

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, NOVEMBER 13, 2000
4:00 P.M.

CALL TO ORDER

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 11/15/2000 CITY COUNCIL MEETING.

1. Bill No. 2000-83 – Expands the “order out corridor” that pertains to prostitution and misdemeanor drug activity.
Proposed by: Bradford R. Jerbic, City Attorney
Committee: Councilmen Weekly and Mack

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 12/6/2000 CITY COUNCIL MEETING.

2. Bill No. 2000-84 – Ordinance Creating Special Improvement District No. 1477 (Tenaya Way and Azure Drive)
Sponsored by: Step Requirement
Committee: Councilmen Weekly and Mack

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE 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 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.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. 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.

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

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
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

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AFFIDAVIT OF MAILING

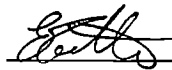
(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **6th** day of **November, 2000**, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **A Recommending Committee Meeting** to be held on the **13th** day of **November, 2000** was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.



SIGNATURE

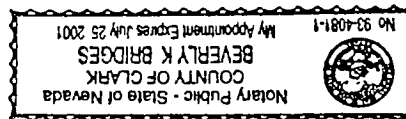
City Clerk
DEPARTMENT

Subscribed and sworn to before me this

6th day of November, 2000



NOTARY PUBLIC in and for said County and State



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 13, 2000

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2000-83 – Expands the “order out corridor” that pertains to prostitution and misdemeanor drug activity. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

By City ordinance, the sentence of a person convicted of certain prostitution or drug-related offenses may be suspended, under certain conditions, if the person agrees to stay out of a specified area referred to as the “Order Out Corridor.” Presently included is Las Vegas Boulevard, from Charleston Boulevard to Sahara Avenue, as well as the area bounded by Main Street, Charleston Boulevard, Eastern Avenue, and Washington Avenue. It is proposed by the Las Vegas Metropolitan Police Department to expand the “Order Out Corridor” to include the following additional areas, also shown by map: 1) The area between I-15 and Main Street, from Bonneville Avenue to Charleston Boulevard; 2) The area between I-15 and Las Vegas Boulevard, from Charleston Boulevard to Sahara Avenue; and 3) The area east of Atlantic Avenue and north of Sahara Avenue, south and west of Fremont Street/Boulder Highway.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2000-83

Map showing Existing Order Out Corridor

Map showing Proposed Additions to Order Out Corridor

BILL NO. 2000-83

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND THE "ORDER OUT CORRIDOR" THAT PERTAINS TO PROSTITUTION AND MISDEMEANOR DRUG ACTIVITY, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Expands the "order out corridor" that pertains to prostitution and misdemeanor drug activity.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 10, Chapter 36, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.36.010: For the purpose of this Chapter, the words set out in this Section mean as follows:

(A) "Known prostitute or panderer" means a person who, within one year previous to the date of arrest for violation of this Chapter, has within the knowledge of the arresting officer been convicted of violating any ordinance of the City or statute of the State defining and punishing acts of soliciting, committing, or offering or agreeing to commit prostitution.

(B) "Prostitution" means an act, by any person, for a fee, of engaging in sexual intercourse, oral-genital contact or any touching of the sexual organs or other intimate parts of another person for the purpose of arousing or gratifying the sexual desire of either person.

(C) "Order Out Corridor" means [that area] the following areas within the City of Las Vegas:

(1) The area which is bordered on the west by Main Street from Washington Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Main Street to Las Vegas Boulevard; then along Las Vegas Boulevard from Charleston Boulevard on the north to and including Sahara Avenue on the south; then bordered on the south by Charleston Boulevard from Las Vegas Boulevard to Eastern Avenue; then bordered on the east by Eastern Avenue from Charleston Boulevard to Washington Avenue; then bordered on the north by Washington Avenue from Eastern Avenue to Main Street[.] ;

(2) The area which is bordered on the west by Interstate 15 from Bonneville

Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Interstate 15 to Main Street; then bordered on the east by Main Street from Charleston Boulevard to Bonneville Avenue; then bordered on the north by Bonneville Avenue from Main Street to Interstate 15;

(3) The area which is bordered on the west by Interstate 15 from Charleston Boulevard to Sahara Avenue; then bordered on the south by Sahara Avenue from Interstate 15 to Las Vegas Boulevard; then bordered on the east by Las Vegas Boulevard from Sahara Avenue to Charleston Boulevard; then bordered on the north by Charleston Boulevard from Las Vegas Boulevard to Interstate 15; and

(4) The area which is bordered on the west by Atlantic Avenue from Fremont Street/Boulder Highway to Sahara Avenue; then bordered on the south by Sahara Avenue from Atlantic Avenue to Fremont Street/Boulder Highway; then bordered on the north and east by Fremont Street/Boulder Highway from Sahara Avenue to Atlantic Avenue (but excluding those parcels south and west of Fremont Street/Boulder Highway which are located within the unincorporated area of the County).

(D) The Order Out Corridor includes the entire width of the roadway and sidewalks of the streets, avenues and boulevards described above. For the purposes of this Chapter, [aside from the area along Las Vegas Boulevard from Bonanza Road on the north to and including Sahara Avenue on the south, the Order Out Corridor shall be divided into nine sections. These sections shall be identified in a manner which corresponds to Las Vegas Metropolitan Police Department sector assignments "Charlie 1," "Adam 1," "Adam 2," "Adam 3," "Adam 4," "Adam 5," "Baker 1," "Baker 2," and "Baker 4," and shall extend to and include the following highways and public rights-of-way (including sidewalks):

(1) Charlie 1 shall consist of Main Street on the west from Bonneville Avenue to Charleston Boulevard (a distance of approximately four-tenths of one mile); Charleston Boulevard on the south from Main Street to Maryland Parkway (a distance of approximately one mile); Maryland Parkway on the east from Charleston Boulevard to Bonneville Avenue (a distance of approximately one-tenth of a mile) and Bonneville Avenue on the north from Maryland Parkway to Main Street (a distance of approximately nine-tenths of one mile);

1 (2) Adam 1 shall consist of Main Street on the west from Fremont Street
2 to Bonneville Avenue (a distance of approximately six-tenths of one mile); Bonneville Avenue on the
3 south from Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile);
4 Las Vegas Boulevard on the east from Bonneville Avenue to Fremont Street (a distance of
5 approximately six-tenths of a mile) and Fremont Street on the north from Las Vegas Boulevard to
6 Main Street (a distance of approximately four-tenths of a mile);

7 (3) Adam 2 shall consist of Main Street on the west from Bonanza Road
8 to Fremont Street (a distance of approximately five-tenths of a mile); Fremont Street on the south from
9 Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile); Las Vegas
10 Boulevard on the east from Fremont Street to Bonanza Road (a distance of approximately five-tenths
11 of a mile) and Bonanza Road on the north from Las Vegas Boulevard to Main Street (a distance of
12 approximately four-tenths of a mile);

13 (4) Adam 3 shall consist of Las Vegas Boulevard on the west from Fremont
14 Street to Bonneville Avenue (a distance of approximately five-tenths of a mile); Bonneville Avenue
15 on the south from Las Vegas Boulevard to Maryland Parkway (a distance of approximately five-tenths
16 of a mile); Maryland Parkway on the east from Bonneville Avenue to Fremont Street (a distance of
17 approximately six-tenths of a mile) and Fremont Street on the north from Maryland Parkway to Las
18 Vegas Boulevard (a distance of approximately five-tenths of a mile);

19 (5) Adam 4 shall consist of Las Vegas Boulevard on the west from Bonanza
20 Road to Fremont Street (a distance of approximately five-tenths of a mile); Fremont Street on the
21 south from Las Vegas Boulevard to Maryland Parkway (a distance of approximately five-tenths of a
22 mile); Maryland Parkway on the east from Fremont Street to Bonanza Road (a distance of
23 approximately six-tenths of a mile) and Bonanza Road on the north from Maryland Parkway to Las
24 Vegas Boulevard (a distance of approximately four-tenths of a mile);

25 (6) Adam 5 shall consist of Maryland Parkway on the west from Bonanza
26 Road to Charleston Boulevard (a distance of approximately one and one-tenth of a mile); Charleston
27 Boulevard on the south from Maryland Parkway to Bruce Street (a distance of approximately seven-
28 tenths of a mile); Bruce Street on the east from Charleston Boulevard to Bonanza Road (a distance

of approximately one mile) and Bonanza Road on the north from Bruce Street to Maryland Parkway (a distance of approximately four-tenths of a mile);

(7) Baker 1 shall consist of Main Street on the west from Washington Avenue to Bonanza Road (a distance of approximately three-tenths of a mile); Bonanza Road on the south from Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile); Las Vegas Boulevard on the east from Bonanza Road to Washington Avenue (a distance of approximately four-tenths of a mile) and Washington Avenue on the north from Las Vegas Boulevard to Main Street (a distance of approximately four-tenths of a mile);

(8) Baker 2 shall consist of Las Vegas Boulevard on the west from Washington Avenue to Bonanza Road (a distance of approximately four-tenths of a mile); Bonanza Road on the south from Las Vegas Boulevard to Eastern Avenue (a distance of approximately one and three-tenths of a mile); Eastern Avenue on the East from Bonanza Road to Washington Avenue (a distance of approximately six-tenths of a mile) and Washington Avenue on the north from Eastern Avenue to Las Vegas Boulevard (a distance of approximately one mile);

(9) Baker 4 shall consist of Bruce Street on the west from Bonanza Road to Charleston Boulevard (a distance of approximately one and one-tenth of a mile); Charleston Boulevard on the south from Bruce Street to Eastern Avenue (a distance of approximately four-tenths of a mile); Eastern Avenue on the east from Charleston Boulevard to Bonanza Road (a distance of approximately one and one-tenths mile) and Bonanza Road on the north from Eastern Avenue to Bruce Street (a distance of approximately five-tenths of a mile).] the Order Out Corridor may be divided into sections that correspond to Las Vegas Metropolitan Police Department sector assignments.

SECTION 2: Title 10, Chapter 90, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

10.90.010: For the purpose of this Chapter, the words set out in this Section mean as follows:

(A) "Misdemeanor drug related activity" means any activity which is a misdemeanor violation of NRS 453.332 (distribution, possession of imitation controlled substances), 453.566 (possession of drug paraphernalia), 454.346 (use or possession of drugs, chemicals, poisons

or organic solvents), 454.351 (possessing, procuring, offering, giving away or furnishing a drug which is not to be introduced into interstate commerce), 454.510 (possession of a hypodermic device), 454.520 (use of a hypodermic device), the aiding, abetting, counseling, encouraging, inducing, procuring or facilitating of such activity in violation of NRS 195.020 or the permitting of, maintenance or failure to abate such criminal activity as constituting a chronic nuisance or public nuisance in violation of Title 9, Chapter 4 of the Las Vegas Municipal Code.

(B) "Order Out Corridor" means [that area] the following areas within the City of Las Vegas:

(1) The area which is bordered on the west by Main Street from Washington Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Main Street to Las Vegas Boulevard; then along Las Vegas Boulevard from Charleston Boulevard on the north to and including Sahara Avenue on the south; then bordered on the south by Charleston Boulevard from Las Vegas Boulevard to Eastern Avenue; then bordered on the east by Eastern Avenue from Charleston Boulevard to Washington Avenue; then bordered on the north by Washington Avenue from Eastern Avenue to Main Street[.] :

(2) The area which is bordered on the west by Interstate 15 from Bonneville Avenue to Charleston Boulevard; then bordered on the south by Charleston Boulevard from Interstate 15 to Main Street; then bordered on the east by Main Street from Charleston Boulevard to Bonneville Avenue; then bordered on the north by Bonneville Avenue from Main Street to Interstate 15;

(3) The area which is bordered on the west by Interstate 15 from Charleston Boulevard to Sahara Avenue; then bordered on the south by Sahara Avenue from Interstate 15 to Las Vegas Boulevard; then bordered on the east by Las Vegas Boulevard from Sahara Avenue to Charleston Boulevard; then bordered on the north by Charleston Boulevard from Las Vegas Boulevard to Interstate 15; and

(4) The area which is bordered on the west by Atlantic Avenue from Fremont Street/Boulder Highway to Sahara Avenue; then bordered on the south by Sahara Avenue from Atlantic Avenue to Fremont Street/Boulder Highway; then bordered on the north and east by Fremont Street/Boulder Highway from Sahara Avenue to Atlantic Avenue (but excluding those

1 parcels south and west of Fremont Street/Boulder Highway which are located within the
2 unincorporated area of the County).

3 (C) The Order Out Corridor includes the entire width of the roadway and sidewalks
4 of the streets, avenues and boulevards described above. For the purposes of this Chapter, [aside from
5 the area along Las Vegas Boulevard from Bonanza Road on the north to and including Sahara Avenue
6 on the south, the Order Out Corridor shall be divided into nine sections. These sections shall be
7 identified in a manner which corresponds to Las Vegas Metropolitan Police Department sector
8 assignments "Charlie 1," "Adam 1," "Adam 2," "Adam 3," "Adam 4," "Adam 5," "Baker 1," "Baker
9 2," and "Baker 4," and shall extend to and include the following highways and public rights-of-way
10 (including sidewalks):

11 (1) Charlie 1 shall consist of Main Street on the west from Bonneville
12 Avenue to Charleston Boulevard (a distance of approximately four-tenths of one mile); Charleston
13 Boulevard on the south from Main Street to Maryland Parkway (a distance of approximately one
14 mile); Maryland Parkway on the east from Charleston Boulevard to Bonneville Avenue (a distance
15 of approximately one-tenth of a mile) and Bonneville Avenue on the north from Maryland Parkway
16 to Main Street (a distance of approximately nine-tenths of one mile);

17 (2) Adam 1 shall consist of Main Street on the west from Fremont Street
18 to Bonneville Avenue (a distance of approximately six-tenths of one mile); Bonneville Avenue on the
19 south from Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile);
20 Las Vegas Boulevard on the east from Bonneville Avenue to Fremont Street (a distance of
21 approximately six-tenths of a mile) and Fremont Street on the north from Las Vegas Boulevard to
22 Main Street (a distance of approximately four-tenths of a mile);

23 (3) Adam 2 shall consist of Main Street on the west from Bonanza Road
24 to Fremont Street (a distance of approximately five-tenths of a mile); Fremont Street on the south from
25 Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile); Las Vegas
26 Boulevard on the east from Fremont Street to Bonanza Road (a distance of approximately five-tenths
27 of a mile) and Bonanza Road on the north from Las Vegas Boulevard to Main Street (a distance of
28 approximately four-tenths of a mile);

(4) Adam 3 shall consist of Las Vegas Boulevard on the west from Fremont Street to Bonneville Avenue (a distance of approximately five-tenths of a mile); Bonneville Avenue on the south from Las Vegas Boulevard to Maryland Parkway (a distance of approximately five-tenths of a mile); Maryland Parkway on the east from Bonneville Avenue to Fremont Street (a distance of approximately six-tenths of a mile) and Fremont Street on the north from Maryland Parkway to Las Vegas Boulevard (a distance of approximately five-tenths of a mile);

(5) Adam 4 shall consist of Las Vegas Boulevard on the west from Bonanza Road to Fremont Street (a distance of approximately five-tenths of a mile); Fremont Street on the south from Las Vegas Boulevard to Maryland Parkway (a distance of approximately five-tenths of a mile); Maryland Parkway on the east from Fremont Street to Bonanza Road (a distance of approximately six-tenths of a mile) and Bonanza Road on the north from Maryland Parkway to Las Vegas Boulevard (a distance of approximately four-tenths of a mile);

(6) Adam 5 shall consist of Maryland Parkway on the west from Bonanza Road to Charleston Boulevard (a distance of approximately one and one-tenth of a mile); Charleston Boulevard on the south from Maryland Parkway to Bruce Street (a distance of approximately seven-tenths of a mile); Bruce Street on the east from Charleston Boulevard to Bonanza Road (a distance of approximately one mile) and Bonanza Road on the north from Bruce Street to Maryland Parkway (a distance of approximately four-tenths of a mile);

(7) Baker 1 shall consist of Main Street on the west from Washington Avenue to Bonanza Road (a distance of approximately three-tenths of a mile); Bonanza Road on the south from Main Street to Las Vegas Boulevard (a distance of approximately four-tenths of a mile); Las Vegas Boulevard on the east from Bonanza Road to Washington Avenue (a distance of approximately four-tenths of a mile) and Washington Avenue on the north from Las Vegas Boulevard to Main Street (a distance of approximately four-tenths of a mile);

(8) Baker 2 shall consist of Las Vegas Boulevard on the west from Washington Avenue to Bonanza Road (a distance of approximately four-tenths of a mile); Bonanza Road on the south from Las Vegas Boulevard to Eastern Avenue (a distance of approximately one and three-tenths of a mile); Eastern Avenue on the East from Bonanza Road to Washington Avenue (a

1 distance of approximately six-tenths of a mile) and Washington Avenue on the north from Eastern
2 Avenue to Las Vegas Boulevard (a distance of approximately one mile);

3 (9) Baker 4 shall consist of Bruce Street on the west from Bonanza Road
4 to Charleston Boulevard (a distance of approximately one and one-tenth of a mile); Charleston
5 Boulevard on the south from Bruce Street to Eastern Avenue (a distance of approximately four-tenths
6 of a mile); Eastern Avenue on the east from Charleston Boulevard to Bonanza Road (a distance of
7 approximately one and one-tenths mile) and Bonanza Road on the north from Eastern Avenue to
8 Bruce Street (a distance of approximately five-tenths of a mile).] the Order Out Corridor may be
9 divided into sections that correspond to Las Vegas Metropolitan Police Department sector
10 assignments.

11 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
12 phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid
13 or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
14 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
15 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
16 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
17 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
18 invalid or ineffective.

19 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2000.

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5 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Stued 10-20-2000
13 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2000, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2000, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY". _____

10 ABSENT: _____

11 APPROVED:

12
13 By _____
OSCAR B. GOODMAN, Mayor

14 ATTEST:

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16 BARBARA JO RONEMUS, City Clerk

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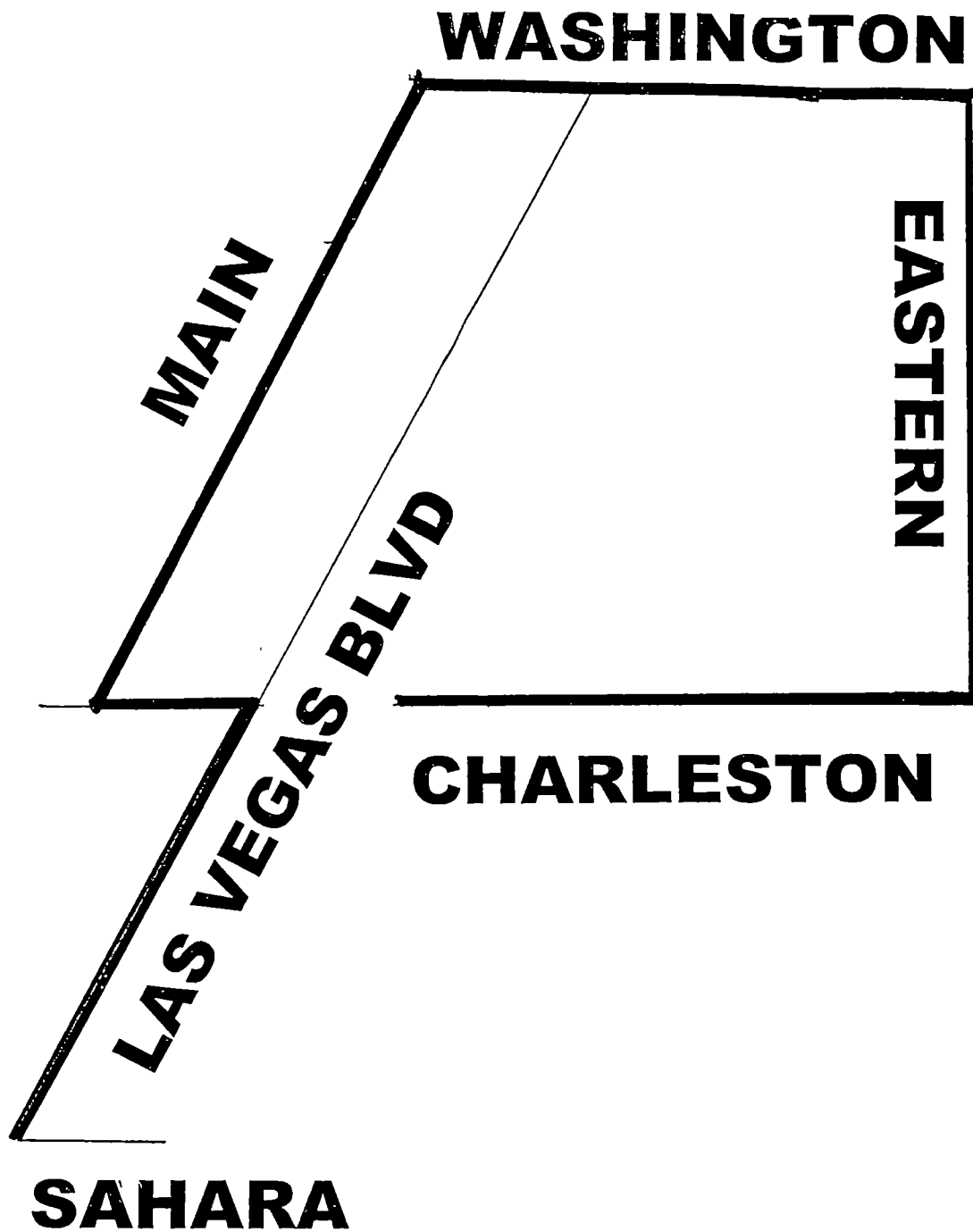
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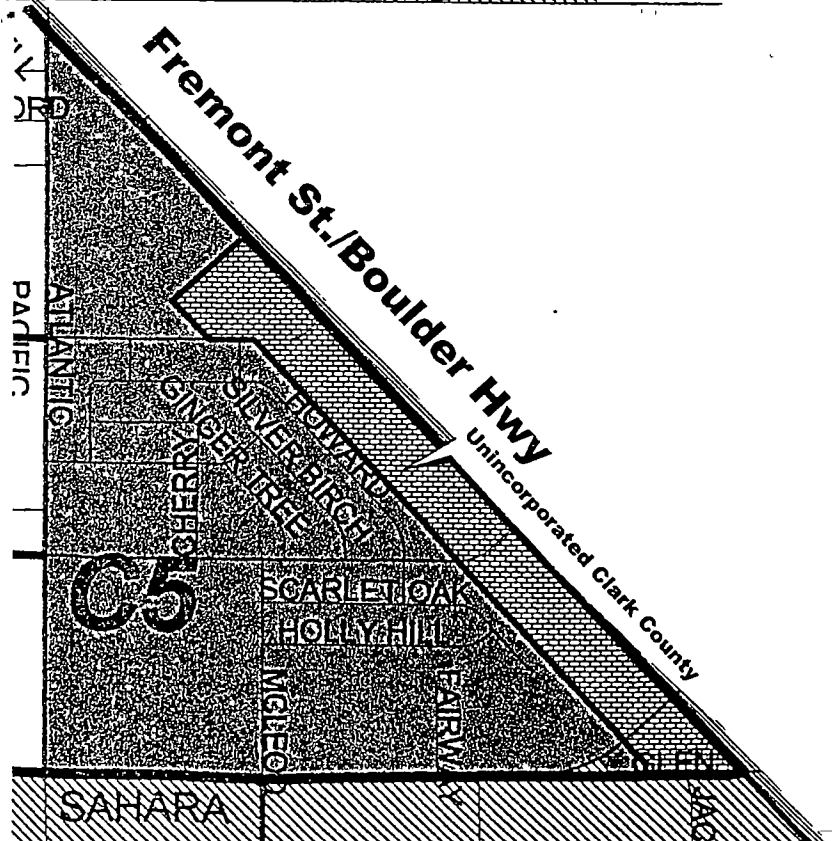
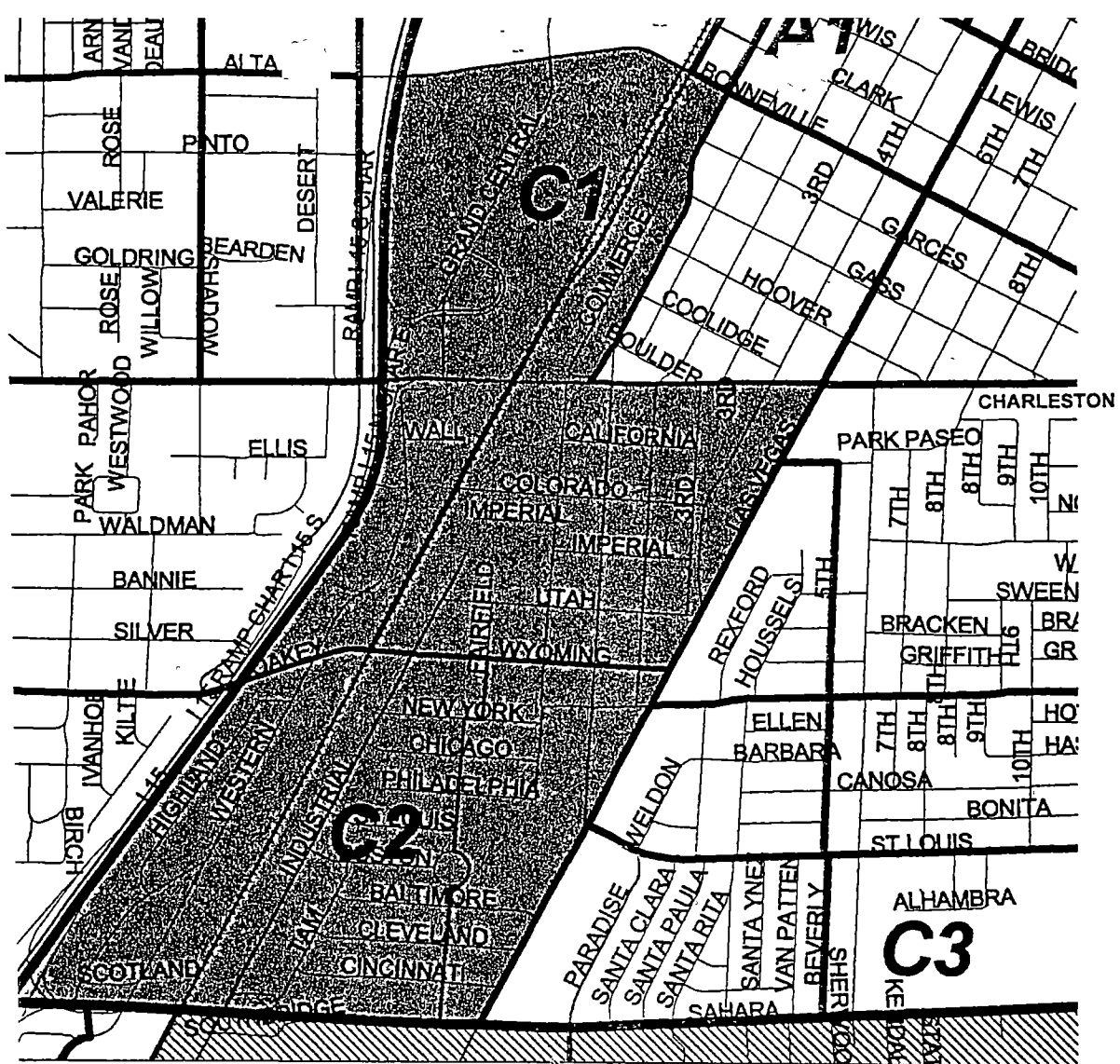
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Existing Order Out Corridor



Proposed Additions to Order Out Corridor

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 13, 2000

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2000-84 – Ordinance Creating Special Improvement District No. 1477 (Tenaya Way and Azure Drive) Sponsored by: Step Requirement

Fiscal Impact

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No Impact

Amount: \$3,568,194.77

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Budget Funds Available

Dept./Division: PW/SID

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Augmentation Required

Funding Source: Levy Assessments

PURPOSE/BACKGROUND:

Installation of full width pavement, medians and/or center left turn lanes, storm drain facilities, traffic control devices, curb, and gutter, sidewalk, streetlights, residential and commercial driveways, fire hydrants, sewer mains and laterals, and water mains and laterals. Costs will be recovered over a 20 year period through the levy and collection of special assessments.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2000-84

BILL NO. 2000-84
ORDINANCE NO. _____

**AN ORDINANCE CREATING CITY OF LAS VEGAS,
NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1477
(TENAYA WAY & AZURE DRIVE); ORDERING THE
ACQUISITION OF A LOCAL IMPROVEMENT PROJECT
WITHIN THE CITY OF LAS VEGAS, NEVADA; AND
PRESCRIBING OTHER MATTERS RELATING THERETO.**

WHEREAS, the City Council of the City of Las Vegas, in the State of Nevada (the "Council," "City" and "State", respectively), deems it necessary to create City of Las Vegas, Nevada, Special Improvement District No. 1477 (Tenaya Way & Azure Drive) (the "District"), for the purpose of acquiring a local improvement project (the "Project"), and to defray the entire cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots and premises in the District; and

WHEREAS, by a resolution passed and approved September 20, 2000 (the "Provisional Order Resolution"), the Council declared its determination to create the District for the purpose of acquiring and improving the Project, stating therein the improvements to be acquired, that the District will constitute two units for purposes of assessment and remonstrance, that the entire expense thereof shall be paid by special assessment, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, pursuant to the provisional order resolution, the Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits, and of the time and place of hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection or to appear before said Council on October 18, 2000, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof, and manner of payment therefor, and as to the amount thereof to be assessed against said property; and

WHEREAS, all written and oral objections and protests received were duly considered, and the Council has determined that it is in the best interests of said District, the City, and the inhabitants thereof to create the District as theretofore proposed; and

WHEREAS, the Council has determined, and does hereby determine, that within each assessment unit in the District the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with moneys derived from other than the levy of special assessments; and

WHEREAS, the City has determined and does hereby determine that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the owners of lots, tracts or parcels of land in said District representing less than half of the area to be assessed of all lots, tracts or parcels of land in said District filed written or oral objections thereto; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the Council by a resolution passed and approved on November 1, 2000, except as stated in such resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the Engineering Division of the Department of Public Works (the "Engineer") for the District presented to the Council and filed with the City Clerk the following documents:

1. Revised, if necessary, final plans and specifications, with construction drawings, showing a typical section of the contemplated improvements, the type or types of material, and the approximate thickness and wideness;
2. Revised, if necessary, estimate of the total cost of the Project and of each type of construction, the estimate being made on a lump sum, including in the total estimate, without limiting the generality of the foregoing, the advertising, appraising, engineering, legal, printing, and such other expenses as in the judgment of the Engineer are necessary or essential to the completion of such work or improvement, and the payment of the cost thereof; and
3. A revised assessment plat or map, including an addendum thereto (designated as a "Tabulation of Parcels" or "Preliminary Assessment Roll") showing the descriptions of the property to be assessed, showing the area to be assessed, the market values, the amounts of estimated preliminary assessments, the amount of maximum benefits estimated to be assessed against each tract or parcel of land in the District, the estimate being based on an area basis, as hereafter

described and with an equitable adjustment having been made for assessments to be levied against any tract or parcel not specially benefitted in direct proportion to the percentage applicable to that tract or parcel under the area basis used so that assessments according to benefits will be equal and uniform; and

WHEREAS, the Council has reviewed the documents submitted as aforesaid for the District; and

WHEREAS, the Council and officers of said City have done all things necessary and preliminary to the creation of the District, and the said Council desires now to authorize such Project by this Ordinance.

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "Special Assessment District No. 1477 (Tenaya Way & Azure Drive) Creation Ordinance" (the "Ordinance").

Section 2. The Council has heretofore determined and does hereby determine:

A. That each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore has been by a resolution adopted and approved on November 1, 2000, overruled, and finally passed on by said Council except as otherwise provided in said resolution;

B. That the public convenience and necessity require creation of the District; and

C. That the creation of the District is economically sound and feasible.

Section 3. There shall be, and hereby is, created in the City an Improvement District designated the "City of Las Vegas, Nevada, Special Improvement District No. 1477 (Tenaya Way & Azure Drive)" (the "District") for the purpose of acquiring the Project as more particularly described below.

Section 4. The Project, which is hereby ordered to be constructed and acquired, shall be as shown on the final plans and specifications for the District filed with the City Clerk on November 1, 2000. The District shall constitute two assessment units for purposes of remonstrance, assessment and construction. The kind, character and location of the Project (without mentioning minor details) is as follows:

The Project is for the acquisition, construction and improvement of a local improvement project more particularly described as:

The Azure Drive and Tenaya Way improvement projects will include full-width pavement, medians and/or center left turn lanes, storm drain facilities, traffic control devices, curb and gutter, sidewalk on parcel 125-27-202-009 (Tenaya Way frontage only), streetlights, residential and/or commercial driveways, fire hydrants, sewer mains and laterals, and water mains and laterals, generally in the following locations:

Unit 1 - Tenaya Way Varying from 66 feet wide to 68 feet wide pavement from 310 feet south of the Tenaya Way and Azure Drive Intersection northerly approximately 936 feet to the intersection of Tenaya Way and Regena Avenue and curb/gutter, 5-foot sidewalk on the above mentioned parcel, streetlights, traffic signal, residential and/or commercial driveway approaches, water mains, and laterals, and sewer main and laterals.

Unit 2 - Azure Drive 68 feet wide pavement from the westerly right-of-way line of Tenaya Way, westerly approximately 2,741 feet to the projected western property lines of parcels 125-27-101-024 and 125-27-101-025, including medians and/or center left turn lanes, curb/gutter, commercial driveway approaches, storm drain facilities, streetlights, traffic signal devices, fire hydrants, water mains and laterals, sewer mains and laterals, and the overpass bridge structure going over controlled access beltway (U.S. 95).

Unit 2 - Additional Sewer Main in Azure Dr.

A 10 inch sewer main from the intersection of Azure Drive and Rio Vista St. westerly approximately 1,351 feet to the intersection of Tenaya Way and Azure Drive; and an 8 inch main westerly from the 10 inch of sewer main line at the intersection of Tenaya Way and Azure Drive to the westerly right of way of Tenaya Way.

Other

Water and sewer laterals will be extended from proposed mains to each parcel. More than one lateral may be constructed to a parcel at the request of the owner made in writing prior to the date construction commences. One driveway approach will also be constructed to each parcel. More than one may be constructed at the written consent of the owner prior to the commencement of construction.

The boundaries of the District and the two assessment units are as follows:

The Special Improvement District (SID) will include all the streets to be improved, as described above, including the portion of Azure in which a sewer main is installed, and all property in the following two assessment units:

Unit 1 - Tenaya Way

Generally, those parcels on both sides of Tenaya Way between Regena Avenue and Azure Drive and the property on the southwest corner of Azure Drive and Tenaya Way. The property included in Unit 1 of the District are the following assessment parcel Nos. (APN's identified in the record of the County Assessor of Clark County): 125-27-101-027, 125-27-202-009, 125-27-503-001, 125-27-503-008.

Unit 2 - Azure Drive

Generally, those parcels on both sides of Azure drive from westerly right-of-way line of Tenaya Way to the projected western property lines of parcels 125-27-101-024 and 125-27-101-025. The property included in Unit 2 of the District are the following APN's: 127-27-101-022, 125-27-101-024, 125-27-101-025, 125-27-101-027, 125-27-202-009, 125-27-202-010.

The Project is described in more detail on the Preliminary Plans and Specifications described herein. Except as shown in the preliminary plans, the character of the improvements shall be as described in the preceding paragraph.

Section 5. The total cost of the Project is estimated to be \$9,576,399. It is estimated that \$422,853 of such costs in Unit 1 and \$ 3,145,342 of such costs in Unit 2 will be paid by the levy of special assessments against property in each Unit in the District as further described below, and \$812,609 of such costs in Unit 1 and \$5,195,595 of such costs in Unit 2 will be paid by the City from sources other than special assessments.

Section 6. The amount to be assessed for the Project will be levied upon all tracts in the District, i.e., upon each piece, lot, tract or parcel in the District, in proportion to the special benefits derived on a per lot basis (i.e., costs of improvements in the District shall be apportioned to each such parcel in the District in the proportion to the number of lots in the District) provided that an equitable adjustment will be made for assessments levied against any tract or parcel of land not specially benefitted so that the assessments according to the benefits are equal and uniform. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and preliminary assessment roll.

Section 7. The extent of the District, i.e., a description of the land comprising the District including the parcels to be assessed is: The boundaries of the District consist of the Project to be constructed as described above and each of the following parcels, identified by Assessor's Parcel Number:

Unit 1 – Tenaya Way

125-27-101-027

125-27-202-009

125-27-503-001

125-27-503-008

Unit 2 – Azure Drive

125-27-101-022

125-27-101-024

125-27-101-025

125-27-101-027

125-27-202-009

125-27-202-010

Properties identified by parcel numbers in the description of the boundaries of the District refer to the properties listed with those parcel numbers in the records and maps of the Clark County Assessor and filed for record in the office of the County Recorder of Clark County. Such parcels are also shown on the maps and preliminary plans for the District filed with the City Council of the City of Las Vegas, Nevada and available for inspection at the office of the City Clerk and the office of the Department of Public Works - Engineering Division (the "Engineer").

Section 8. The District shall have one construction contract.

Section 9. The Engineer is hereby authorized on behalf of the City to advertise for the doing of the work and making the improvements on behalf of the City in accordance with NRS 271.335 to the extent the improvements are not constructed pursuant to NRS 271.340 or 271.345.

Section 10. After the award of the contract to the lowest bidder, or after the determination of the net cost to the City, the Council shall determine the total cost of such work, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the Council shall provide that the assessments may be payable without interest or demand during a specific cash payment period, or at the election of the owner, or in forty (40) substantially equal semi-annual installments which will include both principal and interest. The Council shall provide the time and terms of payment of such assessments and shall fix penalties to be collected upon delinquent payments. The Council shall also provide the rate of interest on unpaid installments of assessments which will not exceed by more than 1% the rate of interest on the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the then effective statutory limit, if any, for interest on assessment bonds. Such limit currently states that the interest rate may not exceed by more than 3% the Index of Twenty Bonds which shall have been most recently published in The Bond Buyer before bids for the bonds are received, or before a negotiated offer for the sale of such bonds is accepted. In no event will the interest rate exceed 12% per annum. If bonds are not issued, the Council shall establish, by resolution, the rate of interest on unpaid installments of assessments.

Section 11. All action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof (not inconsistent with the provisions of this Ordinance), concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition, construction and improvement of a drainage project, the advertising and award of a construction contract therefor, and the levy of assessments against the specific benefitted property therein for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 12. 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 Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. When first proposed, this Ordinance must be read to the Council by title, immediately after which an adequate number of copies of this Ordinance must be deposited with the City Clerk for public examination and distribution. Notice of the deposit must be published once in a newspaper published and having general circulation in the City at least 10 days before the adoption of the Ordinance, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. _____

**AN ORDINANCE CREATING CITY OF LAS VEGAS,
NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1477
(TENAYA WAY & AZURE DRIVE); ORDERING A LOCAL
IMPROVEMENT PROJECT WITHIN THE CITY OF LAS
VEGAS, NEVADA; AND PRESCRIBING OTHER MATTERS
RELATING THERETO.**

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 1st day of November, 2000, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 6th day of December, 2000.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. This Ordinance shall become effective after its passage by the City Council of the City of Las Vegas and, after such passage by the City Council, publication once by title in a newspaper qualified pursuant to the provisions of Chapter 238 of the Nevada Revised Statutes, as amended from time to time. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

**AN ORDINANCE CREATING CITY OF LAS VEGAS,
NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1477
(TENAYA WAY & AZURE DRIVE); ORDERING A LOCAL
IMPROVEMENT PROJECT WITHIN THE CITY OF LAS
VEGAS, NEVADA; AND PRESCRIBING OTHER MATTERS
RELATING THERETO.**

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on November 1, 2000 and was passed at a regular meeting held on December 6, 2000, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

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

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after _____, 2000, i.e., the date of publication of such Ordinance by its title only.

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

This _____ day of _____, 2000.

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest:

/s/ BARBARA JO RONEMUS
City Clerk

Section 16. If any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Adopted this December 6, 2000.

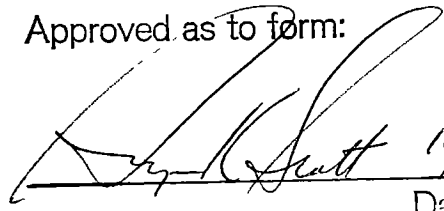
OSCAR B. GOODMAN, Mayor

(SEAL)

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to form:



Date 10/19/00

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the Council on November 1, 2000 and finally adopted and approved on December 6, 2000.

2. The following members of the Council were present at the November 1, 2000 Council meeting:

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on November 1, 2000, and referred to a committee composed of the _____
_____ for recommendation; thereafter the said committee reported favorably on said Ordinance on December 6, 2000, which was a regular meeting of said Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the December 6, 2000 meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Michael J. McDonald
	Gary Reese
	Larry Brown
	Lynette Boggs-McDonald
	Lawrence Weekly
	Michael Mack

Those Voting Nay: _____

Those Absent: _____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the Council were given due and proper notice of the meetings held on November 1, and December 6, 2000. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the Council, to wit:

- (i) City Hall
City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (ii) Senior Citizens Center
Las Vegas, Nevada
- (iii) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (iv) Downtown Transportation Center
Las Vegas, Nevada

; and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of such notice so given of the meeting of the Council on November 1, 2000 is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the Council on December 6, 2000 is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this _____, 2000.

City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of November 1, 2000 Meeting)

EXHIBIT B

(Attach Copy of Notice of December 6, 2000 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

RECOMMENDING COMMITTEE MEETING MINUTES
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHT FLOOR
MONDAY, NOVEMBER 13, 2000
4.00 P.M.

ATTENDANCE: Lawrence Weekly, Councilman
Michael Mack, Councilman

ALSO PRESENT: Val Steed, Chief Deputy City Attorney

CALL TO ORDER: Councilman Weekly called the meeting to order at 4:03 p m

ANNOUNCEMENT MADE: Meeting noticed and posted at the following locations

Downtown Transportation Center, City Clerk's Board
Senior Citizens 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

- 1 BILL NO. 2000-83 – EXPANDS THE “ORDER OUT CORRIDOR” THAT PERTAINS TO PROSTITUTION AND MISDEMEANOR DRUG ACTIVITY Proposed by Bradford R. Jerbic, City Attorney

Committee: Councilmen Weekly and Mack

Chief Deputy City Attorney Val Steed explained that the expansion was requested by the Las Vegas Metropolitan Police (Metro) to include additional areas as part of the “Order Out Corridor”. The Bill is in order.

No one appeared in opposition.

There was no further discussion

Councilman Mack recommended Bill No. 2000-83 be forwarded to the Full Council with a “Do Pass” recommendation. Councilman Weekly concurred.

(4.03-4:04)

1-1

- 2 BILL NO. 2000-84 – ORDINANCE CREATING SPECIAL IMPROVEMENT DISTRICT NO 1477 (TENAYA WAY AND AZURE DRIVE) Sponsored by Step Requirement Committee. Councilmen Weekly and Mack

Chief Deputy City Attorney Val Steed advised that the bill is in order

No one appeared in opposition.

There was no further discussion

Councilman Mack recommended Bill No. 2000-84 be forwarded to the Full Council with a "Do Pass" recommendation. Councilman Weekly concurred.

(4:04)

1-28

CITIZENS PARTICIPATION:

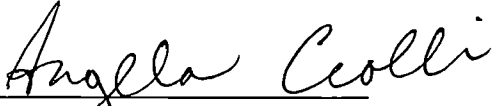
Tom McGowan, Citizen of Las Vegas, stated that the City Council will address an item of major significance on Thursday, November 16, 2000 and the entire Council is authorized and empowered to designate the role of Mayor Pro Tem. It is important to recognize that only the Council can do that and the most important thing to consider is not who is Mayor Pro Tem, but whether or not the process was followed.

(4:04 - 4:08)

1-41

The meeting adjourned at 4:08 p.m.

Respectfully submitted:



Angela Colli
November 13, 2000