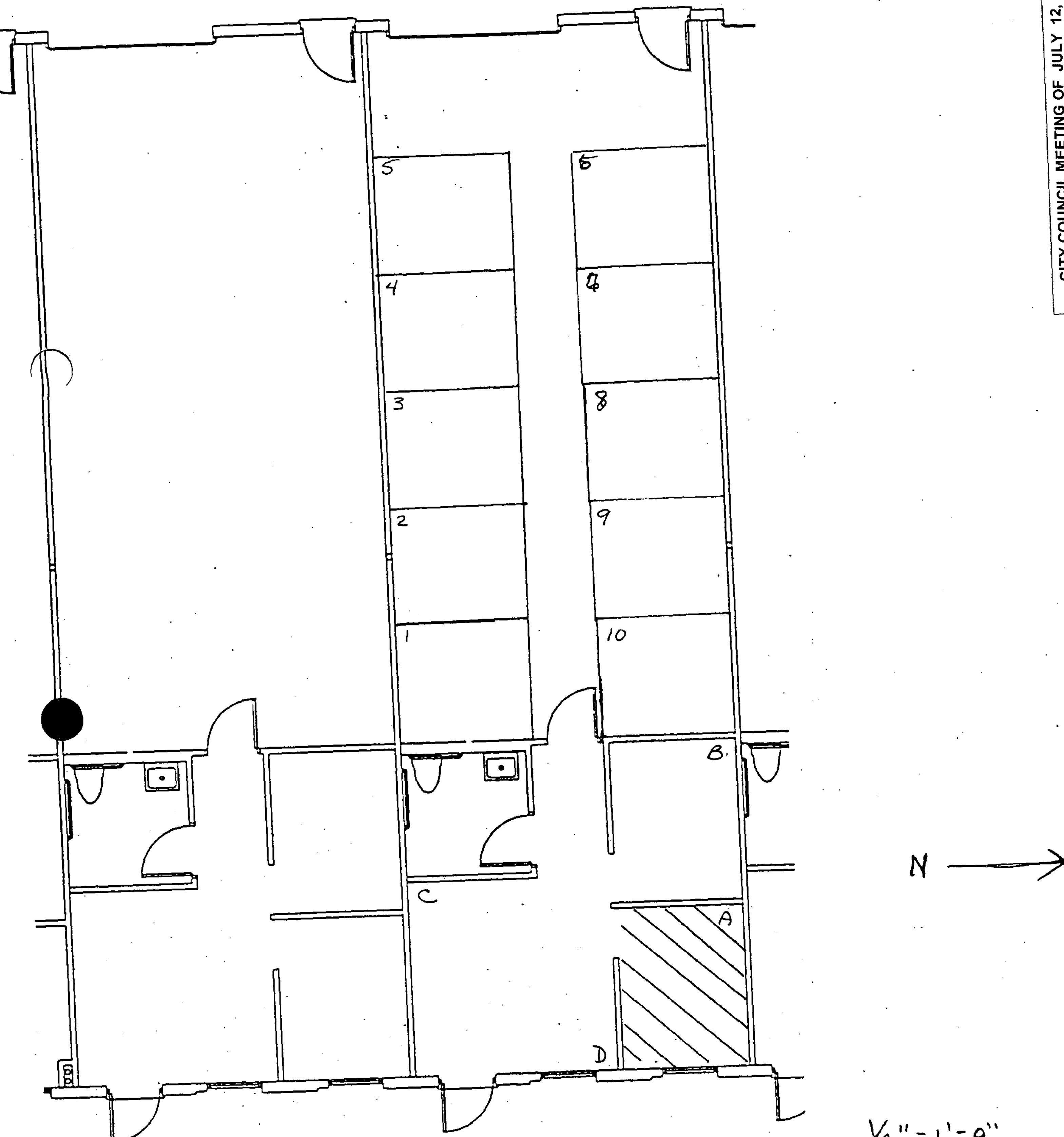
DOLORIS WALLACE DOUGLAS, owner

"TENANT"

EXHIBIT "A"

LAS VEGAS BUSINESS CENTER

1951 STELLA LAKE ST., LAS VEGAS, NV 89106



SUITE "9"

1/8" = 1'-0"

Exhibit B

Employer's Certificate of Nonrelocation

I certify that I have not relocated my business from one commuting area to another. I have not relocated my business from a location outside the Las Vegas Metropolitan Statistical Area ("Area") to the Business Center. I agree to comply with EDA policies concerning nonrelocation by furnishing to City, on this Exhibit D, the "Employer's Certificate of Nonrelocation".

Approved EDA Exemptions from the Nonrelocation:

(i) relocated to the Area prior to the date of the applicant's application for Lease;

(ii) moved or will move into the Area primarily for reasons which have no connection to the Lease of the Las Vegas Business Center;

(iii) expand employment in Area substantially beyond employment in the area in which the business had originally been located;

(iv) relocating from technologically obsolete facilities to be competitive;

(v) expanding into the Area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old areas; or

(vi) determined by EDA to be exempt (13 CFR Section 316.4(b).

Dee's Vocational and Rehabilitation Services

Doloris Wallace Douglas

Doloris Wallace Douglas, owner

Date 6-25-99

Exhibit C
Certification Regarding Drug-Free Requirements
City of Las Vegas
Certification

Tenant certifies that it will provide a drug-free workplace by:

1. Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Premises and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
   a. the dangers of drug abuse in the workplace;
   b. the Tenant's policy of maintaining a drug-free workplace;
   c. any available drug counseling, rehabilitation, and employee assistance programs; and
   d. the penalties that may be imposed upon employees for drug violations occurring in the workplace.
3. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will:
   a. abide by the terms of the statement; and
   b. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
4. Notifying the City within ten days after receiving notice under subparagraph 3b from an employee or otherwise receiving actual notice of such conviction;
5. Taking one of the following actions, within 30 days of receiving notice under subparagraph 3b with respect to any employee who is so convicted:
   a. taking appropriate personnel action against such an employee, up to and including termination; or
   b. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5, and 6.

Dee's Vocational and Rehabilitation Services

Doloris Wallace Douglas

Doloris Wallace Douglas, owner

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	VII. BOARDS AND COMMISSIONS - DISCUSSION	**McDONALD - Motion to APPROVE MAYOR GOODMAN's appointments of the COUNCILMEMBERS to the remaining committees as specified on the newly attached list and as follows:** **- Economic Opportunity Board - Councilman Reese** **- Metro Fiscal Affairs Committee - Mayor Goodman resigned and appointed Councilwoman McDonald and reaffirmed Councilman Reese's appointment** **- Nevada Business Services/Job Training Board - Councilwoman McDonald** **- Regional Jail Commission - Councilwoman McDonald as alternate and Councilman Reese as primary** **- carried UNANIMOUSLY** ****** There was no discussion. (3:41 - 3:43) **4-1077**
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	**M. McDONALD - Held in ABEYANCE to 7/26/99 - UNANIMOUS** **7/26/99 Agenda** ****** CITY MANAGER VALENTINE stated the appointment has been held twice. MAYOR GOODMAN needs to recommend the alternates. MAYOR GOODMAN indicated that he is currently interviewing interested citizens. He encouraged anyone wishing to serve on a board to contact his office. TOM McGOWAN, 720 South Casino Center Boulevard, asked for the distinction between *alternate* and *representative.* CITY MANAGER VALENTINE replied that both would serve as regular members. Under the bylaws, the Council has the flexibility to appoint an alternate so that the Council has representation at all the meetings. There are too many boards and committees for the Council members to serve on all of them. There was no further discussion. (3:43 - 3:54) **4-1123**

CITY COUNCIL APPOINTMENTS

7-26-1999

BOARD NAME	APPT(S)	TERM	CURRENT REPRESENTATION	ORIGINAL APPT. DATE	EXPIRATION/NOTES
Citizens Advisory Committee on Downtown Development	2	2 yrs.	Councilman Reese Councilman McDonald	6-21-95 6-21-95	Exp. June 2001 Exp. June 2001
CLV Audit Oversight Committee	2	2 yrs.	Mayor Goodman Councilman McDonald	6-28-99 6-08-98	Exp. June 2001 Exp. June 2000
Cl.Co. District Bd. of Health	1	2 yrs.	Councilman Reese	6-21-95	Exp. June 2001
Debt Management Commission (Formerly General Obligation Bond Comm.)	1	2 yrs.	Councilman McDonald	6-21-95	Exp. June 2001
Economic Opportunity Bd. Cl.Co.	1	Until replaced	Councilman Reese	7-14-97	
Emergency Operations, Mgmt. Comm.	1	Until replaced	Councilman McDonald	6-21-95	
Greater L.V. Chamber of Commerce	1	2 yrs.	Councilman Brown	6-28-99	Exp. June 2001
Las Vegas Convention and and Visitors Authority	2	Term of Office	Mayor Goodman Councilman McDonald	6-28-99 7-14-97	Exp. June 2003 Exp. June 2003
Local Law Enforcement Advisory Commit.	1	Until replaced	Councilman Reese	7/28/97	
Mayor Pro Tempore	1	Until replaced	Councilman McDonald	7-14-97	Council elects
Metropolitan Police Committee on Fiscal Affairs	2	Until replaced	Councilman Reese Councilwoman L. McDonald	7-14-97 7-12-99	
Nevada Business Services (NBS) Job Training Board	1	Until replaced	Councilwoman L. McDonald	7-12-99	
Nevada Development Authority	1	2 yrs.	Mayor Goodman	6-28-99	Exp. June 2001
Nevada League of Cities	1	2 yrs.	Councilman Brown	6-28-99	Exp. June 2001
Oversight Panel for School Facilities	1	2 yrs.	Councilman Brown	9-22-97	Exp. Sept. 2002
Real Estate Committee	2	2 yr.	Councilman Reese (Chr) Councilman McDonald	6-28-99 6-28-99	Exp. June 2001 Exp. June 2001
Regional Flood Control District (Members are the same as those appointed to RTC and terms should coincide.)	2	2 yrs.	Mayor Goodman Councilman Brown	6-28-99 6-23-97	Exp. 6-30-2001 Exp. 6-30-2001
Regional Transportation Commission (Expiration date set by NRS)	2	2 yrs.	Mayor Goodman Councilman Brown	6-28-99 6-23-97	Exp. 6-30-2001 Exp. 6-30-2001
Regional Jail Commission	2 (1 Primary, 1 Alternate) (Change to Primary & Alternate on 10/2/96)	Until replaced	Councilman Reese (Primary) Councilwoman L. McDonald(Alt)	6-28-99 7-12-99	
Senior Citizens' Advisory Board.	1	3 yrs. (Alternate)	Councilman McDonald Councilman Reese	6-21-95 6-21-95	Exp. 6-21-2002 Exp. 6-21-2002
So. Nev. Enterprise Consortium	2	1 yr. 1 yr.	Mayor Goodman Councilman Reese	6-28-99 8-2-95	Exp. 6-28-2000 Exp. 6-28-2000
So. Nev. Regional Planning Coalition (Formerly So. Nev. Gov't Efficiency Committee)	2	Until replaced	Mayor Goodman Councilman Brown Councilwoman L. McDonald	6-28-99 1-11-99 7-26-99 (Alternate)	
So. Nev. Water Authority	2 (1 Member, 1 Alternate)	Until replaced	Councilman McDonald Councilman Brown (Alternate)	6-28-99 7-14-97	
Yucca Mnt. Nuclear Repository Com.	2	Until replaced "	Mayor Goodman Councilman McDonald	6-28-99 6-21-95	City Mgr. or designee also serves

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	VII. BOARDS AND COMMISSIONS - DISCUSSION	
100	**ABEYANCE ITEM** **CHILD CARE LICENSING BOARD** Nora R. Avila - Term Expires - 6/1999 (resigned)	**REESE - Held in ABEYANCE to 7/26/99 - UNANIMOUS** **7/26/99 Agenda** ****** There was no discussion. (3:45) **4-1206**

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	VII. BOARDS AND COMMISSIONS - DISCUSSION	
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	**M. McDONALD - Motion to REAPPOINT: Olga Carbia (Reese's recommendation)** **and Hold in ABEYANCE the appointments for ROBERT FORTSON and DAN ROMANO to 7/26/99 - carried UNANIMOUSLY** **Clerk to notify** **7/26/99 Agenda** ****** There was no discussion. (3:45 - 3:46) **4-1216**
102	**ABEYANCE ITEM** **CITIZENS PRIORITY ADVISORY COMMITTEE** Jill Langerman - Term Expires - 6/1999 Ronald L. Butters - Term Expires - 6/28/1999	**M. McDONALD - Held in ABEYANCE to 7/26/99 - UNANIMOUS** **7/26/99 Agenda** ****** There was no discussion. (3:46 - 3:47) **4-1255**
103	**BOARD OF CIVIL SERVICE TRUSTEES** Rev. David L. Harris - Term Expires - 8/7/99	**M. McDONALD - Held in ABEYANCE to 7/26/99 - UNANIMOUS** **7/26/99 Agenda** ****** There was no discussion. (3:47 - 3:48) **4-1277** **THE MORNING SESSION RECESSED AT 3:48 P.M.**

	ITEM	ACTION
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.	**M. McDONALD – Motion to bring forward and HOLD IN ABEYANCE Item 111 [V-24-99] and Item 120 [U-46-99] to 7/26/99 and to Accept the WITHDRAWAL Without Prejudice of Item 113 [V-39-99] and to STRIKE Item 118 [U-68-98 - Rescind] and Item 119 [U-68-98 - Appeal] - UNANIMOUS** ****** DEPUTY CITY ATTORNEY BRAD JERBIC disclosed that Item 125 [U-64-99] relates to an issue in his neighborhood and that his wife has become involved with this particular project. He has had City staff and his office keep him out of this item and has not participated or given any legal advice to the Council. (4:30 - 4:31) **5-1** COUNCILMAN McDONALD noted that he was not aware that Item 120 [U-46-99] was requested to be held in abeyance. ATTORNEY MARK FIORENTINO, Kummer Kaempfer Bonner and Renshaw, 3800 Howard Hughes Parkway, stated that this application is for a beer and wine license. It was held in abeyance previously at COUNCILMAN McDONALD's request in order that a meeting could be scheduled with him and with the concerned residents. A meeting was scheduled, but it was canceled due to the bad weather. He has not had an opportunity to meet with COUNCILMAN McDONALD and with area residents nor had an opportunity to review the petition mentioned at the last meeting. COUNCILMAN McDONALD noted that the flood took precedence and that a large part of Ward 1 was flooded. An UNIDENTIFIED FEMALE appeared on behalf of a group of area residents and indicated that she would not be able to appear at the next Council meeting. ATTORNEY GARRY HAYES, 3777 S. Pecos-McLeod, #104, advised that if the item is held in abeyance, the residents would prefer to come back and speak at the time the item will be considered. There was no further discussion. (4:30 - 4:37) **5-54**

ITEM		ACTION
	IX. PUBLIC HEARINGS	
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	**REESE - APPROVED the action of Neighborhood Services - UNANIMOUS** ****** MAYOR GOODMAN declared the Public Hearing open. DAVID SEMENZA, Neighborhood Services, explained that the dangerous and unsecured building were accessible to vandals and vagrants. The property was a source of concern to the public, the Fire and Police Departments because of hazardous conditions. In fact, on 4/21/99 a fire was started by vagrants. The property was declared in violation and legal notification was started. When no corrective action was taken, nor an appeal filed, the Department of Neighborhood Services hired K.O. Construction to demolish the buildings and remove all litter, trash and debris. Work was completed on 6/3/99 at a cost of $10,500, plus a 15% administrative fee. A Lien of Assessment of $12,075 is recommended. The recommendation is to approve the report of expenses and order the above charges be filed and recorded with the County Treasurer's Office for collection as ordinary property taxes against the property constituting a special assessment and lien. No one appeared in opposition. There was no further discussion. MAYOR GOODMAN declared the Public Hearing closed. (4:37 - 4:38) **5-198**

CITY COUNCIL
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO:	FROM:
City Council	SHARON SEGERBLOM, DIRECTOR NEIGHBORHOOD SERVICES DEPARTMENT

SUBJECT:

Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 1602/1608 E. Charleston Blvd.

PURPOSE/BACKGROUND

The subject properties were dangerous buildings, unsecured and accessible to vandals and vagrants. The condition of the property was a source of concern to the public and the Fire and Police Departments because of the hazardous conditions.

The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, the Department of Neighborhood Services hired K. O. Construction to demolish the buildings and remove all litter, trash and debris. Work was completed by K. O. Construction on June 03, 1999, at a cost of $10,500.00.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

FISCAL IMPACT $12,075.00

RECOMMENDATIONS

Agenda Item
105

Attached for your information are the following:

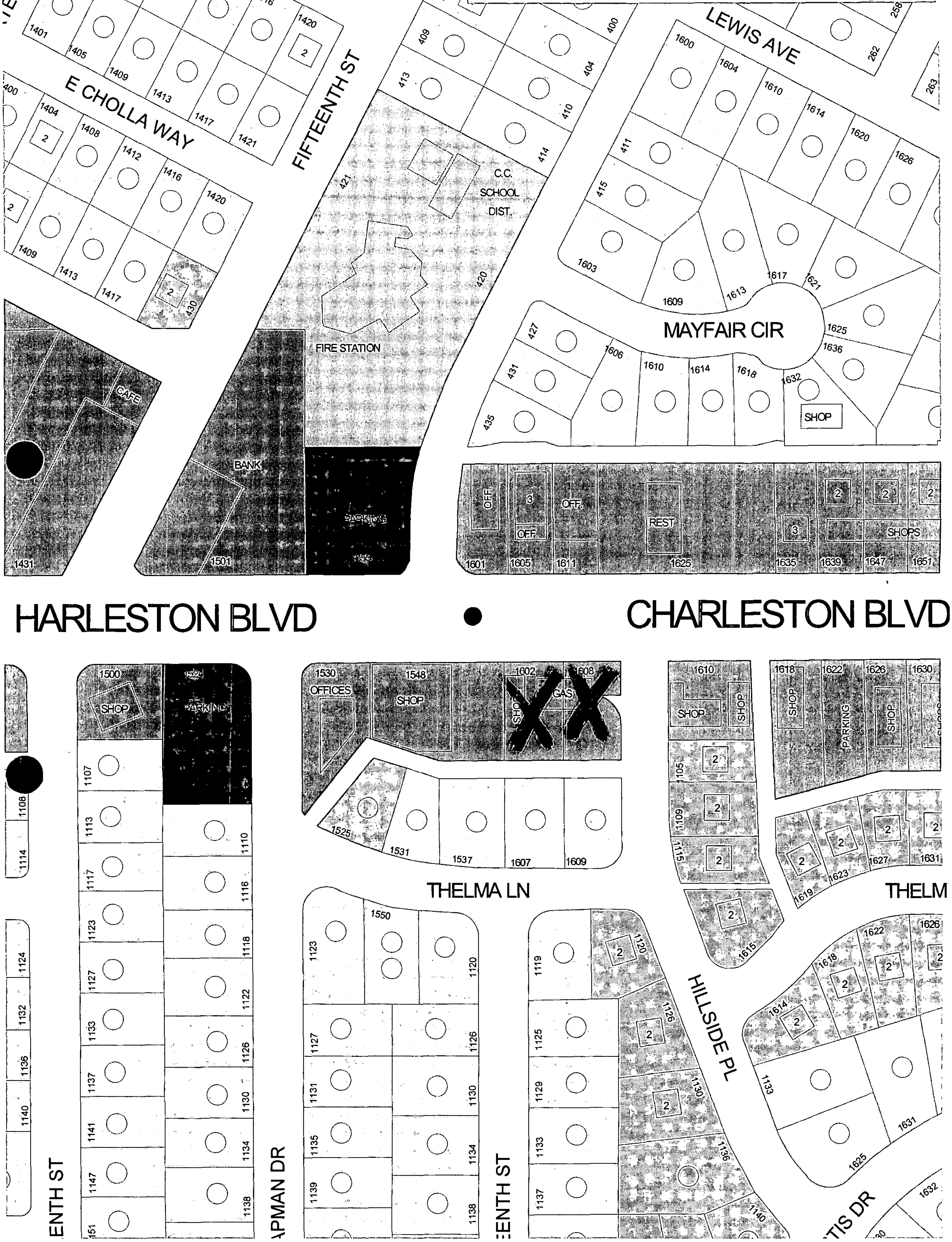
1. Location map
2. Report of Expenses
3. Notice of Public Hearing
4. Chronological List of Events
5. Copy of the Notice and Claim of Lien

RECOMMENDATIONS:

The City Manager recommends that the City Council:

1. Approve the Report of Expenses in the amount of $12,075.00 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien.

2. Authorize that the Notice and Claim of Property Lien be duly recorded and filed with the County Treasurer's Office for collection as ordinary property taxes. If the Property Owner chooses to make payments, then a Property Lien will be recorded and filed in place of an Assessment Lien..


LEWIS AVE
E CHOLLA WAY
FIFTEENTH ST
C.C. SCHOOL DIST.
FIRE STATION
MAYFAIR CIR
CAFE
BANK
PARKING
OFF.
REST
SHOPS
SHOP
HARLESTON BLVD
CHARLESTON BLVD
OFFICES
GAS
THELMA LN
THELM
HILLSIDE PL
ENTH ST
APMAN DR
EENTH ST
TIS DR

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. MCDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
VIRGINIA VALENTINE

CITY of LAS VEGAS

NEIGHBORHOOD SERVICES DEPARTMENT
SHARON SEGERBLOM, DIRECTOR

June 16, 1999

RECEIVED
CITY CLERK
1999 JUN 21 A 11:30

Trustee Clark County Treasurer
500 S. Grand Central Pkwy
Las Vegas, NV 89106-4506

RE: DANGEROUS BUILDING/DEMOLITION ABATEMENT - 1602/1608 E. CHARLESTON BLVD.

To Whom It May Concern:

On June 03, 1999, the City of Las Vegas caused the above-referenced properties to be demolished and all litter, trash and debris to be removed. A Report of Expenses has been submitted to the City Clerk by the Department of Neighborhood Services.

At the City Council meeting to be held on June 28, 1999, a date and time for a public hearing will be set to consider the Report of Expenses. A tentative date for the public hearing is July 12, 1999. You will, however, be mailed appropriate notification.

For your information, a copy of the Report of Expenses is enclosed.

If you have any questions concerning this procedure, please contact the Neighborhood Response Division located in the Department of Neighborhood Services, by telephoning (702) 229-6615.

Sincerely,

David Semenza, Manager
Neighborhood Response Division
Department of Neighborhood Services

DS/yl
Enclosure

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager - Neighborhood Response Division

CC: File

Date: June 16, 1999

Re: Report of Expenses for the abatement of dangerous building/demolition located at 1602/1608 E. Charleston Blvd.

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building abatement", the Department of Neighborhood Services caused the demolition and removal of all litter and debris from the above-referenced properties.

Work was completed on June 03, 1999, by K. O. Construction at a cost of $10,500.00 and was accepted by the Department of Neighborhood Services.

Contract Amount	$ 5,700.00
Dump fees	4,800.00
AMOUNT DUE	$10,500.00
Administrative processing fee	1,575.00
TOTAL AMOUNT DUE	$12,075.00

OWNER OF RECORD: TRUSTEE CLARK COUNTY TREASURER

PROPERTY ABATED: 1602/1608 E. CHARLESTON BLVD

ASSESSOR'S PARCEL: 162-02-111-040 & 041

LEGAL DESCRIPTION: CHARLESTON SQUARE TRACT #1
PLAT BOOK 2 PAGE 66
LOT 2 BLOCK 1

DS:yl

CITY of LAS VEGAS

NEIGHBORHOOD SERVICES DEPARTMENT
SHARON SEGERBLOM, DIRECTOR

May 5, 1999

Reference #030399-380
CERTIFIED RETURN RECEIPT REQUESTED

Trustee Clark County Treasurer
500 S Grand Cental Pkwy
Las Vegas, NV 89106-4506

TEN (10) DAY NOTICE BEFORE ABATEMENT

Dear Property Owner,

You are hereby notified as owner of the property located **at 1602/1608 E CHARLESTON BLVD.., - Las Vegas, NV** - Parcel #**162-02-111-040 AND #162-02-111-041**, that it has been found to be a dangerous building as defined in the Uniform Code for the Abatement Dangerous Building, 1994 Edition, Section 302, adopted by the Las Vegas Municipal Code 16.08.

This letter is being sent as formal notification that the City's Contractor is expected to be on your property after **ten (10) days** from the date of this notice to abate the condition of your property which was brought to your attention by the **(10) Day Notice and Order to Abate Dangerous Building** - (see copy attached).

Since you have failed to comply with the requirements outlined in the **Notice and Order to Comply,** the City is now exercising its legal right to abate this problem **by May 17, 1999. Our Contractor (KO Construction),** has estimated the cost of this abatement to be **$9,700.00** dollars. Included in this amount are the estimated dump fees.

Sincerely,

Dave Semenza

Dave Semenza
Manager, Neighborhood Response
Department of Neighborhood Services

DS:kb

Complaint 030399-380 1602 E CHARLESTON BLVD

THIS COMPLEX IS NOW FILLED WITH DRUGGIES AND VAGRANTS EACH EVENING. THE TRASH ACCUMULATES DAILY.

Dangerous Building: Vagrants Taken By:

>> 1 Open This is 18 of 21.

Ward 3 1- 2426-92
Area 3

Parcel: 162 02 111 040

Complainant:
TRUSTEE CLARK COUNTY TREASURER
Respond To:
500 S GRAND CENTRAL PKWY
Phone:
LAS VEGAS NV 89106-4506
Owner: TRUSTEE CLARK COUNTY TREASURER
CHARLESTON SQUARE TRACT #1
PLAT BOOK 2 PAGE 66
LOT 2 BLOCK 1

Spl. Project:

Demolish YES
****

03-03-99	WE NEED TO ISSUE A DEMOLITION NOTICE FOR BOTH OF THESE STRUCTURES 1602 AND 1608, BOTH HAVE THE SAME OWNER. ALSO WE NEED TO HAVE THE RRT DEAL WITH SOME ON SITE PROBLEMS. JH TO GET WITH 18 ON 3/4/99
03-04-99	18) TRIM UP PALM TREE ON CORNER TO JUST ONE FROND POINTING STRAIGHT UP
03-09-99	KB) SENT LTR, POST 3/10 CB 4/9
03-15-99	KB) RECD CERTIFIED CARD FROM TRUSTEE CLARK COUNTY, SIGNED 3/11
04-28-99	KB) FAXED BIDS TO ALL CONTRACTORS TO DEMOLISH STRUCTURES DUE BY 5/1
05-03-99	KB) RECD BID FROM KO IN THE AMT OF $9,700.00 RECD BID FROM PASCO IN THE AMT OF $14,300.00 TL) REC'D ANOTHER COMPLAINT FROM FIRE DEPT. - IS ALREADY ON FILE KB) RECD BID FROM WEAVER IN THE AMT OF $11,560.00 KB) RECD BID FROM WEAVER IN THE AMT OF $11,560.00
05-06-99	KB) SENT 10 DAY BEFORE ABA, POST 5/7, CB 5/17
05-07-99	26)POSTED DANG/DEMO.
05-10-99	KB) RECD CERTIFIED CARD FROM CLARK CO, SIGNED 5/7
05-19-99	JH BEFORE VIDEO COMPLETED KB) AWARDED TO K.O. FOR $9,700.00 TO START 5/25
06-04-99	26) BUILDING DEMOLISHED. CONTRACTOR LEVELING LOT, SHOULD BE COMPLETED TODAY. ONLY ENOUGH FENCE FOR THREE SIDES OF THE PROPERTY. CONTRACTOR STATES HE WASNT CONTRACTED FOR FENCING. REFER TO JH REC'D INVOICE #1027 FROM K.O. CONSTRUCTION IN THE AMOUNT OF: $10,500.00 - NEED FINAL V I D E O - I WILL LET JIM HUNTER KNOW - FOR MONDAY JUNE 7 - GIVE FILE TO YVETTE TO PROCESS FOR AGENDA ITEM FOR PAYMENT -
06-08-99	JH FINAL VIDEO COMPLETED
06-15-99	YL) PROCESSED INVOICE FOR PAYMENT THROUGH ORACLE SYSTEM

Complaint 030399-380 continued

Page 2

06-18-99 YL) LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER
06-28-99 YL) SET DATE FOR PUBLIC HEARING ON 7-12
07-12-99 YL) PUBLIC HEARING TO APPROVE REPORT OF EXPENSES IN THE AMOUNT OF 10,500 PLUS 15% ADMIN FEE = $12,075.00

030399-380

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **TRUSTEE CLARK COUNTY TREASURER** (Reputed Owners) At time of abatement

On **June 3, 1999**, as provided in the Las Vegas Municipal Code 16.08, Section 302, the City of Las Vegas caused the abatement of a dangerous building condition on the following property after due notification.

Assessor's Parcel No.: **162-02-111-040 and 041**
Commonly known as: **1602/1608 E. CHARLESTON BLVD.**
Legal Description: **CHARLESTON SQUARE TRACT #1**
PLAT BOOK 2 PAGE 66
LOT 2 BLOCK 1

Expenses in the amount of **$12,075.00** were incurred by the City of Las Vegas in the above dangerous condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **July 12, 1999**, ordered the above charges in the amount of **$12,075.00**, assessed against the property by means of a Lien of Assessment, such lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment which remains unpaid after 30 days from the date of the recording thereof on the assessment roll shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date.

This lien shall continue until the assessment which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

Barbara Jo Ronemus

BARBARA JO RONEMUS
400 East Stewart Avenue
Las Vegas, NV 89101
Telephone: (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated therein are true of her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

Barbara Jo Ronemus

BARBARA JO RONEMUS
CITY CLERK

SUBSCRIBED and SWORN to before me
this 15th day of July, 1999

Beverly K. Bridges

NOTARY PUBLIC, in and for said County and State

Notary Public - State of Nevada
COUNTY OF CLARK
BEVERLY K. BRIDGES
No. 93-4081-1 My Appointment Expires July 25, 2001

WHEN RECORDED, RETURN TO:

CITY OF LAS VEGAS
DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 E. STEWART AVENUE
LAS VEGAS, NV 89101

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - CONSENT / DISCUSSION

INDEX
PAGE ONE

DISCUSSION/ACTION ITEMS

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - CONSENT / DISCUSSION

INDEX
PAGE TWO

ITEM		ACTION
	PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
106	STREET NAME CHANGE - PUBLIC HEARING 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. NOTICES MAILED: 32 BY CITY CLERK APPROVALS: 0 AFTER PC MEETING 1 Letters _______ Petitions TOTAL 1 PROTESTS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0 The Planning Commission (5-0 vote) and staff recommend APPROVAL, subject to: 1. The applicant shall be responsible for all costs related to this Street Name Change including signage and installation as required by the Department of Public Works.	**L. McDONALD - APPROVED subject to conditions - UNANIMOUS** ****** MAYOR GOODMAN declared the Public Hearing open. RUSSELL and VERLA KRAMER, 3116 Tony Atchley Drive, stated that all the residents of Atchley Drive voted for the street name change. They live on Highland Falls Golf Course, near Highland Falls Restaurant and Highland Falls Park. Therefore, they requested that the street name be changed to Highland Falls Drive. No one appeared in opposition. There was no further discussion. MAYOR GOODMAN declared the Public Hearing closed. (4:38 - 4:41) **5-268**

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: STREET NAME CHANGE - PUBLIC HEARING - SNC-1-99 - RUSSELL G. AND VERTA M. KRAMER

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This is a request for a street name change from Tony Atchley Drive to Highland Falls Drive on property located between Villa Ridge Drive and Sun City Boulevard.

Staff recommends approval.

FINDINGS:

The applicant submitted a justification letter and a petition signed by the home owners on Tony Atchely Drive. As indicated by the applicant the name change is being requested because every time the address is given out, the street name must be spelled at least twice, which may cause a time delay in emergency situations. Staff has no objection to this request.

The Planning Commission (5-0 vote) and staff recommend APPROVAL.

PC NOTICES MAILED: 31

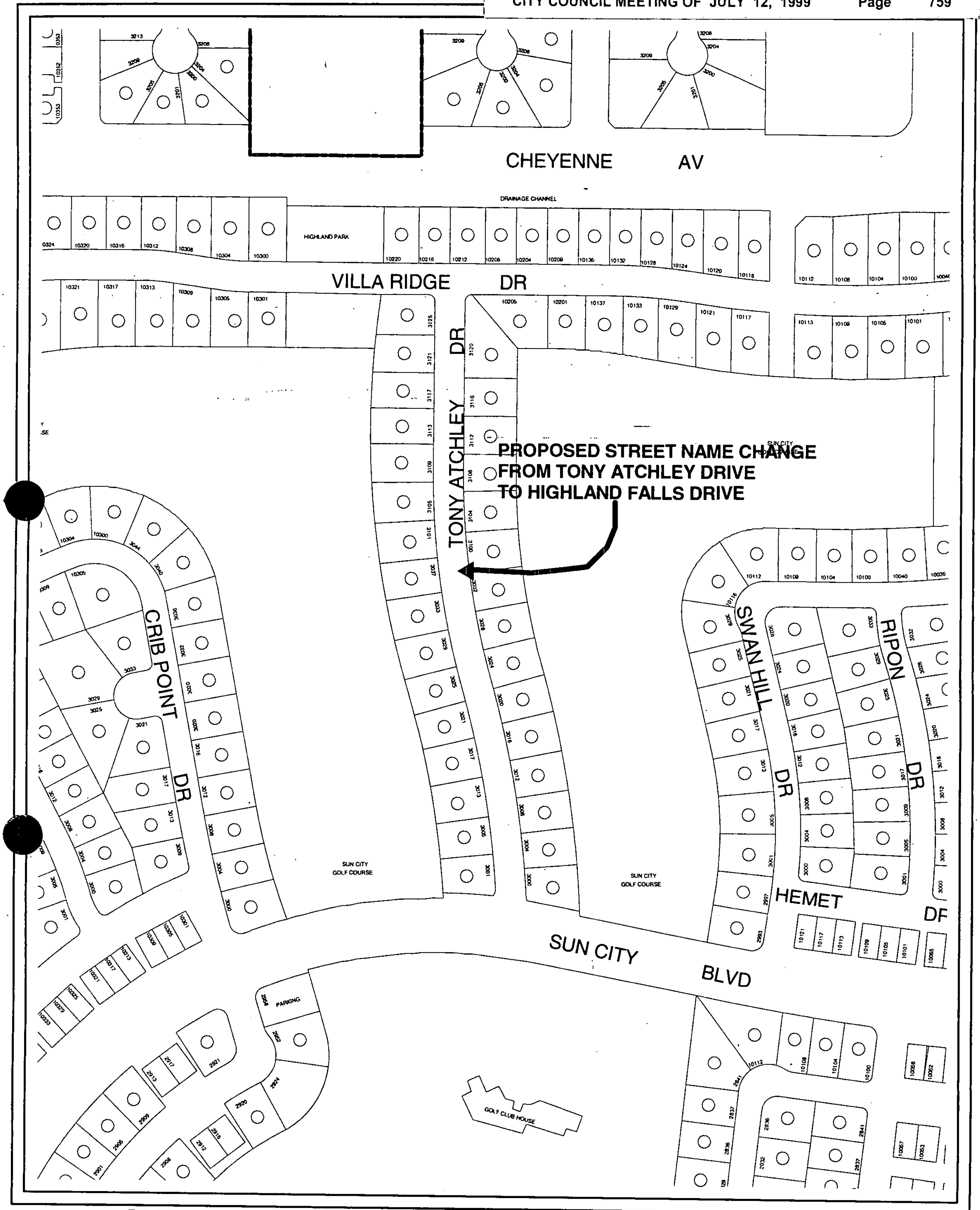
APPROVALS: 0

PROTESTS: 0

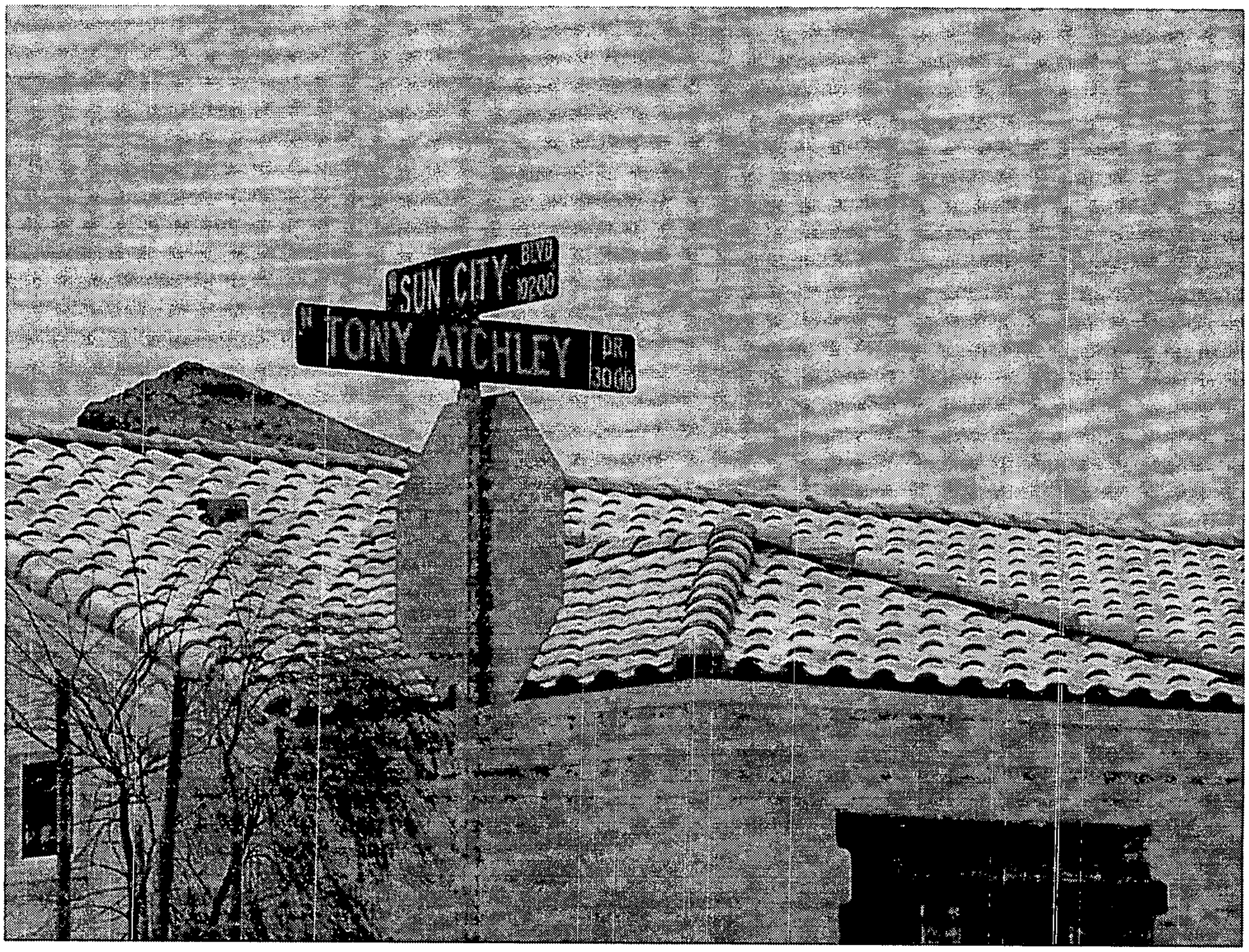
SEE ATTACHED LOCATION MAP

Agenda Item

106

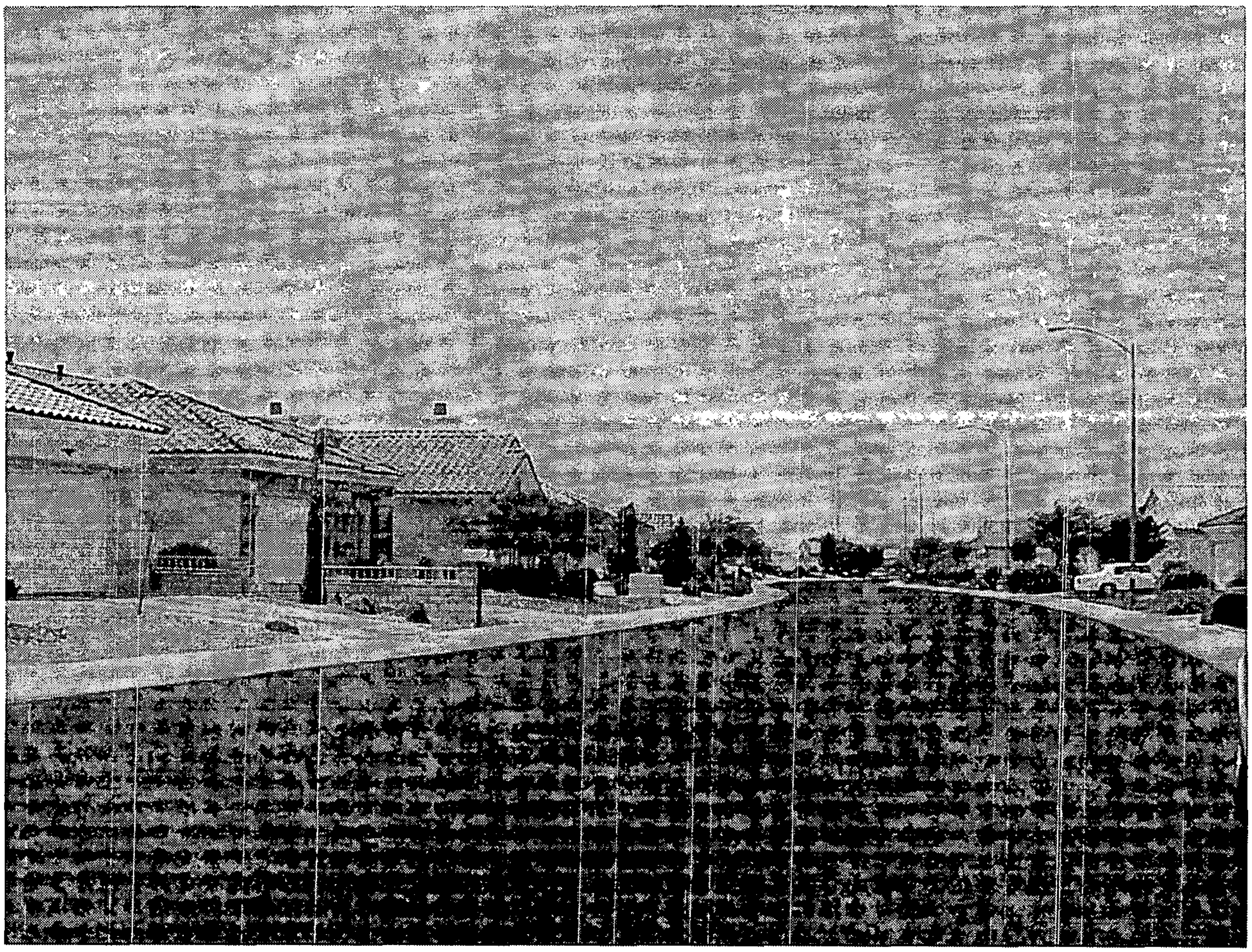

CHEYENNE AV
DRAINAGE CHANNEL
HIGHLAND PARK
VILLA RIDGE DR
TONY ATCHLEY DR
PROPOSED STREET NAME CHANGE
FROM TONY ATCHLEY DRIVE
TO HIGHLAND FALLS DRIVE
CRIB POINT DR
SWAN HILL DR
RIPON DR
HEMET DR
SUN CITY GOLF COURSE
SUN CITY GOLF COURSE
SUN CITY BLVD
PARKING
GOLF CLUB HOUSE
N

CASE: **SNC-1-99**



SNC-1-99
Tony Atchley Drive to Highland Falls between Villa Ridge Drive and Sun City Boulevard

SNC-1-99
6-10-99 PC



SNC-1-99
Tony Atchley Drive to Highland Falls between Villa Ridge Drive and Sun City Boulevard

SNC-1-99
6-10-99 PC

RECEIVED
CITY CLERK

1999 JUL -6 A 11:12

July 2, 1999

City Clerk
City Hall
400 E Stewart
Las Vegas NV 89101

McClintic Family Trust
R. H. McClintic, Trustee
3104 Tony Atchley Drive
Las Vegas NV 89134

RE: City Council Meeting
SNC-1-99 Public Hearing 7-12-99

I want to go on record in favor of the name change from Tony Atchley Drive to Highland Falls Drive.

As one of the thirty (30) petitioners signing in favor (with no one opposed) we are the household who had to call 911 and repeat the address (Tony Atchley Drive) three (3) times for pronunciation and spelling.

I have spent my entire life spelling my name, I don't need the added burden of spelling Tony Atchley's.

Since all petitioners approved this change, I have to assume, in a democracy, we shall prevail with our request. Thanking you in advance.

Best regards,

RHMcClintic

McClintic Family Trust
R H McClintic, Trustee

RHM/km

cc: file

P.S. We are unable to attend the July 12 meeting.

Support

#106

NOTICE OF PUBLIC HEARING

STREET NAME CHANGE

MEETING: CITY COUNCIL
DATE: JULY 12, 1999
TIME: 2:00 P.M.
LOCATION: COUNCIL CHAMBERS CITY HALL
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA

SNC-1-99

REQUEST BY RUSSELL G. & VERLA M. KRAMER 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 (ADAMSEN).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE NORTHEAST QUARTER (NE¼) OF SECTION 13, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M. D. B. & M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, City Hall, 400 East Stewart Avenue, Las Vegas, Nevada, 89101.

CITY OF LAS VEGAS
NEVADA

UNIVERSITY OF
SOUTHERN
CALIFORNIA

Mr. Phillip Barry Aubol
3017 Tony Atchley Dr
Las Vegas, NV 89134-7453

BARBARA JO RONEMUS
CITY CLERK

SEE LOCATION MAP ON REVERSE SIDE

I, PHILLIP AUBOL, 3017 TONY ATCHLEY
RECOMMEND/APPROVE THE
ABOVE STREET NAME CHANGE
Phillip Aubol, 6-30-99

Mrs. Patricia Kautz
3113 Tony Atchley Dr.
Las Vegas, NV 89134-7423
July 5, 1999

Ms. Barbara Jo Ronemus
City Clerk
1st Floor, City Hall
400 East Stewart Avenue
Las Vegas, NV 89101

REF: SNC-1-99

Dear Ms. Ronemus,

I are writing to you concerning the 'Notice of Public Hearing' SNC-1-99 related to the street name change from Tony Atchley Drive to Highland Falls Drive scheduled for review and approval by the City Council at their meeting on July 12, 1999.

Tony Atchley Drive is a one block street with the Highland Falls Golf Club Clubhouse at the south end and the small Highland Park on the north. I must tell you that the street is currently inappropriately named. There are thirty one homes on the street and everyone dislikes the name Tony Atchley Drive and would very much like to have it changed to Highland Falls Drive.

I would appreciate the City Council approving this request on July 12, 1999. Thank you.

Sincerely,

Patricia a. Kautz

Patricia Kautz

streetnamechange070599a

Support

RECEIVED CITY CLERK
1999 JUL -8 A 10:56

#106

Cletus D. & Dottie T. Meyer
3109 Tony Atchley Dr.
Las Vegas, NV 89134-7423
July 5, 1999

Ms. Barbara Jo Ronemus
City Clerk
1st Floor, City Hall
400 East Stewart Avenue
Las Vegas, NV 89101

REF: SNC-1-99
13713511053
Meyer, Clete & Dottie Trust

Dear Ms. Ronemus,

We are writing to you concerning the 'Notice of Public Hearing' SNC-1-99 related to the street name change from Tony Atchley Drive to Highland Falls Drive scheduled for review and approval by the City Council at their meeting on July 12, 1999.

Tony Atchley Drive is a one block street with the Highland Falls Golf Club Clubhouse at the south end and the small Highland Park on the north. We must add that the street is currently inappropriately named. There are thirty one homes on the street and everyone dislikes the name Tony Atchley Drive and would very much like to have it changed to Highland Falls Drive.

We would appreciate the City Council approving this request on July 12, 1999. Thank you.

Sincerely,

Cletus D. Meyer Dottie T. Meyer

Cletus D. Meyer Dottie T. Meyer

streetnamechange070599

RECEIVED
CITY CLERK
1999 JUL -8 A 10: 56

Support

#106

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

107 AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS

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).

NOTICES MAILED: 226 BY CITY CLERK

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to:

1. The proposed "loop road" will be a minimum of an 80 foot right-of-way.

BROWN - APPROVED subject to conditions - UNANIMOUS with GOODMAN abstaining because he could not ascertain whether DAVE CARVER is a principal of Stanpark Homes and is one of the parties in the Apex property in which he has an interest.

******

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY MARK FIORENTINO, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and welcomed COUNCILWOMAN McDONALD. The City Council has approved a master planned community in this area called the Lone Mountain West Master Plan. As a condition of approval, the applicant was required to come back and make adjustments to the streets in this area. He concurred with all the conditions.

MAYOR GOODMAN asked ATTORNEY FIORENTINO if one of the principals of Stanpark Homes is DAVE CARVER. ATTORNEY FIORENTINO replied that he does not know and that his client is the Focus Group. Since MAYOR GOODMAN could not ascertain whether DAVE CARVER is a principal of Stanpark Homes, he decided to abstain to avoid any potential conflict.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

NOTE: Subsequent to the meeting it was confirmed that the DAVE CARVER referred to by MAYOR GOODMAN is a principal of Stanpark Homes and one of the parties in the Apex property.

(4:41 - 4:43)
5-317

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**APPROVED**

MSH-2-99 - STANPARK HOMES, ET AL

2. City staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City of Las Vegas requirements are still complied with and the intent of the submitted Master Plan of Streets and Highways Amendment, as hereby modified, is not changed.

3. Upon development additional rights-of-way for dedicated right turn lanes, dual left turn lanes and/or appropriate transition elements shall be required at the discretion of the Traffic Engineer as required by the Department of Public Works.

4. Meet with the Collection Systems Planning Section of the Department of Public Works to determine appropriate public sewer alignments to service the properties west of the Western Beltway in the event that the existing Master Planned roadway alignments to be removed from the Master Plan with this amendment (i.e. Gowan Road and Craig Road) are not to be developed as public streets. Appropriate public sewer easements along such alignments shall be required to be granted prior to any development activities within the affected areas as required by the Department of Public Works.

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - MSH-2-99 - STANPARK HOMES, ET AL

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is to amend the Master Plan of Streets and Highways in the following ways:

1. Delete the current Alexander Road alignment from the western edge of the proposed western beltway to the proposed north-south roadway.
2. Delete the current alignment of the 80 foot right-of-way running north and south between Cheyenne Avenue and Lone Mountain Road.
3. Add the proposed 80 foot right-of-way running north and south between Cheyenne Avenue and Lone Mountain Road, with appropriate transition areas.
4. Add Alexander Road as an 80 foot right-of-way from the western edge of the proposed western leg of the beltway westward to the proposed north-south 80 foot right-of-way.

The applicant has proposed this amendment to maintain consistency with the Lone Mountain West Master Development Plan.

Staff recommends approval.

BACKGROUND DATA:

06/14/99 The City Council approved a request to rezone the subject area to PD (Planned Development) for the proposed Lone Mountain West Master Development Plan (Z-24-99).

Agenda Item

107

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: AMENDMENT TO THE MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING - MSH-2-99 - STANPARK HOMES, ET AL

PURPOSE/BACKGROUND

FINDINGS:

This application consists of two separate actions. The first requires deleting all of the 80 foot right-of-way west of the proposed western leg of the beltway, between Cheyenne Avenue and Lone Mountain Road (this includes Alexander Road and the north-south secondary road). This will eliminate any confusion about what the applicant is proposing in the second action. Staff has no objection to deleting these roadways.

The second action requires replacing Alexander Road as an 80 foot right-of-way in a westerly direction from the western edge of the proposed western leg of the beltway to the north-south 80 foot right-of-way as proposed in this request. Also, the north-south 80 foot right-of-way needs to be added from Cheyenne Avenue to Lone Mountain Road in the proposed configuration. The City of Las Vegas Traffic Division has requested that it be stipulated that transition areas will be required at Cheyenne Avenue and the beltway in order to safely reduce the proposed secondary roadway to 80 feet from the 100 foot right-of-way of Cheyenne Avenue. A transition area will also be required south of the intersection of Alexander Road and the proposed north-south roadway.

Staff is also requesting that when the alignment of the "loop" road located in the southern portion of the planning area is determined, that this roadway be a minimum of an 80 foot right-of-way so it will be able to adequately serve the proposed commercial and multi-family development in the area.

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

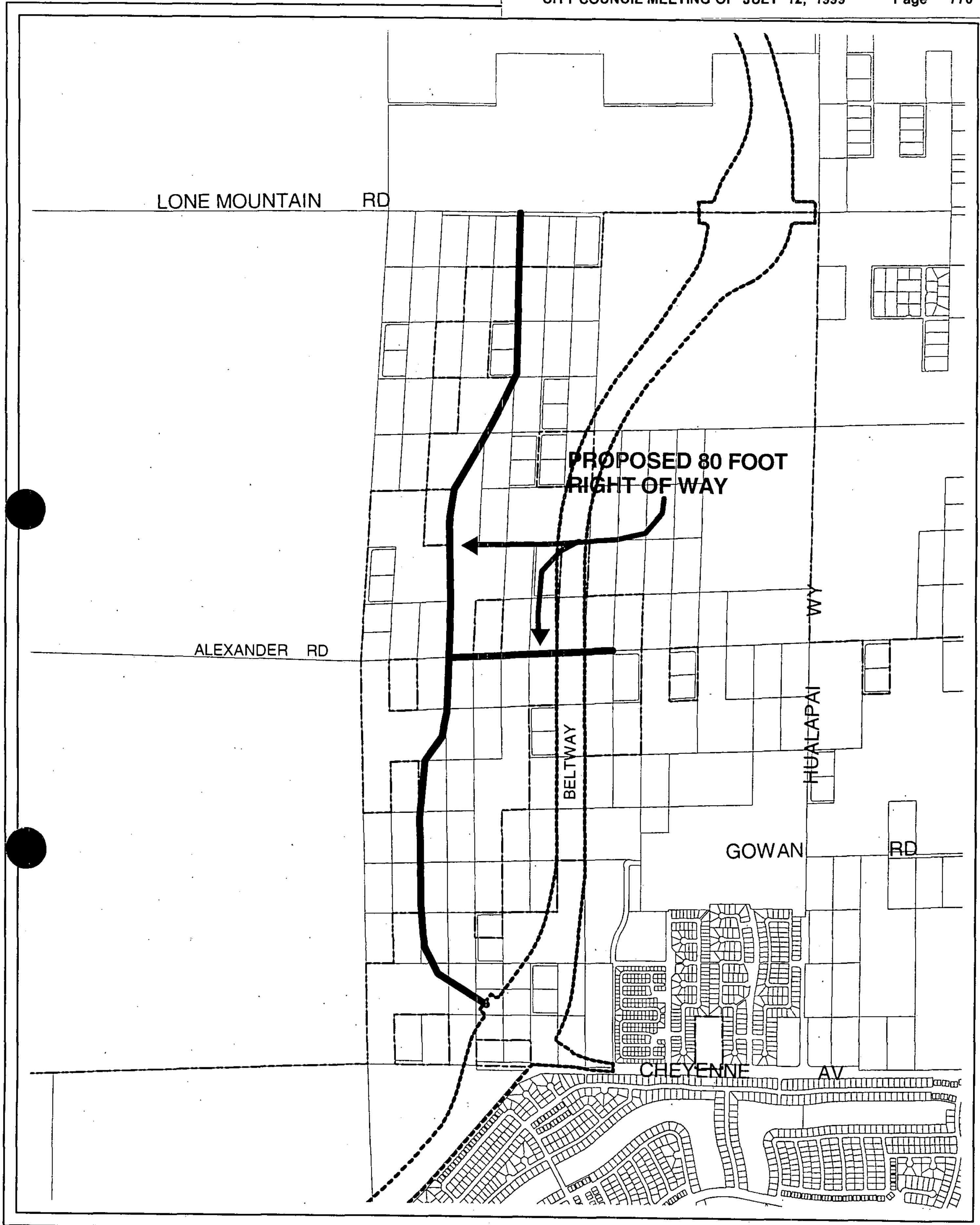
PC NOTICES MAILED: 239

APPROVALS: 0

PROTESTS: 0

SEE ATTACHED LOCATION MAP

Agenda Item


LONE MOUNTAIN RD
PROPOSED 80 FOOT RIGHT OF WAY
ALEXANDER RD
HUALAPAI WY
BELTWAY
GOWAN RD
CHEYENNE AV
N

CASE: **MSH-2-99**

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
VACATION - PUBLIC HEARING	
108 VAC-18-99 - LAS VEGAS RESCUE MISSION AND WOMEN'S AND CHILDREN'S SHELTER	**REESE - APPROVED subject to conditions - UNANIMOUS** ******
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). NOTICES MAILED: 5 BY CITY CLERK APPROVALS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0 PROTESTS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0 The Planning Commission (4-0-1 vote) and staff recommend APPROVAL, subject to: 1. This Petition of Vacation shall be amended to reserve a 20 foot wide City of Las Vegas Public Sewer Easement for those portions of "E" Street and the existing alley where public sewer is currently located as required by the Department of Public Works. 2. All public improvements, if any, adjacent to and in conflict with this Vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation as required by the Department of Public Works.	MAYOR GOODMAN declared the Public Hearing open. DAVID BLACKSMITH, Executive Director of the Las Vegas Rescue Mission, 480 W. Bonanza, noted that in 1996 the mission went through the process of having "E" Street vacated. However, the Order of Vacation was not recorded and a new application had to be submitted. The Rescue Mission has already made improvements to the property. No one appeared in opposition. There was no further discussion. MAYOR GOODMAN closed the Public Hearing. (4:43 - 4:44) **5-365**

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**APPROVED**
VAC-18-99 - LAS VEGAS RESCUE MISSION AND WOMEN'S AND CHILDREN'S SHELTER	
3. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress therefrom shall be provided if required.	
4. All development shall be in conformance with code requirements and design standards of all City departments.	
5. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition #2 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application, if necessary, because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the Vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all Vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.	
6. If the Order of Vacation is not recorded within one (1) year after approval by the City Council or an Extension of Time is not granted by the Planning Commission, then approval will terminate and a new petition must be submitted.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VACATION - PUBLIC HEARING - VAC-18-99 - LAS VEGAS RESCUE MISSION AND WOMEN'S AND CHILDREN'S SHELTER

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is to vacate "E" Street between Wilson Avenue and Bonanza Road and the public alley ways on the block north of Bonanza between "E" and "F" Streets. The purpose of the request is to provide additional parking and to enable the rescue mission to maintain a one property environment for both properties used for social service programs and other activities related to the rescue mission.

Staff recommends approval.

BACKGROUND DATA:

11/18/92 The City Council approved a Rezoning to C-2 (General Commercial) for this site (Z-78-92).

05/24/96 The City Council approved a Petition to Vacate "E" Street (70 feet wide, generally located between Wilson Avenue and Bonanza Road (VAC-18-96), which expired May 24, 1996.

FINDINGS:

The applicant indicates this petition to vacate portions of "E" Street was approved by the City Council in 1996, but due to an oversight the action was never recorded. This vacation request will completely eliminate "E" Street and an east-west alley, thus, allowing the applicant to control access to the existing shelter. It will not eliminate public street access to an abutting parcel as the entire block is under the same ownership.

Agenda Item

108

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VACATION - PUBLIC HEARING - VAC-18-99 - LAS VEGAS RESCUE MISSION AND WOMEN'S AND CHILDREN'S SHELTER

PURPOSE/BACKGROUND

The Planning Commission (4-0-1 vote) and staff recommend APPROVAL.

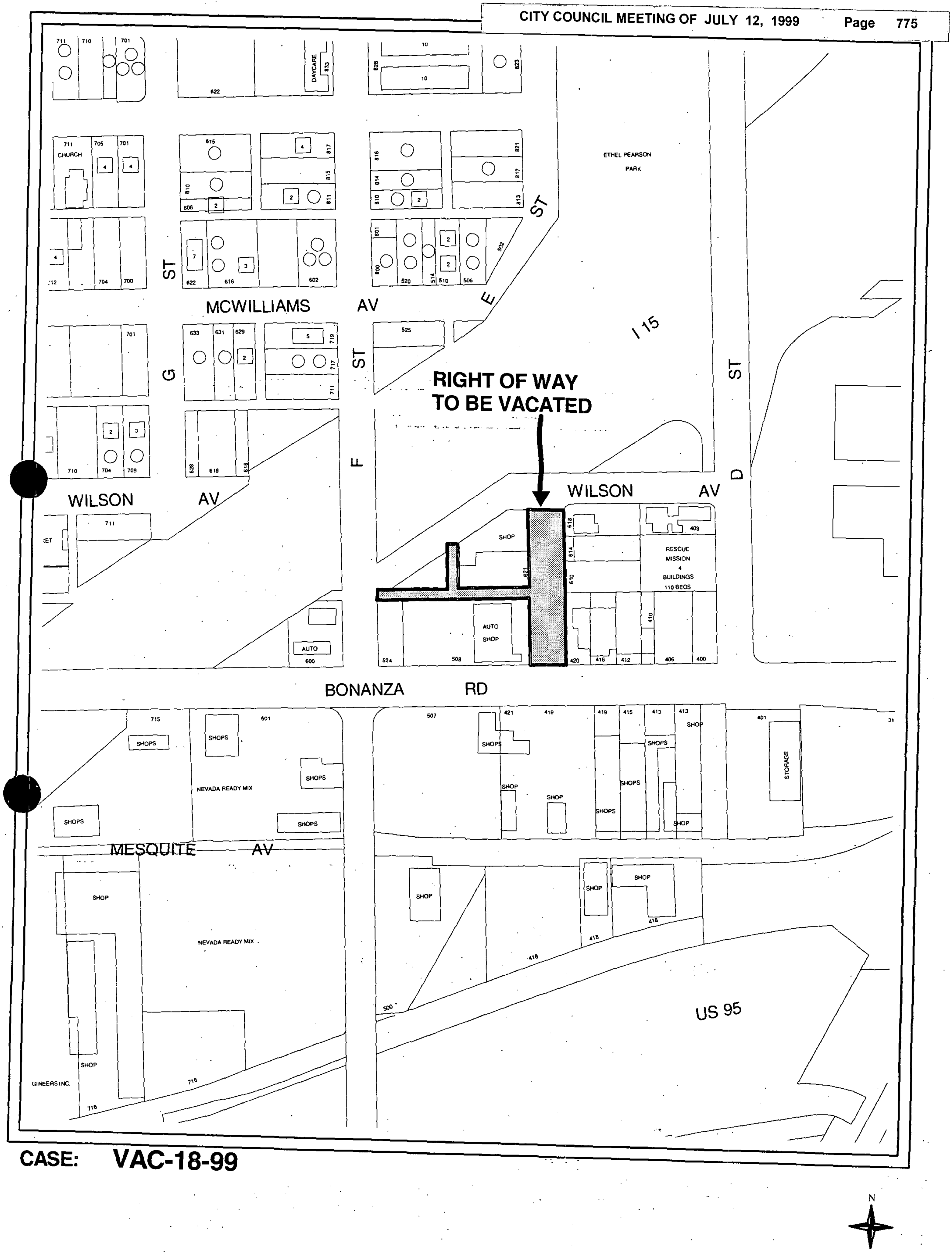
PC NOTICES MAILED: 3

APPROVALS: 0

PROTESTS: 0

SEE ATTACHED LOCATION MAP

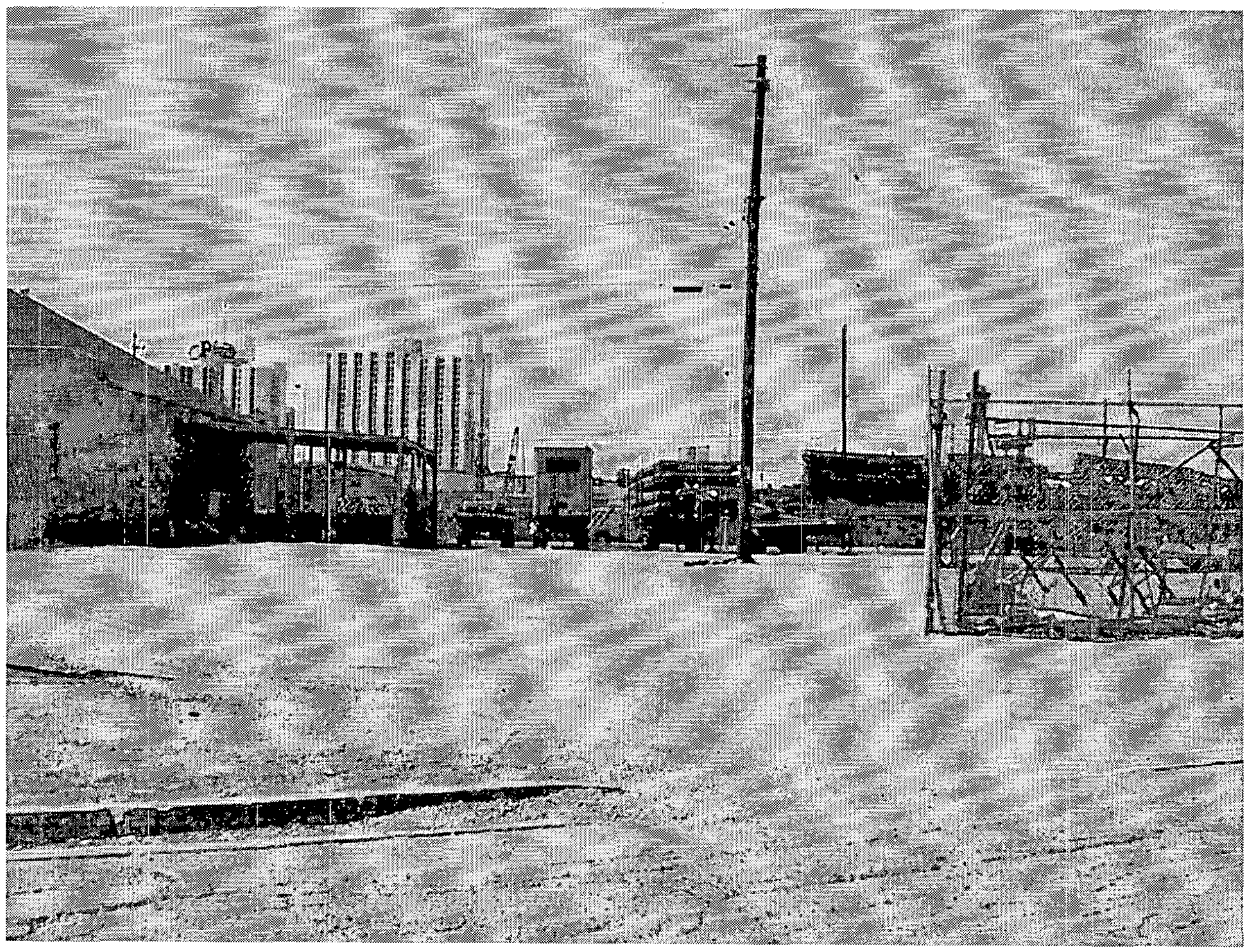
Agenda Item



CASE: **VAC-18-99**

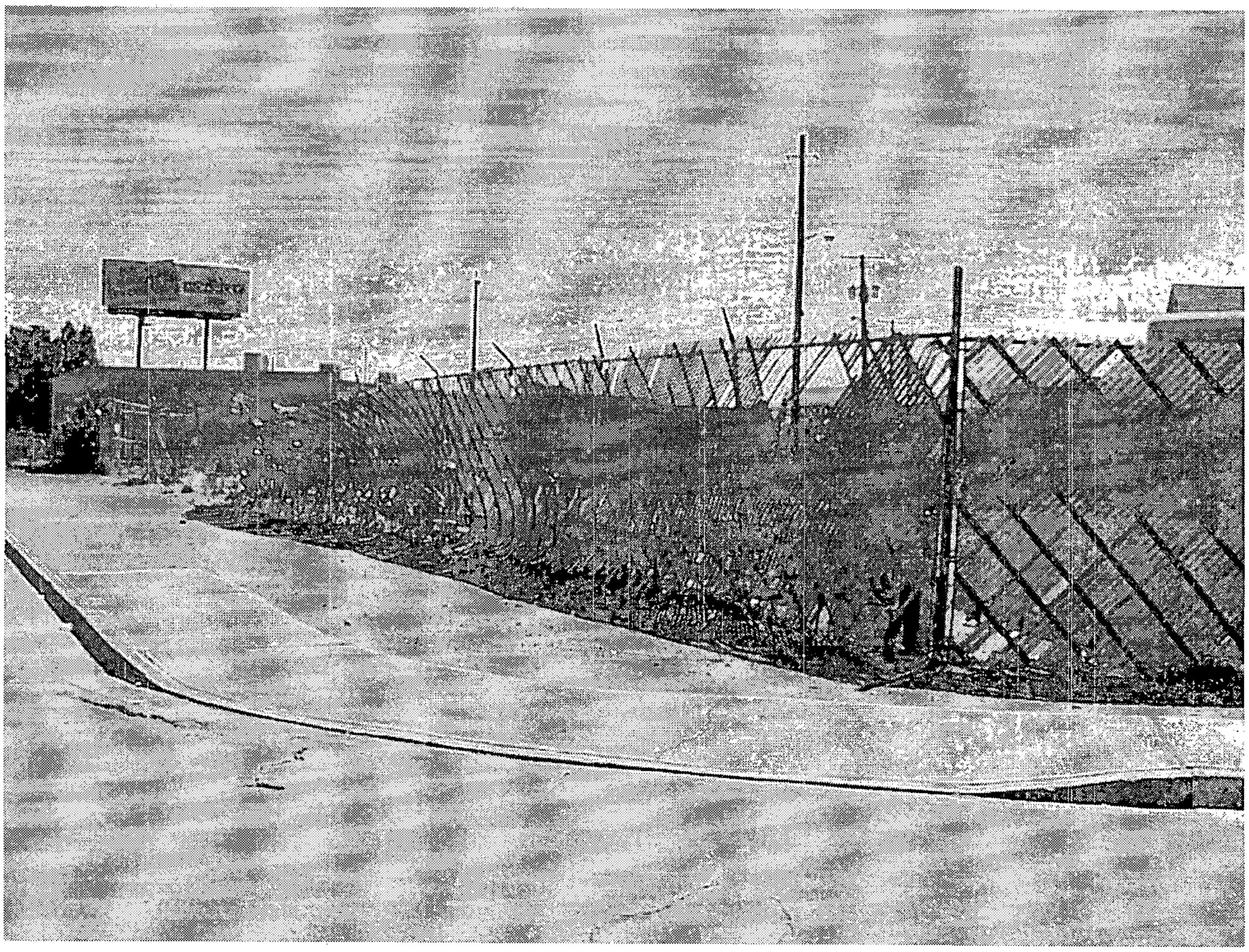
VAC-18-99
"E" Street

VAC-18-99
6-10-99 PC



VAC-18-99
"E" Street

VAC - 18 - 99
6 - 10 - 99 PC



VAC-18-99
"E" Street

VAC-18-99
6-10-99 PC

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
	PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
	TWO YEAR REQUIRED REVIEW - VARIANCE - PUBLIC HEARING	
109	V-46-92(2) - UNION PACIFIC RAILROAD COMPANY	**REESE - APPROVED subject to conditions - UNANIMOUS**

******

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.

NOTICES MAILED: 35 BY CITY CLERK

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

The Board of Zoning Adjustment (5-0 vote) and staff recommend APPROVAL, subject to:

1. The Board of Zoning Adjustment shall hold a public hearing to review this use in November 2000 and at that time may require the off-premise sign (billboard) be removed.

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of Outdoor Systems. This is a review of a billboard sign in existence since 1992. The sign is compatible with the surrounding area and the circumstances in this area have not changed. He concurred with the conditions.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(4:44 - 4:45
5-404

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**APPROVED**
V-46-92(2) - UNION PACIFIC RAILROAD COMPANY	
2. The Department of Public Works requires that all previous Conditions of Approval for Variance Request V-46-92 and subsequent site-related actions are ultimately complied with.	
3. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: TWO YEAR REQUIRED REVIEW - VARIANCE - PUBLIC HEARING - V-46-92(2) - UNION PACIFIC RAILROAD

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for a Required Two Year Review of an approved Variance to allow 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 distance required.

Staff recommends approval.

BACKGROUND DATA:

5/20/92 The City Council approved an appeal of a denied Variance at the Board of Zoning Adjustment thereby granting a Variance to allow a 14 foot by 48 foot off-premise sign (billboard) 690 feet from an existing off-premise sign (billboard) where 750 feet is required with a required five year review (V-46-92).

5/27/97 The City Council approved a Required Five Year Review of an approved Variance to allow 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 distance required (V-46-92).

5/27/99 The Planning Commission approved a Required Two Year Review to be heard by the City Council on June 28, 1999 for an approved Special Use Permit on property located on the south side of Oran K. Gragson Highway (U.S. 95) between 'F' Street and Main Street which allowed a 14 foot by 48 foot off-premise (billboard) sign. Staff recommended that the Special Use Permit be reviewed in November 2000 so that the sign can be reviewed in conjunction with the Union Pacific development [U-238-91(2)].

SITE DETAILS:

Current Zoning: M (Industrial)
Existing Land Use: Storage
Site Area: 2.65 Acres

Agenda Item 109

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: TWO YEAR REQUIRED REVIEW - VARIANCE - PUBLIC HEARING - V-46-92(2) - UNION PACIFIC RAILROAD

PURPOSE/BACKGROUND

ANALYSIS:

The existing 672 square foot off-premise sign (billboard) encroaches into the required distance separation requirement by 60 feet. The sign is located north of Oran K. Gragson Highway (U.S.95) approximately 150 feet west of the Union Pacific Railroad. The sign is situated on the southern portion of the property and is oriented toward east and westbound traffic along the freeway.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"**B. Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. However, the Variance process is not available to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

"**L. Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: TWO YEAR REQUIRED REVIEW - VARIANCE - PUBLIC HEARING - V-46-92(2) - UNION PACIFIC RAILROAD

PURPOSE/BACKGROUND

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

A recent inspection of the off-premise sign (billboard) revealed that the subject sign is in compliance with the approved plans and all conditions of approval.

Staff notes that the use continues to be compatible with the character of the surrounding neighborhood which is predominantly industrial.

Staff has no objections to this request and recommends approval. Staff also recommends a review in 18 months, November, 2000, which is the same time that the status of a group of existing billboards located nearby is to be reviewed by the City Council.

The Board of Zoning Adjustment (5-0 vote) and staff recommend APPROVAL.

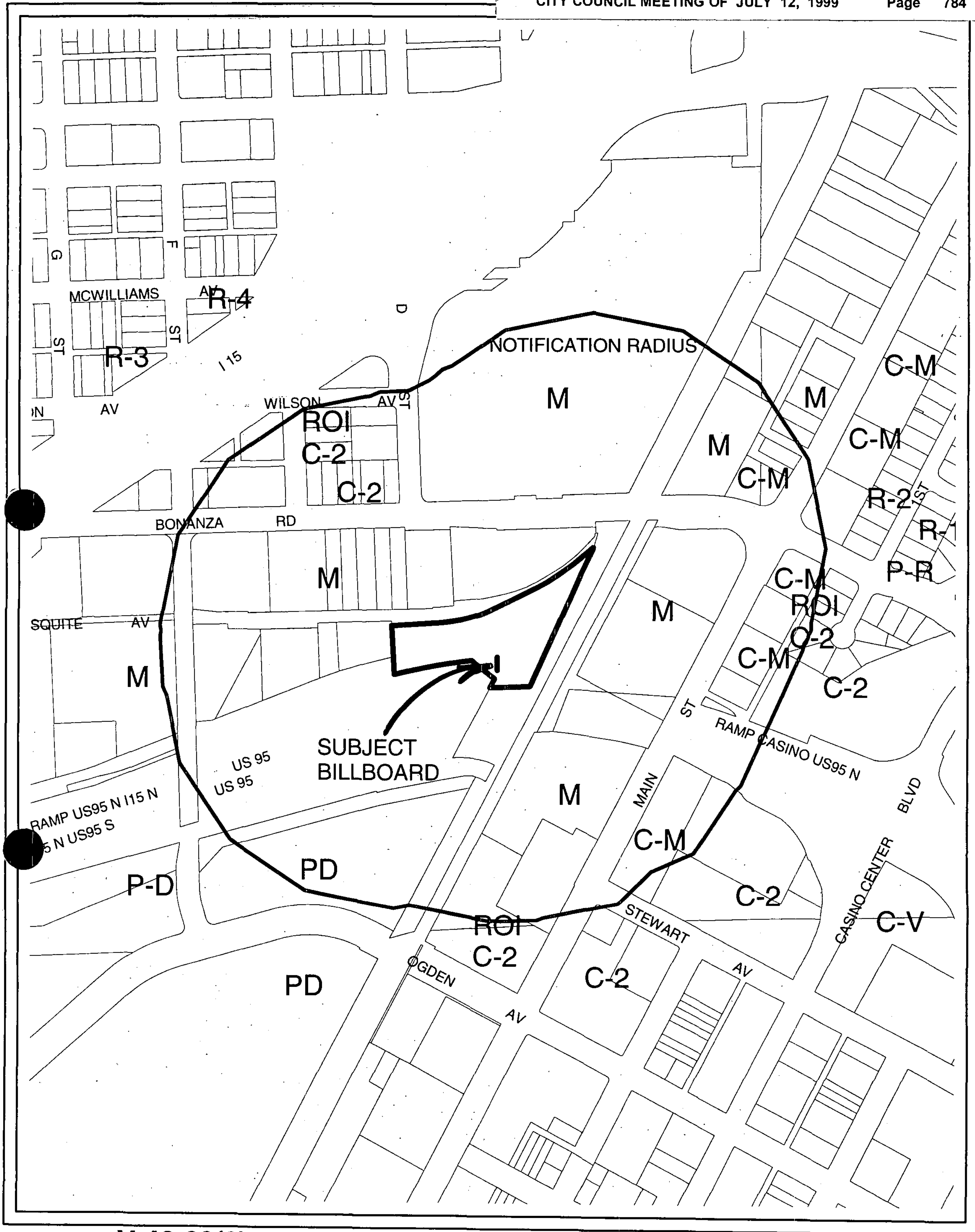
BZA NOTICES MAILED: 32

APPROVALS: 0

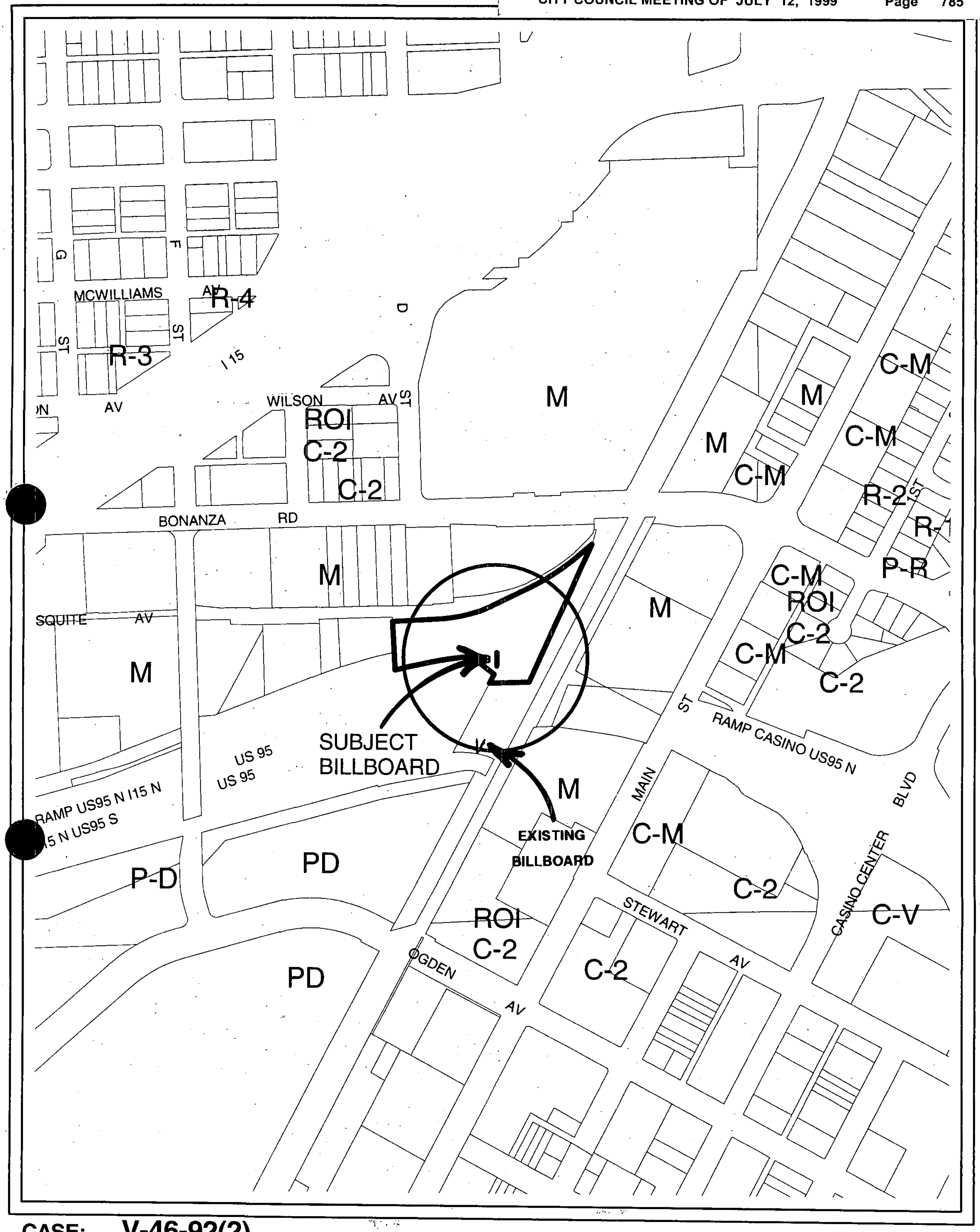
PROTESTS: 0

SEE ATTACHED LOCATION MAP

Agenda Item



CASE: **V-46-92(2)**
RADIUS: 750 FT



CASE: V-46-92(2)
DISTANCE SEPARATION: 300 FT

V-46-92 (2)

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
VARIANCE - PUBLIC HEARING	
110 ABEYANCE ITEM - V-20-99 - ERIC AND MORTON FRIEDLANDER	**M. McDONALD – ABEYANCE to 7/26/99 - UNANIMOUS** ****** MAYOR GOODMAN declared the public hearing. The applicant was not present. COUNCILMAN McDONALD verified with ROBERT GENZER, Planning & Development, that a certified letter was sent to the applicant notifying him of this meeting. However, the certified green receipt was not received by the City Clerk's Office. COUNCILMAN McDONALD allowed the item to be held for another two weeks until the green card is received. The applicant must be present and no other abeyance will be granted for this item. MR. GENZER commented that it is possible that the green card was received, but due to the flooding problems at the Planning Department's Offices, staff has not had the opportunity to check. DEPUTY CITY ATTORNEY STEVE GEORGE clarified that the motion was for an abeyance until the next meeting. No one appeared in opposition. There was no further discussion. MAYOR GOODMAN declared the Public Hearing closed. (4:45 - 4:47) **5-446**
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. NOTICES MAILED: 192 APPROVALS: 0 AFTER BZA MEETING _______ Letters _______ Petitions TOTAL 0 PROTESTS: 0 AFTER BZA MEETING _______ Letters _______ Petitions TOTAL 0 Staff recommends DENIAL. The Board of Zoning Adjustment (5-0 vote) recommends APPROVAL, subject to: 1. Submit complete building plans to the Building and Safety Department for review and permit. 2. All development must be in conformance with the plot plans and elevations. 3. City Code requirements and design standards of all City Departments must be satisfied.	

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION ABEYANCE ITEM - V-20-99 - ERIC AND MORTON FRIEDLANDER 4. The garage should be finished to match the original single-family dwelling in terms of materials and color. 5. The applicant shall complete construction of the garage exterior to match the colors and materials of the existing house within ninety days of issuance of a building permit for the garage.	**ABEYANCE to 7/26/99**

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-20-99 - ERIC AND MORTON FRIEDLANDER

PURPOSE/BACKGROUND

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 28, 1999 CITY COUNCIL MEETING AT COUNCILMAN McDONALD'S REQUEST BECAUSE THE APPLICANT WAS NOT PRESENT.

APPLICATION REQUEST:

This request is for a Variance to allow an existing partially completed attached, one-car garage to be 3.5 feet from the side property line where five feet is the minimum setback required, in conjunction with an existing single-family dwelling.

The applicant contends that prior to his recent purchase of the single-family dwelling he researched the property's building permit history. He discovered that the garage was being constructed without a building permit. According to the applicant, a City of Las Vegas Building Inspector has verified that the 70 percent complete garage has been constructed to Building Code standards, according to the applicant.

The applicant indicates that the Variance is justified since the garage, and other renovation work, would enhance the planned renovation of this property.

BACKGROUND DATA:

There is no historical zoning information on this site.

The single-family residence was constructed in 1962. City records indicate that an application was made to the Building and Safety Department for an attached garage at 1217 Greenway Drive on December 5, 1995. Plans were never submitted to the Department, and a building permit was not issued.

SITE DETAILS:

Current Zoning:	R-1 (Single- Family Residential)	
Existing Land Use:	single-family dwelling	
Site Area:	0.14	Acres
Dwelling Area:	1470	Square Feet
Existing Garage Area:	301	Square Feet

Agenda Item
110

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-20-99 - ERIC AND MORTON FRIEDLANDER

PURPOSE/BACKGROUND

ANALYSIS:

The existing 301 square foot garage encroaches into the side yard setback by 1.5 feet. The garage is completely enclosed and contains a roller door and windows. Its height matches that of the original single-family dwelling. However, the garage construction is not complete since it requires an exterior finish. The garage should be finished so as to match the original single-family dwelling in terms of materials and color.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"B. **Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. **However, the Variance process is not available to:**

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. **Relieve a hardship which is solely personal, self-created or financial in nature."**

Section 19A.18.070.L. of the LVMC states:

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-20-99 - ERIC AND MORTON FRIEDLANDER

PURPOSE/BACKGROUND

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Section 19A.08 of the City of Las Vegas Zoning Code provides that in the R-1 Zone, the minimum side yard setback required is five feet. Staff notes that if the original builder of the garage had sought advice from the Planning and Development Department, the same size garage could have been designed to conform to the City of Las Vegas Zoning Code.

Staff acknowledges the applicant's desire to renovate the property; however, staff finds no extraordinary circumstances associated with the site, and that the hardship is self-created. Therefore, staff cannot support this request and recommends denial.

Section 19A.18.070.K.2 of the LVMC states:

2. " **Penalty.** If a structure which is the subject of a Variance application has been or is being constructed without a building permit and is in violation of this Title, the City Council, in granting the Variance, may impose a penalty in an amount that does not exceed ten percent of the value of the structure as determined in accordance with the City's Administrative Code."

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - V-20-99 - ERIC AND MORTON FRIEDLANDER

PURPOSE/BACKGROUND

Staff recommends DENIAL.

The Board of Zoning Adjustment (5-0 vote) recommends APPROVAL.

[Note: The Board found in favor of the request because the applicant had obtained the necessary building permits and accepted the Board's additional condition that the garage match the colors and materials of the house.]

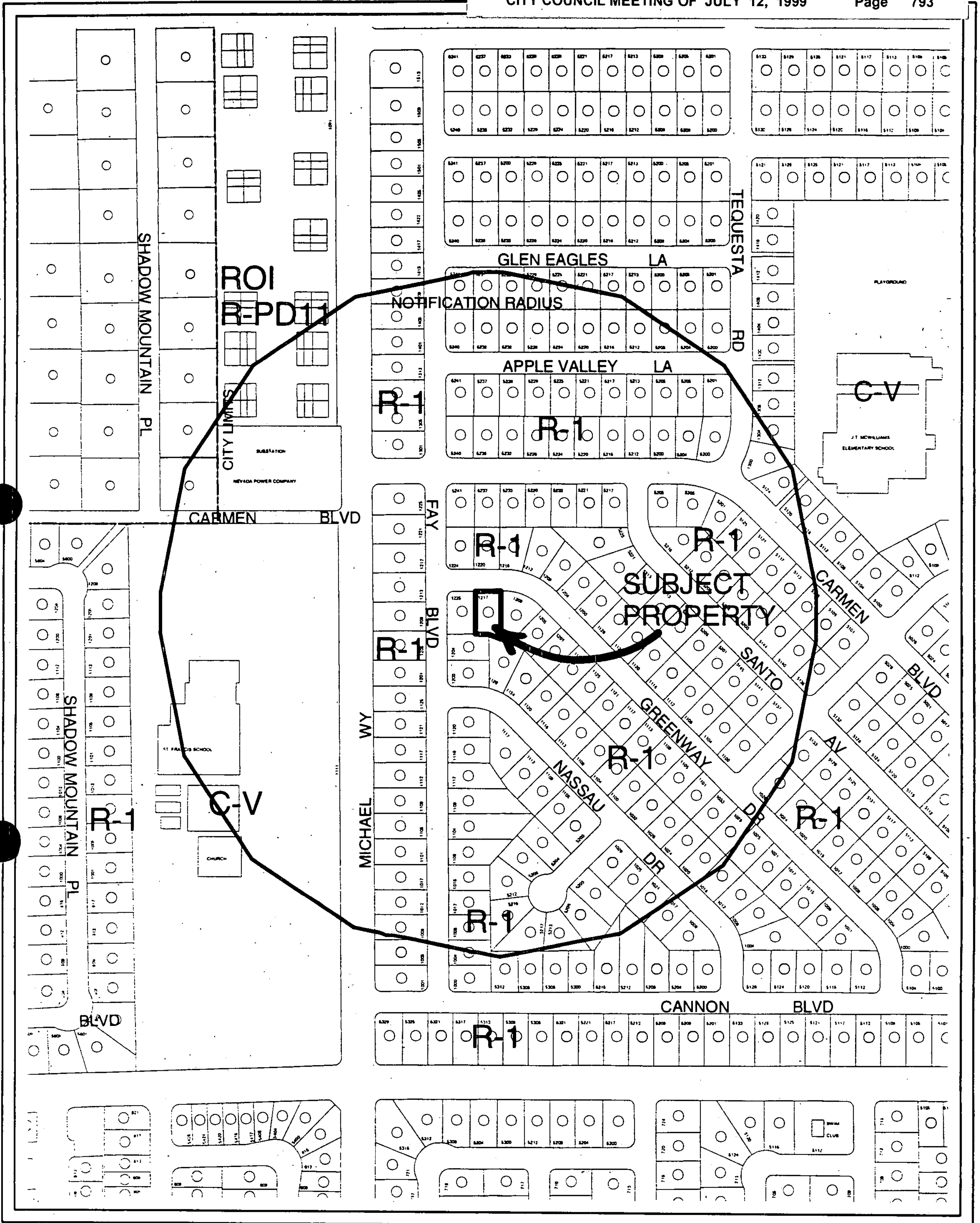
BZA NOTICES MAILED: 192

APPROVALS: 0

PROTESTS: 0

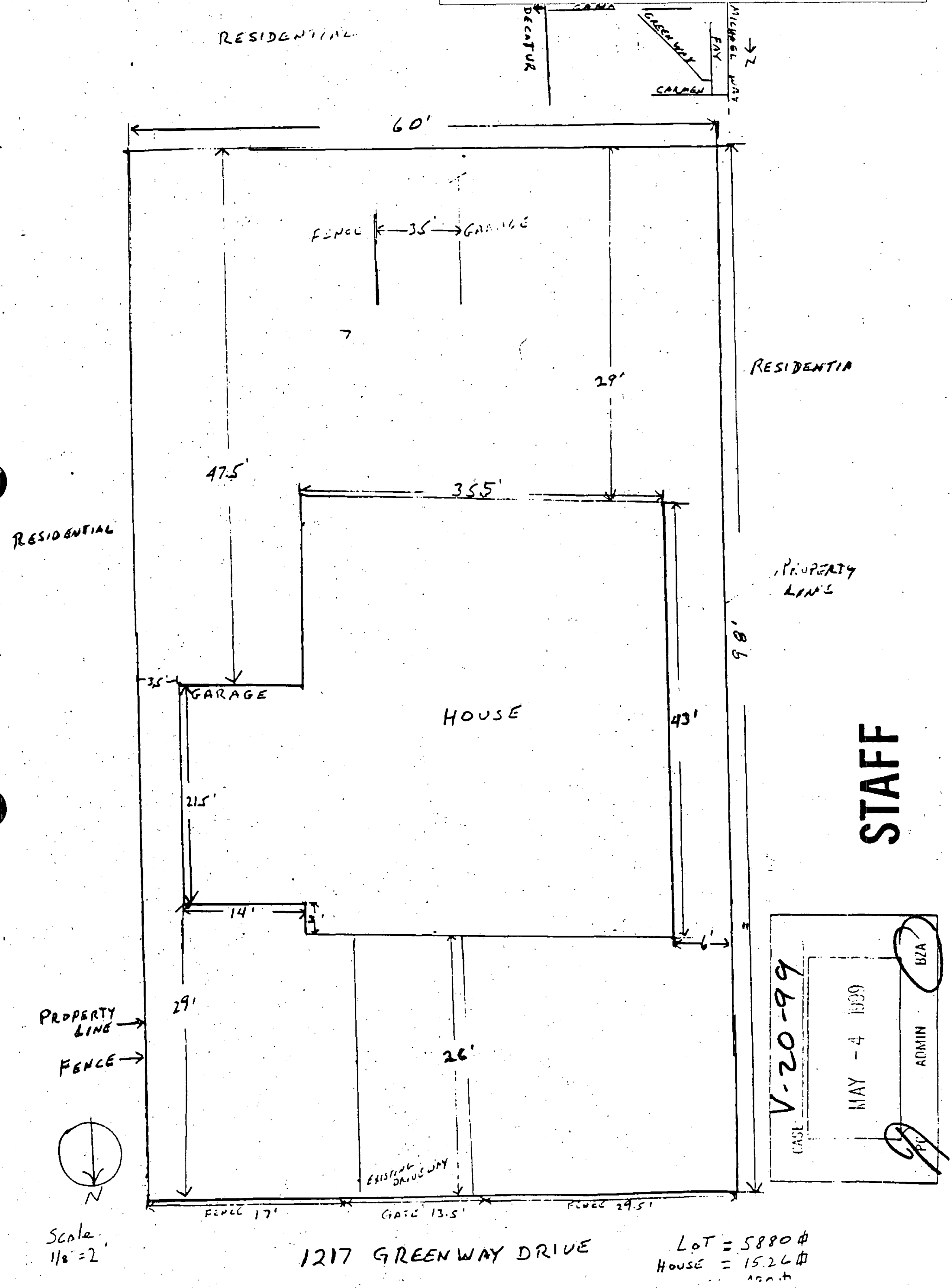
SEE ATTACHED LOCATION MAP

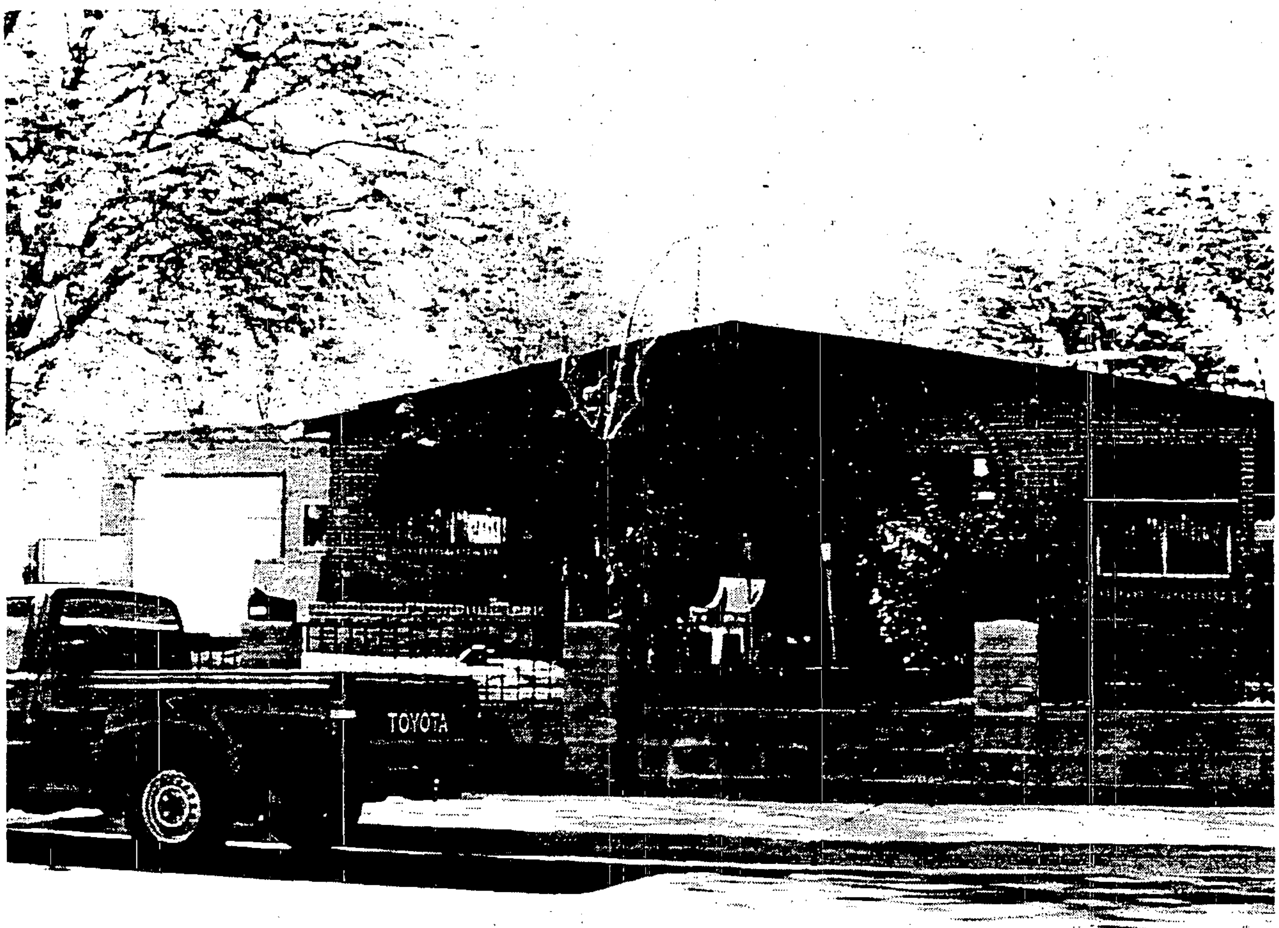
Agenda Item



CASE: V-20-99

RADIUS: 750 FT


DECATUR
GREEN WAY
FAY
CARMEN
RESIDENTIAL
60'
FENCE
3.5'
GARAGE
29'
RESIDENTIA
47.5'
35.5'
RESIDENTIAL
PROPERTY LINE
98'
3.5'
GARAGE
HOUSE
43'
21.5'
14'
3'
6'
STAFF
29'
PROPERTY LINE
FENCE
26'
EXISTING DRIVE WAY
V-20-99
MAY -4 1999
ADMIN
CASE
BZA
PC
N
FENCE 17'
GATE 13.5'
FENCE 29.5'
Scale 1/8" = 2'
1217 GREENWAY DRIVE
LOT = 5880 #
HOUSE = 1526 #



V-20-99 1217 Greenway Drive

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
	PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
	VARIANCE - PUBLIC HEARING	
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. NOTICES MAILED: 91 BY CITY CLERK APPROVALS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0 PROTESTS: 1 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 1 The Board of Zoning Adjustment (5-0 vote) and staff recommend DENIAL. If approved, subject to: 1. Submit complete building plans to the Building and Safety Department for review and permit. 2. All development must be in conformance with the plot plans and elevations.	**M. McDONALD – Motion to bring forward and HOLD IN ABEYANCE Item 111 [V-24-99] and Item 120 [U-46-99] to 7/26/99 and to Accept the WITHDRAWAL Without Prejudice of Item 113 [V-39-99] and to STRIKE Item 118 [U-68-98 - Rescind] and Item 119 [U-68-98 - Appeal] - UNANIMOUS** ****** There was no discussion. (4:30 - 4:37) **5-54**

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**ABEYANCE to 7/26/99**
V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING	
3. Submit an application for a Special Use Permit for the proposed off-premise sign to the Planning and Development Department for review and subsequent consideration by the Planning Commission and approval by the City Council.	
4. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This is an 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 to allow a proposed off-premise sign to be located 298.25 feet from the nearest property line of a parcel in a residential Zone, where 300 feet is the minimum separation distance required.

The applicant is requesting the Variance since the proposed off-premise sign conforms to all City policies and regulations, except for the separation distance from a residential zone.

The applicant indicates that the Variance is justified since the sign would be compatible with its surroundings.

Staff recommends denial.

BACKGROUND DATA:

06/19/85 The City Council approved a Rezoning from R-1 (Single-Family Residential) to C-1 (Limited Commercial) (Z-30-85).

The proposed sign would be located on land owned and occupied by the KFC Corporation. City records indicate that the fast food restaurant was constructed in 1986. Submission of a request for a Special Use Permit for the proposed off-premise sign is pending approval of this Variance request.

SITE DETAILS:

Current Zoning:	C-1 (Limited Commercial)	
Existing Land Use:	fast food restaurant	
Site Area:	0.74	Acre
Proposed Off-Premise Sign Area;	672	Square Feet
Proposed Off-Premise Sigh Height:	40	Feet

Agenda Item

111

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING

PURPOSE/BACKGROUND

The residential property in question is zoned R-3 and contains 483 apartment units, located to the west of the proposed sign. The separation encroachment would occur at the driveway leading into the multi-family development. No dwelling units are located within the required separation distance from the off-premise sign.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"B. **Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. **However, the Variance process is not available to:**

1. Permit a use in a zoning district in which the use is not allowed;
2. **Vary any minimum spacing requirement between uses;**
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-24-99 - KFC CORPORATION ON BEHALF OF CREATIVE OUTDOOR ADVERTISING

PURPOSE/BACKGROUND

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Section 19A.14.100.C.11 of the City of Las Vegas Zoning Code provides that an off-premise sign cannot be allowed within 300 feet from the nearest property line of a parcel in any residentially zoned neighborhood.

Off-premise signs are permitted in the C-1 Zone, however a Special Use Permit is required prior to the construction of the sign. As a part of the process, a Site Development Plan Review would occur which would consider the impact that the off-premise sign would have on the parking requirements of the site.

Staff finds evidence of a unique circumstance in that the separation distance encroachment occurs in the driveway leading into the multi-family development where no dwelling units are located. However, Section 19A.18.070.B of the Las Vegas Zoning Code is very specific in prohibiting the utilization of the Variance process to vary the minimum spacing requirements between uses; therefore, staff recommends denial.

The Board of Zoning Adjustment (5-0 vote) and staff recommend DENIAL.

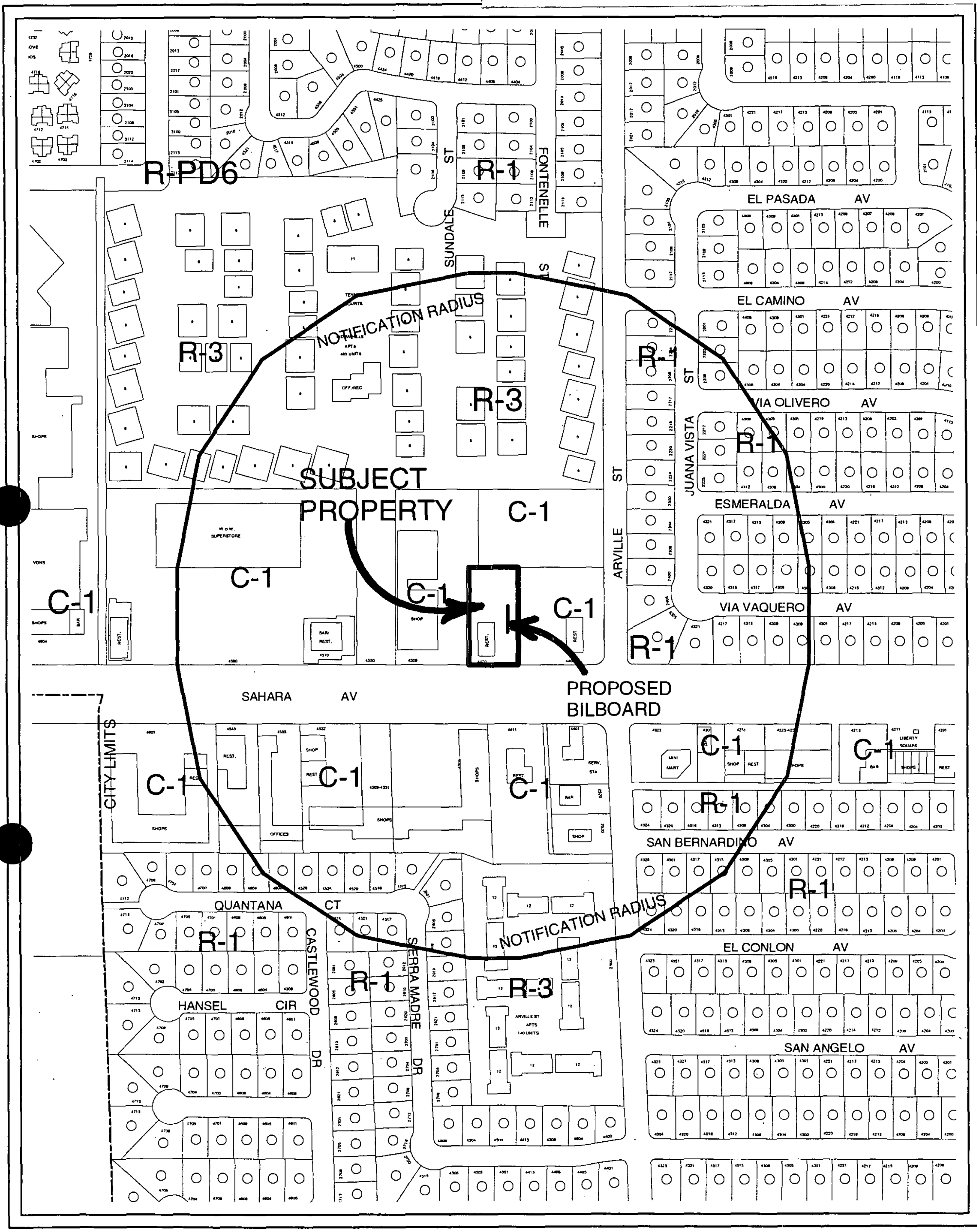
BZA NOTICES MAILED: 88

APPROVALS: 0

PROTESTS: 1

SEE ATTACHED LOCATION MAP

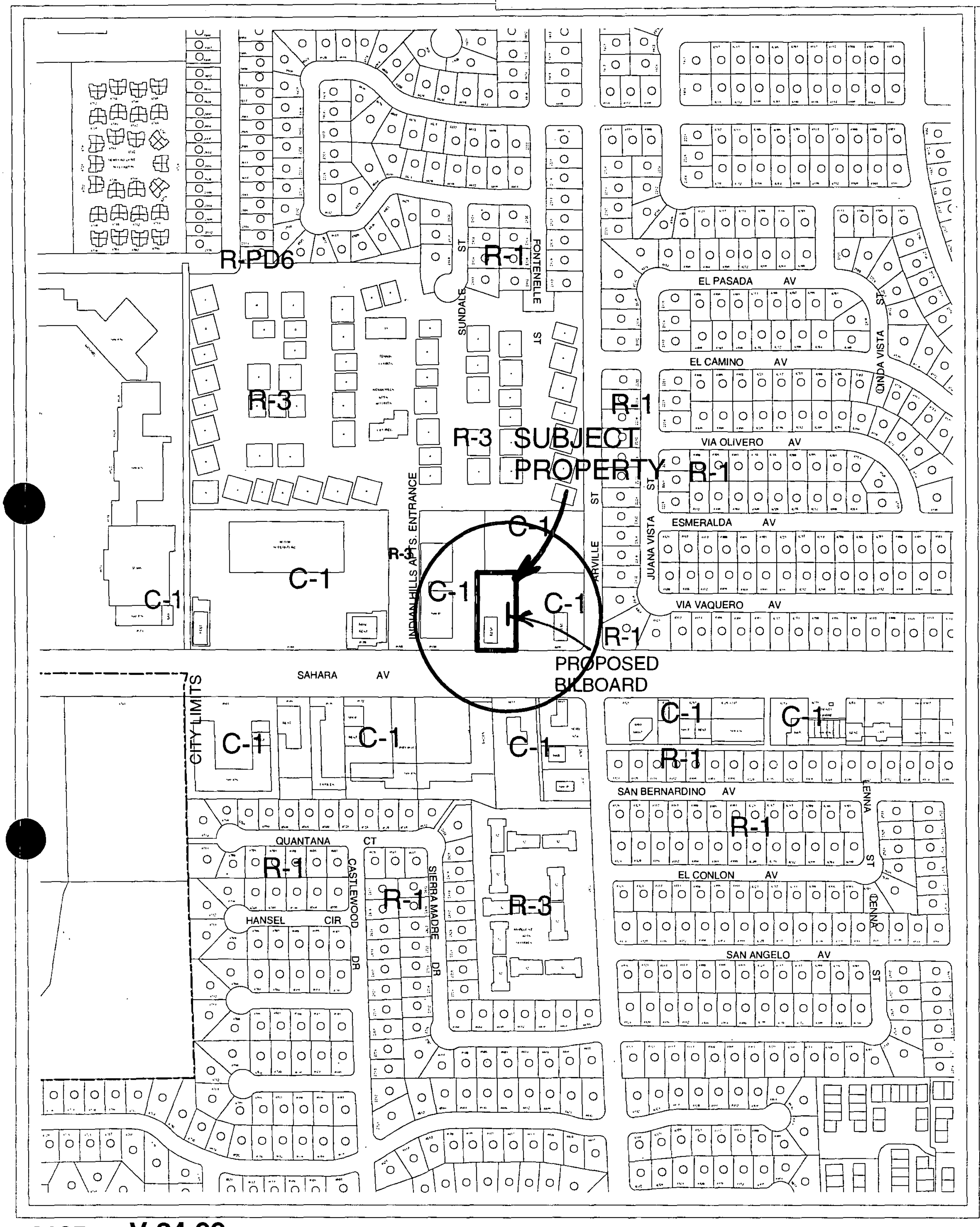
Agenda Item



CASE: **V-24-99**

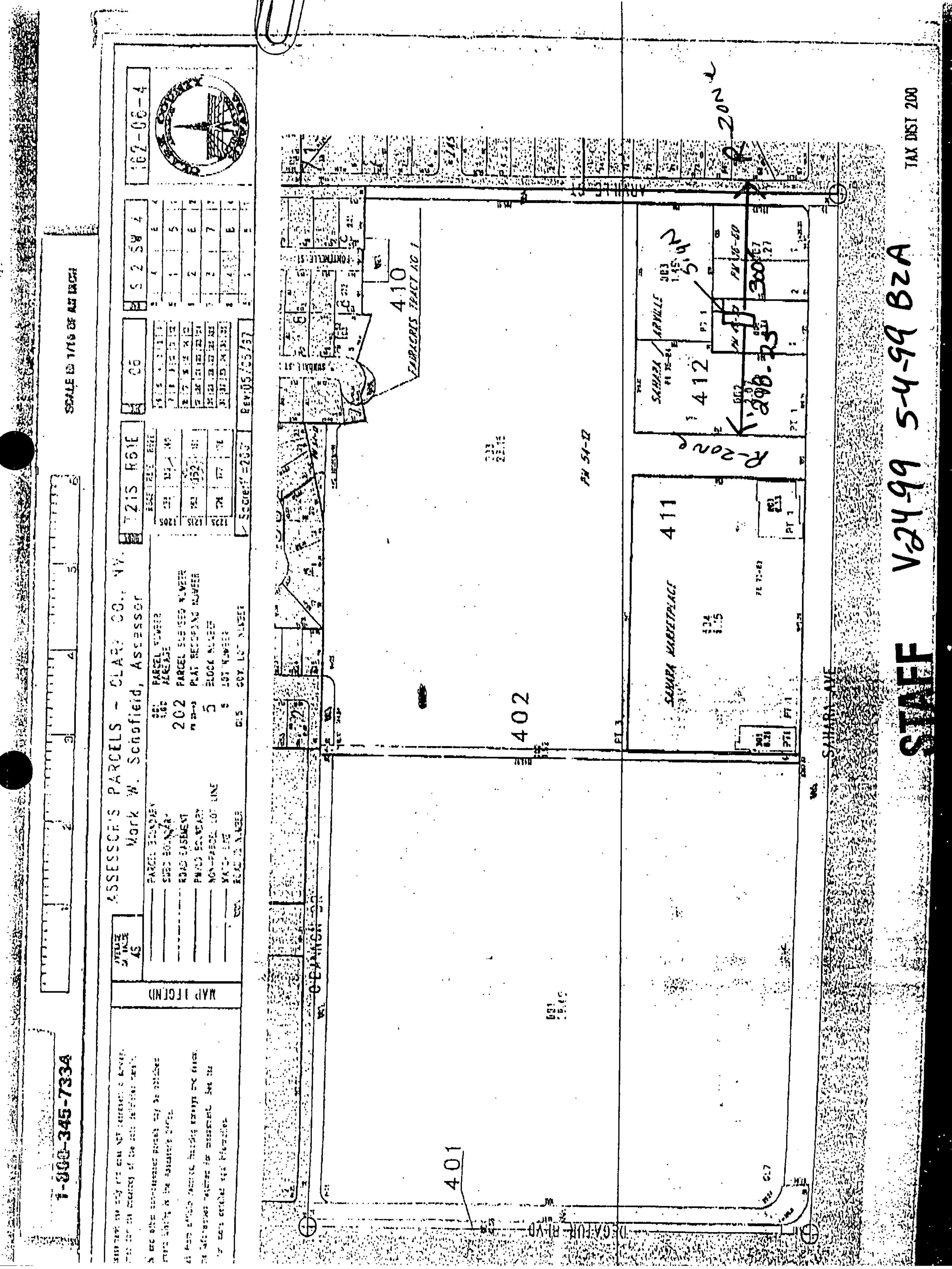
RADIUS: 750 FT

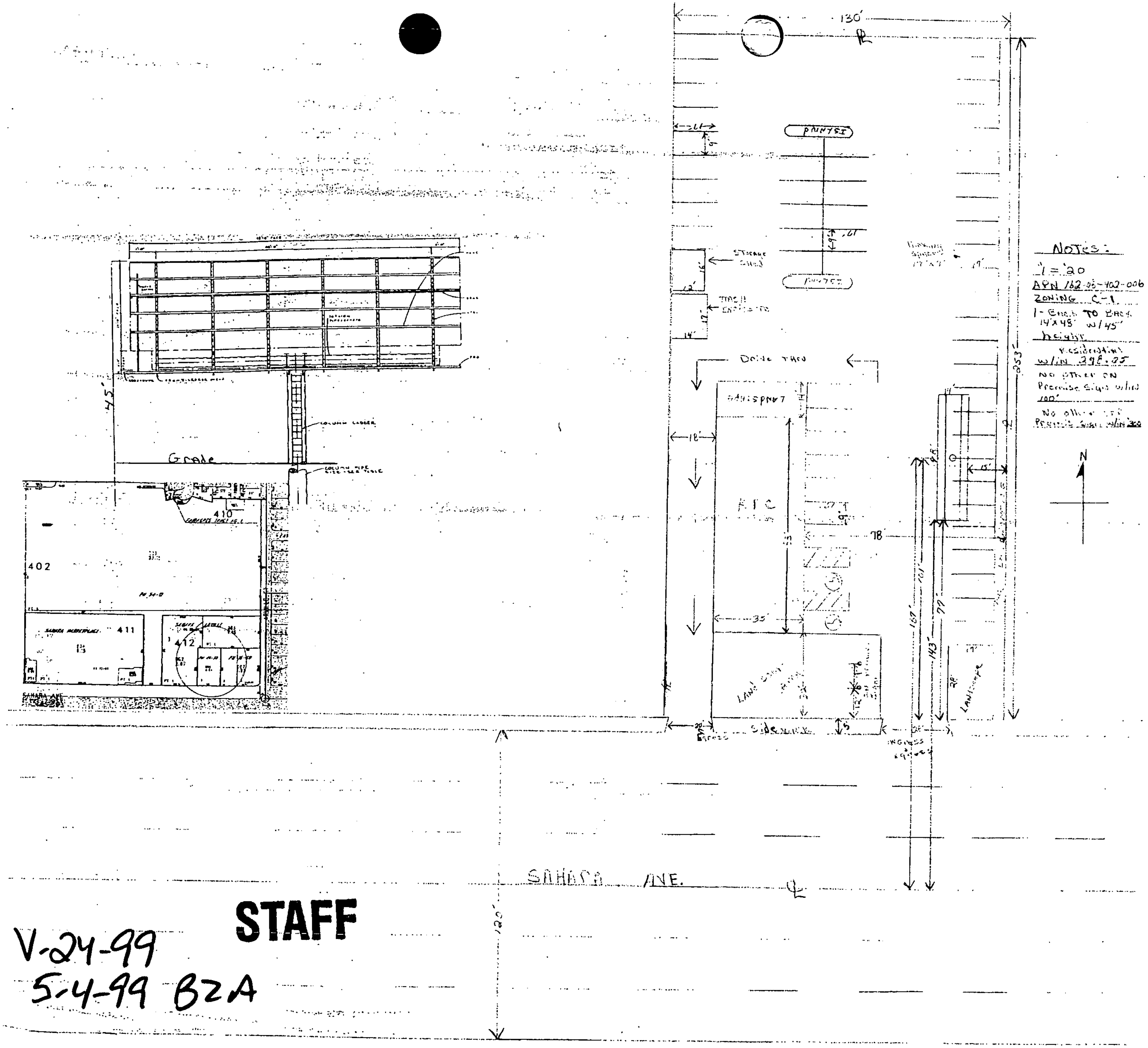
N



CASE: **V-24-99**
SEPARATION RADIUS: 300 FT

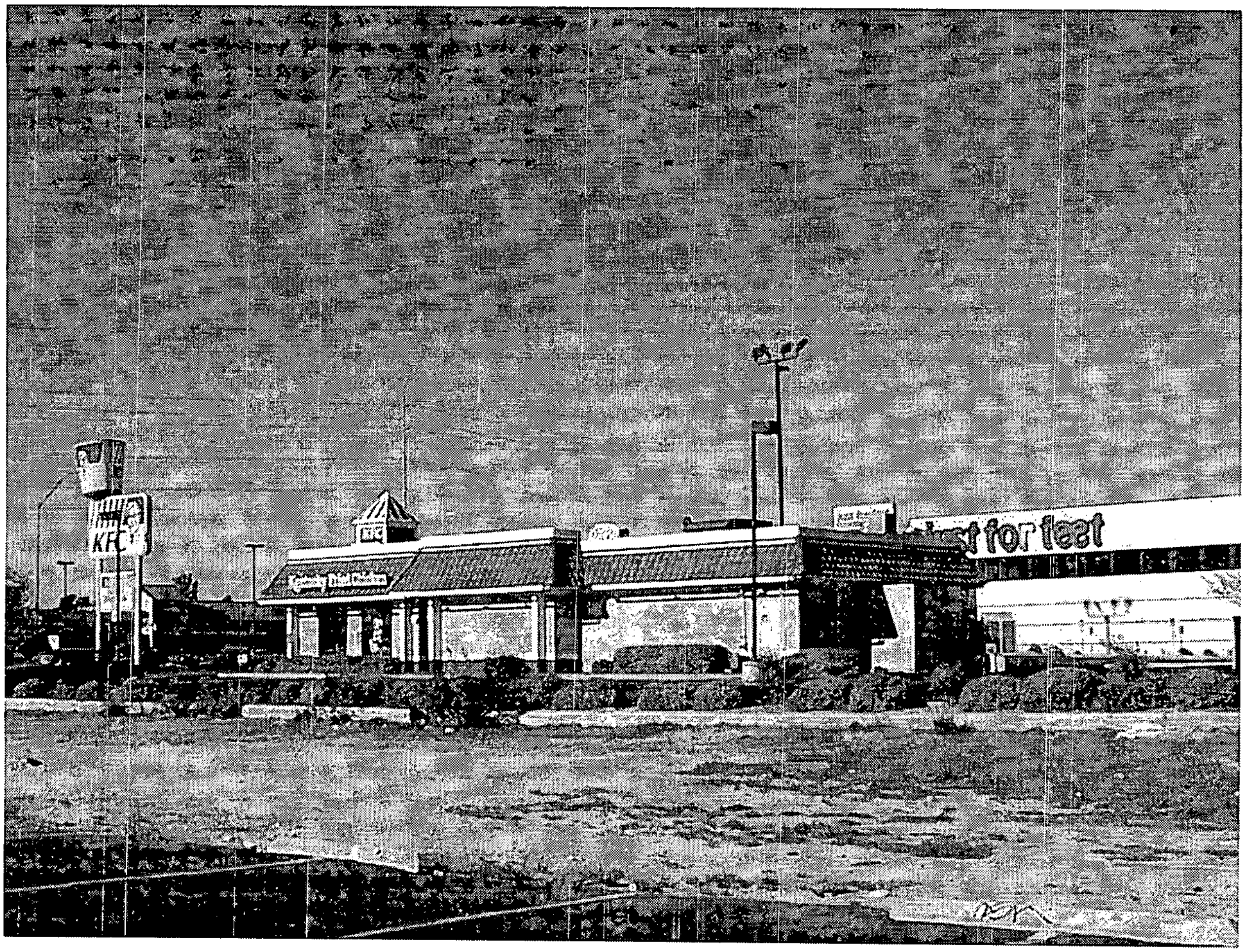
SENT BY:FCL/PIC ; 2-10-99 ; 11:57 ;NEVADA TITLE COMPANY→ 702+645 6393;# 2/ 2





STAFF

V-24-99
5-4-99 BZA



V-24-99 4420 West Sahara Avenue

KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW

JOHN C. RENSHAW
THOMAS F. KUMMER
CHRISTOPHER L. KAEMPFER
MICHAEL J. BONNER
JOHN N. BREWER
GERALD D. WAITE
SHERWOOD N. COOK
SHARI CASSIN PATTERSON
JOHN C. JEPPSEN
MARK H. FIORENTINO
JOHN A. CURTAS

OF COUNSEL
H. GREGORY NASKY
JAMES H. BILBRAY

SEVENTH FLOOR
3800 HOWARD HUGHES PARKWAY
LAS VEGAS, NEVADA 89109-0907

(702) 792-7000
FAX: (702) 796-7181
E-MAIL: NVLAW@KKBR.COM

THOMAS D. AMICK
NIKKI L. BAKER
GEORGE J. CLASEMAN
L. JOE COPPEDGE
GREGORY S. GILBERT
ROBERT J. GRONAUER
ROBERT C. KIM
KURT C. LAMBETH
ANGELA TURRICIANO OTTO
ELIZABETH A. SAVAGE
LYSSA M. SIMONELLI
JAMES E. SMYTH II
GREGG R. VERMEYS
ANTHONY A. ZMAILA

June 11, 1999

RECEIVED
CITY CLERK
1999 JUN 11 P 3:44

VIA FACSIMILE
382-4803

Ms. Barbara Jo Ronemus
City Clerk
City of Las Vegas
400 E. Stewart, 1st Fl.
Las Vegas, NV 89101

Re: V-24-99
Sahara & Arville

Dear Ms. Ronemus:

Our office represents the applicant in the above-referenced matter. We hereby appeal the action of the Board of Zoning Adjustment at the hearing of June 1, 1999.

Please schedule this matter for the July 12, 1999 City Council hearing.

Thank you for your assistance. Please call if you need anything further.

Sincerely,

KUMMER KAEMPFER BONNER & RENSHAW

Bob Gronauer
Robert J. Gronauer

RJG/mlt

SARJG\10014.1\City appeal ltr.doc

KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW

John C. Renshaw
Thomas F. Kummer
Christopher L. Kaempfer
Michael J. Bonner
Kathleen Jane England
John N. Brewer
Gerald D. Waite
Sherwood N. Cook
Shari Cassin Patterson
John C. Jeppsen
Mark H. Fiorentino
John A. Curtas

Of Counsel
H. Gregory Nasky
James H. Bilbray
Michael W. Brimley

Seventh Floor
3800 Howard Hughes Parkway
Las Vegas, Nevada 89109-0907

(702) 792-7000
Fax: (702) 796-7181
E-Mail: nvlaw@kkbr.com

Thomas D. Amick
Nikki L. Baker
George J. Clasman
L. Joe Coppedge
Gregory S. Gilbert
Robert J. Gronauer
Robert C. Kim
Kurt C. Lambeth
Angela Turriciano Otto
Elizabeth A. Savage
Lyssa M. Simonelli
James E. Smyth II
Gregg R. Vermeys
Anthony A. Zmaila

July 12, 1999

1999 JUL 12 P 12:01
RECEIVED
CITY CLERK

VIA FACSIMILE
382-4803

Ms. Barbara Jo Ronemus
City Clerk
City of Las Vegas
400 E. Stewart, 1st Fl.
Las Vegas, NV 89101

Re: *V-24-99 - Sahara & Arville*
KFC Corporation on Behalf of Creative Outdoor Advertising

Dear Ms. Ronemus:

This office represents the applicant in the above-referenced matter. We respectfully request this matter be continued from the presently scheduled City Council hearing of July 12, 1999 until July 26, 1999.

Thank you for your consideration.

Sincerely,

KUMMER KAEMPFER BONNER & RENSHAW

Bob Gronauer /mlt

Robert J. Gronauer

RJG/mlt

\\KKBRSFT\\VOL1\\DATA\\RJG\\10014.1\\City hold ltr.doc

#111

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

VARIANCE - PUBLIC HEARING

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.

NOTICES MAILED: 244 BY CITY CLERK

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 1

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 1

Staff recommends DENIAL.

The Board of Zoning Adjustment (3-1 vote) recommends APPROVAL, subject to:

M. McDONALD - APPROVED subject to conditions - UNANIMOUS

******

MAYOR GOODMAN declared the Public Hearing opened.

MARK and ZANETTE CLARK, 201 Janice Estelle Drive, and their daughter JENNIFER CLARK were present. MR. CLARK explained that he built a gazebo around a spa about six years ago. He built the clubhouse last summer without being aware that permits were required. The clubhouse is a big jungle gym and the gazebo is not visible from the front. He planted trees to conceal the jungle gym. He has not received a final approval from the Building Department. He tried to meet with MR. WILKINS on Thursday, but was unable to because of the storm.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(4:47 - 4:50)
5-514

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**APPROVED**
V-36-99 - MARK AND ZANETTE CLARK	
1. All development must be in conformance with the plot plans and elevations.	
2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	
3. Submit complete plans to the Building and Safety Department for review and permit.	
4. If the Building and Safety Department requires the removal of the gazebo, which is the subject of this request, this Variance becomes null and void.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-36-99 - MARK AND ZANETTE CLARK

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for a Variance to allow two existing detached accessory structures to encroach into the required setbacks and into minimum separation distances from the single-family dwelling.

The applicant was cited for a Code Violation on February 5, 1999. This action prompted the applicant to apply for this Variance request.

The applicant indicates that the Variance is justified since he had no knowledge of setback or building permit requirements.

Staff recommends denial.

BACKGROUND DATA:

06/03/87 The Planning Commission approved a Rezoning from R-1 (Single Family Residential) to R-CL (Residential Compact Lot). The Rezoning was subsequently ordinanced (Z-33-87).

The single-family residence was constructed in 1990.

SITE DETAILS:

Current Zoning:	R-CL (Residential Compact Lot)	
Existing Land Use:	single-family dwelling	
Site Area:	0.11	Acres
Dwelling Area:	1,475	Square Feet
Existing Gazebo Area:	130	Square Feet (approximately)
Existing Jungle Gym Area:	120	Square Feet (approximately)

Agenda Item

112

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-36-99 - MARK AND ZANETTE CLARK

PURPOSE/BACKGROUND

ANALYSIS:

The existing detached gazebo encroaches into the site's rear and side yard setbacks by 3 feet each and into the required building separation distance by 6 feet. The existing jungle gym encroaches into the site's rear and side yard setbacks by 0.5 feet each and into the required building separation distance by 2.5 feet. Six feet of the top of the jungle gym is visible from the adjacent properties and the street, as depicted in the attached photograph.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"**B. Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. However, the Variance process is not available to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

"**L. Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-36-99 - MARK AND ZANETTE CLARK

PURPOSE/BACKGROUND

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Section 19A.08.040 of the City of Las Vegas Zoning Code permits detached accessory structures in the rear yard of a residentially zoned property provided that the structures are located a minimum distance of three feet from the side and rear property lines, and they must be separated a minimum distance of 6 feet from the dwelling.

The City of Las Vegas Building and Safety Department require that permanent accessory structures which are located within three feet of the property line must have one hour fire resistive construction. Furthermore, existing construction must conform to the current Uniform Building Code. If the existing gazebo does not conform to the Code, it must be corrected or removed.

Staff finds no extraordinary circumstances associated with the site and notes the negative aesthetic impact of the detached accessory structures on the neighborhood, and the related safety issues. Therefore, staff cannot support this request, and recommends denial.

Section 19A.18.070.K.2 of the LVMC states:

2. **"Penalty.** If a structure which is the subject of a Variance application has been or is being constructed without a building permit and is in violation of this Title, the City Council, in granting this Variance, may impose a penalty in an amount that does not exceed ten percent of the value of the structure as determined in accordance with the City's Administrative Code."

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-36-99 - MARK AND ZANETTE CLARK

PURPOSE/BACKGROUND

Staff recommends DENIAL.

The Board of Zoning Adjustment (3-1 vote) recommends APPROVAL.

The Board determined that the gazebo is not a significant intrusion into the side setback because of its relatively small size and its location in the rear corner of the lot. The Board also determined that the jungle gym is on the opposite side of the lot from the side adjacent to the neighbor which the applicant testified has filed the complaint about the structure and is therefore not visible from that neighbor's lot. However, the Board did ask the applicant to consider planting an additional tree to further screen the jungle gym from public view and the applicant agreed.

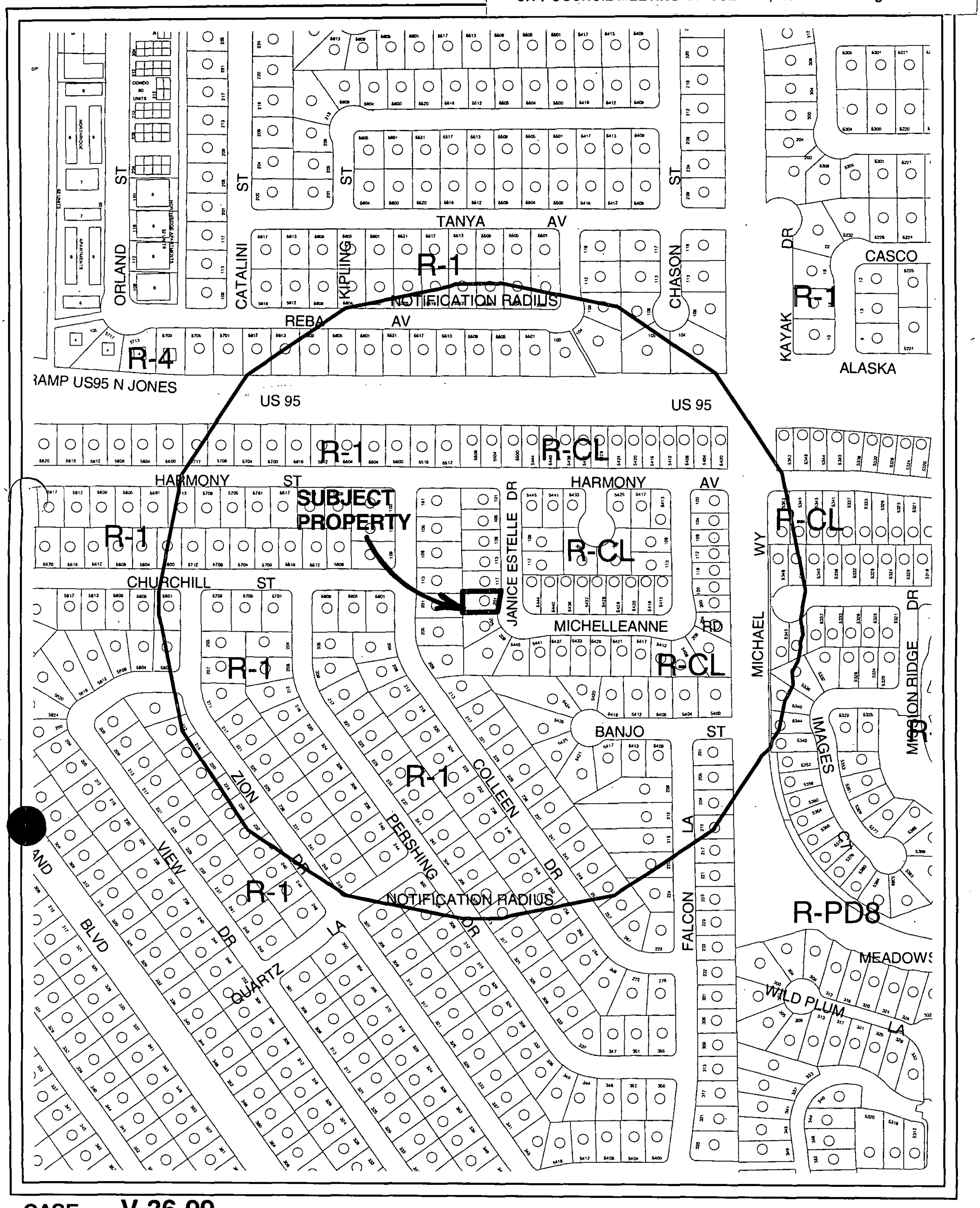
BZA NOTICES MAILED: 242

APPROVALS: 0

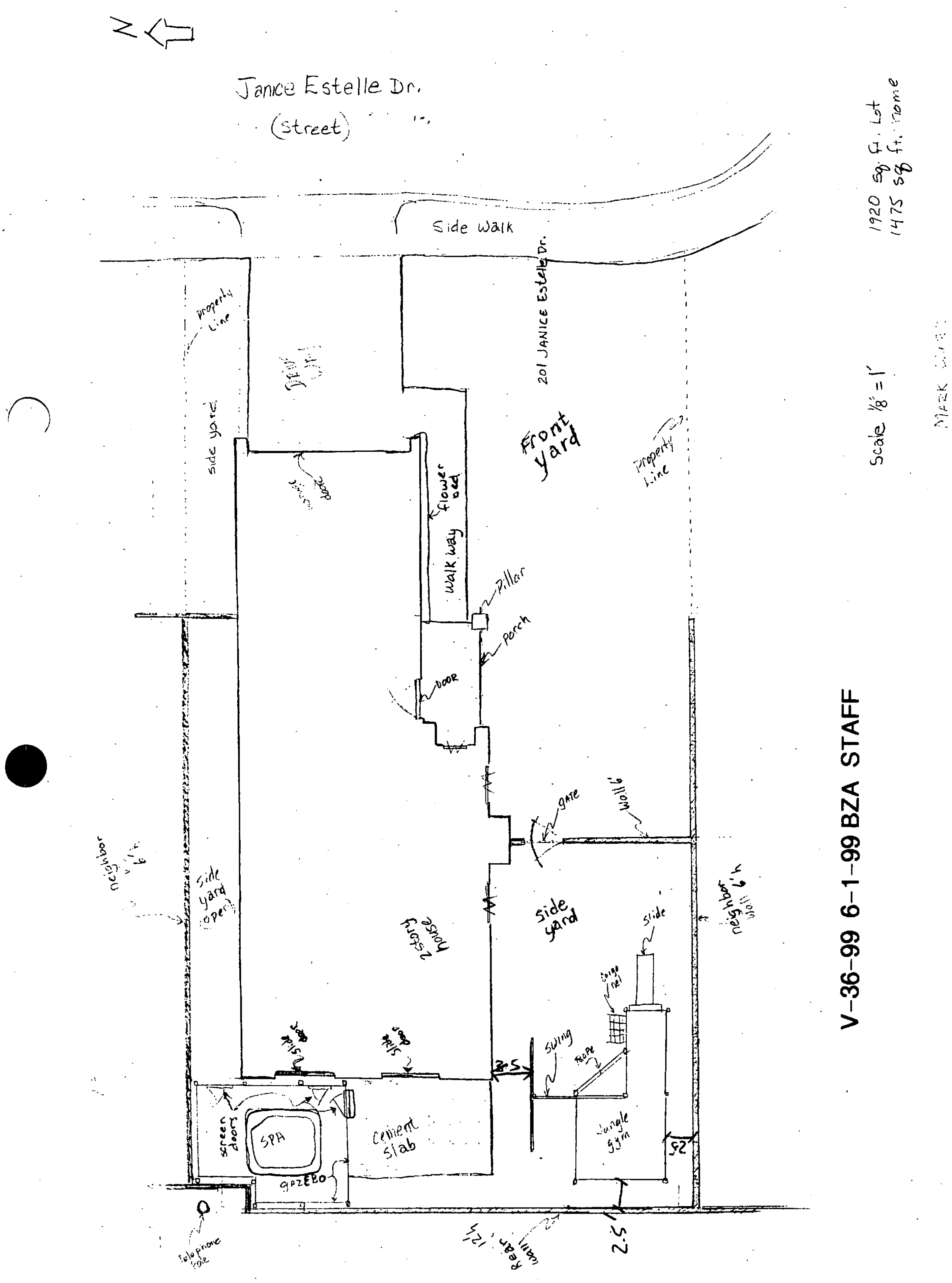
PROTESTS: 1

SEE ATTACHED LOCATION MAP

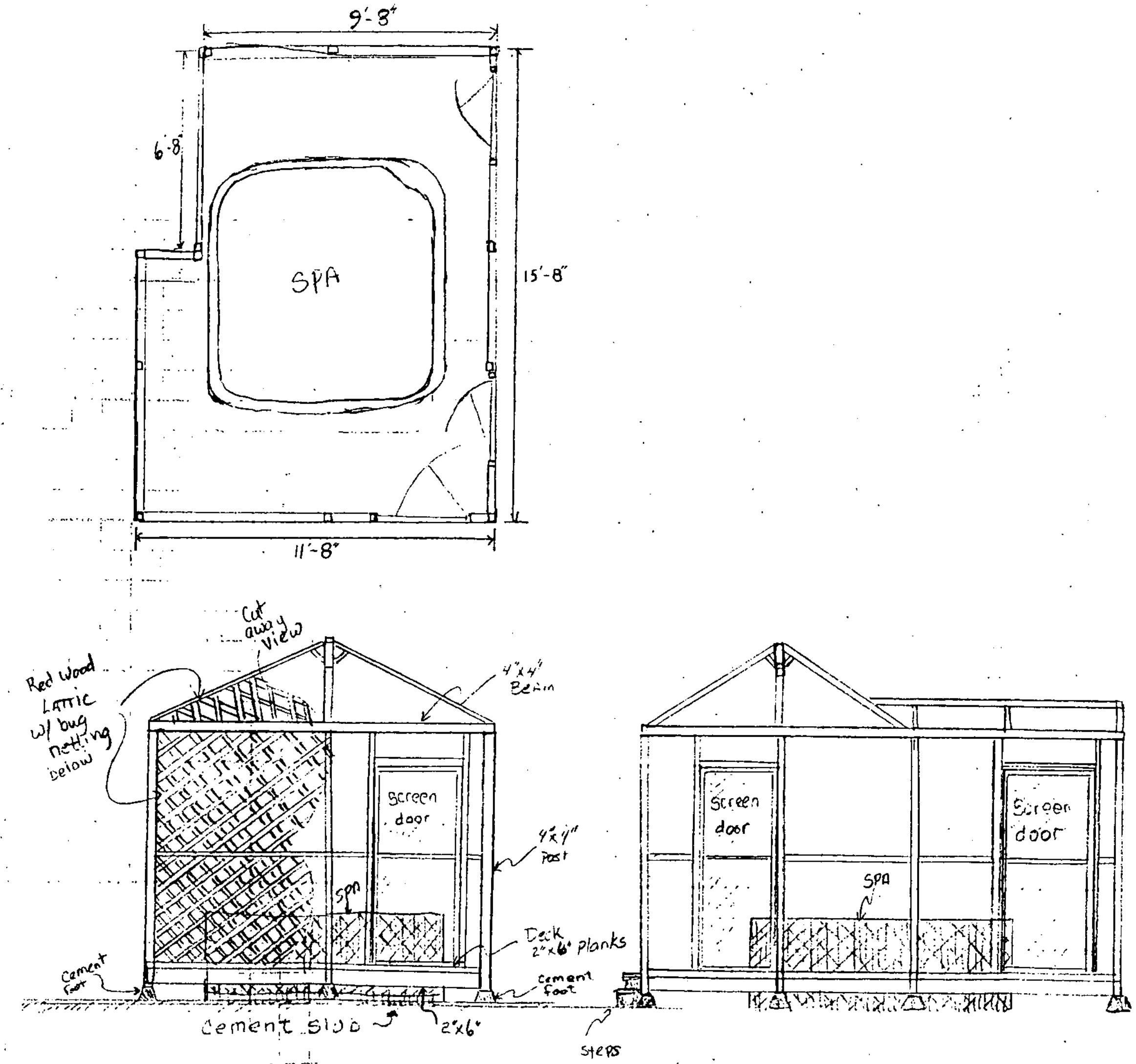
Agenda Item



CASE: V-36-99
RADIUS: 750 FT

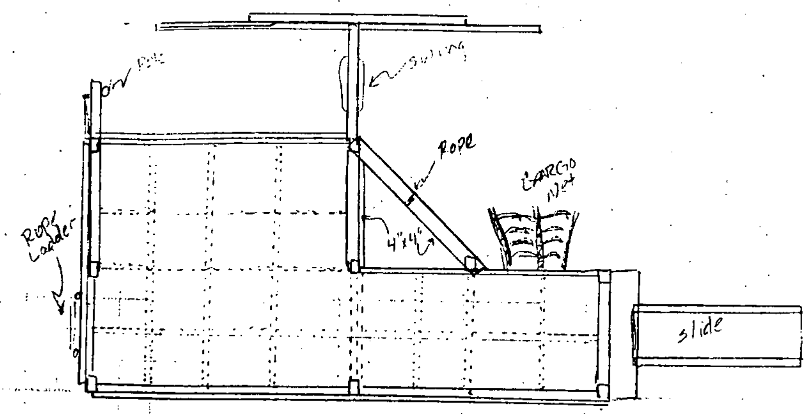


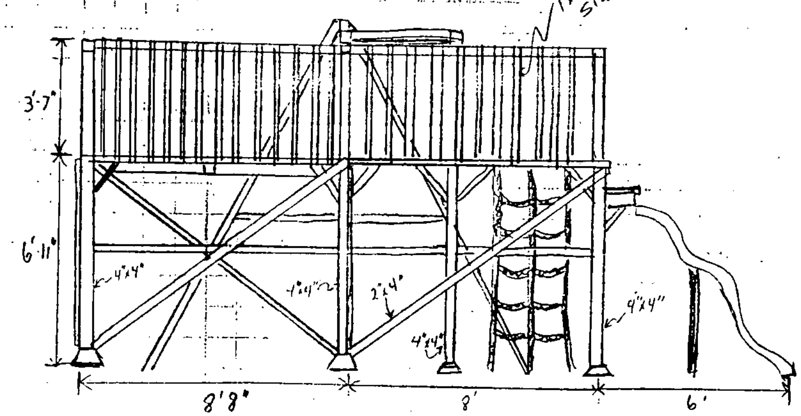
V-36-99 6-1-99 BZA STAFF

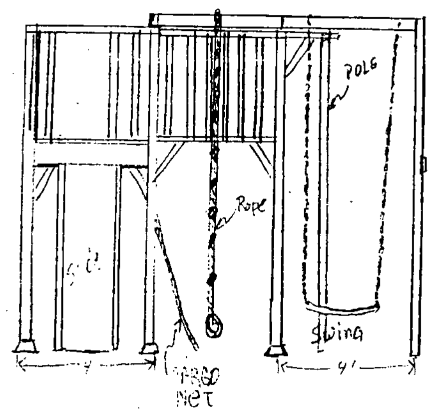


1/4" = 1'   Gazebo by Mark Clark

V-36-99 6-1-99 BZA STAFF

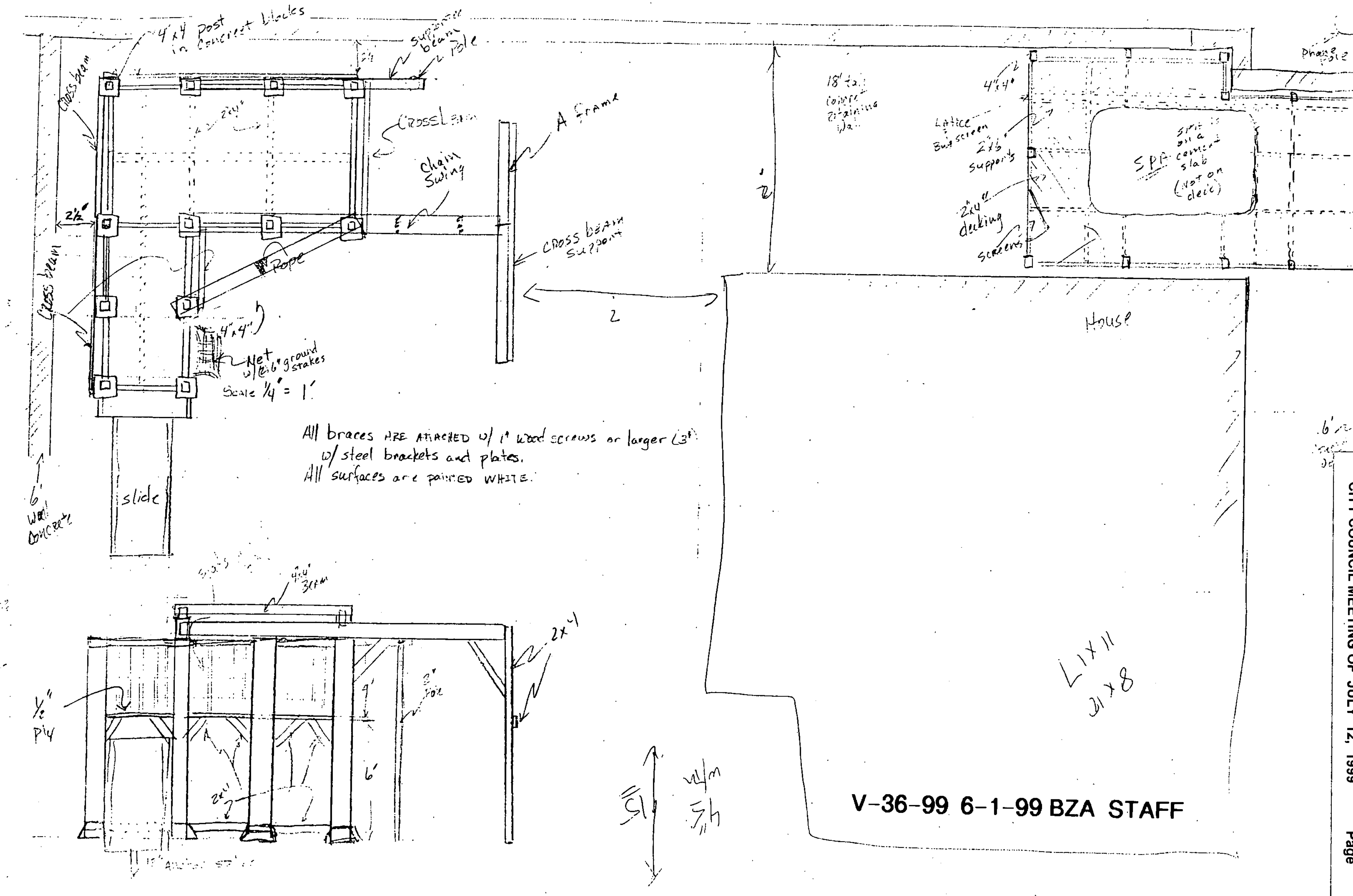




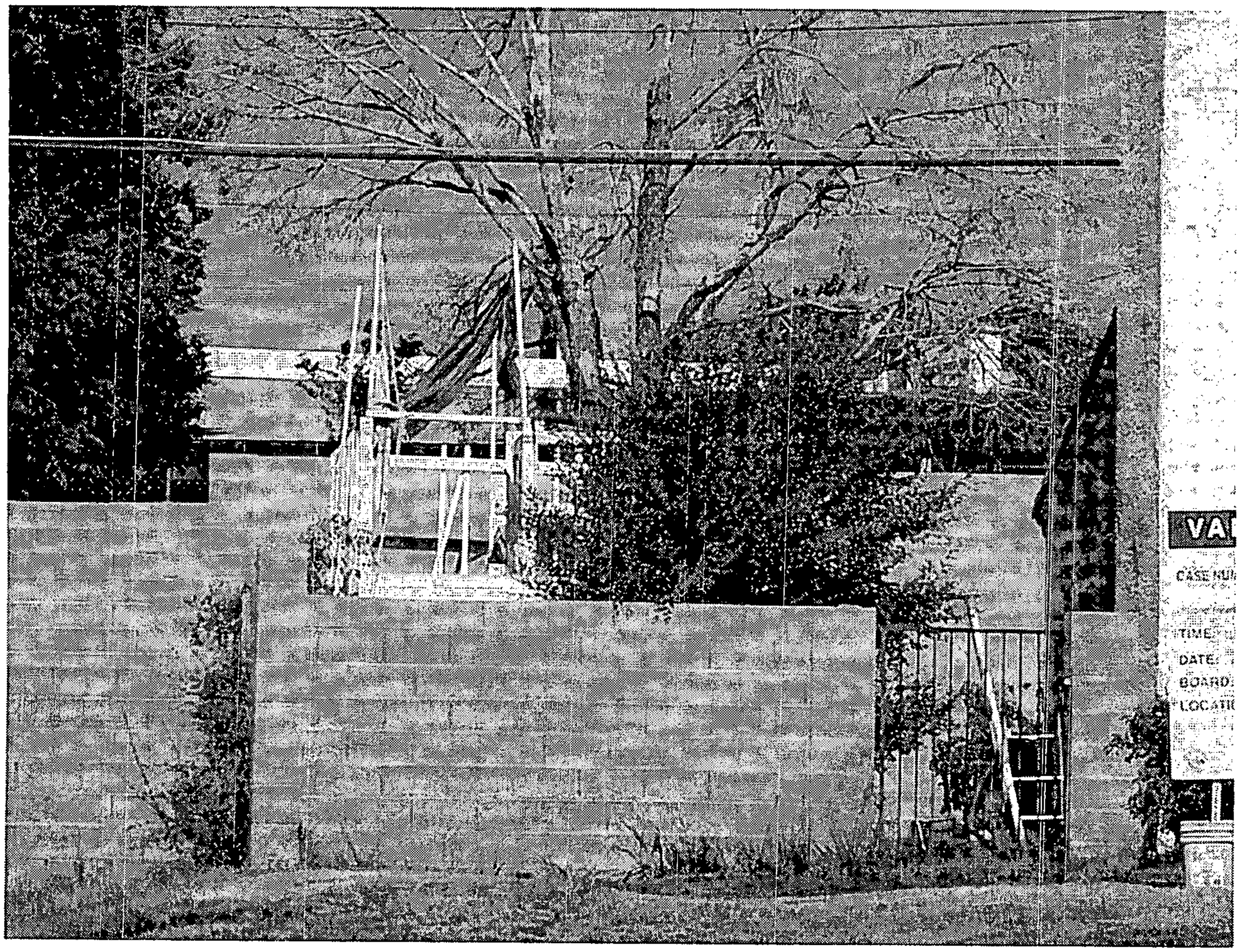


V-36-99 6-1-99 BZA STAFF

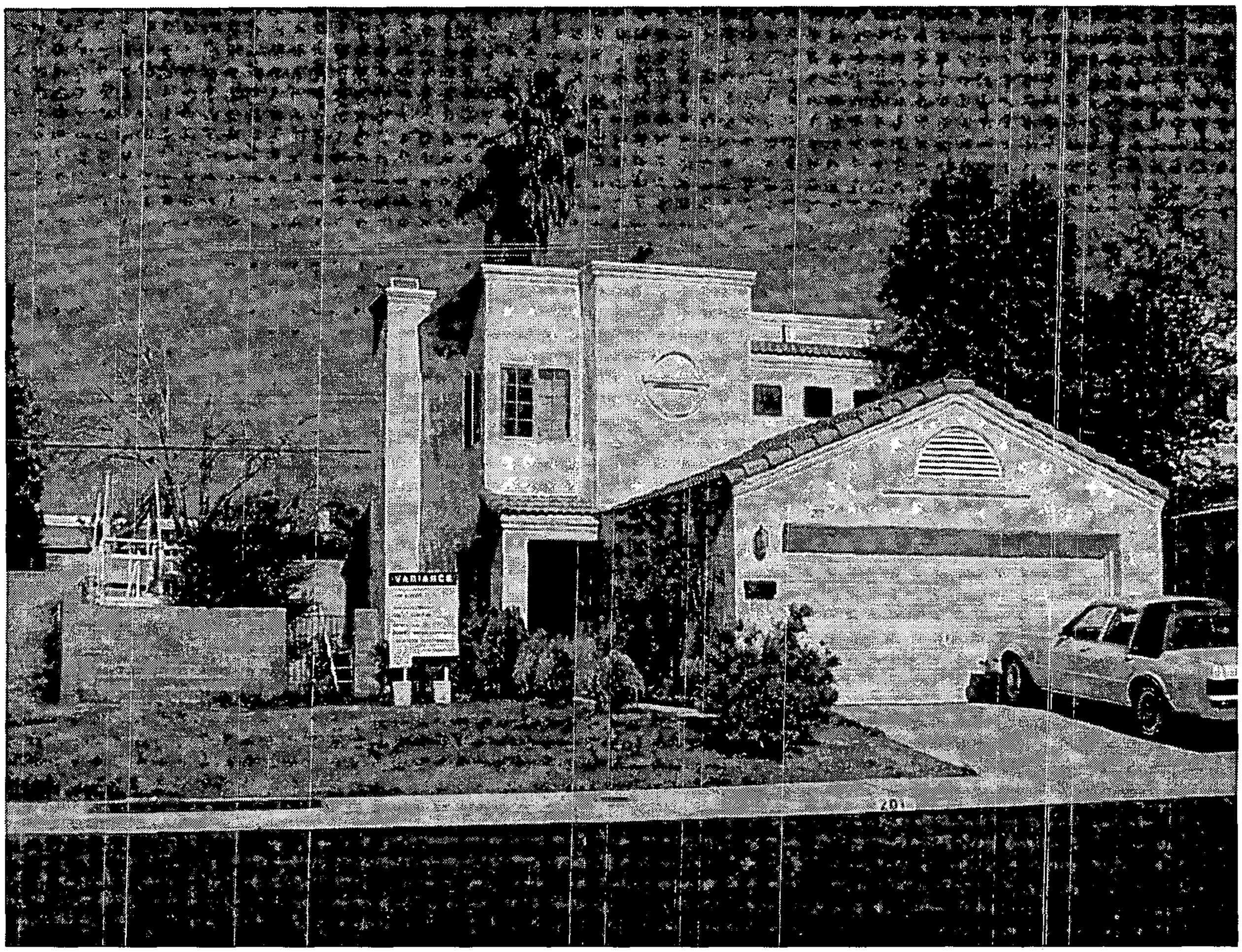
1/4" = 1' Playhouse by Mark T. Clark



V-36-99 6-1-99 BZA STAFF



V-36-99 201 Janice Estelle Drive



V-36-99 201 Janice Estelle Drive

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

	ITEM	ACTION
	PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
	VARIANCE - PUBLIC HEARING	
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. NOTICES MAILED: 144 BY CITY CLERK APPROVALS: 4 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 4 PROTESTS: 6 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 6 The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL. If approved, subject to: 1. All development must be in conformance with the plot plans and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	**M. McDONALD – Motion to bring forward and HOLD IN ABEYANCE Item 111 [V-24-99] and Item 120 [U-46-99] to 7/26/99 and to Accept the WITHDRAWAL Without Prejudice of Item 113 [V-39-99] and to STRIKE Item 118 [U-68-98 - Rescind] and Item 119 [U-68-98 - Appeal] - UNANIMOUS** ****** There was no discussion. (4:30 - 4:37) **5-54**

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-39-99 - SHIRLEY G. BELL

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This is an appeal filed by Shirley G. Bell from the Denial by the Board of Zoning Adjustment for a Variance to allow a proposed pool enclosure (with roof) for an existing swimming pool to be 3 feet from the rear property line where 15 feet is the minimum setback required.

The applicant is requesting the Variance to enable her to utilize her pool year-round.

The applicant indicates that the Variance is justified since she has the written approval of her neighbors.

Staff recommends denial.

BACKGROUND DATA:

01/09/94 The City Council approved a Rezoning from R-E (Residence Estates) to R-1 (Single-Family Residential) for this site, as a part of a larger request (Z-114-93).

The single-family dwelling was constructed in 1997.

SITE DETAILS:

Current Zoning:	R-1 (Single-Family Residential)
Existing Land Use:	Single-Family Dwelling
Site Area:	0.18 Acres
Dwelling Area:	2,460 Square Feet
Proposed Enclosure Area:	1,150 Square Feet
Proposed Total Area:	3,610 Square Feet
Proposed Enclosure Height:	7-8 Feet
Lot Coverage:	46% (entire site)
Lot Coverage:	60% (rear yard only)

Agenda Item
113

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-39-99 - SHIRLEY G. BELL

PURPOSE/BACKGROUND

ANALYSIS:

The existing 460 square foot pool is located at the rear of the site 6.75 feet from the rear property line. The proposed 1,150 square foot pool enclosure would encroach into the site's rear yard setback by 12 feet and would have internal access into the existing single-family dwelling. The enclosure would be constructed as an addition to the home and would have the appearance of a sun room and made of wood and glass. The pool would be located five and seven feet from the sides, and 0.75 feet from rear of the proposed enclosure.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"B. **Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. However, the Variance process is not available to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-39-99 - SHIRLEY G. BELL

PURPOSE/BACKGROUND

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Section 19A.08 of the City of Las Vegas Zoning Code provides that in the R-1 Zone, the minimum rear yard setback required is 15 feet. Furthermore, the Code requires that the maximum lot coverage in the R-1 Zone is 50%. The proposed addition would establish a lot coverage of 46%, which is very close to the maximum allowed. Furthermore, the lot coverage within the rear yard is 60%.

Staff notes that the proposed addition would be located at the rear of the existing dwelling and would be visually intrusive to current and future property owners adjacent to the property. The proposed height of the addition is seven feet at the rear of the site, and eight feet adjacent to the dwelling. The visual intrusion is exaggerated by the addition not matching the dwelling in terms of materials and color. Furthermore, staff is concerned that if this benefit is given to this property owner, other property owners in the vicinity may follow suit by requesting to construct similar large structures; therefore, the Variance request cannot be viewed in isolation of the surrounding area. Staff finds no extraordinary circumstances associated with the site and cannot support this request.

The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL.

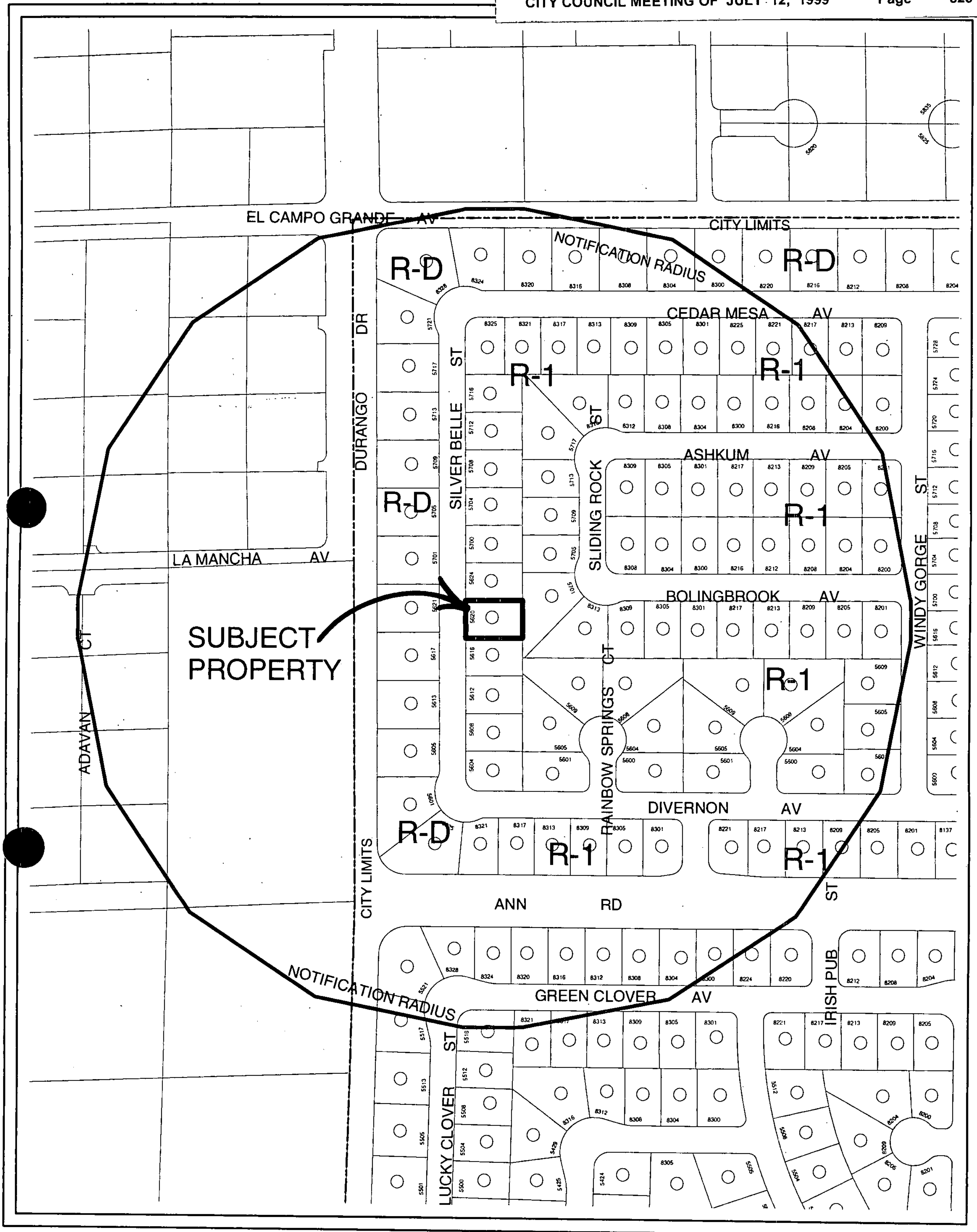
BZA NOTICES MAILED: 143

APPROVALS: 4

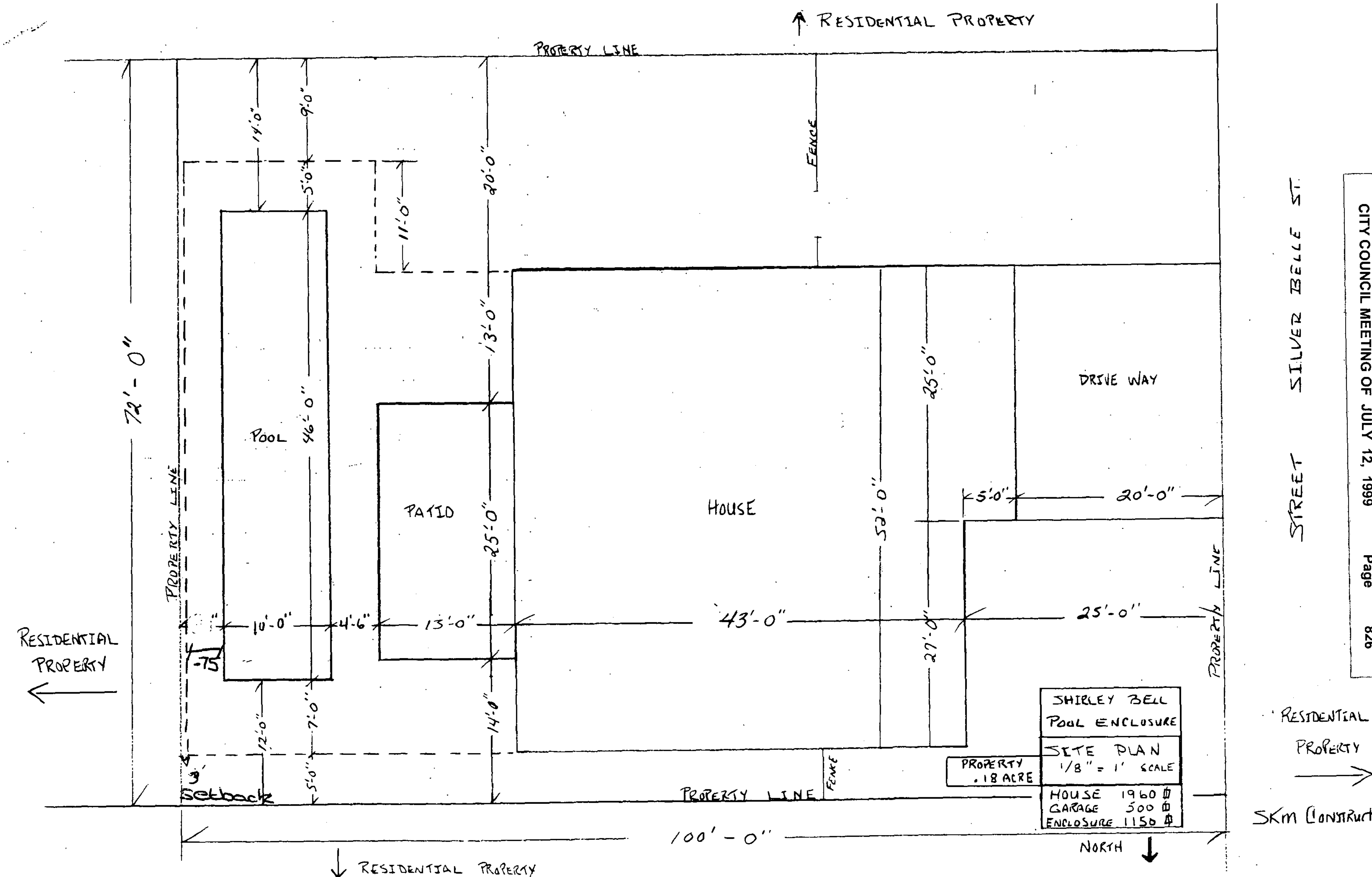
PROTESTS: 6

SEE ATTACHED LOCATION MAP

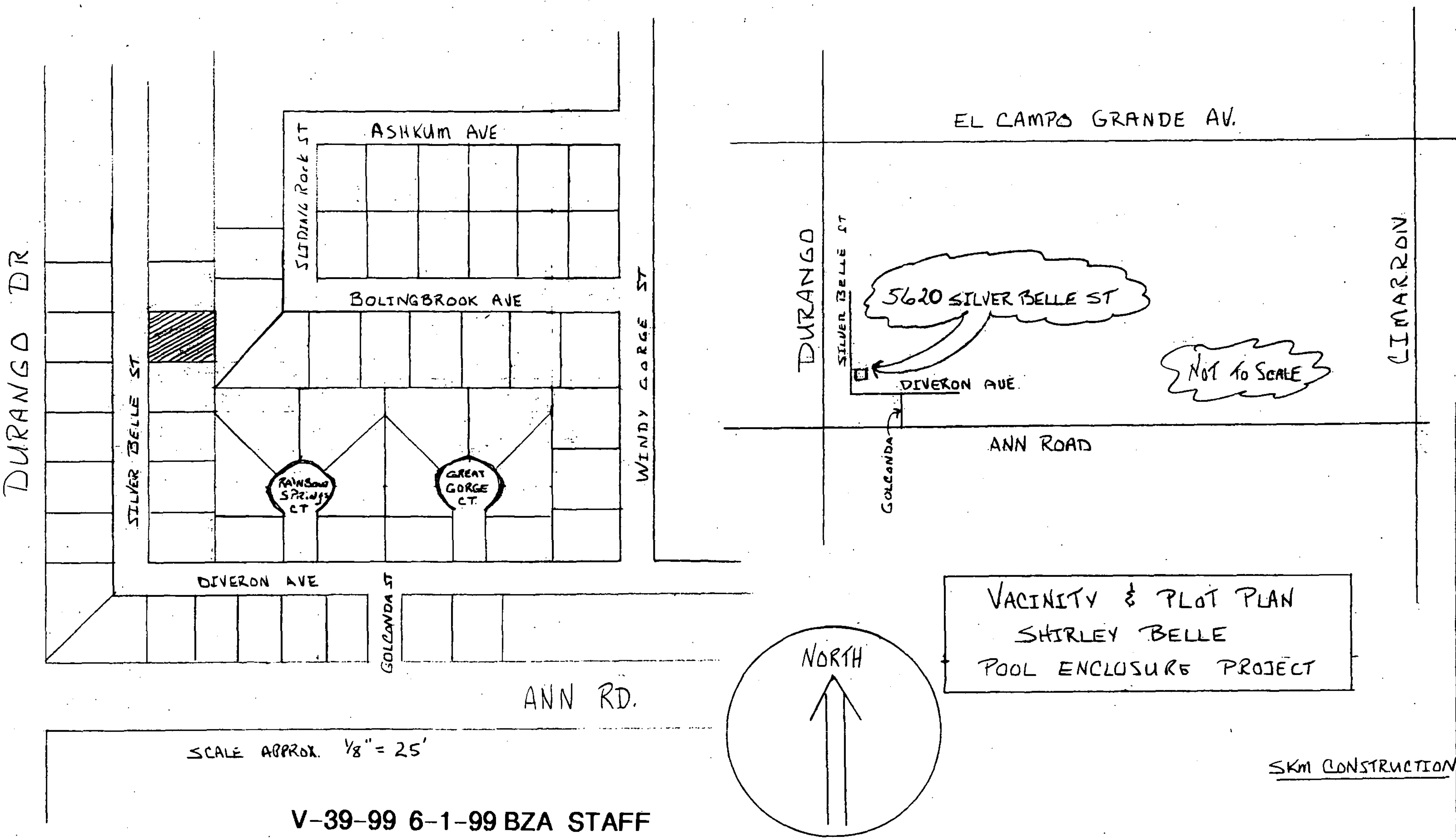
Agenda Item



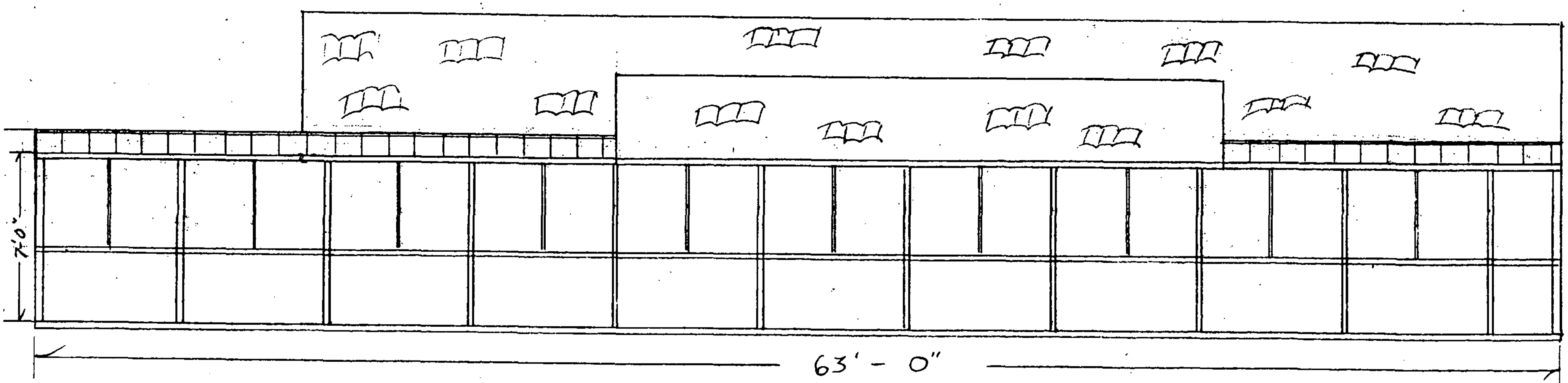
CASE: **V-39-99**
RADIUS: 750 FT



V-39-99 6-1-99 BZA STAFF

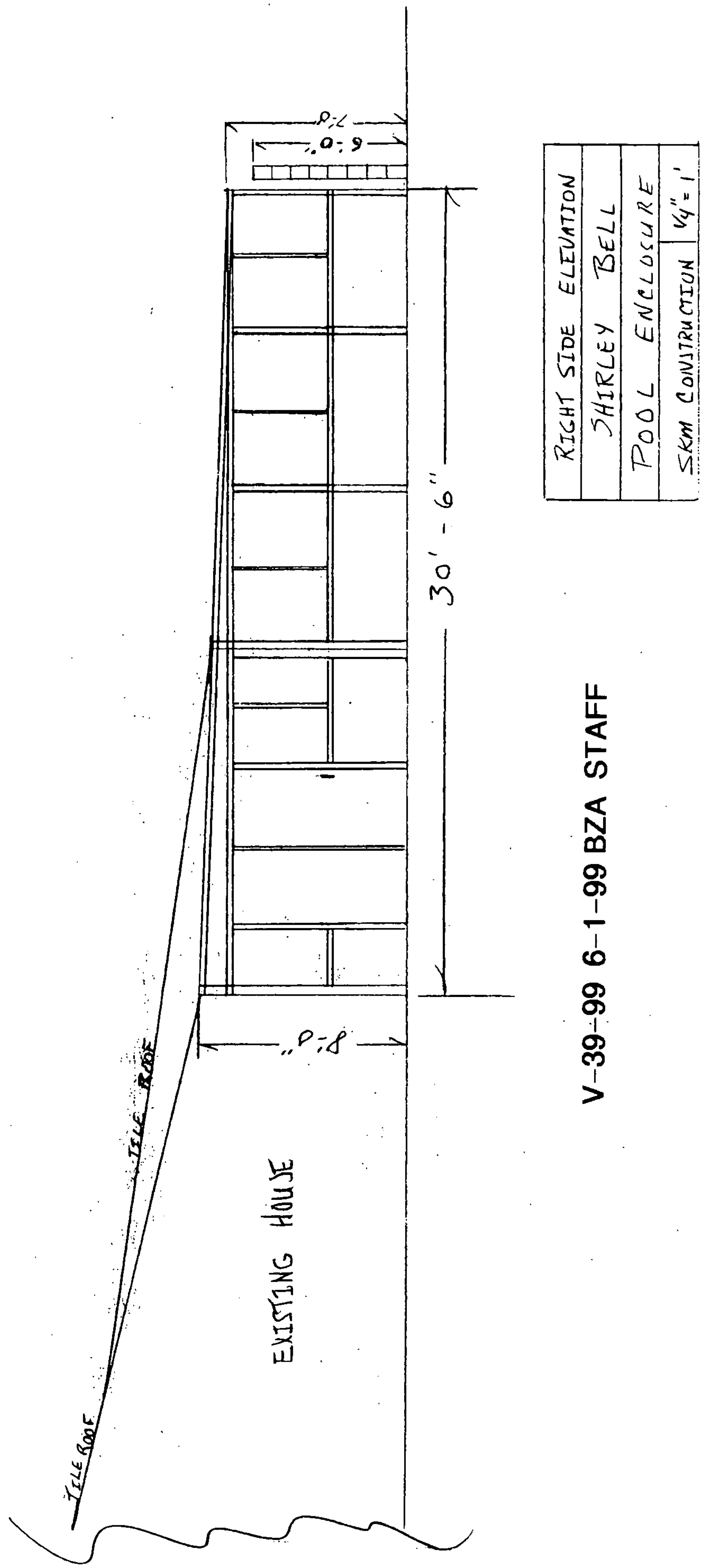


V-39-99 6-1-99 BZA STAFF

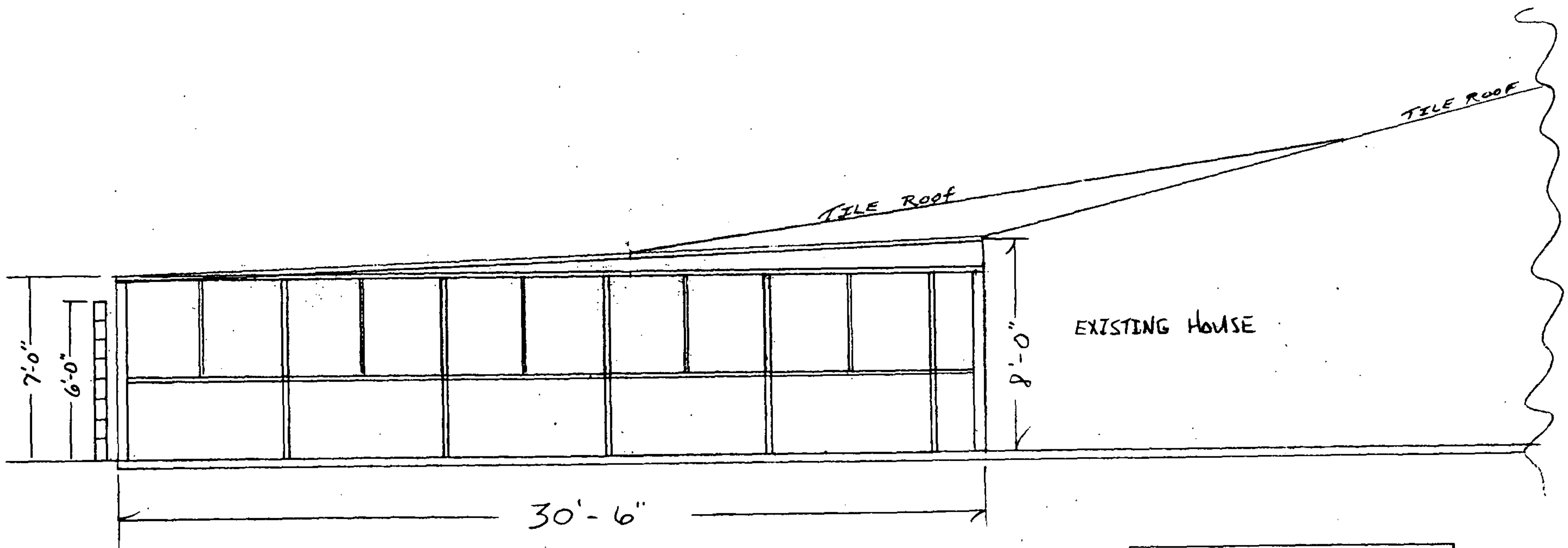


V-39-99 6-1-99 BZA STAFF

REAR ELEVATION	
SHIRLEY BELL	
POOL ENCLOSURE	
SKM CONSTRUCTION	1/4" = 1'

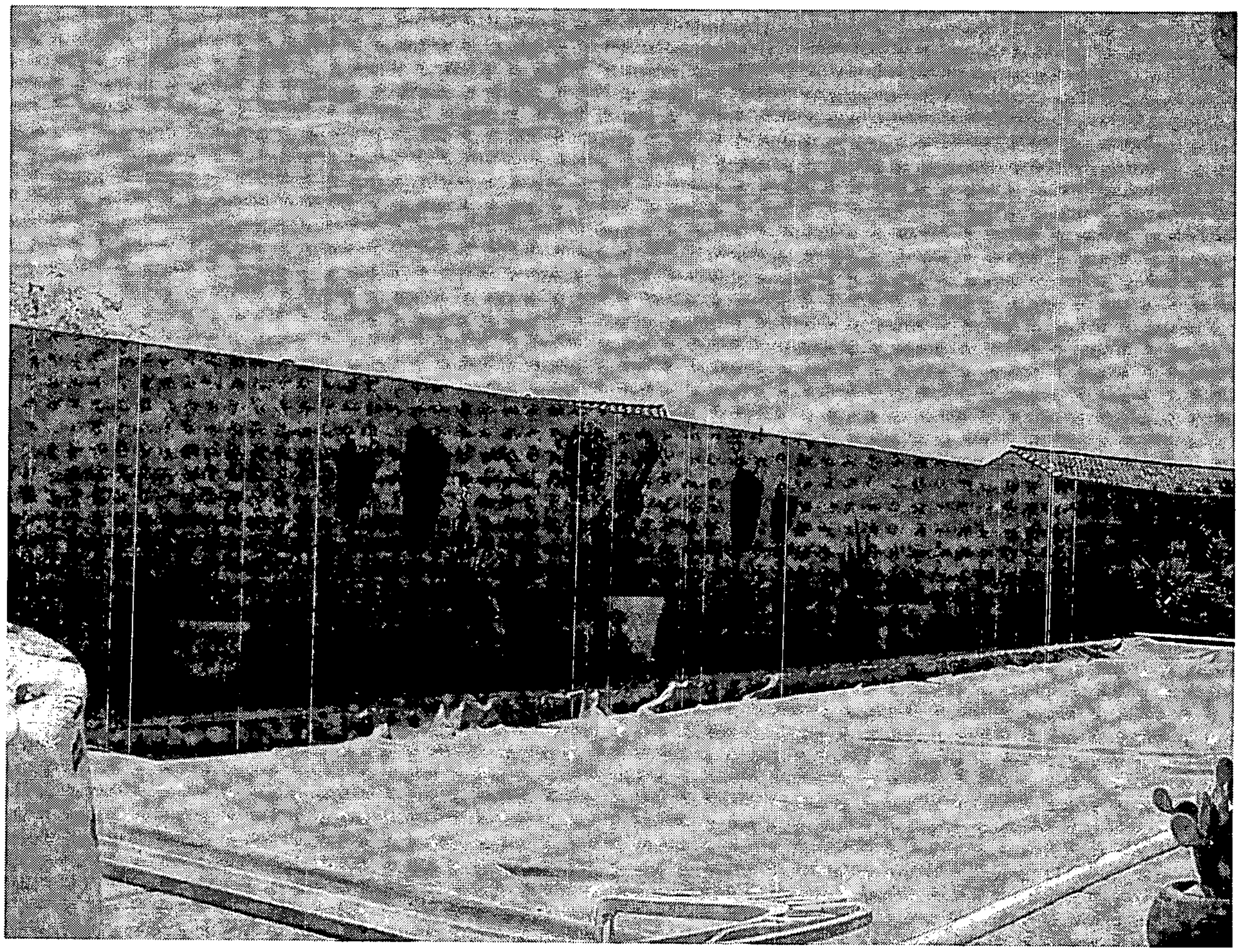


V-39-99 6-1-99 BZA STAFF



V-39-99 6-1-99 BZA STAFF

LEFT SIDE ELEVATION	
SHIRLEY BELL	
POOL ENCLOSURE	
SKM CONSTRUCTION	1/4" = 1'



V-39-99 5620 Silver Bell Street

5620 Silver Belle Street
Las Vegas, NV. 89129
June 3, 1999

A13 V-39-99
SHIRLEY G. BELL

I was denied a request for a variance to property located at 5620 Silver Belle St. on June 1, 1999, by the Board of Zoning Adjustment. I am now requesting an appeal of this action to the Director of the Board of Zoning Adjustment,

thank you.

Shirley G. Bell

RECEIVED
CITY CLERK
1999 JUN -7 A 11:52

RECEIVED
CITY CLERK
1999 JUL -2 P 4:02

RECEIVED
99 JUN 28 PM 4:09
PLANNING AND
DEVELOPMENT

W. F. McEuen

8200 Bolingbrook Avenue
Las Vegas, Nevada 89129
Tel. 702-395-7628
FAX 702-395-7629

V-39-99

June 24, 1999

Planning and Development Department
731 South Fourth Street
Las Vegas, NV 89101

To the Honorable members of the Planning Commission:

It has come to our attention that an initial request for a variance on property located at 5620 Silver Belle Street and legally described as Lot 5, Block 8 of Canyon Creek North, Unit 3, has been denied. We are grateful to you for this action. However, we understand from the owners that they are planning to appeal this decision.

At this time, we wish to reaffirm our previous objection to their request for a variance and strongly urge you to continue denial for their request.

Respectfully,
Betty J. McEuen
Wallace F. McEuen
Betty J. McEuen
Wallace F. McEuen
8200 Bolingbrook Avenue
Las Vegas, Nevada 89129

Protest

NOTICE OF PUBLIC HEARING

RECEIVED
CITY CLERK
1999 JUL -9 A 11:16

VARIANCE REQUEST

1999 JUL -9

JOHNSON GEORGE C & LINDA W
8312 ASHKUM AVE
LAS VEGAS NV 89129-4930

MEETING: CITY COUNCIL
DATE: JULY 12, 1999
TIME: 2:00 P.M.
LOCATION: COUNCIL CHAMBERS, CITY HALL
400 STEWART AVENUE
LAS VEGAS, NEVADA

V-39-99

APPEAL FILED BY SHIRLEY G. BELL FROM THE DENIAL BY BOARD OF ZONING ADJUSTMENT OF A REQUEST BY SHIRLEY G. BELL 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 ABOVE PROPERTY IS LEGALLY DESCRIBED AS LOT 5 IN BLOCK 8 OF CANYON CREEK NORTH, UNIT 3; SAID PROPERTY BEING A PORTION OF THE SOUTH HALF (S½) OF THE SOUTHWEST QUARTER (SW¼) OF SECTION 28, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M. D. B. & M.

Any and all interested persons may appear and be heard at said meeting, or may, prior thereto, file written objections thereto or approvals thereof with the City Clerk, 1st Floor, 400 East Stewart Avenue, Las Vegas, Nevada, 89101.

CITY OF LAS VEGAS NEVADA

BARBARA JO RONEMUS
CITY CLERK

SEE LOCATION MAP ON REVERSE SIDE

We still object to the variance request on property at 5620 Silver Bell due to the height of structure, too close to property line and their request is also a violation of Canyon Creek North CC+R's.

G C Johnson &
Linda Johnson

Protest

#113

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM		ACTION
	PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
	VARIANCE - PUBLIC HEARING	
114	V-40-99 - MACE J. YAMPOLSKY	**REESE - APPROVED subject to conditions - UNANIMOUS**
	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.	****** MAYOR GOODMAN declared the Public Hearing open. GARY ROSA, 5026 Del Shannon Street, appeared on behalf of the applicant. The request is for a reduction of only one parking space in order to accommodate an addition to the back of the office.
	NOTICES MAILED: 145 BY CITY CLERK	No one appeared in opposition. There was no further discussion.
	APPROVALS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0	MAYOR GOODMAN declared the Public Hearing closed. (4:50 - 4:51) **5-598**
	PROTESTS: 0 AFTER PC MEETING _______ Letters _______ Petitions TOTAL 0	
	The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL, subject to: 1. All development must be in conformance with the plot plans and elevations. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-40-99 - MACE J. YAMPOLSKY

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for a Variance to allow seven parking spaces where eight are required in conjunction with a proposed 186 square foot, second floor expansion of an existing commercial building.

The applicant indicates the Variance is required in order to renovate and enclose a portion of the second floor of the building.

The applicant indicates that the Variance is justified since compliance with minimum parking requirements would require construction of a two story parking structure on the property, creating a financial hardship for him.

Staff recommends approval.

BACKGROUND DATA:

06/05/99 The City Council approved a Rezoning from R-4 (Apartment Residence) to P-R (Professional Office and Parking) (Z-35-91).

01/28/92 The Board of Zoning Adjustment approved a Variance to allow covered parking to be constructed on the side and rear property lines, where minimum setbacks of 5 feet to the side and 15 feet to the rear are required (V-181-91).

SITE DETAILS:

Current Zoning:	P-R (Professional Office and Parking)
Existing Land Use:	Offices
Site Area:	0.16 Acres
Existing Office Area:	2,240
Proposed Addition Area:	186 Square Feet
Proposed Total Area:	2,426 Square Feet
Parking Required:	8 (including 1 handicap space)
Parking Provided:	7 (including 1 handicap and no compact spaces)

Agenda Item 114

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-40-99 - MACE J. YAMPOLSKY

PURPOSE/BACKGROUND

ANALYSIS:

The applicant is proposing to add to the second-story of an existing office building. The office building is legally non-conforming in terms of setbacks, landscaping, and parking.

Section 19A.10 of the City of Las Vegas Zoning Code provides that 1 parking space is required per 300 square feet of gross floor area for an office use.

The existing parking area is located at the rear of the property and is accessed from an abutting alley.

Business License Department records indicate that three attorney's offices occupy the building.

The site is located within the Las Vegas High School Historic District which encourages rear located parking and discourages parking in the front yard so as to preserve the architectural character of the area.

FINDINGS:

Section 19A.18.070B of the LVMC states:

"**B. Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. However, the Variance process is not available to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-40-99 - MACE J. YAMPOLSKY

PURPOSE/BACKGROUND

Section 19A.18.070.L. of the LVMC states:

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Given the location of this site within a historic district, the alternative of constructing a two-story parking garage is not practical and would not be in keeping with the neighborhood.

Section 19A.16.010 of the City of Las Vegas Zoning Code permits the Director of the Planning and Development Department to approve additions to non-conforming buildings provided that the addition conforms to certain requirements. The proposed addition meets those requirements.

Staff notes that a more intensive use than the existing and proposed office uses would increase the parking deficiency. Therefore, any change in use intensity shall require a parking analysis to be reviewed by the Planning and Development Department prior to the issuance of any future building permits, business licenses, or certificates of occupancy. Consequently, it is possible that at that time staff would be forced to deny future occupancies for lack of parking.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-40-99 - MACE J. YAMPOLSKY

PURPOSE/BACKGROUND

Staff finds that the reduction of one parking space below the minimum required would not be detrimental to the health, safety, or general welfare of the public in that on-street parking is available along the street upon which the subject site fronts and on-street parking is encouraged over off-street parking in front yards within this historic district. Therefore, staff recommends approval.

The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL.

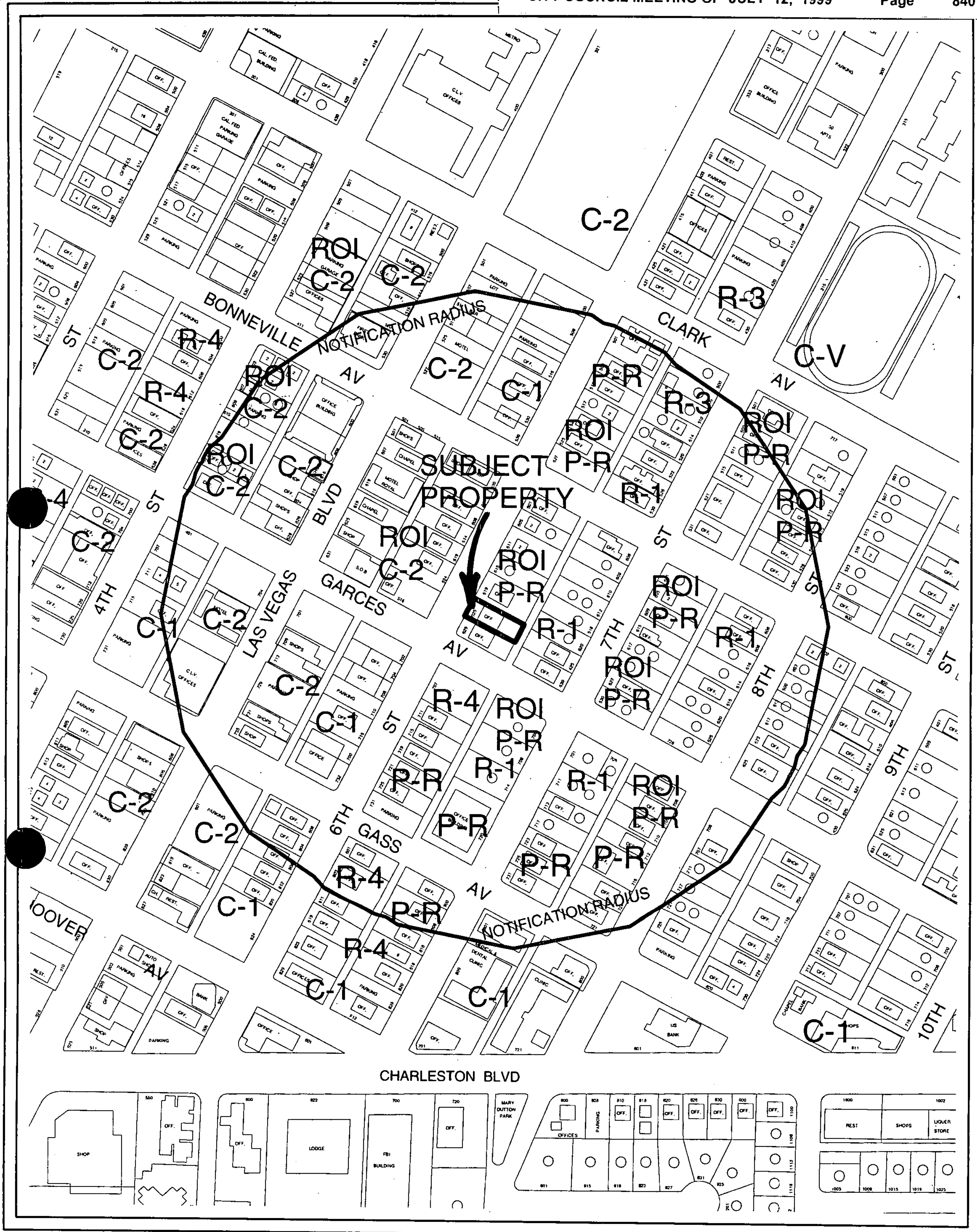
BZA NOTICES MAILED: 143

APPROVALS: 0

PROTESTS: 0

SEE ATTACHED LOCATION MAP

Agenda Item



CASE: **V-40-99**
RADIUS: 750 FT

PROPOSED OFFICE ROOM ADDITION

MACE J. YAMPOLSKY

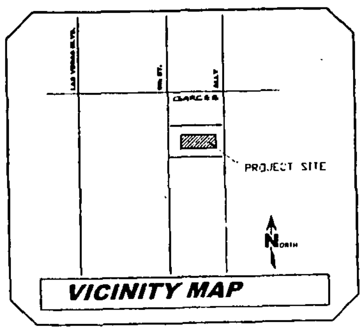
ATTORNEY AT LAW

625 S. SIXTH ST.

LAS VEGAS, NEVADA 89101

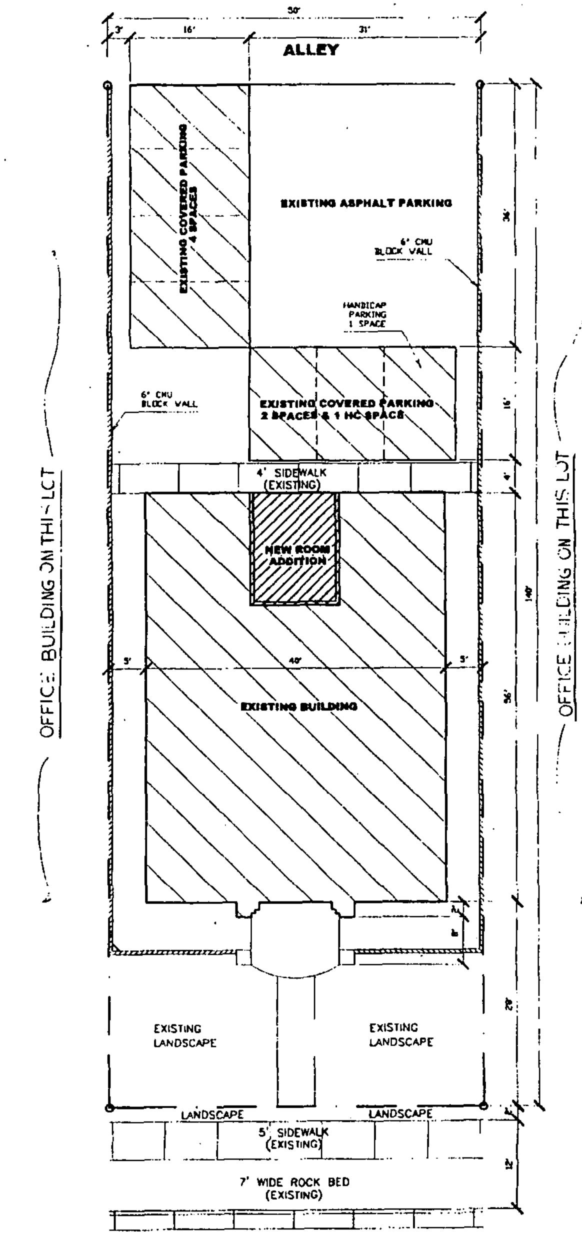
CODE ANALYSIS

CODE	UBC – 1997	
ZONING	C-1	
OCCUPANCY	B-2	
CONST. TYPE	V-N	
FIRE SPRINKLER	NOT REQUIRED	
PARKING PROVIDE	6	
HC. PARKING PROVIDE	1	
TOTAL PROVIDED	7	
PARKING REQUIRED	8	1/300SF
EXISTING BUILDING AREA	2,240 SF	
COVERED PARKING 3 BAY	488 SF	
COVERED PARKING 4 BAY	576 SF	
• OFFICE ADDITION	186 SF	
TOTAL BUILDING AREA	2426 SF	
TOTAL PROPERTY AREA	7000 SF	



VICINITY MAP

V-40-99 6-1-99 BZA STAFF



SOUTH SIXTH STREET

(A) **SITE PLAN**

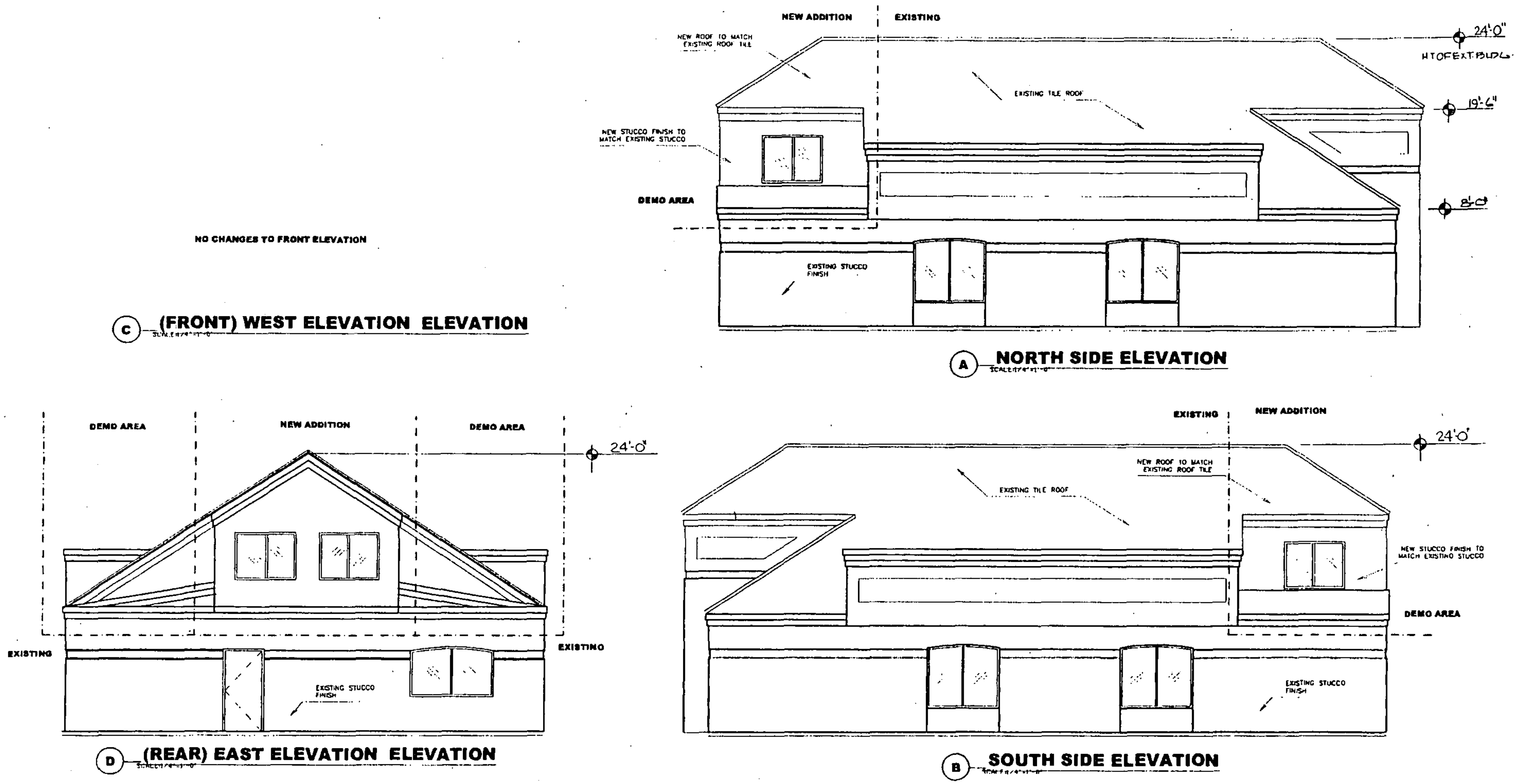
Mace J. Yampolsky
Attorney at Law
The Mace Building
625 S Sixth St.
Las Vegas, Nv. 89101
Ph.(702) 385-9777

SITE PLAN AND DEMO PLAN

MACE J. YAMPOLSKY - OFFICE ADDITION
625 S. SIXTH ST.
LAS VEGAS, NV. 89101

SHEET NO.
A-1

CITY COUNCIL MEETING OF JULY 12, 1999 Page 841



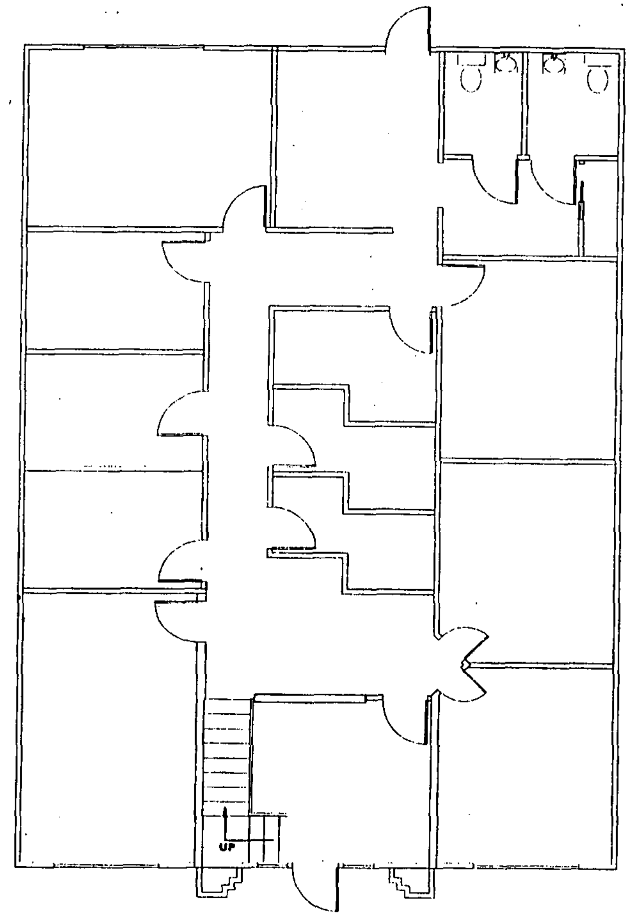
V-40-99 6-1-99 BZA STAFF

CONTRACTOR

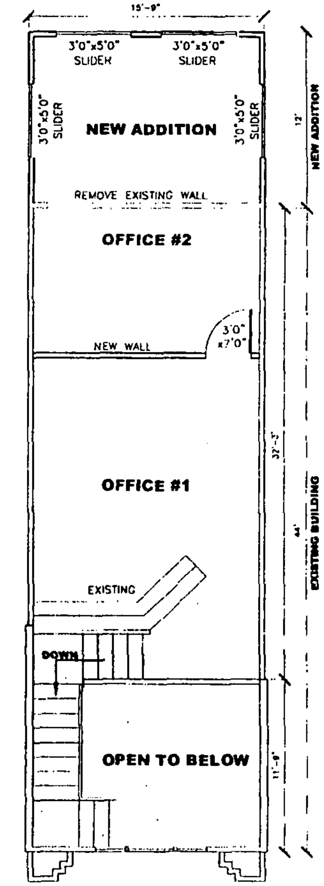
Mace J. Yampolsky
Attorney at Law
The Mace Building
625 S Sixth St.
Las Vegas, Nv. 89101
Ph.(702) 385-9777

SHEET TITLE: ELEVATIONS
PROJECT NAME: MACE J. YAMPOLSKY - OFFICE ADDITION
625 S. SIXTH ST.

SHEET NO. A-3



(B) EXISTING 1st FLOOR PLAN



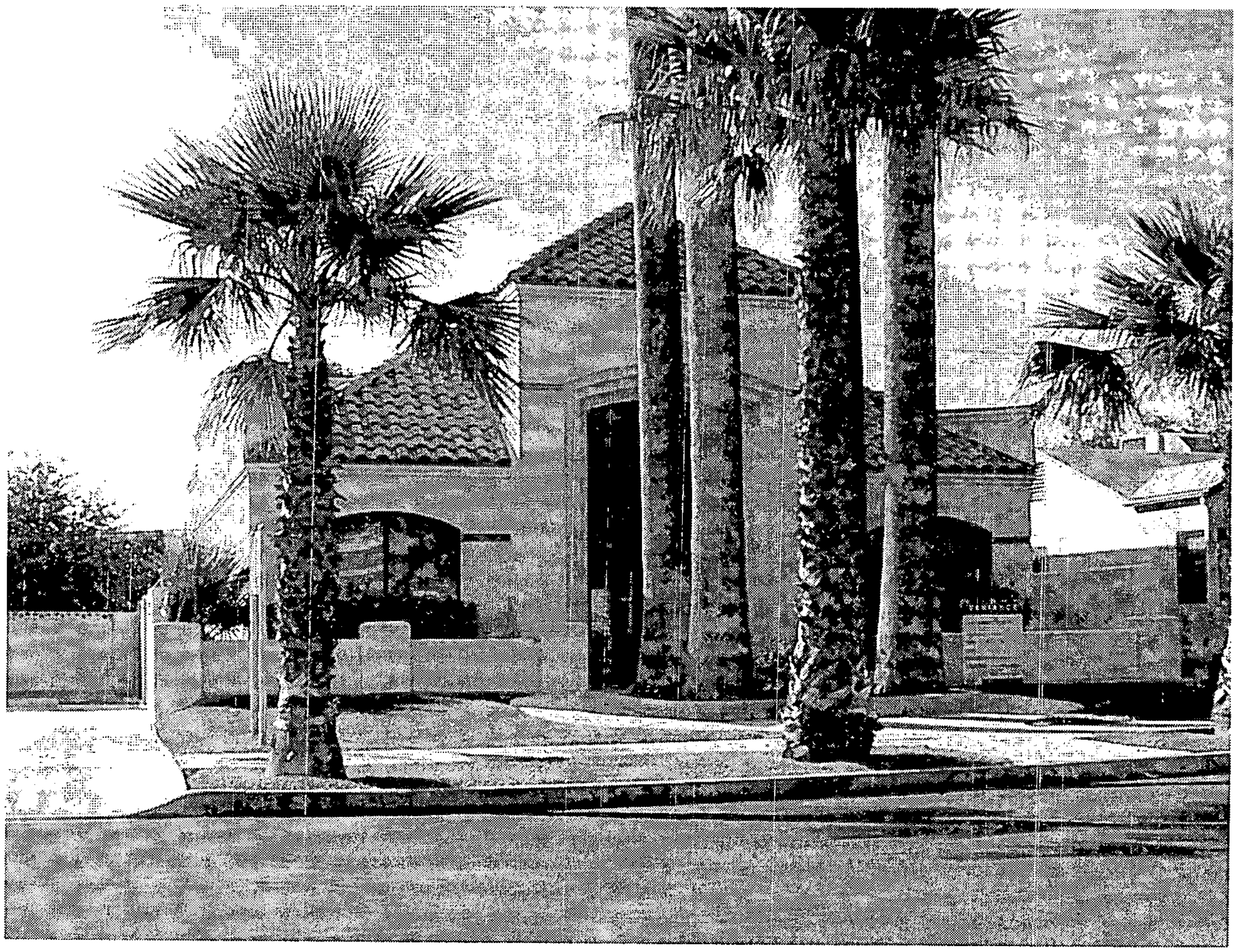
(A) 2nd FLOOR PLAN

V-40-99 6-1-99 BZA STAFF

Mace J. Yampolsky
Attorney at Law
The Mace Building
625 S. Sixth St.
Las Vegas, Nv. 89101
Ph. (702) 385-9777

SHEET TITLE: FLOOR PLANS
PROJECT NAME: MACE J. YAMPOLSKY - OFFICE ADDITION
625 S. SIXTH ST.
LAS VEGAS, NV. 89101

SHEET NO. A-2



V-40-99 625 South 6th Street

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

VARIANCE - PUBLIC HEARING

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

NOTICES MAILED: 107 BY CITY CLERK

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 4

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 4

REESE -- Denying the Appeal; thereby DENYING the Variance - UNANIMOUS

NOTE: Subsequent to the meeting it was determined that the applicant was not present due to a lack of notification. This item will be placed on the 7/26/99 City Council agenda for possible rescission and consideration.

******

MAYOR GOODMAN declared the Public Hearing open.

APPEARANCES:
DEPUTY CITY ATTORNEY STEVE GEORGE
C.T. WONG, 1133 Las Vegas Boulevard
SENATOR BOB COFFIN, 1139 5th Place
RICK TRUESDELL, 5 Crescent Drive
ROBERT GENZER, Planning & Development

MAYOR GOODMAN declared the Public Hearing closed.

NOTE: COUNCILMAN BROWN requested that the Transcript from the Board of Zoning Adjustment Meeting be included with the minutes.

NOTE: A Verbatim Transcript is made a part of the Final Minutes.

RECESS: 4:52 - 4:53

(4:51 - 4:58)
5-628

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**DENIED**
V-43-99 - DENVER SQUARE TRUST The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL. If approved, subject to: 1. All development must be in conformance with the plot plans and elevations subsequently approved in accordance with this Variance. 2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied. 3. Approval for the temporary reduction in parking from 162 to 122 total spaces shall expire six months after the issuance of a building permit for the new structure or upon issuance of a certificate of occupancy for the new structure, whichever occurs first. 4. The Variance approval is subject to the approval, and related conditions, of Special Use Permit U-49-99. If that Special Use Permit is not approved, this Variance shall be null and void. 5. The Department of Public Works requires that all site-related Conditions of Approval are complied with. 6. The applicant must submit for review an application for a Site Development Plan Review to the Planning and Development Department. 7. Effective upon the date of issuance of a Certificate of Occupancy on the new structure, all public access to the existing structure shall be terminated.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-43-99 - DENVER SQUARE TRUST

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This is an appeal filed by Attorney Peter Alpert on behalf of Denver Square Trust from the Denial by the Board of Zoning Adjustment for a Variance to allow a 0 foot side yard, 12 foot rear yard, and 10 foot corner yard setback where 10, 20, and 15 feet are the respective minimum required setbacks; to allow 52 parking spaces where 67 is the minimum amount required; to temporarily allow 35 (the above description incorrectly states 25) parking spaces where 67 are the minimum amount required; and to allow the relocation and expansion of an existing non-conforming use.

The applicant indicates that the Variance is requested in order to facilitate the demolition of the existing commercial center on the property to make way for construction of a new and larger commercial center on another portion of the site.

The applicant indicates that the Variance is justified since the proposed project is in keeping with the City's plans to beautify the portion of Las Vegas Boulevard south of Charleston Boulevard as an entry corridor to Downtown.

Staff recommends denial.

BACKGROUND DATA:

There is no historical zoning information on this site.

City records indicate the existing structures were constructed in 1954.

SITE DETAILS:

Current Zoning:	C-2 (General Commercial)	
Existing Land Use:	restaurant, adult book/video store, and convenience retail	
Proposed Land Use:	commercial (including an adult book/video store)	
Site Area:	1.09	Acres
Existing Building Area:	9,700	Square Feet
Proposed Building Area:	16,780	Square Feet
Parking Required:	67	Spaces (including 3 handicap spaces)
Parking Provided:	52	Spaces (including 4 handicap and no compact spaces)
	35	Spaces (temporarily provided)

Agenda Item
115

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-43-99 - DENVER SQUARE TRUST

PURPOSE/BACKGROUND

ANALYSIS:

The existing commercial center was constructed in 1954 upon the south and west property lines of the site. At that time there were no setback requirements for commercial buildings; therefore, the existing structure is legally non-conforming. Section 19A.08.3 of the Las Vegas Zoning Code requires the minimum side yard setback in the C-2 Zone to be 10 feet, the minimum rear yard setback to be 20 feet, and the minimum corner side yard setback to be 15 feet. The applicant proposes to construct a new building with setbacks of 0, 12, and 10 feet, respectively, but has provided no justification to support that request. Furthermore, pursuant to Section 19A.10 of the Code which requires 1 parking space per 250 square feet of retail gross floor area, a total of 67 parking spaces is required for this project. However, the applicant proposes to provide only 52 parking spaces and offers no justification. Finally, although not specifically requested for waiver by the applicant, the site plan depicts approximately only half of the minimum landscaping required by the Las Vegas Urban Design Guidelines and Standards. In combination, the reduction and/or elimination of setbacks, the 25 percent fewer parking spaces, and the shortage of landscape coverage indicate that the proposed building is simply too large for the site. The Department of Public Works concurs that the Variance request to allow 52 proposed parking spaces where 67 is the minimum number of spaces required is not supportable.

The existing adult book and video store opened in 1991 and is located in a C-2 Zone. At that time, sexually oriented businesses were still permitted in the C-2 Zone. Under the present Code, however, sexually oriented businesses are limited to the C-M and M Zones; therefore, the book store is a legal non-conforming use. The applicant is proposing to demolish the existing commercial building containing a restaurant, the adult bookstore, and assorted retail space located on the southeast corner of the site and construct a new 16,780 square foot commercial center on the northwest portion of the same site. The new center would be almost twice the size of the existing center. One of the proposed tenants would be the adult book and video store presently occupying 1200 square feet within the existing building. The square footage of this sexually oriented business would more than triple to 4,300 square feet in the new center—a 258 percent increase. Also, the existing building is to remain occupied until the new building has been completed. At that time, the current tenants would move into the new structure, the old building would be demolished, and the remaining 17 of the proposed 52 parking spaces would be constructed.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL

FROM: WILLARD TIM CHOW, DIRECTOR
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-43-99 - DENVER SQUARE TRUST

PURPOSE/BACKGROUND

FINDINGS:

Section 19A.18.070B of the LVMC states:

"B. **Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. **However, the Variance process is not available to:**

1. **Permit a use in a zoning district in which the use is not allowed**;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-43-99 - DENVER SQUARE TRUST

PURPOSE/BACKGROUND

Regarding the request for a temporary reduction in parking from 67 to 35 spaces for an unspecified period of time, staff finds that this would not be detrimental to the health, safety, or general welfare of the public provided that simultaneous public access to both the existing and the proposed building is prohibited and that a time limit of six months is put on the temporary parking reduction. The applicant's need for the temporary parking reduction is that, until it is demolished, the presence of the existing structure precludes construction of 32 required parking spaces. Prohibiting simultaneous use of the two buildings reduces the demand for parking on the site and helps ensure that the temporary parking shortage, if allowed, will not exceed the six month time limit.

Staff also notes the long-term effect of approval of a permanent reduction in parking; particularly that more intensive uses than those proposed would increase the parking deficiency. For example, if a beauty salon or second restaurant were to locate in the proposed retail center, the lack of parking would be exacerbated. Therefore, any change in use intensity shall require a parking analysis to be reviewed by the Planning and Development Department prior to the issuance of any future building permits, business licenses, or certificates of occupancy. Consequently, it is possible that at that time staff would be forced to deny future occupancies for lack of parking.

Staff also finds that the project site is located within an area designated for "tourist commercial" which is intended to serve as a gateway to the City's downtown. Staff finds the major expansion of a non-conforming sexually oriented business to be contrary to the image enhancing purpose of the tourist commercial designation. The City Centre Development Corporation (CCDC) has responded to the City on this matter in a May 20, 1999 letter (attached) to Mayor Jones. CCDC is strongly opposed to the request because the proposal to move and expand a sexually oriented business is not compatible with the goals of the City's Redevelopment Plan to create an inviting, pedestrian friendly and family-oriented commercial boulevard. The Fremont Street Experience (FSE) has also responded to the City on this matter in a May 21, 1999 letter (attached) to Mayor Jones. The FSE opposes the request because it would be incompatible with, and would contribute to the deterioration of, the interests, goals, and objectives established by the City to restore economic vitality to the downtown area.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JUNE 28, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-43-99 - DENVER SQUARE TRUST

PURPOSE/BACKGROUND

Section 19A.08.3 Of the City of Las Vegas Zoning Code establishes that it is the intent of the non-conforming use and structures portion of the Code to allow lawfully pre-existing uses and structures to continue as is until removed or abandoned, but not to encourage their survival through enlargement or expansion of their non-conformities. Section 19A.16.030.B.2 provides that the non-conforming use of a non-conforming building may be extended or expanded into any other portion of the non-conforming building only if no structural alterations are made. The applicant's request is not in conformance with the overall intent or the specifics of the non-conforming provisions in that the existing building will be completely demolished and the new building will be constructed to the west of and partially within the footprint of the existing structure.

In conclusion, staff finds the City of Las Vegas Zoning Code to be very specific in stating that a non-conforming use of a non-conforming building cannot be expanded if doing so requires structural changes to the building. Demolition and new construction are major structural changes. Furthermore, the Variance process is not available to permit a use in a zoning district in which the use is not allowed. The applicant's rationale for seeking the Variance provides inadequate justification and relies heavily upon a self-imposed hardship. Therefore, staff cannot support this request and recommends denial.

The Board of Zoning Adjustment (3-0 vote) and staff recommend DENIAL.

BZA NOTICES MAILED: 106

APPROVALS: 0

PROTESTS: 4

SEE ATTACHED LOCATION MAP

Agenda Item

July 4, 1999

City Clerk
400 E. Stewart Ave.
Las Vegas, NV 89101

Re: Variance Request V-43-99
Appeal by Peter Alpert –
Denver Square Trust

We hereby file very strong objections to approval of subject appeal. This neighborhood has many family residences, with children, and we do not want or need nearby smut stores, much less the expansion of the existing one. And why grant the variances – laws are on the books for good reason – uphold them.

Protest

Shirley R. Sestak
for William & Shirley
1105 So. Sixth St. #115
LV 89104

Howard Johnson

July 5, 1999

City Clerk
1st Floor
400 East Stewart Avenue
Las Vegas, Nv. 89101

Re: V-43-99

I am writing to express our very strong opposition to a request for variance on property located at 1141 South Las Vegas Blvd, (item# V-43-99). Currently there is an adult video and bookshop on this property. Among the many changes requested , they are looking to increase the size of this adult shop from 1200 to 4300 square foot.

I am aware of council man Reese's hard work in cleaning up this particular part of Las Vegas Blvd. Allowing the adult oriented businesses to expand in our neighborhood will only add to our current problems and make our fight against crime and prostitution in this area even more difficult. This kind of business does not belong on Las Vegas Blvd. and I encourage the council to send a strong message of opposition to this and any other adult orientated businesses on South Las Vegas Blvd...

Sincerely,

Sean

Sean Fayeghi
(Managing Partner)

RECEIVED
CITY CLERK
1999 JUL -8 A 10: 57

Protest

HOWARD JOHNSON INN
Las Vegas Strip • 1401 Las Vegas Boulevard South, Las Vegas, Nevada 89104 • (702) 388-0301 • Fax (702) 388-2506

#115

DESERT STAR MOTEL

1210 South Las Vegas Blvd. Phone (702) 382-2833

July 1, 1999

RECEIVED
CITY CLERK
1999 JUL -8 A 10: 54

Barbara Jo Ronemus
City Clerk
1st Floor
400 East Stewart Avenue
Las Vegas, Nv. 89101

Re: V-43-99

Dear Ms. Ronemus;

I have just received the enclosed notice of appeal filed by Denver Trust for the property located at 1141 South Las Vegas Blvd. . This property is across the street from me and I see the prostitution and crime element in and around this Adult Book Store on a daily basis. We are in opposition to this or any request for the expansion of the adult orientated business in our area. We are gradually losing our long term and loyal guests because they no longer feel safe and comfortable in our neighborhood.

I urge the council to deny this request in support of us who are committed to cleaning up our neighborhood.

Sincerely,

Ali Faeghi
(Owner)

Protest

#115

MONTEREY MOTEL

1133 LAS VEGAS BLVD. SO. — LAS VEGAS, NEVADA 89104 — (702) 384-3252

PLANNING AND DEVELOPMENT DEPARTMENT

CITY OF LAS VEGAS:

TO WHOM IT MY CONCFRN IN REFERANCE TO V-43-99

WE OBJECT TO THE VARIANCE REQUEST FILED BY PETER ALBERT ON BEHALF OF DENVER SQUARE TRUST.

THE PROPOSED SETBACKS WOULD PREVENT US FROM REPAIRING AND MAINTAINING OUR BUILDING, THUS NEGATIVELY AFFECTING OUR BUSINESS.

THE CLOSER PROXIMITY OF THE PROPOSED 4,300 SQUARE FOOT NON-CONFORMING USE (BOULEVARD BOOK AND VIDEO) WOULD ALSO NEGATIVELY AFFECT OUR FAMILY ORIENTED BUSINESS.

A MINIMUM 6 FOOT HIGH BLOCK FENCE INSTALLED BY DENVER SQUARE TRUST AT THEIR EXPENSE IS NEEDED TO REDUCE THE IMPACT ON OUR BUSINESS.

THANK YOU FOR YOUR CONSIDERATION.

MONTEREY MOTEL CORPORATION

JULY. 12. 1999

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

CHAIRPERSON BOYERS

Moving on to A-17. V-43-99, Denver Square Trust. Request for a Variance on property located at 1141 South Las Vegas Boulevard to allow a proposed 16,780 square foot commercial center zero 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 side corner 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 the proposed 4,300 square foot non-conforming use. This is general commercial zone, Ward 3. Staff?

SUSAN BARTON, PLANNING & DEVELOPMENT

Yes, Madam Chair, staff does recommend denial on this request. The existing adult book and video store opened in 1991 and is located in a C-2 zone. At that time, sexually oriented businesses were still permitted in the C-2 zone. However, under the present code, those kind of businesses are limited to the C-M and M zones, which are our industrial districts. Therefore, the bookstore is a legal non-conforming use. The applicant is proposing to demolish the existing commercial building and construct a new 16,780 square foot commercial center on the northwest portion of the same site. One of the proposed tenants would be the adult book and video store currently occupying 1200 square feet and his business would more than triple, to 4300 square feet in the new center. Also, the existing building is to remain occupied until the new building has been completed.

Now regarding the request for the temporary reduction in parking from 67 to 35 spaces for an unspecified period of time, staff finds that this would not be detrimental to the health, safety and general welfare of the public, provided that simultaneous public access to both existing and proposed buildings is prohibited and that a time limit of six months is put on the temporary parking reduction. Also, staff would like to point out that a more intensive use than those proposed would increase the parking deficiency, requiring a parking analysis for future C of O's or building permits.

The project site is located within the area designated for tourist commercial, which is intended to serve as a gateway to the City's downtown area. Staff finds the major expansion of a non-conforming sexually oriented business to be contrary to the image enhancing purpose of the tourist commercial designation. The CCDC is strongly opposed to the request, as is the Fremont Street Experience and in your

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

packages there are copies of letters from both of those organizations expressing their concerns.

The code establishes that – it is the intent of the non-conforming use and structures portion of the code to allow lawfully pre-existing uses and structures to continue as is until removed or abandoned, but not to encourage their survival through enlargement or expansion of non-conformities. The code is very specific, stating that a non-conforming use of a non-conforming building cannot be expanded if doing so requires structural changes to the building, demolition and new construction of major structural changes, so the variance process is not available to permit a use in a zoning district in which it is not allowed. Therefore staff recommends denial. If approved, subject to the conditions listed. There were 106 notices mailed; no approvals and 4 letters of protest, which are in your packet.

CHAIRPERSON BOYERS

Thank you. Applicant?

ATTORNEY PETER ALPERT

Good evening, Madam Chair. My name is Peter Alpert. I am an attorney with offices at 630 South Third Street in Las Vegas, representing the applicant in this case.

JAMES DEROY

I'm James Deroy with MSI Development, 3175 Ali Baba, Las Vegas, Nevada.

CHAIRPERSON BOYERS

Thank you.

ATTORNEY PETER ALPERT

On behalf of the applicant, the applicant is requesting permission to demolish a 45 year old structure and to replace it with the structure which you have – in front of you. The elevations is on the – chart. I believe you also have that. There are two main aspects of this request. One is to request a variance for the setback requirements and the parking requirements based upon the – shape of the site and the inability to get in a – building which would – substantially comply with the parking requirements. The rendering you have in front of you is certainly subject to revision, if need be. We did this because we knew that the overriding problem with this application was the non-conforming use. We did the rendering to show what we think and what the applicant thinks would be an appropriate use of the property for a general retail center, which would include the non-conforming use.

The second half of the application obviously deals with the non-conforming use. It is an expansion of a sexually oriented business. We understand the sensitivity of that request. I would respectfully suggest to this Board that this Board and the City Council on two prior occasions in the recent past has deviated from the non-conforming use and permitted expansions of such facilities. The most recent one was the Crazy Horse II on Industrial Road, which was done in 1999, which was an expansion of a non-conforming use based upon the amount of space or distance between two sexually oriented businesses.

The other one, which was only 4/10ths of a mile from this property and it's on the same (inaudible), which is Las Vegas Boulevard South, was the Olympic Gardens. The Olympic Gardens has had two variances granted, one in 1993, one in 1996, allowing it to expand substantially. It is in a C-2 zone. It is – a non-conforming use and in both instances it was permitted to expand. Not only was it permitted to expand its non-conforming use, it was granted a variance to have almost 100 fewer parking spaces than are required.

All of that information is in the transcripts of those proceedings, which I'm sure have been made available to the Board. I'd be willing to answer any questions that you may have.

CHAIRPERSON BOYERS

This is a public hearing. Is there anyone here to speak for or against this? Please come forward. And what we can do is if you are going to speak as well, please let's form a line and come to both microphones. If the gentleman and the applicants can please step back --

ATTORNEY PETER ALPERT

Sure.

CHAIRPERSON BOYERS

We'll use both microphones so that we can expedite the discussion. Please state your name and address.

MARY HAUSCH

Okay. My name is Mary Hausch. I live at 1139 South Fifth Place. I'm here on behalf of myself and my husband, Bob Coffin, to protest this. We live six houses down on Fifth Place, from Park Paseo, which is the side street where this'll be located. And the discussion from your staff has not addressed the issue that this is right up against a residential neighborhood, an R-1 zoning area. Homes on our street alone are at least seven families with children under the age of 12, that play in this street and this area. And we already have a problem on our block, when the wind blows, of adult oriented literature coming off of a rack right outside of this business onto our street, which we need to confiscate. And moving this adult oriented business that much further back, puts it right up against our street where our children play.

CHAIRPERSON BOYERS

Thank you. And thank you very much for your patience throughout the evening so that you could voice your opinions tonight. We appreciate it. Next please.

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

BOB BELLUS	My name's Bob Bellus and I live at 823 Park Paseo. I'm the President of the John S. Park Neighborhood Association. I just wanted to show --
CHAIRPERSON BOYERS	You know what? I just wanted one quick question, approximately how many people do you represent?
BOB BELLUS	360 homes.
CHAIRPERSON BOYERS	Thank you.
BOB BELLUS	And we're adamantly opposed to this project. As you can see on – the overhead, there's houses right here. There's actually an apartment, a small apartment building right here. I mean, you know, it's a 4300 square foot adult store. You know, this is like a cruising area for the 1200 square foot, you know, adult bookstore that's there now. You know, we don't need people walking through our neighborhood, trying to pick up on other people. And that's what's going on right now. We're – not against, you know, putting new development in, nice shopping center, you know, little stores --
CHAIRPERSON BOYERS	Right.
BOB BELLUS	-- but, I mean, this is way out of hand.
CHAIRPERSON BOYERS	Okay. Thank you very much for your patience as well and for coming tonight.
WALTER COFFIN	My name is Walter Coffin and I live on 1139 Fifth Place. And I'm opposed to this because it's right around where I ride my bike all the time and there's a lot of dirty pictures of people like just flying around on our street. All right.
CHAIRPERSON BOYERS	Yeah. Thank you very much for coming tonight. You said that very well.
MARY HAUSCH	She's not meant to talk. Do you – want to say your name?
CHAIRPERSON BOYERS	Oh.
AMY COFFIN	Amy – Coffin.
CHAIRPERSON BOYERS	Thank you very much. I think we got the message. Could you raise that mike again? Thanks.
JIM MILLS	Good evening. My name is Jim Mills --
CHAIRPERSON BOYERS	If you, excuse me, if you could wait at this mike, you could speak directly after. Thank you.

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

JIM MILLS

Jim Mills, 1108 South Sixth Street. Should I – right there. I'm against the expansion of the adult bookstore for the reasons already mentioned. We do have a lot of pornographic material blows down there. We have a lot of children, the John S. Park School's on Franklin, if you know where that is, Franklin and Eighth Street. A lot of the children from the west side of Las Vegas Boulevard walk down Park Paseo, it's the only way they can get in the school is to come down Park Paseo or they have to walk all the way down to Oakey to get over to John Park. So when walking down this corner every day, and I just don't think, and I'm – you know, an expanded adult bookstore is conducive to the children.

We also have an adult bookstore up the street on Las Vegas Boulevard, I believe it's on (inaudible) or the next book north. We have another adult oriented bookstore and topless joint just down the street. I don't think we need a third one backing up on an old residential area. Thank you.

CHAIRPERSON BOYERS

Thank you. Your name and address please.

C.T. WONG

My name is C.T. Wong. It's next door, this building, 1133 Las Vegas Boulevard. I've been there, I've been in this property 20 years. Got a lot of troubles. Get a lot of bookstore, lot of hookers, lot of drug dealers, every night, every day. I hate this. Too many troubles. Now I just concerned if he building the shopping center, it's good. But I just counsel you build the building before, must be between the two property line, the boundary line must be to the block the wall first. If they don't build the block wall first, a lot of dirt hurt my business. Because of working, last year, build a (inaudible), I got a lot of troubles. I (inaudible) open. A lot of dirt inside. A lot of – you know. If he want to build a building, okay, first put the block wall. Is – cut off the dirt that come over, don't hurt my business.

And at the concern is, the, I saw the plan. He – between my, the building, this one, is my – lot of room. We don't want the building that another window can see the people their bathroom. This side the bathroom, also bedroom. If people can see that, even too high, you got a window. The people don't like that.

CHAIRPERSON BOYERS

Right. Okay. Thank you very much for your patience tonight, for coming

C.T. WONG

You're welcome.

CHAIRPERSON BOYERS

Applicant, if you could please come back and if you have anything to add to that, this is your opportunity.

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

ATTORNEY PETER ALPERT	Yes, thank you. We are certainly willing to address Mr. Wong's concern regarding the block wall and the – windows. That is, I think, something that can be easily worked out. We are also very sensitive to the – feelings of the neighbors and we understand what their concerns are. The issue I heard most from most of the people speaking was the materials that were being distributed on the street as a result of these magazine racks, with the materials blowing down the street. Those racks are not owned by the applicant. They're owned by somebody else. He has absolutely no control. Those materials do not belong to him. He does not advertise in those racks. That is something completely beyond our control and certainly if the City wants to take a look at cleaning that up, we have made suggestions to the City on other stores owned by the applicant in this area. He also owns stores in the County. We have constantly asked the City and the County to remove these racks, because they seem to congregate people that shouldn't be there. And I certainly sympathize with the – surrounding landowners.
	I would also point out that over the years, and this business has been here now for almost ten years, there have been a minimal of contacts by Metro and there is no indication in the – staff report that there's any problem with law enforcement as far as drug dealers, as far as prostitutes, as far as any other undesirables. So I think the – problems that the neighbors are expressing, which understandably concern them, have to deal with factors which are beyond the applicant's control. And – are within the City's control, by the way.
CHAIRPERSON BOYERS	Okay. Thank you. This is, I'm going to close the – public hearing and are there any comments or questions from the Commissioners at this time?
MR. SOLOMON	Madam Chair. Mr. Alpert, my recollection on some of the other variances that you mentioned are somewhat different. And, you know, maybe my head cold may be affecting me somewhat tonight. I'm recalling that the – Crazy Horse property is actually zoned industrial.
ATTORNEY PETER ALPERT	That's correct, but they, there was a 1000 foot --
MR. SOLOMON	And that the variance was I guess the distance between two, but still in an industrial zoning, which under the current ordinances is a permitted use in industrial.
ATTORNEY PETER ALPERT	But it's a non-conforming use.
MR. SOLOMON	The other that – you mentioned, the Olympic Garden, the,

there was a recent interior remodeling that I recall that did not affect the exterior dimensions of the building. My – memory's a little shaky on this one, but I believe that the original increase in size of the Olympic Garden a number of years ago was, it – may have predated the ordinance that went to industrial for SRO businesses. I'm – not sure about that. I'm kinda thinking that it, you know, that it did.

I added up your shopping list of variance requests and it came up to six. Which I won't say it's an all time record, but it comes pretty close on --

CHAIRPERSON BOYERS — Well, for tonight it is.

MR. SOLOMON — -- one project. It's a number of things. The – commercial center on the side property line is something that could be looked at. The rear property line, depending on how it impacts on the rear neighbors, you know, I think would be a key issue. The 10 feet from the corner side, again could be looked at. But when we get into item four, to allow 52 proposed parking spaces where 67 are the minimum required, I think we get into a real serious issue in that part of the Downtown area, where parking is at such a premium that the spill over into the adjacent residence streets becomes a very serious problem. And it also becomes a problem for other businesses in the area.

Item five on your list, temporarily allow 25 proposed parking spaces where 67 are the minimum required, just exacerbates the situation I talked about previously. And I think staff in their report indicated that you do one or you do the other. But to have a business operating at the same time, cut the parking down because you're building a new building, may not work out under any circumstance in that particular location.

And then finally, to allow replacement of the existing 1200 square foot non-conforming use, which is the SRO business, with a 4300 square foot building is – something that I don't believe is in the best interests of the City, the Downtown area, the adjacent residences or in compliance with the – zoning where the current zoning really requires that this type of business be in an industrial zone. And you could see where industrial zoned areas in some parts of the Downtown adjacency areas have become a place for those type of businesses.

The letters that we received in objection from City Centre Development Corporation --

CHAIRPERSON BOYERS — Fremont Street Experience.

BOARD OF ZONING ADJUSTMENT
MEETING OF
JUNE 1, 1999

VERBATIM TRANSCRIPT - ITEM A-17: V-43-99 – DENVER SQUARE TRUST

MR. SOLOMON

From the Fremont Street Experience, and I also saw a – letter from a resident that lives on South Sixth Street. You heard from the Monterrey Motel, which is another business. Now this I don't know, AmKey Investment Group and also the – Hart Mansion. And the Hart Mansion started out with gee, it sounds great that they're going to build a new building, but when they found out what the building was going to be, they – went totally negative. And I think that's what you will find if you were to canvas the neighborhood. And – the problems that you're looking to alleviate by having a new building is something, sure, everybody would like to have. And – there may be some way to work with you on a new building. But a new building for the purpose that you've stated cannot be done. It just is not in the best interests, it does not promote the well-being of the City and it certainly flies in the face of the current ordinances regarding sexually oriented business. So --

CHAIRPERSON BOYERS

Do we have Motion?

MR. SOLOMON

-- so my **motion is for denial of the entire list of variance requests, which is listed under V-43-99** and I would suggest to you to re-return with something that would be compatible with the neighborhood, and not just the business part of the neighborhood, but also the residential part of the neighborhood. Thank you.

CHAIRPERSON BOYERS

Thank you. We do have a motion on the floor for denial. Please cast your vote. **(Motion carried unanimously with Del Prado and Goynes excused)** And that has been unanimously denied tonight. That is, I believe, BZA final.

ATTORNEY PETER ALPERT

Thank you.

CHAIRPERSON BOYERS

Let's double check. I can't find it --

MR. SOLOMON

It is.

CHAIRPERSON BOYERS

It is. Okay, thank you. Now, thank you very much, again, for coming and being so patience. I didn't realize you were the last item on the agenda. Sometimes when there's children and you make a special request, we can up that to a different spot. Thank you.

END OF DISCUSSION

vwd

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

VERBATIM TRANSCRIPT - ITEM 115: V-43-99 - DENVER SQUARE TRUST

MAYOR GOODMAN	Item 115, a variance - V-43-99. An appeal filed by 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. This is a public hearing. I now declare it open. Is the applicant present? Is there anybody – Are you the applicant, Sir? Is there anybody here to speak on this particular matter?
C.T. WONG	My name is C.T. Wong. I live in 1133 Las Vegas Boulevard. I own the motel down next door for the --
COUNCILMAN REESE	Are you – the applicant on this project, Sir?
UNIDENTIFIED PERSON	No.
C.T. WONG	No.
MAYOR GOODMAN	It --
C.T. WONG	I just a concern --
MAYOR GOODMAN	No, I appreciate that, but I'm trying to ascertain whether or not the applicant is present. I – believe that the record shall reflect the applicant is not present. Councilman Reese?
COUNCILMAN REESE	I could ask for, to trail this. Why – don't we trail this 'til the end of our afternoon session.
MAYOR GOODMAN	All right. Folks, this will be trailed at the request of Councilman Reese to the conclusion of the afternoon session. Madam Clerk, I ask you to remind us of that, please.
COUNCILMAN McDONALD	(inaudible) those comments?
MAYOR GOODMAN	Would you want them making comments now?
COUNCILMAN McDONALD	The senator's here.
COUNCILMAN REESE	Yeah. I – Could we have a two minute recess, Your Honor, please?
MAYOR GOODMAN	Yeah. Certainly.
	RECESS: 4:52 - 4:53 P.M.
COUNCILMAN REESE	-- my legal staff. I will withdraw my motion to trail this to the end of our meeting, and I'd like it heard right now.

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

VERBATIM TRANSCRIPT - ITEM 115: V-43-99 - DENVER SQUARE TRUST

MAYOR GOODMAN	Thank you very much, Councilman.
DEPUTY CITY ATTORNEY STEVE GEORGE	And, Your Honor, for the record, the applicant has been informed and has been noticed of a public hearing would be going forward, so the Council is free to go forward with this action today.
MAYOR GOODMAN	Very good. The applicant is not present. Would anybody else like to be heard? Yes, Sir?
C.T. WONG	Yeah, I'm, my name's C.T. Wong. Next door for the, this buildings, owner of the motel, Monterey Motel. I've been there almost 20 years. But the bookstore gave me a lot of troubles. Lotta hookers. Lotta drug dealers. (inaudible) in my parking now. It can see the fence got a lot of condoms. This, we just don't want the store to be, give me a lot of troubles.
COUNCILMAN REESE	Thank you, Sir.
MAYOR GOODMAN	Thank you very much. Senator Coffin?
SENATOR BOB COFFIN	Thank you, Your Honor and members of the Council. I, like Mr. Lee, I'm opposed to this application and appeal. Excuse me?
MAYOR GOODMAN	Would you identify yourself.
SENATOR BOB COFFIN	I'm sorry. I'm Bob Coffin, representing Senate District 3, and I reside 400 feet away from this property on Fifth Place. My address is 1139 Fifth Place. They're trying for a five-way parley here: three different setback changes, diminished parking, and more than tripling the size of their adult bookstore. In essence, five ways is hard to – stop. They're looking for a superstore of adult books. And while we have lived in this area for 11 years, co-existed with many things, we have never objected to the presence of this store at its present size, because we're not blue noses on that street. Most of us are old timers. We're trying to protect our neighborhood. It's been slipping lately. And so when this came through, we thought we better come up, stand up and oppose. We think that the staff is correct in its opinion. We think the Board of Zoning Adjustment should be upheld in its unanimous opinion in opposition.

VERBATIM TRANSCRIPT - ITEM 115: V-43-99 - DENVER SQUARE TRUST

	We brought our family. My wife came and spoke eloquently at the Board meeting, in opposition, and our children appeared with us. They did not speak. I did not bring my children with me today because I just wanted to say, in echoing Mr. Lee's comments about his motel being a target of loaded condoms. Their parking lot has a lot of 'em, his parking lot does, our street does, because the bookstore serves as a meeting place. We don't object to people of all sexual persuasions meeting and greeting and combining, but they choose to do it in our neighborhood on our street. We think that if you triple the size of this store, you will triple our problem. We are not here opposing this non-conforming, currently non-conforming business staying in existence, but we think they push it too far if they wanna triple it. And I urge you to support the Board's decision. Thank you very much.
COUNCILMAN REESE	Thank you.
MAYOR GOODMAN	Thank you, Sir.
COUNCILMAN McDONALD	Thank you, Senator.
MAYOR GOODMAN	Mr. Truesdell? Identify yourself, please.
RICK TRUESDELL	Rick Truesdell, 5 Crescent Drive. I represent a group that owns a piece of property about 200 feet from here, fronting on Fourth Street. And their plans are to build a small office building downtown and recruit several new office tenants. We don't need a bigger bookstore there. The bookstore in its present form is fine. But to grant all these variances just to make a bigger bookstore would be, would send a real bad message to what Downtown Redevelopment wants to do.
COUNCILMAN REESE	Thank you, Sir.
MAYOR GOODMAN	Thank you. Would anybody else like to be heard? Hearing none, I'd close the public hearing. Councilman Reese?
COUNCILMAN REESE	Yes, Your Honor, I did check with my legal and we can hear this item, we have heard it. And, you know, we've been working very hard to revitalize this area. I don't see any hardship proposed in the application that would grant these variances. I know that this application does not promote general health, safety, and welfare of the community. I know that this is not properly zoned. And I just think it will add more crime and the property values will go down because

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

VERBATIM TRANSCRIPT - ITEM 115: V-43-99 - DENVER SQUARE TRUST

	the negative impact, so I'm gonna make **a motion for denial of V-43-99, based upon those deci', those reasons.**
MAYOR GOODMAN	All right. Vote on the mo' – Councilman Brown, please.
COUNCILMAN BROWN	Mayor and Councilman Reese, if, not hearing the application, could we also include the transcript from the BZA and staff report for the --
COUNCILMAN REESE	That's (inaudible). Yes, I'm sorry.
MAYOR GOODMAN	The motion is amended to include that report. Vote on the motion, please.
COUNCILMAN REESE	Staff, excuse me.
DEPUTY CITY ATTORNEY STEVE GEORGE	Before you vote on the motion, could I just request from staff acknowledgment that the applicant was notified about this public hearing today.
ROBERT GENZER, PLANNING & DEVELOPMENT	That's correct.
DEPUTY CITY ATTORNEY STEVE GEORGE	Thank you.
COUNCILMAN REESE	And staff – recommendation is for denial and so is the BZA board.
MAYOR GOODMAN	All right, vote on the motion, please. Post, please. Motion carries. **(Motion carried UNANIMOUSLY)** Thank you.
	(END OF DISCUSSION)

/gpb

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
VARIANCE - PUBLIC HEARING	
116 V-46-99 - GILBERT FAMILY TRUST	**REESE – APPROVED subject to conditions - UNANIMOUS**

ITEM

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.

NOTICES MAILED: 1,015 BY CITY CLERK

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL, subject to:

1. All development must be in conformance with the plot plans and elevations.

2. City Code requirements and design standards of all City Departments which are not affected by approval of this Variance must be satisfied.

ACTION

******

MAYOR GOODMAN declared the Public Hearing open.

DON GILBERT, 9131 Ivory Beach Drive, stated that he built the shopping center in 1988 and has owned it ever since. There has never been a parking problem at this location. The owner of a bakery, that was originally located on Las Vegas Boulevard, asked to relocate in this shopping center. That owner is requesting to add seating inside the bakery. The Code requires a minimum of 10 spaces. However, the bakery is operated by three family members, leaving seven parking places that are not required.

MR. GILBERT added that all the tenants in the shopping center are in favor of the proposed addition.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(4:58 - 5:00)
5-876

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-46-99 - GILBERT FAMILY TRUST

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for a Variance to allow 81 parking spaces where 87 are required in conjunction with a proposed 2,748 square foot addition (bakery) to an existing commercial center.

The applicant indicates the Variance is required since the bakery owner proposes to provide an eating area within the proposed bakery.

The applicant indicates that the Variance is justified since he has not experienced a parking deficiency at this property.

Staff recommends approval.

BACKGROUND DATA:

08/13/98 The Planning Commission approved a Site Development Plan Review for a proposed 2,650 square foot addition to an existing retail center [Z-77-86(1)].

SITE DETAILS:

Current Zoning:	C-1 (Limited Commercial)	
Existing Land Use:	Retail Center	
Site Area:	1.49	Acres
Existing Retail Area:	11,989	Square Feet
Existing Deli Area:	2,280	Square Feet
Proposed Addition Area:	2,748	Square Feet
Proposed Total Area:	17,017	Square Feet
Parking Required:	87 (including 4 handicap)	
Parking Provided:	81 (including 4 handicap)	

Agenda Item

116

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-46-99 - GILBERT FAMILY TRUST

PURPOSE/BACKGROUND

ANALYSIS:

Section 19A.10 of the City of Las Vegas Zoning Code provides that the total required parking shall be the sum of the parking calculated for each individual use on a site. The calculation below details the parking spaces required for the site's existing use and proposed addition's use:

Land Use	Size/Intensity	Parking Standard	Req. Parking
general retail	11,989	1/250 square feet	48
deli	2,280	1/100 square feet	23
proposed bakery	770 (eating area)	1/100 square feet	8
	1,978 (baking area)	1/250 square feet	8
Total			87

FINDINGS:

Section 19A.18.070B of the LVMC states:

"B. **Scope and Limitations**

Pursuant to NRS Chapter 278 and this subchapter, the Board of Zoning Adjustment has the authority to grant Variances as it determines appropriate. However, the Variance process is not available to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Section 19A.18.070.L. of the LVMC states:

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-46-99 - GILBERT FAMILY TRUST

PURPOSE/BACKGROUND

"L. **Determinations**

1. In order to approve a Variance application, the Board of Zoning Adjustment and, where applicable, the City Council, must determine that the Variance is warranted both under State law and this subchapter. The minimum State law standards are set forth in Subsection 2 below.

2. Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property...or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition...the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a Variance from that strict application may be granted so as to relieve the difficulties or

   hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Staff has identified issues regarding the long term effect of the approval of this Variance request; For example, if the bakery were to change to a restaurant or other more intensive use, the parking deficiency would increase. To forestall this, any change in use intensity shall require a parking analysis to be reviewed by the Planning and Development Department prior to the issuance of any future building permits, business licenses, or certificates of occupancy. Therefore, it is possible that at that time staff would be forced to deny future occupancies for lack of parking.

Staff notes that the City of Las Vegas Zoning Code's Parking Standards do not specifically address a bakery. A bakery use is less intense than a restaurant and requires less employees. To reflect this, staff has relied on Section 19A.10.010.D.5. of the Las Vegas Zoning Code in utilizing 1 space per 100 square feet of eating area and 1 space per 250 square feet of baking area to calculate the parking for this proposed use.

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: VARIANCE - PUBLIC HEARING - V-46-99 - GILBERT FAMILY TRUST

PURPOSE/BACKGROUND

The existing commercial center currently has two driveways from Lamb Boulevard. Planning staff suggested that one of the driveways be closed which would provide room to construct at least five additional spaces. However, the Department of Public Works discourages the removal of either driveway for reasons of vehicular and pedestrian traffic circulation safety. Therefore, a unique or extraordinary circumstance exists in that the applicant cannot provide the additional parking by closing one of the existing driveways.

The Board of Zoning Adjustment (3-0 vote) and staff recommend APPROVAL.

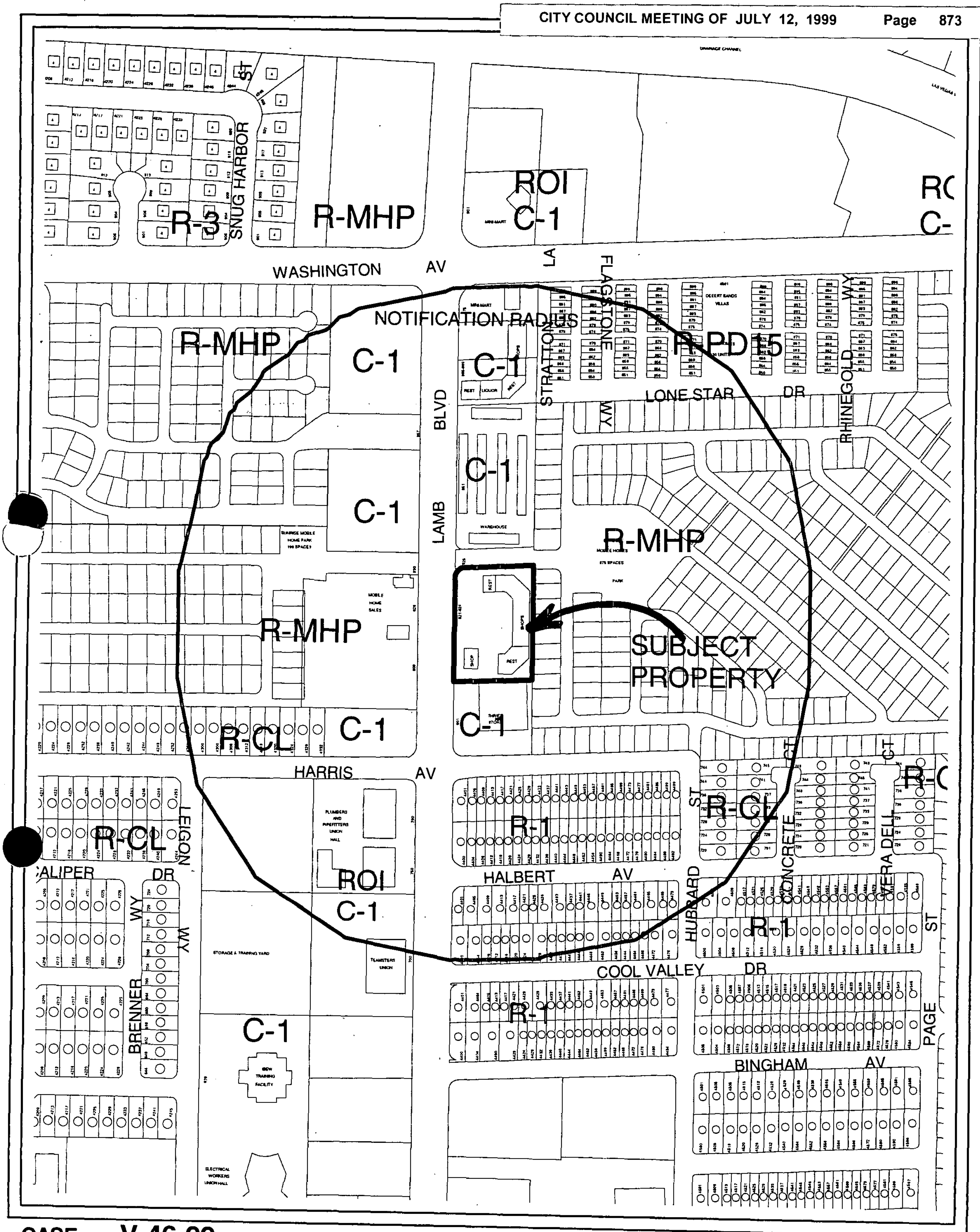
BZA NOTICES MAILED: 106

APPROVALS: 0

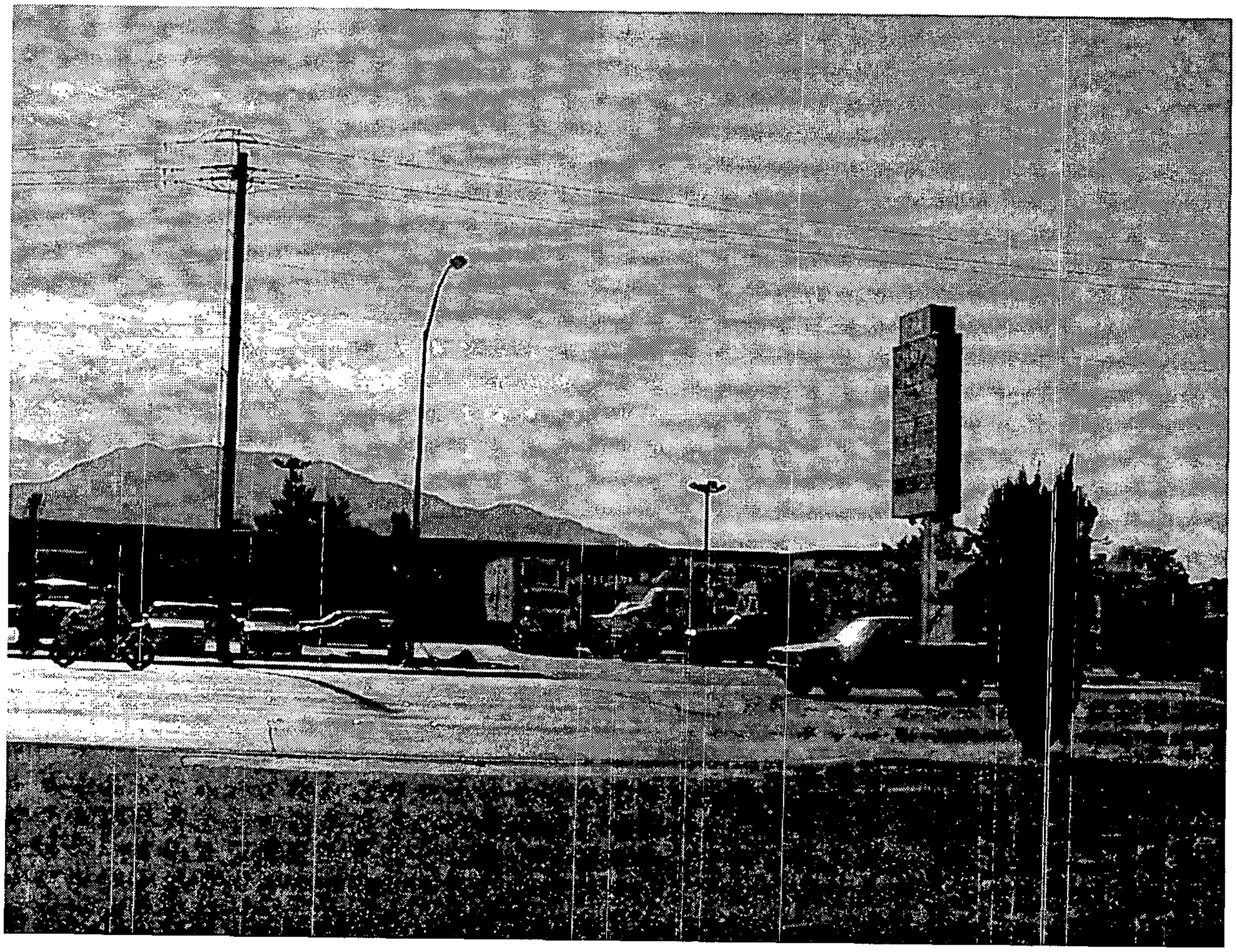
PROTESTS: 4

SEE ATTACHED LOCATION MAP

Agenda Item



CASE: **V-46-99**
RADIUS: 750 FT



V-46-99 821 North Lamb Boulevard

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

ONE YEAR REQUIRED REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

117 ABEYANCE ITEM - U-35-98(1) - NORTHSHORE 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.

CC NOTICES MAILED: 181 (direct to City Council item)

APPROVALS: 0

_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 0

_______ Letters
_______ Petitions

TOTAL 0

Staff recommends APPROVAL, subject to:

1. Compliance with original Conditions of Approval Nos. 2 through 5 for Special Use Permit U-35-98.

BROWN – APPROVED subject to conditions and an added condition requiring that the secondhand use go with the ownership of this particular business and that if this jewelry store is sold, the secondhand use shall be removed – UNANIMOUS

******

MAYOR GOODMAN declared the Public Hearing open.

The applicant was not present.

ROBERT GENZER, Planning & Development, noted that he spoke with the applicant who agreed with the added condition requiring that the secondhand use go with the ownership of this particular business and that if this jewelry store is sold, the secondhand use would be removed.

No one appeared in opposition.

There was no further discussion.

MAYOR GOODMAN declared the Public Hearing closed.

(5:00 - 5:01)
5-934

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - ONE YEAR REQUIRED REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-35-98(1) - NORTHSHORE PLAZA, LIMITED LIABILITY COMPANY ON BEHALF OF KAPRIEL SAATDJIAN

PURPOSE/BACKGROUND

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 28, 1999 CITY COUNCIL MEETING AT STAFF'S REQUEST DUE TO A NOTIFICATION ERROR.

APPLICATION REQUEST:

This request is for a Required One Year Review for an approved Special Use Permit to allow a secondhand dealership for the buying and selling of used jewelry in conjunction with an existing jewelry store located at 8370 W. Cheyenne Avenue.

Staff recommends approval.

BACKGROUND DATA:

03/16/94 The City Council approved a Rezoning request from U (Undeveloped) to C-1 (Limited Commercial) as part of a larger request (Z-7-94).

09/14/95 The Planning Commission approved a Plot Plan and Building Elevation Review for a 137,647 square foot commercial shopping center [Z-7-94(3)].

11/15/95 The City Council approved a Special Use Permit for a tavern in conjunction with a restaurant (U-125-95).

10/16/96 The City Council approved a Variance to allow secondhand sales in conjunction with a sporting goods store where such a use is not allowed (V-110-96).

08/11/97 The City Council approved a Special Use Permit for on-premise beer and wine in conjunction with a restaurant (U-59-97).

06/08/98 The Planning Commission recommended City Council approval of a Special Use Permit to allow a secondhand dealership for the buying and selling of used jewelry in conjunction with an existing jewelry store (U-35-98).

06/08/98 The City Council approved a Special Use Permit to allow a secondhand dealership for the buying and selling of used jewelry in conjunction with an existing jewelry store (U-35-98).

Agenda Item

117

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - ONE YEAR REQUIRED REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-35-98(1) - NORTHSHORE PLAZA, LIMITED LIABILITY COMPANY ON BEHALF OF KAPRIEL SAATDJIAN

PURPOSE/BACKGROUND

DETAILS OF APPLICATION REQUEST:

Site Area:	12.4	Acres
Total Building Area:	137,647	Square Feet
Suite Area:	1,050	Square Feet

The applicant currently operates "People's Jewelers", a retail jewelry store in the existing Northshore Plaza Commercial Center. The jewelry store is within a 1,050 square foot suite located in a multi-tenant strip building situated on the north portion of the site. The applicant buys and sells used jewelry in conjunction with their existing retail use. Section 19A.04.010 requires approval of a Special Use Permit to allow secondhand sales within the C-1 (Limited Commercial) district. Other uses on the site include; a supermarket, drugstore, hardware store, video rental store, a tavern and various restaurants and specialty retail shops. A secondhand sporting goods business is also located in this shopping center.

ZONING AND DEVELOPMENT OF ADJACENT PROPERTIES:

North:	U R.O.I. C-1	Apartments
South:	R-PD5	Apartments
East:	R-PD8	Single-Family Dwellings
	U R.O.I. N-S	Office Building
West:	U R.O.I. C-V	Nevada Power Co. Facility

FINDINGS:

The use is harmonious and compatible with the existing surrounding land uses, and with the future land uses as projected by the General Plan. The subject site is physically suited for the type and intensity of land use being proposed. Cheyenne Avenue and Durango Drive, both primary streets, and Soaring Gulls Drive, a secondary street provide access to the site and are adequate to meet the requirements of the proposed use.

On June 8, 1998, the City Council conditioned the approval of the Special Use Permit subject to the following:

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1999

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: WILLARD TIM CHOW, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - ONE YEAR REQUIRED REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING - U-35-98(1) - NORTHSHORE PLAZA, LIMITED LIABILITY COMPANY ON BEHALF OF KAPRIEL SAATDJIAN

PURPOSE/BACKGROUND

1. There shall be a one-year review by the City Council.
2. There shall be no outdoor display, sales, or storage of any merchandise.
3. This action does not constitute approval of a City of Las Vegas Business License.
4. Compliance to Conditions of Approval for Z-7-94, Z-7-94(3) and all subsequent site-related actions.
5. All City Code requirements and design standards of all City departments must be satisfied.

Staff recommends APPROVAL.

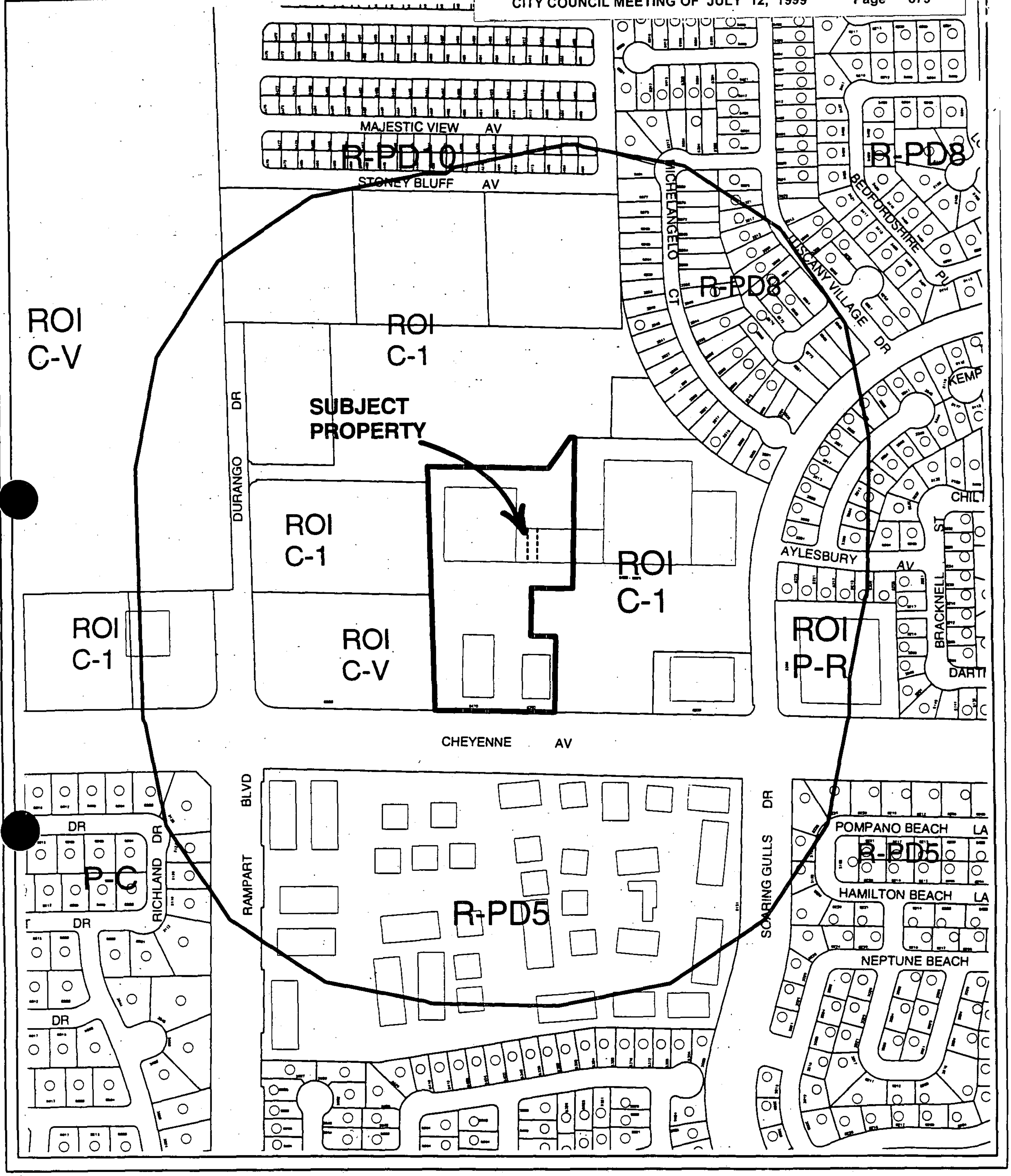
CC NOTICES MAILED: 181

APPROVALS: 0

PROTESTS: 0

SEE ATTACHED LOCATION MAP

Agenda Item



CASE: **U-35-98(1)**

RADIUS: 750 ft

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	
RESCIND PREVIOUS ACTION OF WITHDRAWAL WITH PREJUDICE - SPECIAL USE PERMIT - PUBLIC HEARING	
118 ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES	**M. McDONALD – Motion to bring forward and HOLD IN ABEYANCE Item 111 [V-24-99] and Item 120 [U-46-99] to 7/26/99 and to Accept the WITHDRAWAL Without Prejudice of Item 113 [V-39-99] and to STRIKE Item 118 [U-68-98 - Rescind] and Item 119 [U-68-98 - Appeal] - UNANIMOUS**
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.	****** There was no discussion. (4:30 - 4:37) **5-54**

NOTICES MAILED: 149

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 2

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 2

The Planning Commission (6-0 vote) and staff recommend DENIAL. If approved, subject to:

1. Submit a revised site plan that complies with the landscaping and wall design requirements of the City of Las Vegas Urban Design Guidelines and Standards

2. Dedicate 50 feet of right-of-way adjacent to this site for Buffalo Drive, 40 feet for Gowan Road and a 54 foot radius on the northeast corner of Buffalo Drive and Gowan Road prior to the issuance of any permits as required by the Department of Public Works.

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**
ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES	
3. Construct half-street improvements adjacent to this site on Buffalo Drive and Gowan Road concurrent with development of this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.	
4. Driveways, including gated driveways, shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.	
5. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate	

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**

ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES

any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site.

6. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended in the approved Drainage Plan/Study. This site shall also be responsible to contribute monies to partially fund the Lone Mountain Detention Basin and/or the stormsewer outfall facilities associated with this drainage improvement facility; the amount of such monies shall be determined within the required Drainage Plan/Study and shall be contributed prior to the issuance of any permits or the release of a Final Map for recordation as required by the Department of Public Works.

8. Conformance to the site plan and elevations as amended by the above conditions.

9. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**
ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES	
11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).	
12. All City Code requirements and design standards of all City departments must be satisfied.	
13, A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.	
14. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.	
15. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.	
16. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.	

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - RESCIND PREVIOUS ACTION OF WITHDRAWAL WITH PREJUDICE - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 14, 1999 CITY COUNCIL MEETING AT COUNCILMAN BROWN'S REQUEST TO ALLOW THE APPLICANT ADDITIONAL TIME TO MEET WITH NEIGHBORS.

APPLICATION REQUEST:

This is a request to Rescind the Previous Action of Withdrawal with Prejudice on an appeal filed by Thomas Lozzi on behalf of Lozzi Enterprises of the Denial by the Planning Commission for a Special Use Permit to allow a 12,673 square foot commercial child care center for 235 children on property located on the northeast corner of Buffalo Drive and Gowan Road.

BACKGROUND DATA:

3/23/98 The City Council approved a Special Use Permit to allow a commercial child care center (6,710 square feet) for 130 children on this site (U-3-98).

7/25/95 The Board of Zoning Adjustment approved a Special Use Permit for a 250 child Child Care Facility on a 1.12 acre parcel located on the southwest corner of Gowan Road and Valadez Street (U-87-95).

7/28/97 The City Council approved a 7,573 square foot Child Care Center for 150 children in conjunction with an 11,958 square foot private primary school on a 5 acre parcel on the northwest corner of Buffalo Drive and Gilmore Avenue (U-48-97).

9/22/97 The City Council approved a Site Development Plan Review for a 5,115 square foot Child Care Center on a 0.44 acre parcel on the southeast corner of Buffalo Drive and Atwood Avenue [Z-7-90(3)].

9/14/98 The City Council accepted the applicant's request for withdrawal of this item.

Agenda Item
118

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - RESCIND PREVIOUS ACTION OF WITHDRAWAL WITH PREJUDICE - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

DETAILS OF APPLICATION REQUEST:

Site Area:	2.5	Acres
Building Area:	12,673	Square Feet
Number of Children:	235	
Parking Required:	44	Spaces
Parking Provided:	49	Spaces
Building Height:	15	Feet

The applicant indicates that the child care center will operate between the hours of 6:00 a.m. and 7:00 p.m. The proposed building meets all required setbacks and adjacency requirements. An 85 foot wide child play area will be located behind the building, between the proposed child care center and the adjoining single family subdivision. On-site parking will consist of 49 parking spaces where 44 are required. Access to the site is via two driveways along Gowan Road. Landscaping is provided along all property lines and the interior parking area.

The submitted building elevations depict a single-story building with a concrete tile gable roof. The building will also consist of stucco exterior and stucco pop-outs. Floor plans show the child care center will have 10 classrooms, a reception area, office and lounge.

On March 23, 1998 the City Council approved a Special Use Permit to allow a commercial child care center on this site. That use was for a maximum of 130 children with the proposed building being 6,710 square feet in size. The applicant indicates that based on a recently conducted traffic study for the site and the need for child care in the northwest that an amended Special Use Permit to construct a facility with more children is feasible.

ZONING AND DEVELOPMENT OF ADJACENT PROPERTIES:

North:	R-CL	Single Family Dwellings
South:	County	Child Daycare
East:	R-CL	Single Family Dwellings
West:	County	Unimproved

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - RESCIND PREVIOUS ACTION OF WITHDRAWAL WITH PREJUDICE - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

FINDINGS:

Staff finds this new application, with 235 children within a 12,673 square foot building, to be too intense for the surrounding area, which is designated for (L) Low Density Residential uses on the General Plan. A child care facility of this size is more appropriately located in a commercial zoning district.

SITE PLAN:

The site plan does not meet the requirements of the City of Las Vegas Landscape, Wall and Buffer Guidelines. The proposed six foot high chain link fence should be instead a decorative wall. Staff notes a portion of the landscape planter (108 feet) along Gowan Road is shown as being only 10 feet wide where 15 feet is required by City standards. Additionally, insufficient landscaping is shown in the parking lot. City standards require one tree within a six foot wide planter for every six uncovered parking spaces.

The Planning Commission (6-0 vote) and staff recommend DENIAL.

[NOTE: The Planning Commission felt the applicant should have asked for a facility of this size when they received approval in March of this year. They also felt the new proposal was too large for this site given the sites proximity to single family lots.]

PC NOTICES MAILED: 149

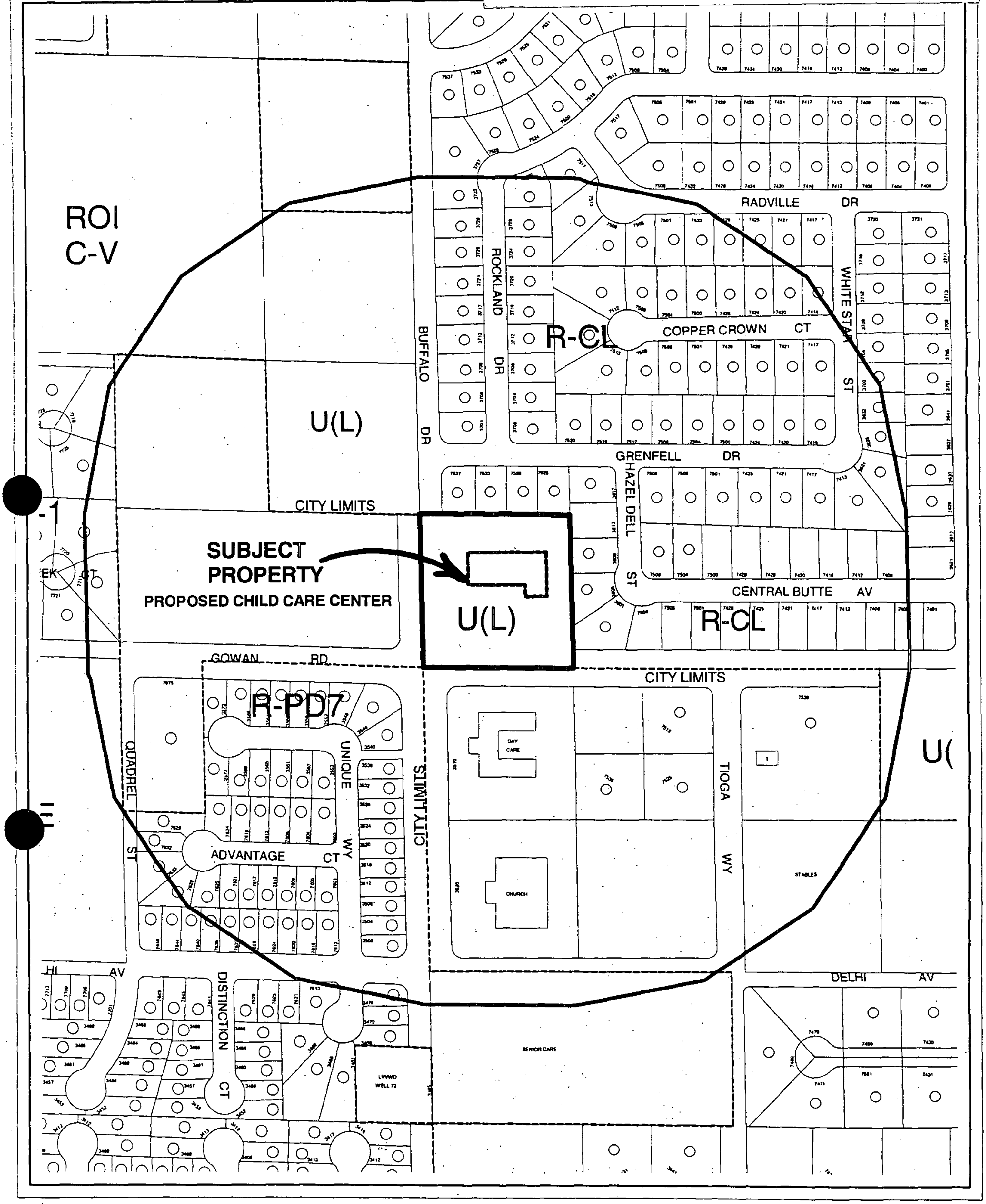
APPROVALS: 0

PROTESTS: 2

[Note: Two people spoke in opposition to this request at the Planning Commission meeting, indicating that the size of the proposed child care facility would be disruptive to the neighborhood and cause additional traffic concerns.]

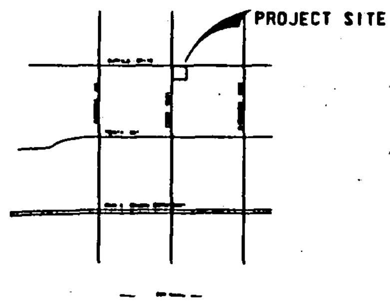
SEE ATTACHED LOCATION MAP

Agenda Item



CASE: U-68-98
NOTIFICATION RADIUS: 750 FT

STAFF
U-68-98



KEY PLAN

PROJECT DATA

GROSS AREA: 2.4 ACRES

NET AREA: 1.8 ACRES

BUILDING: TOTAL AREA 12,670 S.F.

BUILDING CODE: UNIFORM BUILDING CODE 1997 EDITION

OCCUPANCY GROUP: E-3

TYPE OF CONSTRUCTION: V-N

FLOOR AREA ALLOWED: 9,100 SQ.FT.

ALLOWABLE INCREASES:
FIRE SPRINKLERS: 27,000 SQ.FT.

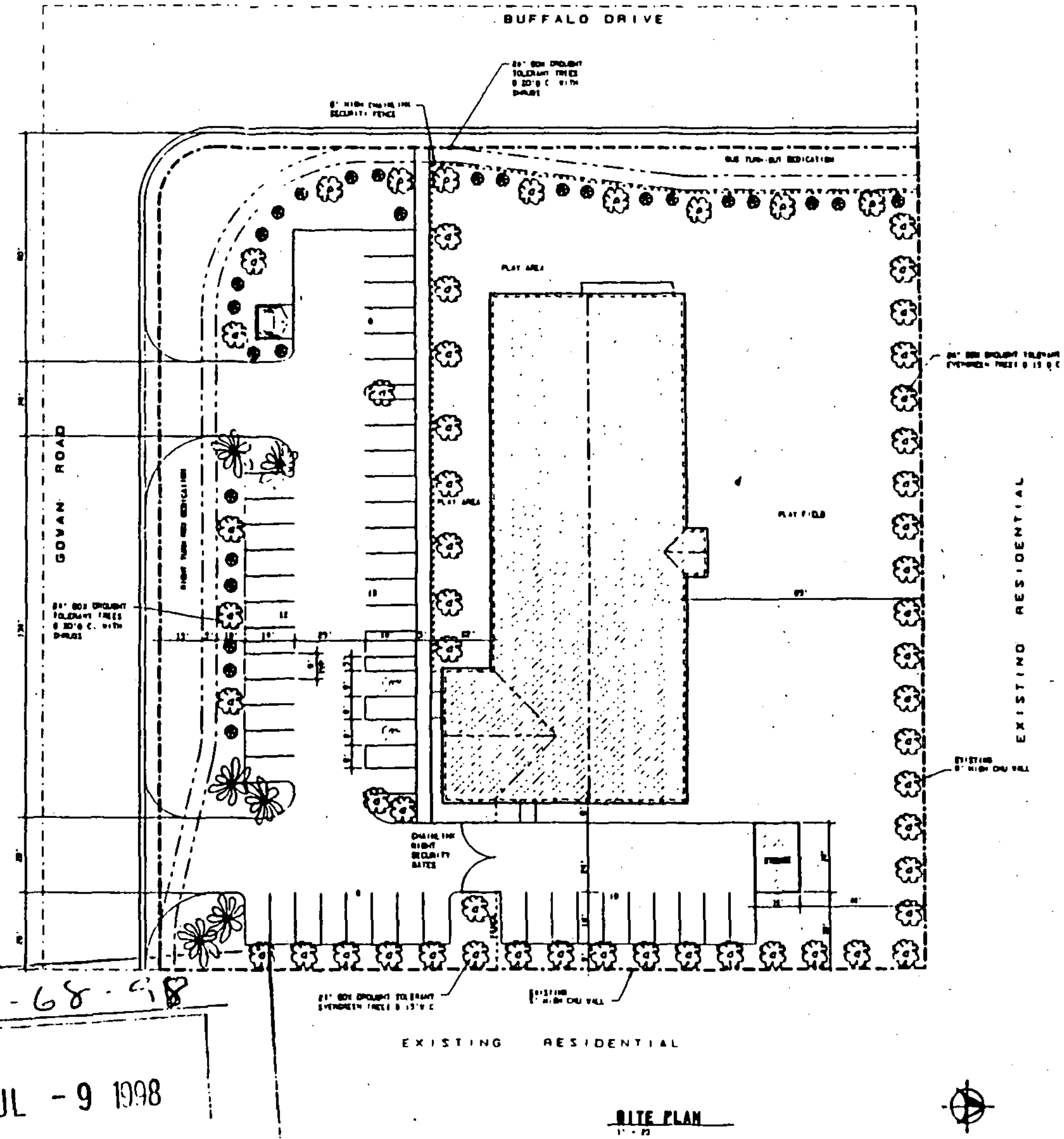
HEIGHT: ONE FLOOR (21')

SEISMIC: ZONE IIB

HANDICAP ACCESS: ACCESS PROVIDED TO BUILDING AND TOILET ROOMS.

PARKING REQUIRED: 44

PARKING PROVIDED: 40



SITE PLAN

CASE: U-68-98

JUL -9 1998

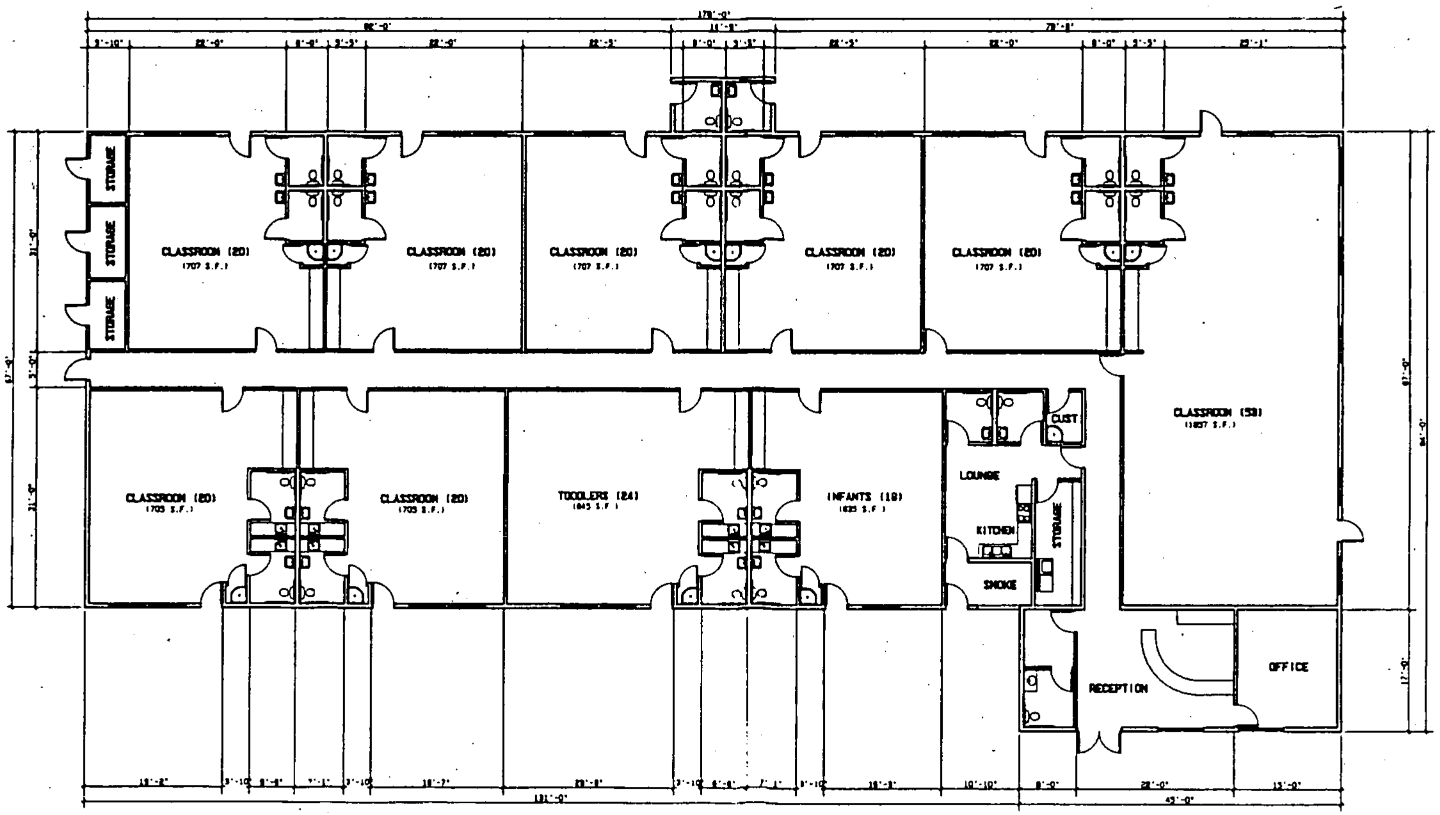
PC

NOT FOR CONSTRUCTION

PROPOSED CHILD CARE FACILITY

PR-1

STAFF
U-68-98



FLOOR PLAN

CASE: U-68-98

JUL -9 1998

PC ADMIN. BZA

PROPOSED CHILD CARE FACILITY

BUFFALO DRIVE AND GOWAN ROAD
LAS VEGAS, NEVADA

NOT FOR CONSTRUCTION
PRELIMINARY ONLY

ACUDEN CORPORATION

PR-2

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM | ACTION

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

SPECIAL USE PERMIT - PUBLIC HEARING

119 ABEYANCE ITEM - 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.

NOTICES MAILED: 149

APPROVALS: 0

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 0

PROTESTS: 2

AFTER PC MEETING
_______ Letters
_______ Petitions

TOTAL 2

The Planning Commission (6-0 vote) and staff recommend DENIAL. If approved, subject to:

1. Submit a revised site plan that complies with the landscaping and wall design requirements of the City of Las Vegas Urban Design Guidelines and Standards

2. Dedicate 50 feet of right-of-way adjacent to this site for Buffalo Drive, 40 feet for Gowan Road and a 54 foot radius on the northeast corner of Buffalo Drive and Gowan Road prior to the issuance of any permits as required by the Department of Public Works.

M. McDONALD – Motion to bring forward and HOLD IN ABEYANCE Item 111 [V-24-99] and Item 120 [U-46-99] to 7/26/99 and to Accept the WITHDRAWAL Without Prejudice of Item 113 [V-39-99] and to STRIKE Item 118 [U-68-98 - Rescind] and Item 119 [U-68-98 - Appeal] - UNANIMOUS

******

There was no discussion.

(4:30 - 4:37)
5-54

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**

ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES

3. Construct half-street improvements adjacent to this site on Buffalo Drive and Gowan Road concurrent with development of this site as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.

4. Driveways, including gated driveways, shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.

5. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits for this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine traffic signal contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 and #234.2 to determine additional right-of-way requirements adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate

CITY COUNCIL

MEETING OF

JULY 12, 1999

City of Las Vegas

AGENDA & MINUTES

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**

ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES

any Condition of Approval imposed by the Planning Commission or the City Council on the development of this site.

6. All landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

7. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended in the approved Drainage Plan/Study. This site shall also be responsible to contribute monies to partially fund the Lone Mountain Detention Basin and/or the stormsewer outfall facilities associated with this drainage improvement facility; the amount of such monies shall be determined within the required Drainage Plan/Study and shall be contributed prior to the issuance of any permits or the release of a Final Map for recordation as required by the Department of Public Works.

8. Conformance to the site plan and elevations as amended by the above conditions.

9. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.

10. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.

ITEM	ACTION
PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION	**STRICKEN**

ABEYANCE ITEM - U-68-98 - LOZZI ENTERPRISES

11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).

12. All City Code requirements and design standards of all City departments must be satisfied.

13, A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

14. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

15. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

16. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

THIS ITEM WAS HELD IN ABEYANCE FROM THE JUNE 14, 1999 CITY COUNCIL MEETING AT COUNCILMAN BROWN'S REQUEST TO ALLOW THE APPLICANT ADDITIONAL TIME TO MEET WITH NEIGHBORS.

APPLICATION REQUEST:

Appeal filed by Thomas Lozzi on behalf of Lozzi Enterprises of the Denial by the Planning Commission for a Special Use Permit to allow a 12,673 square foot commercial child care center for 235 children on property located on the northeast corner of Buffalo Drive and Gowan Road. ***The applicant has now indicated that a minimum of 185 children is needed to make the project work. The applicant is also willing to reduce the building by 279 square feet to a total of 12,394 square feet, which is the minimum that can be built to meet all of the age groups they hope to serve while complying with all applicable daycare regulations.***

BACKGROUND DATA:

07/25/95 The Board of Zoning Adjustment approved a Special Use Permit for a 250 student Child Care Facility on a 1.12 acre parcel located on the southwest corner of Gowan Road and Valadez Street (U-87-95).

07/28/97 The City Council approved a 7,573 square foot Child Care Center for 150 children in conjunction with an 11,958 square foot private primary school on a 5 acre parcel on the northwest corner of Buffalo Drive and Gilmore Avenue (U-48-97).

09/22/97 The City Council approved a Site Development Plan Review for a 5,115 square foot Child Care Center on a 0.44 acre parcel on the southeast corner of Buffalo Drive and Atwood Avenue [Z-7-90(3)].

NOTE: A private school and Child Care Facility (Fielday School Northwest) is also in existence on the 2.5 acre parcel on the southeast corner of Buffalo Drive and Gowan Road in the County.

03/23/98 The City Council approved a Special Use Permit to allow a commercial child care center (6,710 square feet) for 130 children on this site (U-3-98).

09/14/98 The City Council accepted the Withdrawal of the Appeal filed by Thomas Lozzi.

Agenda Item
119

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

DETAILS OF APPLICATION REQUEST:

Site Area:	2.5	Acres	
Building Area:	12,673	Square Feet	*(12,394 square feet as revised)*
Number of Children:	235		*(minimum of 185 as revised)*
Parking Required:	44	Spaces	
Parking Provided:	49	Spaces	
Building Height:	15	Feet	

The applicant indicates that the child care center will operate between the hours of 6:00 a.m. and 7:00 p.m. The proposed building meets all required setbacks and adjacency requirements. An 85 foot wide child play area will be located behind the building, between the proposed child care center and the adjoining single family subdivision. On-site parking will consist of 49 parking spaces where 44 are required. Access to the site is via two driveways along Gowan Road. Landscaping is provided along all property lines and the interior parking area.

The submitted building elevations depict a single-story building with a concrete tile gable roof. The building will also consist of stucco exterior and stucco pop-outs. Floor plans show the child care center will have 10 classrooms, a reception area, office and lounge.

On March 23, 1998 the City Council approved a Special Use Permit to allow a commercial child care center on this site. That use was for a maximum of 130 children with the proposed building being 6,710 square feet in size. The applicant indicates that based on a recently conducted traffic study for the site and the need for child care in the northwest that an amended Special Use Permit to construct a facility with more children is feasible.

ZONING AND DEVELOPMENT OF ADJACENT PROPERTIES:

North:	R-CL	Single Family Dwellings
South:	County	Child Daycare
East:	R-CL	Single Family Dwellings
West:	County	Unimproved

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

FINDINGS:

Staff finds this new application, with 235 *(185 minimum)* children within a 12,673 square foot *(revised to 12,394 sq. ft.)* building, to be too intense for the surrounding area, which is designated for (L) Low Density Residential uses on the General Plan. A child care facility of this size is more appropriately located in a commercial zoning district.

SITE PLAN:

The site plan does not meet the requirements of the City of Las Vegas Landscape, Wall and Buffer Guidelines. The proposed six foot high chain link fence should instead be a decorative wall. Staff notes a portion of the landscape planter (108 feet) along Gowan Road is shown as being only 10 feet wide where 15 feet is required by City standards. Additionally, insufficient landscaping is shown in the parking lot. City standards require one tree within a six foot wide planter for every six uncovered parking spaces.

The Planning Commission (6-0 vote) and staff recommend DENIAL.

[UPDATE: Staff has not been contacted by the applicant regarding this request being put back on the City Council agenda and does not believe conditions in the area have changed. Staff therefore continues to recommend denial.]

[NOTE: The Planning Commission felt the applicant should have asked for a facility of this size when they received approval in March of 1998. They also felt the new proposal was too large for this site given the sites proximity to single family lots.]

PC NOTICES MAILED: 149

Agenda Item

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
JULY 12, 1998

AGENDA DOCUMENTATION

TO: THE CITY COUNCIL	FROM: THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - U-68-98 - LOZZI ENTERPRISES

PURPOSE/BACKGROUND

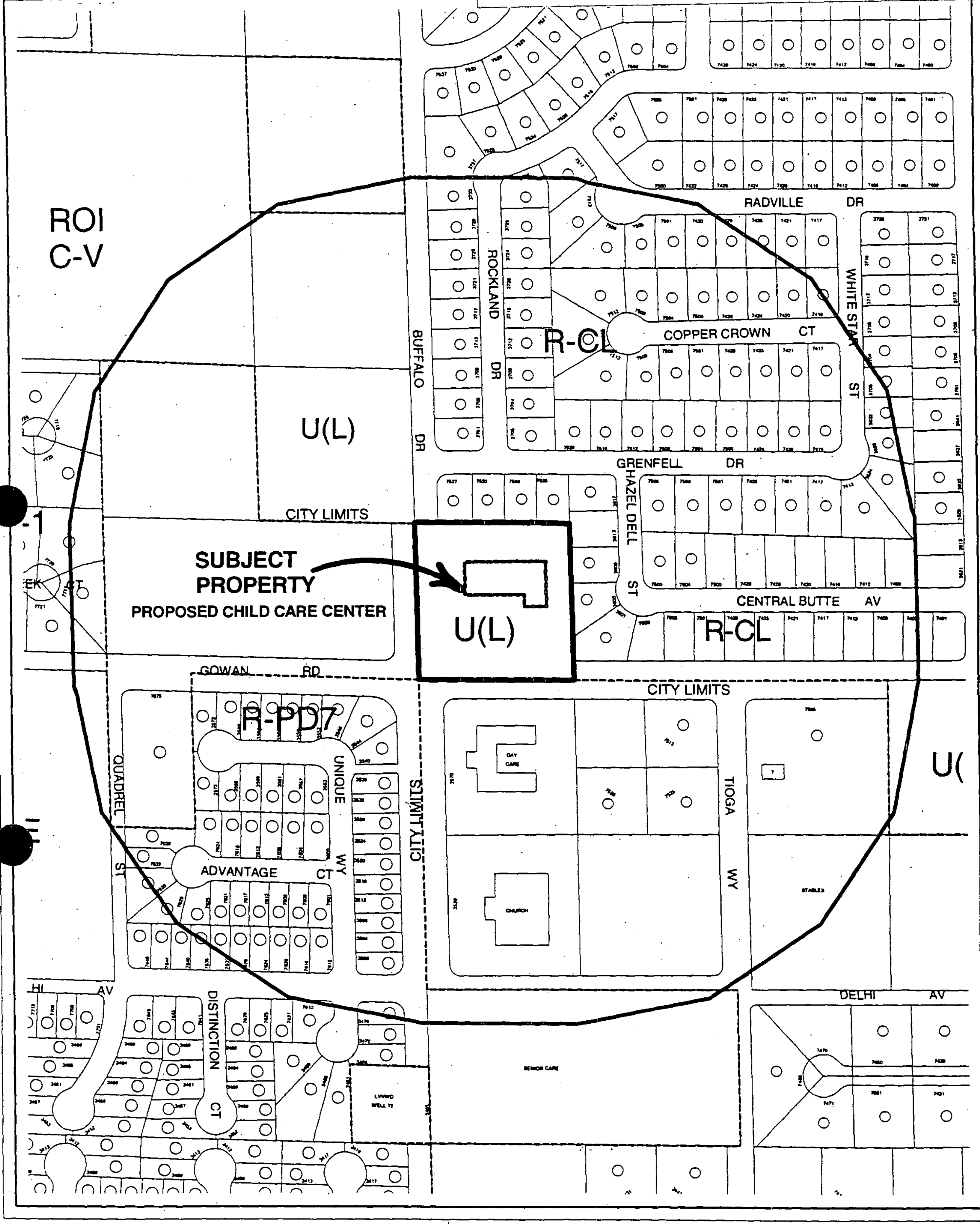
APPROVALS: 0

PROTESTS: 2

[Note: Two people spoke in opposition to this request at the Planning Commission meeting, indicating that the size of the proposed child care facility would be disruptive to the neighborhood and cause additional traffic concerns.]

SEE ATTACHED LOCATION MAP

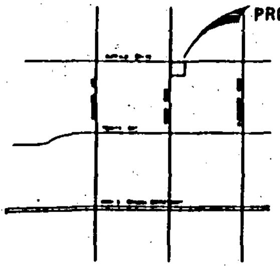
Agenda Item



CASE: U-68-98
NOTIFICATION RADIUS: 750 FT

STAFF

U-68-98



KEY PLAN

PROJECT DATA

GROSS AREA: 2.4 ACRES

NET AREA: 1.9 ACRES

BUILDING: TOTAL AREA 12,079 S.F.

BUILDING CODE: UNIFORM BUILDING CODE 1997 EDITION

OCCUPANCY GROUP: E-3

TYPE OF CONSTRUCTION: V-N

FLOOR AREA ALLOWED: 9,100 SQ.FT.

ALLOWABLE INCREASES:
FIRE SPRINKLERS: 27,000 SQ.FT.

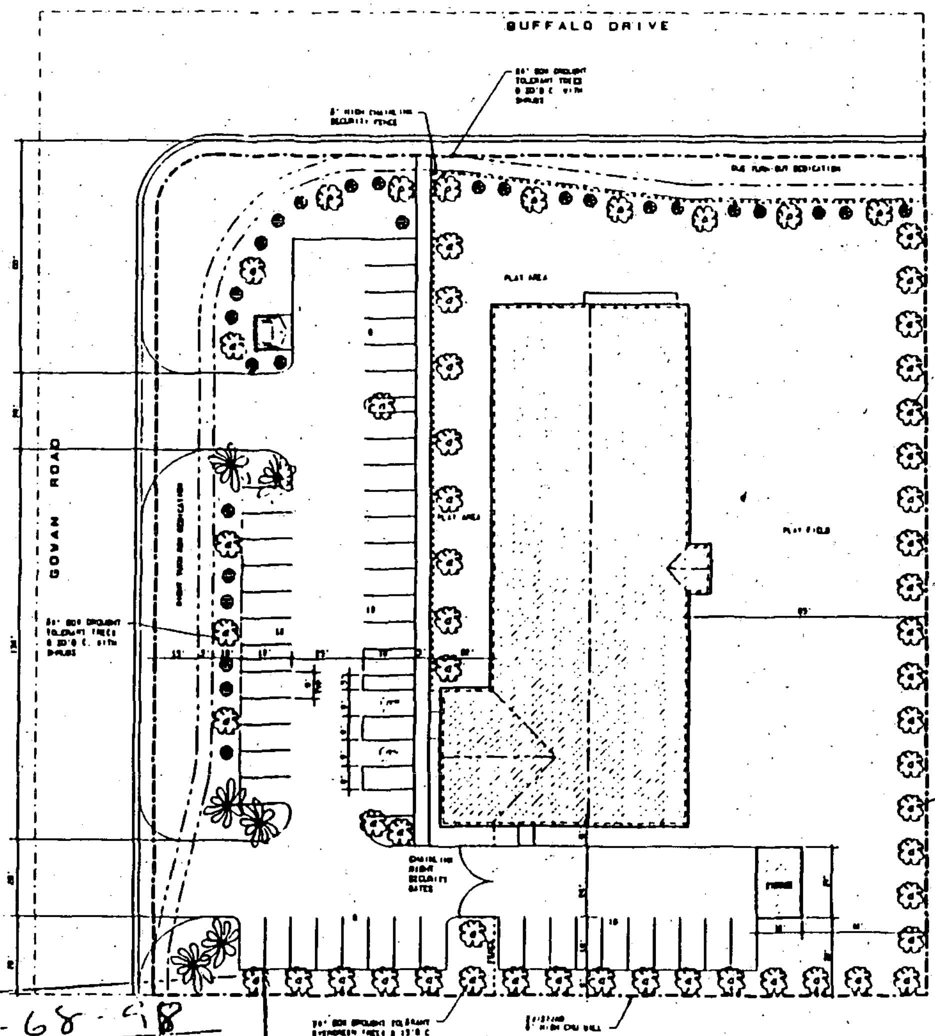
HEIGHT: ONE FLOOR (21')

SEISMIC: ZONE IIB

HANDICAP ACCESS: ACCESS PROVIDED TO BUILDING AND TOILET ROOMS.

PARKING REQUIRED: 44

PARKING PROVIDED: 48



SITE PLAN

CASE: U-68-98

JUL - 9 1998

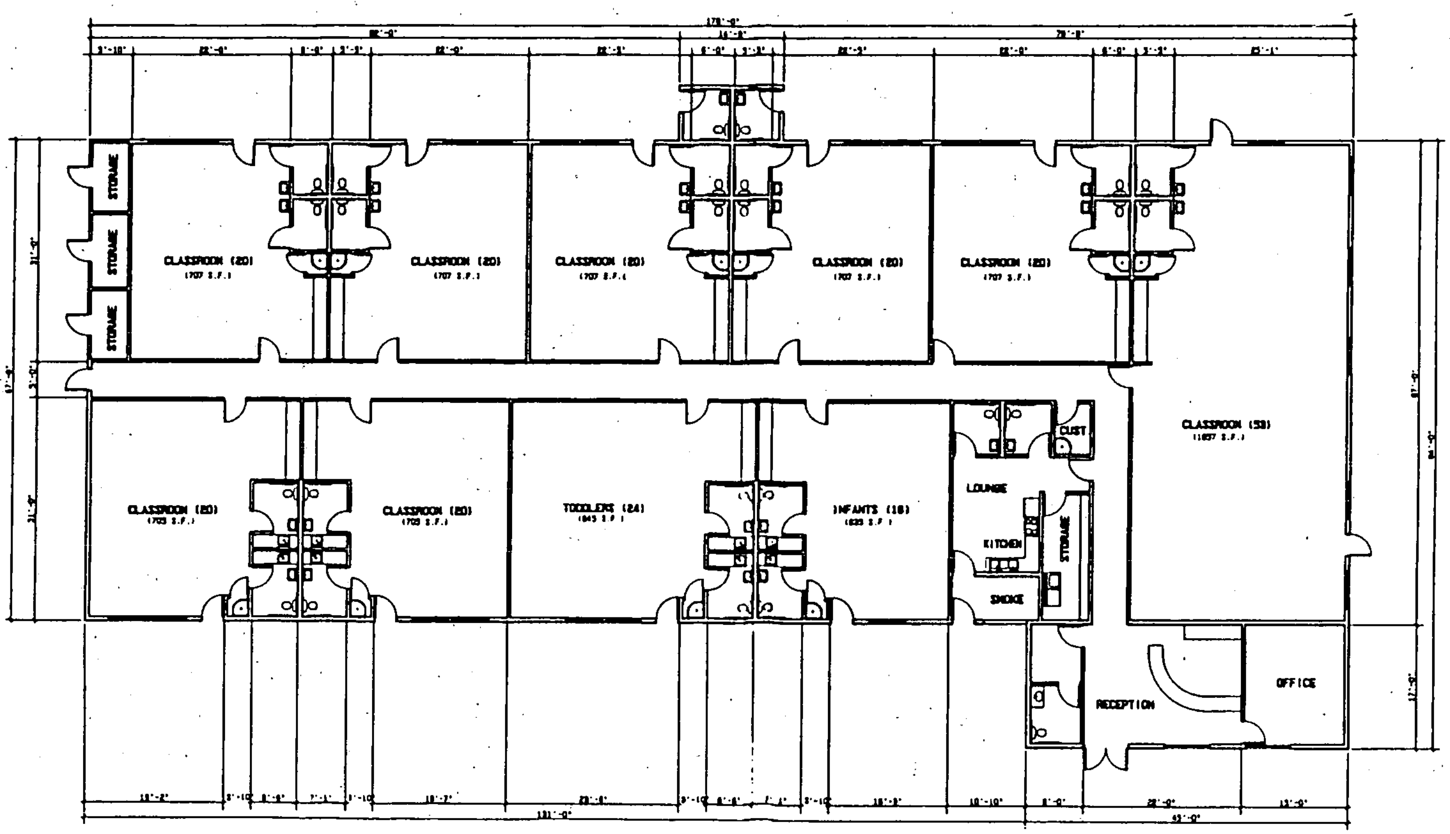
PC

PROPOSED CHILD CARE FACILITY

PR-1

CITY COUNCIL MEETING OF JULY 12, 1999 Page 899

STAFF
U-68-98



FLOOR PLAN

CASE: U-68-98

JUL -9 1998

PC ADMIN. BZA

NOT FOR CONSTRUCTION PRELIMINARY ONLY

PROPOSED CHILD CARE FACILITY
BUFFALO DRIVE AND BOVAN ROAD
LAS VEGAS, NEVADA

PR-2

SIRE™

TECHNOLOGIES
BY ALPHACORP®