

City of Las Vegas Redevelopment Agency
Council Chambers • 400 Stewart Avenue
Phone - 229-6011 [Voice] 386-9108 [TDD]

MINUTES

Meeting of
MARCH 5, 2003
9:00 A.M.

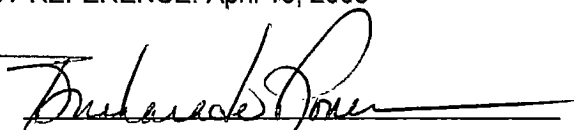
(Following the morning session of the City Council Meeting)

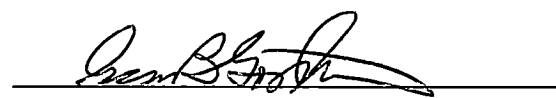
Called To Order: 11:05 A.M.
Adjourned: 11:17 A.M.

REDEVELOPMENT AGENCY	PRESENT	ABSENT	EXCUSED
CHAIRMAN OSCAR B. GOODMAN	☐	☐	☒
MEMBER GARY REESE - VICE-CHAIRMAN	☒	☐	☐
MEMBER MICHAEL J. McDONALD	☒	☐	☐
MEMBER LARRY BROWN	☒	☐	☐
MEMBER LYNETTE BOGGS McDONALD	☒	☐	☐
MEMBER LAWRENCE WEEKLY	☐	☐	☒
MEMBER MICHAEL MACK	☒	☐	☐
DOUG SELBY, EXECUTIVE DIRECTOR	☒	☐	☐
BRADFORD R. JERBIC, CITY ATTORNEY	☒	☐	☐
BARBARA JO RONEMUS, SECRETARY	☒	☐	☐

APPROVED BY REFERENCE: April 16, 2003

ATTEST:


SECRETARY


CHAIRMAN

29✓

City of Las Vegas

REDEVELOPMENT AGENCY MEETING
CITY HALL, 400 STEWART AVENUE
COUNCIL CHAMBERS

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
WEDNESDAY, MARCH 5, 2003
9:00 A.M.

(Following Morning Session of the City Council Meeting)

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

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- 1. APPROVAL OF THE MINUTES BY REFERENCE FOR THE MEETING OF JANUARY 22, 2003
- 2. DISCUSSION AND POSSIBLE ACTION REGARDING THE FIRST AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY AND SIMON/CHELSEA LAS VEGAS DEVELOPMENT, LLC, TO PROVIDE FOR A REVISED AND EXPANDED EMPLOYMENT PLAN PURSUANT TO THE AGENCY'S REVISED EMPLOYMENT PLAN POLICY AND COMMUNITY INPUT, AND AUTHORIZE THE EXECUTION BY THE AGENCY (APN #139-33-710-001) - WARD 5 (WEEKLY)
- 3. REPORT ON FINANCIAL CONDITION OF THE REDEVELOPMENT AGENCY AS OF DECEMBER 31, 2002

CITIZEN PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISION OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A REDEVELOPMENT AGENCY MATTER NOT LISTED ON THE AGENDA, PLEASE STEP UP TO THE PODIUM AND CLEARLY STATE YOUR NAME AND ADDRESS. PLEASE LIMIT YOUR REMARKS TO THOSE MATTERS UNDER THE EXPRESS JURISDICTION OF THE REDEVELOPMENT AGENCY. 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

Facilities are provided throughout City Hall for the convenience of disabled persons. Special equipment for the hearing impaired is available for use at meetings. 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.

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

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

AFFIDAVIT OF MAILING

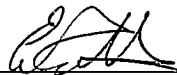
(Mailing required under the provisions of NRS Chapter 241)

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 **27th** day of **February, 2003**, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **Redevelopment Agency Meeting** to be held on the **5th** day of **March, 2003**, 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.



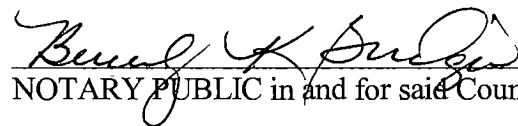
SIGNATURE

City Clerk

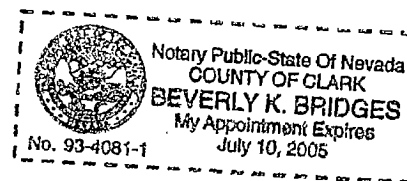
DEPARTMENT

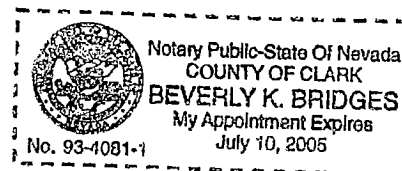
Subscribed and sworn to before me this

31st day of March, 2003



NOTARY PUBLIC in and for said County and State





REDEVELOPMENT AGENCY AGENDA
MEETING OF: MARCH 5, 2003

THESE PROCEEDINGS ARE BEING PRESENTED LIVE ON KCLV, CABLE CHANNEL 2, AND ARE CLOSED CAPTIONED FOR OUR HEARING IMPAIRED VIEWERS. THE COUNCIL MEETING, AS WELL AS ALL OTHER KCLV PROGRAMMING, CAN BE VIEWED ON THE INTERNET AT www.kclv.tv. THE PROCEEDINGS WILL BE REBROADCAST ON KCLV CHANNEL 2 AND THE WEB THE WEDNESDAY OF THE MEETING AT 8:00 PM, AND ALSO ON FRIDAY AT 4:00 AM, SATURDAY AT 7:00 PM, SUNDAY AT 7:00 AM AND THE FOLLOWING MONDAY AT 1:00 PM.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

CALLED TO ORDER BY VICE CHAIR REESE AT 11:05 A.M.

PRESENT: VICE CHAIR REESE and MEMBERS M. McDONALD, BROWN, L.B. McDONALD, and MACK

EXCUSED: CHAIRMAN GOODMAN and MEMBER WEEKLY

ALSO PRESENT: DOUG SELBY, Executive Director, BRADFORD JERBIC, City Attorney, and BARBARA JO RONEMUS, Secretary

ANNOUNCEMENT MADE: Posted as follows:

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

(11:05)
2-1046

AGENDA SUMMARY PAGE

REDEVELOPMENT AGENCY MEETING OF: MARCH 5, 2003

DEPARTMENT: OFFICE OF BUSINESS DEVELOPMENT

DIRECTOR: LESA CODER

SUBJECT:

APPROVAL OF THE MINUTES BY REFERENCE FOR THE MEETING OF JANUARY 22, 2003

MOTION:

M. McDONALD – APPROVED by Reference – UNANIMOUS with GOODMAN and WEEKLY excused

MINUTES:

There was no discussion.

(11:05)

2-1054

AGENDA SUMMARY PAGE

REDEVELOPMENT AGENCY MEETING OF: MARCH 5, 2003

DEPARTMENT: BUSINESS DEVELOPMENT

DIRECTOR: LESA CODER

SUBJECT:

DISCUSSION AND POSSIBLE ACTION REGARDING THE FIRST AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY AND SIMON/CHELSEA LAS VEGAS DEVELOPMENT, LLC, TO PROVIDE FOR A REVISED AND EXPANDED EMPLOYMENT PLAN PURSUANT TO THE AGENCY'S REVISED EMPLOYMENT PLAN POLICY AND COMMUNITY INPUT, AND AUTHORIZE THE EXECUTION BY THE AGENCY (APN #139-33-710-001) - WARD 5 (WEEKLY)

Fiscal Impact

☒	No Impact	Amount:
☐	Budget Funds Available	Dept./Division:
☐	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The Owner Participation Agreement (OPA) was approved by the Agency on June 19, 2002. Subsequently, the World Market Center OPA was approved on September 18, 2002, with a more detailed Employment Plan worked out with strong community input. Community leaders approached Simon/Chelsea to request a more detailed Employment Plan for their project, and the Developer was willing to do so and offers this revised and expanded Employment Plan, somewhat modeled upon the World Market Center.

RECOMMENDATION:

Approval.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. First Amendment, with revised Employment Plan
3. Location Map

MOTION:

M. McDONALD – APPROVED as recommended – UNANIMOUS with GOODMAN and WEEKLY excused

MINUTES:

LESA CODER, Director, Business Development Office, indicated that the Chelsea Group has agreed to modify their employment plan in accordance with the employment plan of World Market Center. She recommended approval of the first amendment as submitted.

REDEVELOPMENT AGENCY MEETING OF MARCH 5, 2003

Item 2 - DISCUSSION AND POSSIBLE ACTION REGARDING THE FIRST AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY AND SIMON/CHELSEA LAS VEGAS DEVELOPMENT, LLC, TO PROVIDE FOR A REVISED AND EXPANDED EMPLOYMENT PLAN PURSUANT TO THE AGENCY'S REVISED EMPLOYMENT PLAN POLICY AND COMMUNITY INPUT, AND AUTHORIZE THE EXECUTION BY THE AGENCY

MINUTES – Continued:

ATTORNEY DAVID BARKSDALE, Kummer, Kaempfer, Bonner, and Renshaw, 3800 Howard Hughes Parkway, appeared representing Simon/Chelsea Las Vegas Development, LLC.

MEMBER M. McDONALD commended staff on a wonderful job. He requested that ATTORNEY BARKSDALE urge his clients to stay in the downtown area.

GENE COLLINS, 1101 Eleanor Avenue, opined that this is a great plan, in which many people in the community became involved to ensure employment to the adjacent residents. He thanked the Chelsea Group for agreeing to the changes.

TODD FARLOW, 240 N. 19th Street, questioned if there is anyway of enforcing the conditions in this agreement, because, as he has witnessed, conditions and agreements do not mean anything to the Chelsea Group. When the first proposal was approved, one of the conditions was that the natural landscaping be left in place, but Chelsea removed the trees.

VICE CHAIR REESE thanked CHAIRMAN GOODMAN and MEMBER WEEKLY for their rolls in this project. He was very skeptical originally, but it has been a pleasure working with the applicant.

There was no further discussion.

(11:05 – 11:10)

2-1062

AGENDA MEMO

REDEVELOPMENT AGENCY MEETING DATE: MARCH 5, 2003

DEPARTMENT: BUSINESS DEVELOPMENT

ITEM DESCRIPTION: FIRST AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT BETWEEN THE CITY OF LAS VEGAS REDEVELOPMENT AGENCY AND SIMON/CHELSEA LAS VEGAS DEVELOPMENT, LLC, TO PROVIDE FOR A REVISED AND EXPANDED EMPLOYMENT PLAN PURSUANT TO THE AGENCY'S REVISED EMPLOYMENT PLAN POLICY AND COMMUNITY INPUT, AND AUTHORIZE THE EXECUTION BY THE AGENCY (APN #139-33-710-001) - WARD 5 (WEEKLY)

The First Amendment to the Owner Participation Agreement (OPA) between the City of Las Vegas Redevelopment Agency and Simon/Chelsea Las Vegas Development, LLC, provides for a revised and expanded Employment Plan, pursuant to the Agency's revised Employment Plan Policy and significant community input. This new Employment Plan is somewhat modeled upon the World Market Center Employment Plan, adopted on September 18, 2002.

Team members of Simon/Chelsea Las Vegas Development, LLC, and City staff have met with community representatives to discuss possible revisions to the Employment Plan for this project. Community representatives indicated that they felt that the World Market Center Employment Plan more closely aligned with their ambitions for this new project already beginning construction. They requested that the development team consider revising their Employment Plan to provide greater detail and further elaboration describing the development team's efforts to reach out to minority and underserved populations to encourage them to seek opportunities to participate in the final phases of construction of the project.

This revised Employment Plan provides a greater level of specificity and detail than the original Employment Plan adopted with the OPA on June 19, 2002, and so therefore, is very similar to the World Market Center Employment Plan which was already approved by the Redevelopment Agency Board.

**FIRST AMENDMENT
TO
OWNER PARTICIPATION AGREEMENT**

THIS FIRST AMENDMENT TO OWNER PARTICIPATION AGREEMENT ("Amendment") is made this 5th day of March, 2003, by and between the City of Las Vegas Redevelopment Agency ("Agency"), and Simon/Chelsea Las Vegas Development LLC, a Delaware limited liability company ("Developer").

RECITALS

A. Agency and Developer have entered into that certain Owner Participation Agreement (the "Agreement") dated as of June 9, 2002.

B. The Attachment "H" to the Agreement is an Employment Plan (the "Plan") for the Project.

C. Agency and Developer have agreed to revise the Plan and substitute the revised Plan into the Agreement as a new Attachment "H" upon the terms and conditions set forth herein.

D. Capital terms not defined herein shall have the meanings as set forth in the Agreement.

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

1. Attachment "H" of the Agreement is hereby deleted and replaced with the revised Plan attached hereto as Exhibit A and incorporated herein by reference.

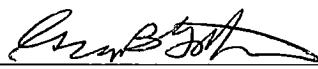
2. This Amendment may be executed in any number of counterparts, each of which when executed and delivered shall be an original, but all such counterparts shall constitute one and the same document. Any signature page of this Amendment may be detached from any counterpart without impairing the legal effect of any signatures thereon, and may be attached to another counterpart, identical in form thereto, but having attached to it one or more additional signature pages.

3. Except as amended hereby, the Agreement shall remain in full force and effect.

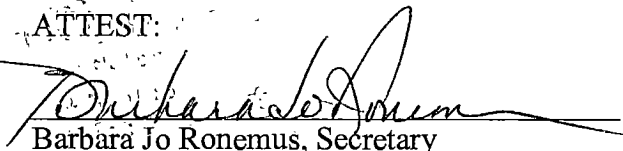
[Signature page follows]

IN WITNESS WHEREOF, Agency and Developer have executed this Amendment as of the date first set forth above.

CITY OF LAS VEGAS
REDEVELOPMENT AGENCY

By: 
Oscar B. Goodman, Chairperson

ATTEST:


Barbara Jo Ronemus, Secretary

Approved as to Form:

 2/6/03
Date

SIMON/CHELSEA LAS VEGAS
DEVELOPMENT, LLC
A Delaware limited liability company

By: CPG Partners, L.P.
A Delaware limited partnership
Its Operating Member

By: Chelsea Property Group, Inc.
A Maryland corporation
Its General Partner

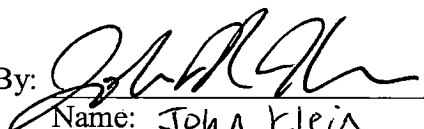
By: 
Name: John Klein
Title: Senior V.P. - Real Estate

Exhibit "A"
to
First Amendment

**EMPLOYMENT PLAN FOR
SIMON/CHELSEA LAS VEGAS DEVELOPMENT, LLC
FOR THE LAS VEGAS PREMIUM OUTLETS**

This Employment Plan of Simon/Chelsea Las Vegas Development, LLC, a Delaware limited liability company ("Simon/Chelsea"), is prepared for its Las Vegas Premium Outlets project (the "Project") in accordance with § 279.482(2) of the Nevada Revised Statutes ("NRS") and the City of Las Vegas Redevelopment Agency Employment Plan Policy (hereinafter the "Policy") adopted June 6, 2001. (Attachment 1). This Employment Plan, which shall become effective as of the date an amendment to the Agreement (as defined below) substituting this Plan as Attachment "H" to the Agreement has been approved by the City Council of the City of Las Vegas (the "Effective Date"), outlines the steps to be taken by Simon/Chelsea to assist it in achieving compliance with the Policy. In accordance with the Policy, developers and build-to-suit owners which receive redevelopment project funds are encouraged to hire individuals who live within the area of the operations and are economically disadvantaged residents, physically handicapped, members of racial minorities, veterans, women, and/or the homeless.

THE EMPLOYMENT PLAN

This Employment Plan shall apply during the construction phase of the Project.

1. Description of the Facilities to be Constructed. The facilities to be constructed by Simon/Chelsea will consist of a complex of buildings. Please see Section 109, and Attachment "A" of that certain Owner Participation Agreement dated June 9, 2002 by and

between Simon/Chelsea and the City of Las Vegas Redevelopment Agency (the "Agreement") for a complete description of the facilities constituting the Project.

2. Contracts for Construction of the Project. Simon/Chelsea will promote the utilization of women, minority, disabled, and veteran-owned business enterprises for the construction of the Project, as discussed more fully in Section 3 below. In this regard, it will establish, as targets, the participation goals established by the City of Las Vegas (the "City") in its "Equal Opportunity Contracting Policy" (Attachment 2). These goals represent the dollar value of subcontracts and materials agreements awarded to women, minority, disabled and veteran-owned businesses expressed as a proportion of the total dollar value of bids.

Simon/Chelsea shall provide the Agency with a list and the amounts of all contracts to be let for the construction phase of the Project after the Effective Date. Simon/Chelsea, through its construction manager, will seek input regarding the bid estimates from various contractors and subcontractors, including minority, women, disabled, and veterans ("MWDV") business firms. Bid documents for such contracts will then be completed and disseminated, using the City's Minority Vendors Directory, as described below.

3. Manner of Involving MWDV Businesses. Simon/Chelsea hereby certifies that, for the construction of the Project, it shall use and instruct its project manager and construction manager to use the City's Minority Vendors Directory to locate potential subcontractors. These entities shall notify qualified vendors identified in such directory of contracts to be let for construction, in sufficient time to allow effective participation by MWDV owned business firms. A copy of the notification shall be submitted to the Agency.

In addition to the above, Simon/Chelsea will perform the following tasks:

- (a) Advertise in the newspapers of general circulation, trade association papers and MWDV focused media concerning subcontracting opportunities, giving sufficient time to allow the opportunity for effective participation by MWDV owned businesses;
- (b) Contact and coordinate with the City's Minority Business Officer and City of Las Vegas Redevelopment Agency (the "Redevelopment Agency") representatives to obtain lists and information concerning the City's certified MWDV owned business enterprises;
- (c) Utilize referral agencies such as MWDV community organizations, professional associations and small business assistance offices or other organizations that provide assistance in the recruitment and placement of MWDV business enterprises;
- (d) When appropriate, break down contracts into the smallest economically feasible units to facilitate and encourage participation by MWDV owned businesses to the maximum extent possible that will comply with Chapter 332 of the NRS;
- (e) Ensure access by interested MWDV owned business enterprises to plans and specifications and adequate information about the scope of services and other requirements;
- (f) Offer information to interested MWDV owned business firms regarding the obtaining of bonding, lines of credit and/or insurance;

- (g) Pursuant to the terms of the Employment Plan, Simon/Chelsea will submit quarterly reports to the Redevelopment Agency for the period through recordation of the final Certificate of Completion for construction of the Project, demonstrating its compliance with the requirements of the Employment Plan, Simon/Chelsea shall also send copies of the quarterly reports to the State of Nevada Legislative Counsel Bureau, and to the Office of the City Clerk who shall keep these copies on file. Simon/Chelsea shall not charge for copies of the reports. The first report shall be distributed upon the Effective Date;
- (h) Simon/Chelsea will provide and dedicate a public announcement board in a public area of the Project; and
- (i) Simon/Chelsea shall advertise and solicit bids and accept qualified joint venture bids from local MWDV owned business firms and from joint ventures involving local and out of state MWDV owned business firms. Simon/Chelsea shall encourage joint ventures with MWDV owned business firms.

EMPLOYMENT PLAN POLICY

(As Adopted on June 6, 2001)

A. What is the purpose of the Employment Plan Policy?

The purpose of this Employment Plan Policy is to encourage developers and build-to-suit owners/lessees participating in a redevelopment project funded by the Redevelopment Agency to hire individuals of specially targeted population groups (economically disadvantaged residents, physically handicapped, members of racial minorities, veterans or women) who live within the area of operation.

B. Who must submit Employment Plans?

1. **Developers:** As appropriate for the redevelopment project, the developer shall submit to the Redevelopment Agency an Employment Plan for the construction phase of the redevelopment project in accordance with the requirements of this Policy. For purposes of this Policy, a "developer" means any person or entity who is proposing to construct commercial, office, retail or industrial space with the assistance of the Redevelopment Agency and includes both developers of speculative space and build-to-suit owners.

A "developer of speculative space" means any developer who constructs commercial, office, retail or industrial space for the purpose of conveying or leasing to an unknown owner and/or tenant. A "build-to-suit developer" means any developer who constructs commercial, office, retail or industrial space in accordance with the customized specifications of a known owner and/or lessee to whom the space will be conveyed or leased upon completion of the redevelopment project.

2. **Build-to-Suit Owners/Lessees:** As appropriate for the redevelopment project submitted by a build-to-suit developer, the owner/lessee for which the redevelopment project is to be constructed shall submit to the Redevelopment Agency an Employment Plan for the post construction phase of the redevelopment project in accordance with the requirements of this Policy.

For purposes of this Policy, "build-to-suit owner/lessee" means the owner and/or lessee of commercial, office, retail or industrial space which has been constructed by the developer to the customized specifications of the owner/lessee.

3. **Owners/Lessees:** An owner/lessee of speculative commercial, industrial, office or retail space shall be exempt from submitting an Employment Plan.

C. What is the term of the Employment Plan?

1. The developer shall adhere to the Employment Plan only during the construction phase of the development.
2. The build-to-suit owner/lessee shall adhere to the Employment Plan for at least as long as the redevelopment project remains subject to the Owner Participation Agreement (OPA)/Disposition and Development Agreement (DDA). Each OPA/DDA will include the specific time periods based on the particular relevant aspects of the project. All subcontractors of permanent operations will be required to adhere to the Employment Plan through contractual language included in any agreement with the build-to-suit owner/lessee. The appropriate requirements of the Employment Plan Policy shall be included in the Owner Participation Agreement.
3. Employment Plans must be submitted to the Agency for review during negotiations for redevelopment funding to be approved as part of the OPA/DDA.

D. What information must the developer provide in the Employment Plan?

The developer shall provide the Agency with a list and amount of all contracts to be let for the construction of the redevelopment project.

E. What procedures shall the developer adhere to?

The developer is required to submit an Employment Plan for the construction phase of the redevelopment project, and shall be referred to the City's Minority Vendors Directory. The developer shall notify the vendors identified in the Minority Vendors Directory of all contracts to be let for the redevelopment project. A copy of the notification shall be submitted to the Redevelopment Agency.

F. What Information must be in the Employment Plan submitted by Build-to-Suit Owner/Lessee?

1. A description of the existing opportunities for employment within the area. This information is available from the Nevada Employment Security Department. The Agency shall make every effort to assist the build-to-suit owner/lessee in obtaining this information for inclusion in the Employment Plan.
2. A projection of the effect that the redevelopment project will have on opportunities for employment within the area. In other words, the number of new jobs created as a result of the redevelopment project and a description of the skills required to fill the positions. The build-to-suit owner/lessee must supply this information to the Redevelopment Agency.
3. It is the intent of this Policy that a minimum of 51% of all new jobs created as a direct result of the Redevelopment Project be filled by residents of the Redevelopment Area and/or the City of Las Vegas Special Impact Area (SIA) and/or Census Tracts 5.03 and 5.04 (these tracts will be eligible for SIA designation upon release of the 1990 census information). The Redevelopment Agency shall have the authority to reduce the employment requirements of this section after a showing of just cause. This includes the refilling of those jobs for the duration of the Employment Plan. The build-to-suit owner/lessee is required to submit an Employment Plan which describes how the operation will employ persons who are:
 - a. *economically disadvantaged*
 - b. *physically handicapped*
 - c. *members of racial minorities*
 - d. *veterans*
 - e. *women*
4. The build-to-suit owner/lessee shall, as part of the Employment Plan, utilize one or more of the following referral agencies for the purpose of receiving qualified job applicants. Only nominal administrative fees can be charged to the employee by non-profit referral agencies for referral or job placement. These referral agencies, by virtue of their activities, are recognized as having a knowledge of the applicant pool available to assist in the location of and, in some cases, training and upgrading of skills of qualified applicants to fill the unique needs of each business.

- a. *Nevada Employment Security Department*
- b. *Nevada Business Services*
- c. *Nevada Black Chamber of Commerce*
- d. *Latin Chamber of Commerce*
- e. *Las Vegas Indian Center*
- f. *Nevada Association for the Handicapped*
- g. *Nevada Welfare Department*
- h. *Women's Development Center*
- i. *St. Vincent's Job Desk*
- j. *Community College of Southern Nevada*
- k. *Bureau of Vocational Rehabilitation of Southern Nevada*
- l. *Dr. Martin Luther King, Jr. Committee*

- 5. Build-to-suit owner/lessees shall be required to pay a minimum rate which is the higher of the federal minimum wage or the market rates paid by employers in similar businesses in order to ensure that redevelopment jobs provide decent standards of living for employees.
- 6. Build-to-suit owner/lessee shall establish an in-house training program for promoting employees, provided the operation employs a total of more than (25) employees. The training program shall be included as part of the Employment Plan.

G. What procedural guidelines must Build-to-Suit Owner/Lessee follow?

- 1. The build-to-suit owner/lessee agrees to submit written notification to the referral agency of job positions available for hire at least thirty (30) working days prior to the employer's anticipated hiring date.
- 2. Such written notification shall include a description of the required job qualifications, the rate of pay, the anticipated hiring date, and the date by which the referral agency must refer qualified applicants to the build-to-suit owner/lessee in order to be considered for hiring to the vacant position including management, technical and professional positions.
- 3. The build-to-suit owner/lessee need not notify the referral agency of any vacancy to be filled by an internal promotion from his own work force.

4. In the event that the referral agency fails to refer qualified individuals within thirty (30) working days for consideration of the vacant job openings of which the build-to-suit owner/lessee has notified the referral agency, the build-to-suit owner/lessee will be free to directly fill any and all remaining positions after so notifying the referral agency in writing.
5. The build-to-suit owner/lessee shall make the final decision on hiring new employees but shall be encouraged to select employees from among qualified persons referred by the referral agencies. This does not release the build-to-suit owner/lessee from the requirements of this Policy.
6. The build-to-suit owner/lessee will not discriminate against any applicant for employment because of race, religion, age, handicap, color, sex, national origin.
7. The Redevelopment Agency shall be copied on all written correspondence between the build-to-suit owner/lessee and the referral agency.

H. What are the reporting requirements?

1. The developer shall inform the Agency of the selected bidder after the bid is awarded, including a justification for not selecting the minority vendor, if such is the outcome. Backup documentation shall be provided to the Agency, as requested.
2. The build-to-suit owner/lessee shall submit a report to the Redevelopment Agency within thirty (30) calendar days after the end of each calendar quarter. This report will provide the Agency with a list of employees' names, addresses, rates of pay and health benefit status, and whether or not they were referred by the above agencies. Affected employees shall be notified that this information is being reported to the Agency. The Agency shall use this information for the sole purpose of determining compliance of the owner/lessee with the submitted Employment Plan. This information shall not be submitted to any other person or organization for any other purpose.

Assembly Bill No. 664- Assemblymen Arberry and Wendell Williams

Chapter 621

An ACT relating to the redevelopment of communities; requiring a proposal for a project of redevelopment to include an employment plan; and providing other matters property relating thereto.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 279.572 is hereby amended to read as follows:

279.572 1. Every redevelopment plan must show:

- [1.] (a) The amount of open space to be provided and the layout of streets.
- [2.] (b) Limitations on type, size, height, number and proposed use of buildings.
- [3.] (c) The approximate number of dwelling units.
- [4.] (d) The property to be devoted to public purposes and the nature of those purposes
- [5.] (e) Other covenants, conditions and restrictions which the legislative body prescribes.
- [6.] (f) The proposed method of financing the redevelopment plan in sufficient detail so that the legislative body may determine the economic feasibility of the plan.

2. As appropriate for the particular project, each proposal for a project must also include an employment plan. The employment plan must include:

- (a) A description of the existing opportunities for employment within the area.
- (b) A projection of the effect that the redevelopment project will have on opportunities for employment within the area.
- (c) A description of the manner in which an employer relocating his business into the area plans to employ persons living within the area of operation who are:
 - (1) Economically disadvantaged
 - (2) Physically handicapped
 - (3) Members of racial minorities
 - (4) Veterans
 - (5) Women

EQUAL OPPORTUNITY CONTRACTING POLICY

Minority business enterprises will be afforded full opportunity to submit bids in response to this invitation and will not be discriminated against on the grounds of race, color, creed, sex, or national origin in consideration for an award.

A. GENERAL

- 1) An M/W/DVBE may participate as a prime contractor, sub-contractor, joint venture partner with a prime or sub-contractor, or as a vendor of materials and/or supplies. Only those sub-contractor(s) and suppliers contracting directly with or to be paid by the prime contractor may be credited toward the goals.
- 2) An M/W/DVBE joint venture partner must be responsible for a clearly defined scope of work detailed separately from the work to be performed by the non-M/W/DVBE joint venture partner. In addition, an agreement signed by all parties, identifying the extent to which each joint venture partner shares in the Ownership, control, management, risk and profits of the joint venture must be submitted to the City of Las Vegas.
- 3) An M/W/DVBE must perform a commercially useful function, i.e., must be responsible for the execution of a distinct element of the Work and must carry out its responsibility by actually performing, managing, and supervising the Work specified.
- 4) The Contractor shall not be entitled to payment for any work or material scheduled to be performed by an M/W/DVBE unless it is performed or supplied by the listed M/W/DVBE or by an approved substitution.

B. MBE/WBE/DVBE GOALS

- 1) The Owner has adopted the following goals for MBE/WBE/DVBE participation and utilization.

Minority-owned Business Enterprise (MBE) 25%

Women-owned Business Enterprise (WBE) 5%

Disabled Veteran-owned Business Enterprise (DVBE) 2.5%

These percentage goals represent the value of sub-contracts and materials agreements awarded to M/W/DVBE's based on the total dollar value of the bid. Only sub-contractors and suppliers listed prior to bid opening may be counted toward the goals.

- 2) Each Bidder is responsible for making a sufficient portion of the Work available to sub-contractors and suppliers and to select those portions of the Work and/or material needs consistent with M/W/DVBE availability.
- 3) Each Bidder is responsible for making a good faith effort to meet the M/W/DVBE participation and utilization goals. If the Bidder fails to meet the goals, information documenting the Bidder's good faith efforts to achieve the goals must be submitted prior to bid award.
- 4) Prior to award of the Contract, the apparent low bidder's bid submission will be reviewed to determine if the Owner goals have been met. If goals have been achieved, the Bidder will not be required to submit any information documenting their good faith efforts to meet the goals.

- 5) M/W/DVBE prime contractors will receive credit toward the goals only for that portion of the Work to be completed by their own workforce and that of other M/W/DVBE subcontractors.
- 6) M/W/DVBE prime contractors are also expected to meet the goals for M/W/DVBE participation or to demonstrate a good faith effort to meet the goals.

C. GOOD FAITH EFFORT

1. A good faith effort is defined as that which, given all relevant circumstances, a Contractor actively and aggressively seeking to meet the goals would make. Efforts that are merely pro forma, are not good faith efforts to meet the goals, even if they are sincerely motivated, if, given all relevant circumstances, those efforts could not reasonably be expected to produce a level of participation to meet the goals. In evaluating good faith efforts, the following are some examples that the Owner will consider:
 - a) Whether the Contractor attended any pre-bid conferences scheduled to discuss the Owner's Equal Opportunity Contracting Program goals and requirements for the Project.
 - b) Whether the Contractor advertised in general circulation, trade association, and minority, women, and disabled veteran-focus media concerning sub-contracting opportunities in time to allow opportunity for effective participation by M/W/DVBE firms.
 - c) Whether the Contractor contacted the Owner's Minority Business Enterprise Section for a list of identified M/W/DVBE firms and the Owner's M/W/DVBE Resource List, and effectively used this information.
 - d) Whether the Contractor effectively used additional services of available: (i) minority, women, and disabled veteran community organizations; (ii) minority, women, and disabled veteran professional associations; (iii) minority, women, and disabled veteran trade associations; (iv) local, state and federal small business assistance offices; and (v) other organizations that provide assistance in the recruitment and placement of M/W/DVBE's.
 - e) Whether the Contractor provided written notice to a reasonable number of specific M/W/DVBE firms in sufficient time to allow opportunity for effective participation in the Contract.
 - f) Whether the Contractor followed up initial solicitations of interest by contacting M/W/DVBE firms to determine with certainty whether they were interested.
 - g) Whether the Contractor selected portions of the Work to be performed by M/W/DVBE firms in order to increase the likelihood of meeting the established goals, including, where appropriate, breaking down contracts into economically feasible units to facilitate M/W/DVBE participation.
 - h) Whether the Contractor provided interested M/W/DVBE firms with access to plans, specifications and adequate information about the scope of services and other requirements of the Contract.
 - i) Whether the Contractor negotiated in good faith with interested M/W/DVBE firms in order to arrive at a fair price, opting for negotiation in lieu of inviting bids.
 - j) Whether the Contractor fairly determined the qualifications of interested M/W/DVBE firms using only the criteria specified in the Bid Documents.

k) Whether the Contractor made efforts to assist interested M/W/DVBE firms in obtaining bonds, lines of credit, insurance, and/or meeting other governmental contracting requirements.

l) Whether the Contractor documented legitimate reasons why the particular M/W/DVBE's contacted were not utilized or qualified.

m) Other evidence to indicate compliance with the spirit of the Owner's Equal Opportunity Contracting Program.

2. This list is a guideline and is not meant to be exhaustive. The exercise of these good faith efforts does not necessarily establish a determination of compliance. In the determination of whether a potential contractor exercised good faith efforts to achieve the W/M/DVBE goals, the availability of qualified M/W/DVBE firms for the type of work involved on a particular contract will be considered.

3. In the event that a potential contractor has not achieved the M/W/DVBE participation goals, it may be entitled to receive an award of the contract if it exercises good faith efforts to achieve the goal, but is unable to do so.

4. Lack of good faith efforts will subject a potential qualified contractor's bid to additional scrutiny by the Minority Business Enterprise Section, and may cause the award process to be held in abeyance until an appropriate determination can be made.

D. SUBMITTALS

1. If goals have been achieved, the apparent low bidder will not be required to submit any information documenting their good faith efforts to meet the goals.

2. If the apparent low bidder fails to meet the Owner's M/W/DVBE goals, documentation supporting their good faith efforts must be submitted within five (5) working days after bid opening to the Owner's Minority Business Enterprise Section. Such documentation must indicate all efforts expended under paragraph C of this Section.

E. ADDITIONAL INFORMATION

Any prospective bidder wishing additional information on the Owner's Equal Opportunity Contracting Policy or information regarding minority, women, and disabled veteran contractors may contact the Minority Business Enterprise Section at (702) 229-6231.



Site Map

AGENDA SUMMARY PAGE

REDEVELOPMENT AGENCY MEETING OF: MARCH 5, 2003

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

SUBJECT:

REPORT ON FINANCIAL CONDITION OF THE REDEVELOPMENT AGENCY AS OF
DECEMBER 31, 2002

Fiscal Impact

☒	No Impact	Amount:
☐	Budget Funds Available	Dept./Division:
☐	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

The Redevelopment Agency bylaws requires that the Finance Officer present to the Agency Board the financial condition of the Agency. Attached please find a schedule showing the total revenues and expenditures, actual and budgeted, for the period ended December 31, 2002. Current obligations of the Agency, as well as uncommitted balances, are also shown.

RECOMMENDATION:

Report only, no action required.

BACKUP DOCUMENTATION:

City of Las Vegas Redevelopment Agency Financial Status - December 31, 2002
(50% of time expired; see spreadsheet)

MOTION:

None required. A report was given.

MINUTES:

MARK VINCENT, Director, Finance and Business Services, reported that finances are tracking as anticipated, with about \$8.3 million in total revenues. However, a slight decrease is expected in operating expenditures and in project costs, totaling about \$630,000.

There was no further discussion.

(11:10 – 11:11)

2-1239

CITY OF LAS VEGAS REDEVELOPMENT AGENCY
FINANCIAL STATUS - DECEMBER 31, 2002
(50% of time expired)

DESCRIPTION	FY 2003 BUDGET	FY 2003 PROJECTION	ACTUAL FY TO DATE
REVENUES			
AD VALOREM	\$ 7,898,261	\$ 7,898,261	\$ 3,407,820
INTEREST INCOME	312,824	312,824	75,939
FEDERAL GRANT	50,000	50,000	2,186
OTHER	26,600	26,600	23,165
	<u>8,287,685</u>	<u>8,287,685</u>	<u>3,509,110</u>
EXPENDITURES			
OPERATING	562,714	293,987	146,994
CCDC ADMINISTRATION			
DEBT SERVICE	6,359,499	6,359,499	1,208,501
HOUSING SET ASIDE	1,421,687	1,421,687	
PROJECT COSTS	716,958	361,477	311,175
	<u>9,060,858</u>	<u>8,436,650</u>	<u>1,666,670</u>
REV. OVER (UNDER) EXP.	(773,173)	(148,965)	<u>\$ 1,842,440</u>
BEGINNING BALANCE (Actual)	10,275,180	10,275,180	
PROJECTED ENDING BALANCE	<u>\$ 9,502,007</u>	<u>\$ 10,126,215</u>	

NOTES:

(1) AS OF AUGUST 2000, THE ADMINISTRATIVE PORTION OF THE CCDC WAS NO LONGER IN OPERATION.

(2) PROJECT COSTS ARE NOT INCURRED LINEARLY.

AGENDA SUMMARY PAGE
REDEVELOPMENT AGENCY MEETING OF: MARCH 5, 2003

CITIZEN PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISION OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A REDEVELOPMENT AGENCY MATTER NOT LISTED ON THE AGENDA, PLEASE STEP UP TO THE PODIUM AND CLEARLY STATE YOUR NAME AND ADDRESS. PLEASE LIMIT YOUR REMARKS TO THOSE MATTERS UNDER THE EXPRESS JURISDICTION OF THE REDEVELOPMENT AGENCY. 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.

MINUTES:

BEATRICE TURNER, West Las Vegas resident, hoped that the conditions of the employment plans are met, because residents of Ward 5 need to work. She also requested a copy of the letter that was left at City Hall because her name was on it and she wants to be able rebut if necessary. MEMBER McDONALD thanked MS. TURNER for doing a good job and indicated that he would get her a copy of that letter.

(11:11 – 11:14)

2-1283

TOM McGOWAN, Las Vegas resident and candidate for City of Las Vegas Mayor, commended the Agency for its actions on the redevelopment projects on today's agenda. There is an extremely high level of interest on the part of the public on the issue of open hearing processes. And even though some meetings can become lengthy due to public participation, the government was created for the convenience of the people; therefore, they should be allowed to speak.

As far as meetings regarding the development of the 61 acres, he questioned which of those would be open to the public. If none, why not? He commended MEMBER L.B. McDONALD for her excellent recommendations with regard to projections. However, he pointed out that there is no projection that is guaranteed.

(11:14 – 11:17)

2-1361

MEMBER MACK welcomed MICHAEL SQUIRES, the new Review Journal reporter for the City of Las Vegas and wished JAN MOLLER good luck in his new venture.

(11:17)

2-1471

City of Las Vegas

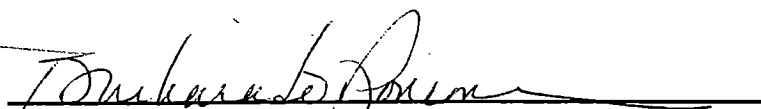
REDEVELOPMENT AGENCY MEETING OF MARCH 5, 2003

THE MEETING ADJOURNED AT 11:17 A.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
March 13, 2003



Barbara Jo Ronemus, Secretary