City of Las Vegas

Agenda Item No. 41

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY MANAGER'S OFFICE
DIRECTOR: DOUGLAS SELBY

☐ CONSENT ☒ DISCUSSION

SUBJECT:
ADMINISTRATIVE:

Report and possible action on the operation of motorized vehicles on a public street or highway without a valid drivers license

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Las Vegas Metropolitan Police Department has begun a drive to educate the public on the requirement of possessing a valid drivers license when operating a motorized vehicle on public streets and highways. Pursuant to Nevada Revised Statutes (NRS) 483.230, all motorized vehicles are covered by this law including mopeds, Go-peds, Go-karts and any other vehicle, no matter how large or small the engine.

RECOMMENDATION:
Staff will follow direction of the City Council.

BACKUP DOCUMENTATION:
None

MOTION:
MACK – ACCEPTED the Report with a follow-up to be done on the directions to look into posting a notice regarding State law on this issue on Councilman Mack's or the City's website, requiring disclosure for any type of motorized vehicle that requires a license through the Department of Motor Vehicles, and performing aggressive public outreach through the Communications Department – UNANIMOUS with L.B. McDONALD excused

MINUTES:
COUNCILMAN MACK indicated that he had requested this matter be placed on the agenda for discussion because motorized vehicles have become a big safety issue. It is important to publicize the message that motorized vehicles must be licensed for use on public streets. This does not mean that motorized vehicle vendors must be closely monitored, but they should at least be required to put out an awareness message or possibly a disclosure to motorized vehicle buyers.

CITY COUNCIL MEETING OF MARCH 3, 2004
Administrative
Item 41 – Report and possible action on the operation of motorized vehicles on a public street or highway without a valid drivers license

MINUTES – Continued:
CITY ATTORNEY JERBIC explicated that COUNCILMAN MACK'S staff contacted him last year regarding numerous problems in Ward 6 regarding motorized scooters on public streets, sidewalks, and parks, which led to his office looking into the regulation of these types of vehicles in other jurisdictions. Henderson has an ordinance that defines these motorized scooters and prohibits their use within 1,000 feet of a residential unit or a park, commercial building, or any part of a sidewalk, street, or highway. Moreover, ASSISTANT CITY ATTORNEY BENARD LITTLE examined State law and interpreted that, without any change to City ordinance, the use of a motorized vehicle on any highway/roadway, as well as on any sidewalk, without the use of a driver's license, is currently prohibited.

COUNCILMAN MACK rejoined that even though State law addresses this issue, it is difficult to enforce because of the demands on the Las Vegas Metropolitan Police Department (Metro). This is why it is crucial to get this message out to the parents.

OFFICER JULIE ARTEU, Metro, affirmed that it is illegal to operate motorized vehicles on public roadways or sidewalks without a proper license. She has received many calls from citizens complaining about this. Drivers of these types of vehicles are a hazard to themselves and anybody else on the roadway because they are difficult to see. These vehicles have become a nuisance in private gated communities, but Metro is not authorized to do enforcement in gated communities.

She mentioned that the Northwest Area Command took the initiative and put together a flyer to be provided upfront by sellers of motorized vehicles to purchasers, because when parents find out after they have purchased one of these vehicles for their child that the driver must be licensed, they become very upset because of what they paid. COUNCILMAN BROWN asked if the motorized vehicle retail industry has a responsibility to provide a disclaimer. CITY ATTORNEY JERBIC opined that there may be an ethical responsibility, but currently there is no legal responsibility. COUNCILMAN MACK interjected that he too asked CITY ATTORNEY JERBIC if a disclosure could be required of the vendors, as he strongly feels that it is their responsibility to let the purchaser know where they are allowed.

COUNCILMAN BROWN confirmed with OFFICER ARTEU that drivers of these vehicles are liable for any damage. He then asked CITY ATTORNEY JERBIC if State law addresses the operation of these vehicles in open spaces and public parks. CITY ATTORNEY JERBIC answered that it only speaks to highways, meaning any public roadway. Private roadways, driveways, or property are not covered under State law.

CITY COUNCIL MEETING OF MARCH 3, 2004
Administrative
Item 41 – Report and possible action on the operation of motorized vehicles on a public street or highway without a valid drivers license

MINUTES – Continued:
COUNCILMAN REESE asked if mopeds would fall under the same category, because they too are a problem on the roads. They can only be driven at 30 mph, yet people drive them in 45 mph speed zones without a helmet. CITY ATTORNEY JERBIC indicated that State law separately calls out mopeds and says that they must be driven with a driver's license on public streets. He was not certain if helmets are a requirement for mopeds. OFFICER ARTEU indicated that mopeds are exempt from being registered and do not require insurance or helmets, but are still considered a motor vehicle and require lights and a licensed driver.

AL GALLEGO, citizen of Las Vegas, complained that he brought up this issue a year ago and nothing was done at that time. Motorized scooters are driven all over his neighborhood. In one case one motorized scooter almost hit a Metro car and nothing was done about it. The vendors should be required to disclose that a driver's license is needed. He is very concerned about the safety of the children and that Metro does not deem it a priority. COUNCILMAN MACK disagreed with that, stating that Metro has to respond to more serious crimes. He was certain that Metro would respond if brought to their attention. CITY ATTORNEY JERBIC assured COUNCILMAN MACK that his office has received citations issued by Metro to people who abuse. Metro's resources are limited, but they do cite for this offense.

TODD FARLOW, 240 N. 19th Street, asserted that the 2020 Master Plan includes Segway vehicles for the use of people like him that cannot drive. He would not like to see those eliminated because of this issue.

COUNCILMAN MACK felt that this report alone is a step in the right direction of communicating to the public that it is illegal to drive motorized vehicles on public streets without a license and that the City is concerned about the safety and welfare of young drivers.

NOTE: COUNCILMAN MACK directed staff to look into posting something regarding the State law on this issue on his or the City's website, as well as into a required disclosure for any type of motorized vehicles that require a license through the Department of Motor Vehicles. COUNCILMAN BROWN further directed the Communications Department to do some aggressive public outreach on this issue.

(9:57 – 10:13)
1-1639

City of Las Vegas

Agenda Item No. 42

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY MANAGER

DIRECTOR: DOUGLAS A. SELBY

☐ CONSENT ☒ DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Discussion and possible action regarding a Memorandum of Understanding between the City of Las Vegas and Sher Development, LLC granting Sher Development a two year exclusive negotiation period to conduct feasibility studies and negotiate a Disposition and Development Agreement with the City for the development of a zoo on the Floyd Lamb State Park site owned by the State of Nevada – Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:

The City is currently in discussions with the State of Nevada concerning the potential transfer of the Floyd Lamb State Park site to the City of Las Vegas. Sher Development, LLC has approached the City Council with a proposal to develop and operate a zoo on the Park site, the revenues from which could potentially offset maintenance costs of the Park. Sher Development is willing to expend up to $2,000,00 for the feasibility studies necessary to determine whether such a zoo is appropriate and viable without any expenditure by the City. Sher Development has requested that in exchange for such expenditures for the feasibility studies, it be granted a two-year exclusive negotiation period so that the City will not negotiate with any other entities during the feasibility period for the development of a zoo within the City.

RECOMMENDATION:

Approve the Memorandum of Understanding, granting Sher Development the exclusive two-year negotiation period within which to conduct the feasibility studies and draft a proposed Disposition and Development Agreement for consideration by the City Council.

BACKUP DOCUMENTATION:

1. Memorandum of Understanding with disclosure of principals attachment
2. Submitted after final agenda – Letters of rebuttal and support: Michael Hackenberger of the Bowmanville Zoo, Alex Shepherd (member of Parliament – Durham), Dr. Clement Lanthier of the Calgary Zoological Society, John O'Toole of the Ontario Legislative Assembly, Eric Reguly of the Globe and Mail, Head Animal Keeper Allison Edwards, Head Trainer Christopher Vanderkooi, Bruce Davidson of Tanglewood Entertainment, John Varty, President Bruce Dougan of the Canadian Association of Zoos and Aquariums, Mayor John Mutton of Clarington, Ontario, Canada, and General Manager Oloff Bergh of Londolozi Productions

City of Las Vegas

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CITY COUNCIL MEETING OF MARCH 3, 2004
Administrative
Item 42 - Discussion and possible action regarding a Memorandum of Understanding between the City of Las Vegas and Sher Development, LLC granting Sher Development a two year exclusive negotiation period to conduct feasibility studies and negotiate a Disposition and Development Agreement with the City for the development of a zoo on the Floyd Lamb State Park site owned by the State of Nevada – Ward 6 (Mack)

MOTION:
MACK – ABEYANCE to 3/17/2004 – motion carried with MONCRIEF and REESE voting NO and L.B. McDONALD excused

NOTE: Mack's previous motion to approve the MOU as amended failed with Moncrief, Weekly, and Reese voting NO and L.B. McDONALD excused.

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

APPEARANCES:
OSCAR GOODMAN, Mayor
MARTIN MILLER, 9850 W. Sahara Avenue, representing Sher Development, LLC
MICHAEL MACK, Councilman
DOUG SELBY, City Manager
GARY REESE, Councilman
BARBARA JO RONEMUS, City Clerk
BRAD JERBIC, City Attorney

(10:13 – 10:23/10:36 – 10:37)
1-2300/1-3437

MEMORANDUM OF UNDERSTANDING
(Zoo Feasibility Study)

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this ____ day of ____________, 2004, by and between SHER DEVELOPMENT, LLC ("Sher Development") and the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada ("City"). Sher Development and the City are sometimes referred to herein collectively as the "Parties."

RECITALS

WHEREAS, the City is currently in discussions with the State of Nevada ("State") concerning the transfer to the City from the State of the 696 acre Floyd Lamb State Park site ("Park"); and

WHEREAS, Sher Development has approached the City with a proposal to develop a first class zoo within the Park site once it is acquired from the State, and has offered to expend a total of up to $2,000,000 to complete the feasibility studies required to assess the viability of such a zoo in the City of Las Vegas; and

WHEREAS, the City desires to develop and maintain the Park for the vital and best interests of the City, and the health, safety, morals and welfare of its residents which are in accord with the public purposes and provisions of applicable federal, state and local laws and requirements, and deems it appropriate to consider the development of such a zoo within the Park; and whereas Sher Development has indicated that the revenues from a zoo located within the Park could offset the maintenance costs for the Park;

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

1. **EXCLUSIVE NEGOTIATION PERIOD.** In consideration for the monies that have and will be expended by Sher Development to accomplish the feasibility studies necessary to determine whether development and operation of a zoo within the City limits would be viable, the City grants to Sher Development the exclusive right to negotiate the development of a zoo with the City for a period of two (2) years from the date of this MOU, subject to the terms of this MOU. If the parties mutually determine that development of such a zoo is warranted and desired, the Parties shall negotiate and draft a Disposition and Development Agreement ("DDA") by the end of the exclusive negotiation period setting forth the terms under which the zoo would be developed and operated. Such DDA would then be submitted to the City Council for review and approval before the DDA would be a binding agreement between the Parties.

2. CONFIDENTIALITY. The Parties agree to keep the results of the feasibility studies confidential to the extent permitted by law, and shall not disclose such information to any third parties who may wish to develop a zoo within the City or Clark County.

3. LIMITATION OF BINDING NATURE OF MOU. The obligations of the Parties as contemplated by this MOU are to evaluate the feasibility of a zoo and if deemed appropriate, to negotiate in good faith to arrive at the final terms of the DDA, but if the parties, after good faith negotiation, are unable to arrive at a final form of the DDA by the end of the exclusive negotiation period, this MOU will expire without further obligation or liability of either party. Upon the execution and delivery of the formal DDA, the terms of such agreement will supercede the obligations contained herein. Sher Development agrees that this MOU does not create any real property rights whatsoever in the Park and any such rights will be created only by or as set forth in the DDA.

4. EFFECT AND EXECUTION IN COUNTERPARTS. This MOU may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. To facilitate the execution of this MOU, the parties may execute and exchange by telephone facsimile counterparts of the signature pages.

5. DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Sher Development warrants that it has disclosed, on Exhibit A attached hereto, all members of the Board of Directors of Sher Development, as well as all persons and entities holding more than 1% interest in Sher Development or any principal of Sher Development. Throughout the term hereof, Sher Development shall notify City in writing of any material change in the above disclosure within 15 days of any such change.

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the day and year first above written.

CITY OF LAS VEGAS	SHER DEVELOPMENT, LLC
By: ______________________	By: ______________________
OSCAR B. GOODMAN, Mayor	Its: ______________________

ATTEST:

____

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Date

2/23/04

EXHIBIT "A'

Disclosure of Principals
Sher Development, LLC

The Principals of Sher Development, LLC as well as all persons and entities holding more than 1% interest in Sher Development, LLC or any principal of Sher Development, LLC are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. EDWARD F. SHER	3111 BEL AIR Dr 21A	702-8586149
2. MONA SHER	LAS VEGAS, NV. 89109 "	702-858-6149
3.		
4.		
5.		

I hereby certify under penalty of perjury, that the foregoing list is full and complete.

SHER DEVELOPMENT, LLC

By: Edward F. Sher

Its: ______________________

Subscribed and sworn to before me this 20 day of February, 2004.

Crystal Avila
Notary Public

CRYSTAL AVILA
Commission # 1382385
Notary Public - California
Riverside County
My Comm. Expires Oct 29, 2006

BOWMANVILLE
ZOO
EST. 1919

February 18, 2004

RECEIVED
CITY CLERK
2004 FEB 27 P 1:39

Mayor Oscar Goodman
400 Stewart Avenue
Las Vegas, Nevada
U.S.A. 89101

Dear Mayor Goodman:

Thank you for the opportunity to present a rebuttal to the allegations brought to bear by various animal activists.

To begin with, may I state categorically that the allegations attributed to me are fabrications or such twisting of an actual event so as to have no foothold in truth.

As illustration of this I have broken down the allegations of a former disgruntled employee, Heather Kalka, which were sent to you by Zoo Check Canada. As you will see the statements presented by Ms. Kalka do not coincide with Bowmanville Zoo's policy, medical records or reality. The perceptions of Dr. Chisholm are also in my view not true.

The maintaining of animals in a captive community is being challenged by special interest groups. Zoos within North America enjoy higher annual visitation levels than those experienced by all major professional sport leagues combined. There is a human need for association with animals. As we move further towards a technologically based society we will need opportunities to reconnected to a more natural world. Zoos provide such an opportunity, good zoos bring joy, and happiness and enlightenment and great zoos lead people to do great things. Las Vegas will have a great zoo.

I shall be meeting with inspectors of the Ontario Society for the Prevention of the Cruelty to Animals (OSPCA) on Monday, February 23, 2004 to address the allegations presented to you in a previous meeting an agent of the OSPCA felt that the allegations were frivolous and without merit. The outcome of the meeting of the 23rd should support this position.

Submitted after final agenda

Date 2/27/04 Item #42

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In my over 30 years of animal associations I have some regrets but no guilt or embarrassment. I have always attempted to do the right thing for the animals with both dignity and respect. I see no reason to change my approach at this time. With thanks for your consideration of this letter and attachments, I remain.

Regards,

Michael Hackenberger

Michael Hackenberger
Director
Bowmanville Zoological Park

BOWMANVILLE

ZOO

EST. 1919

Rebuttal to Dr. Chisholm of VOICE
February 16, 2004

The premise of Bowmanville Zoological Park has always and will always be to continually attempt to improve the life of our captive animals. We firmly believe that by providing them with the opportunity to experience new things outside their holdings, we will improve their quality of life. Elephants at the Bowmanville Zoo not only go to circuses for brief periods of time, they also go out in our woods for walks. They push over trees and essentially are allowed to behave like elephants in the wild. There will always be a small percentage of people who will never agree with animals in captivity, but for the fast dwindling populations of our megavertebrates in the wild, captivity may be their only hope of survival. At the Bowmanville Zoo, interaction with their keepers, and where possible, the outside world, is looked on as a good thing.

To more directly address the comments of Dr. Chisholm, the elephants were NOT chained up at the circus. I provide them with a stall surrounded by hot-wire to keep the elephants in and the human guests out. I do not know which elephants he took pictures of, but they were not my elephants (the photo quality of my copy of this is extremely poor).

I also have no idea of how he came up with my "quote" on veterinarians. My wife is a veterinarian, and I have an profoundly high level of respect for the profession. She and her staff provide an extremely high level of care for their patients with the most important ingredient being compassion for their discomfort and stress at the veterinary hospital. I watch her work on a daily basis, and thus with my experiences would NEVER have been able to consider an opinion such as the one stated in the allegations made by Dr. Chisholm.

I hope this will alleviate any concerns that may have arisen from this letter. I am available for personal comment at any time if you have any further questions.

Sincerely,

M Hackenberger

Michael Hackenberger
Director
Bowmanville Zoo

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February 16, 2004

To: Michael Hackenberger, Director
Bowmanville Zoological Park
340 King Street East
Bowmanville, ON
L1C 3K5
905-623-5655

From: Doug Ross, Director
Assiniboine Park Zoo
460 Assiniboine Park Drive
Winnipeg, MB
R3P 2N7
204-986-2327

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CITY CLERK
2004 FEB 27 P 1:40

Notes relative to an alleged incident with Limba the elephant at Assiniboine Park Zoo in July of 2002.

Some information on Limba:

1. Limba is a 40 year old Asian elephant, 9.5 ft tall at the shoulders and 7,000 lbs.
2. Limba came to Canada from Asia as an orphaned calf.
3. She was at St. Feliciene Zoo in Quebec for most of her life (28 years). She was alone at St. Feliciene, and as a result developed a strong relationship with people. Elephants are social animals so this is not surprising.
4. Michael Hackenberger acquired Limba from St. Feliciene Zoo about 12 years ago, and she has been at his Bowmanville Zoo with other Asian elephants ever since.
5. Apparently it took some time for Limba to feel comfortable with other elephants (given the time she was alone), so she bonded more with people at Bowmanville Zoo. In fact, she bonded very closely with Mr. Hackenberger's sons from the time they were infants. She still is very fond of children, often shows signs of happiness when around them. Mr. Hackenberger can provide video tapes of his son's with Limba if this is required.
6. Limba has been in Winnipeg before, in 1998, during our first elephant encounter.
7. Limba is a special elephant with a very docile character. Doug Ross, Zoo Coordinator has been informed that Limba has never shown aggression to a trainer or the public either at Bowmanville Zoo or at other locations.
8. She has also been in Winnipeg at the Shrine Circus at least once before.
9. For clarification, Assiniboine Park Zoo **does not use Limba for elephant rides**.

Some information on Michael Hackenberger:

1. Mr. Hackenberger is part owner and the VP of Animal Operations for Bowmanville Zoo, in Ontario.
2. This is a zoo with approximately 275 animals including 60 species. The annual attendance is about 120,000 with a budget in the neighbourhood of $800,000.
3. Bowmanville Zoo is accredited by the Canadian Association of Zoos and Aquariums.
4. They feature educational programs and shows as well as outreach programs.
5. They specialize in training animals. They have worked with Disney for over 10 years, and have also worked for the Discovery Channel and National Geographic to name a few. In fact, two lions from Bowmanville Zoo were used in the movie the "Ghost and the Darkness", which was featured a number of years ago.
6. Mr. Hackenberger has also used his animals for educational outreach programming, similar to what he is doing here, for Moncton Zoo, Toronto Zoo and Granby Zoo.
7. Mr. Hackenberger has rescued a number of Asian elephants.

What happened with the elephant trainer:

1. On July 21, as stated by the trainer, he was accidentally pushed by Limba when Limba was thought to be bitten by a fly. He did fall, simply because his back was to her, and since she is so large the momentum knocked him down. He was uninjured except for a scrape on his arm. For clarification, this trainer is one of two who are with the elephant 24 hrs per day 7 days per week and are employed

by Michael Hackenberger, the owner of the elephant.

2 Other than a few zoo visitors, who we do not know, no zoo staff actually saw what happened. However, Limba did not show any aggression before or after the incident.
3 Doug Ross, the Zoo Coordinator did talk to the trainer within a few hours of the incident.
4 Normally such a situation would only be noted. However, our agreement with Mr. Hackenberger was that if literally anything out of the ordinary happened relative to Limba, he was to come to Winnipeg to check things out. We had this as part of the agreement for a number of reasons:
   - We knew Limba would be watched closely because of the exotic animal issue that is being discussed by our City Council.
   - No one at the Zoo has experience with elephants, so we needed to have Mr. Hackenberger's expertise available in case there was a health issue, or any other issue.
5 Mr. Hackenberger did fly out immediately, mainly because it was convenient with his work schedule at Bowmanville Zoo.
6 Doug Ross met with Mr. Hackenberger very early the morning after his arrival. **Mr. Hackenberger did not reprimand or in any way discipline Limba.** He did do the following:
   - He watched the way the trainers handled the elephant, and corrected any problems he saw with their training methods. No physical force was used. All of the work was done through voice commands, and a light touch of the elephant hook, which is how Limba had been trained.
   - Mr. Hackenberger was satisfied there was no problems with Limba, and returned to Ontario.
7 Doug Ross interviewed zoo staff to see if anyone had more information on this incident. So far it has been confirmed that no one from the zoo saw the incident.
   - It was suggested that Doug Ross contact Carol Buckley from the Tennessee Elephant Sanctuary, who had experience with both Mr. Hackenberger and Limba. She indicated that Limba would never hurt a member of the public, or attempt to kill or seriously injure her trainer. She agreed with Mr. Hackenberger that Limba was a very special, docile elephant.

Conclusion: There was no evidence that could be found to refute the story as stated by the animal trainer who was involved. Therefore the Assiniboine Park Zoo concluded this was an isolated incident, that was not the animal's fault, and was in no way an attack on the keeper. The elephant and keeper continued to interact without interruption for the remainder of the summer without further incidents of any kind.

February 13, 2004

Mr. E. Sher
Sher Development
Las Vegas, Nevada

Dear Mr. Sher:

In regards to the false accusations presented by Heather Kalka, Heather never got along with Mike from the beginning. There were several incidences where she refused to participate in work activities, arguing in front of other employees and leaving the work undone. Anytime Mike was around she had an unpleasant attitude, making for a stressful work environment. The only way she was able to stay as long as she did was because she normally worked alone. It was when working with a Supervisor that problems arose.

Near the end of Heather's employment, she called in sick for almost a week under suspicious circumstances when she returned, her personality had really changed. Heather didn't feel she fit in anymore; it was like she thought everyone was against her. And, then she went home for lunch one day and called and said she quit and wasn't coming back. Leaving us high and dry.

Regards,

Christopher Vanderkooi
Head Trainer

BOWMANVILLE

ZOO

EST. 1919

2004 FEB 27 P 1:40

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Response to Allegations by Heather Kalka
February 13, 2004

The following is a point by point summary of the response by Bowmanville Zoological Park to the allegations made by Ms. Heather Kalka.

1) regarding our male Bengal tiger Khan being kept indoors: this allegation is untrue. Due to an increase in our cat population with the birth of four lion cubs, we were not able to allow all our cats outside on display at once. It was made clear to our keepers that Khan was to be given outdoor access every morning for several hours prior to the public coming in, and during his stay inside for late morning and afternoon, he was to be given access to all indoor pens in a line along the cat barn (750 square feet with two available options for seeing outside). Khan has never exhibited any stereotypic behavior typical of big cats under environmental stress or cramped conditions. Last summer we opened up our "Wild Wood", a 3 acre enclosure and one of the largest in Canada, used for exercising our leash cats during the day. This has allowed us to provide a full day of outdoor time for all our big cats.

2) regarding problems with an adult male zebra: We have two trained castrated Grant's Zebras here at the zoo. Due to the high strung nature of this prey species, if you were to "chain" one down and "beat" him, you would be guaranteed of the zebra injuring himself and the humans around him- this is not how things are done at Bowmanville Zoo.

3) regarding excessive force with whips in training zebras, camels and horses: again this allegation is not true. Our zebras, horses and camels perform together in a liberty act, where they run together at liberty enclosed within a twelve inch high ring curb. They are guided by two long whips, used to show them in which direction they are to turn or waltz. Because of their very nature one cannot ever use "excessive force with whips" with these animals. Especially zebras are extremely high strung, and excessive use of force would panic these animals and push them out over the ring curb, and directly into the lap of the audience. This is an extremely undesireable consequence for both our animals and guests.

4) regarding walking Belgian horses by the elephants: At Bowmanville Zoo, no discipline would ever be used in animals who have done nothing wrong. Michael clearly remembers this incident. The horses were somewhat concerned about the presence of the elephants in such close proximity, but there were no alternatives available to walking them by the elephants at that time. Michael had the lead (and more likely to spook) horse, and as he walked by the elephants, he was tapping the lips of this horse with the flat of his hand to distract them from the presence of the elephants. Had he been "punching" them, he would have guaranteed their panicking and running off, which would have of course been extremely dangerous for all involved.

5) regarding the lion cubs being trained to leash walk: Four lion cubs were born in December of 2002. We left them in with their mother to be raised to know they are lions, but they were very intensively socialized to humans. When our lion cubs were being leash trained, the technique

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used was to pull gently on the leash and give the command to come. If they then walked forward, they were rewarded by receiving a piece of meat. Only two cubs could be worked with at a time, and baby lions have a strong pride instinct, thus on their way away from their littermates, they would sometimes dig their heels in. Steady pressure would be maintained forward on the leash to encourage them to walk forward, but there was strict instruction given to the keepers to never place enough pressure to actually drag them forward. The collar would therefore be putting pressure on the back of the neck. Since the trachea or wind-pipe is located running down the front of the neck, choking could not be part of this process. Choke collars such as those used in large dogs, are never used at Bowmanville Zoo, since we feel they can be a risk to the animal.

6) regarding lion cubs not walking properly: By what we would understand "beating" to entail- this process cannot create bald spots. It is possible that the bald spot that Ms. Kalka noticed on the rear leg was aquired at the veterinary clinic if they had just been declawed. The inside hind leg is shaved and prepped prior to placement of an intravenous catheter used to administer fluids and pain medication during the procedure. There is no mention of a bald spot or lameness in the lion cubs' medical records. There is mention of a small amount of bleeding from the male lion cubs front paw when the bandages were removed, and also mention of digit 5 on his left front leg having a small amount of protruberant granulation tissue, but both these issues resolved rapidly without medical intervention. Our veterinarian also recommends strict rest and an intensive pain management program following a medical procedure such as this, thus it makes no sense that these cubs were even out on a leash at this time.

7) regarding Robbie our male Siberian tiger attacking Michael: the comment that Michael was not Robbie's usual trainer is simply not true. Although we have several keepers trained to handle our big cats, Michael is always recognized as the primary trainer since he has 29 years of experience in this field. Michael clearly remembers this incident since it is unusual for Robbie to be aggressive towards him. The broom handle was actually broken by Robbie biting through it when Michael was using it to defend himself. What Ms. Kalka describes sounds like an extremely serious medical condition, and yet there are no medical records on Robbie regarding a limp or inability to walk.

8) regarding hormone injections given to female reindeer: this accusation is ridiculous. Since Hollywood could not time their filming around the reindeer's natural biology, we exchanged at least 100 documented emails with various experts on antlerogenesis, the most notable and prolific of which was Dr. George Bubinek of the University of Guelph. Because the filming was expected to occur in March, the females were NEVER given any hormonal injections, since they were expected to retain their antlers until after calving in the spring. After ensuring there were to be no side effects or permanent deleterious effects on them, the MALE reindeer were treated with an estrogenic compound to harden their antlers faster and retain them on their heads. Our veterinarian then travelled with the reindeer to the set in Quebec to ensure that there were no problems on any level. The unfortunate loss of four out of five reindeer calves was for four different reasons (our veterinarian is available to discuss them with you but details are too involved for the scope of this summary). In our veterinarian's opinion, none of the losses had anything to do with the filming, since the females were home for a month and well settled in before starting to have their calves.

9) regarding euthanasia policy at Bowmanville Zoo: It cannot be emphasized strongly enough that Bowmanville Zoo does NOT casually euthanize. Over the last five years, with an animal collection numbering approximately 200 including the fish, the zoo has spent on average $16,000 per year on veterinary supplies and laboratory testing alone (this does not include veterinary professional fees). From MRI's being performed on lions with cancer, to mobilizing an international 40 person crew to safely anesthetize and perform state-of-the-art arthroscopy on the knees of our ailing Asian elephant, we rival any publicly funded zoo in our capability and funds available for the medical treatment of exotic animals. We have one on-site veterinarian for our collection of 200 animals, versus 3 veterinarians with a 12,000 specimen collection at Toronto Zoo. It is hard to imagine Ms. Kalka actually spent eleven months in our employ with her

lack of understanding of our ethics.

10) regarding training implements for elephants: Ms. Kalka was never employed in our elephant barn, and had no first hand experience with them. Her statements are based on conjecture and falsehoods. Of the implements suggested by Ms. Kalka the only tool used routinely in the barn is the elephant hook, a device with has been used universally in elephant management for over seven thousand years. There is a BB gun in the barn, however it is used to dissuade sparrows from roosting there, thus decreasing the chances of our elephants being exposed to avian borne Salmonella, a disease which killed an elephant at Toronto Zoo several years ago.

In summary, Ms. Kalka's remarks are remarkably innacurate and unfounded. We hope this clears up any concerns that may have arisen from her comments, and would be extremely happy to discuss any of our statements in more detail.

DURHAM
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ALEX SHEPHERD, C.A., C.F.P.
MEMBER OF PARLIAMENT
DURHAM

OTTAWA
HOUSE OF COMMONS
252 CONFEDERATION
OTTAWA, ONTARIO
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E-MAIL: shepha@parl.gc.ca

February 18, 2004

Mayor Oscar Goodman
400 Stewart Avenue
Las Vegas, Nevada
89101

Dear Mayor Goodman:

As the federal member of Parliament for Durham I have had the pleasure of knowing Mr. Michael Hackenberger for ten years and have come to respect and admire him for the work he does and the contributions he makes to our local community and Canada through his zoological work.

Michael is known throughout Canada, and internationally, as a true professional in the world of animal husbandry and is respected by his colleagues for his accomplishments, experience, knowledge and expertise.

Every year the Canadian Association of Zoological Parks & Aquariums (CAZPA) presents awards to those who have made extraordinary contributions in the zoological field. In the fall of 1996 I was pleased to be informed that Michael's zoo, the Bowmanville Zoological Park, received the Thomas R. Baines Award which is the highest distinction awarded by CAZPA.

I was informed because, through Michael's work ethic and devotion to animals, he was able to co-found the Canadian Animal Training Academy in conjunction with Human Resources Development Canada, a department of the federal government I represent.

I also recall when Mr. Hackenberger was asked by the Saudi Arabian government to supply camels for their pavilion when that government hosted the opening day of the Canadian National Exhibition in our great city of Toronto.

The Saudis where so taken with the beauty and care the camels received at Mr. Hackenberger's zoo they said they would be honoured if the animals could be used in their pavilion. Imagine, Canadian camels moonlighting as Middle East camels!

...2

Not long ago, shortly after U.S. forces defeated the Taliban in Afghanistan, a prized lion was killed in the Kabul zoo by a Taliban insurgent. An owner of another zoo in my area, and his animal supporters, approached my office because they had two lion cubs to give to the Kabul zoo with the hope that Afghanistan's people would rally-round the cubs. This was given some coverage by CNN and CBS.

I contacted Mr. Hackenberger to find out how these cubs could be moved from Canada to Afghanistan etc. and he quickly set me straight that at this point the Kabul Zoo had no electricity, there was no food for the people there, let alone animals in the zoo, and that to send those cubs to Afghanistan was to send them to a slow tortuous death in a city that had nothing but bits of military aid. When I completed my homework with Canada's foreign affairs officials, Michael was indeed proven right.

Thanks to Michael, I as a politician and the government I represent, was saved the embarrassment of having sent those lion cubs to a certain death.

I have no hesitation supporting Michael Hackenberger. He is a professional, a man of integrity, and he knows that the welfare of animals is what comes first and foremost. Please don't hesitate to contact me if you have any questions.

Sincerely

Alex Shepherd

Alex J. Shepherd, MP, CA, CFP

Mr. Edward Sher
Sher Developments
Las Vegas, Nevada

February 17, 2004

Dear Mr. Sher,

I have known Michael Hackenberger since 1985 when he came to remove a dangerous elephant from Granby Zoo where I was general curator and veterinarian. Over the years we have worked together in many projects. In all our associations I have always found his animal ethics to be of the highest order.

Disgruntled employees and activists with an agenda are able to create suspicious statements without consequences.

I respect Michael's animal abilities and know that he would bring the highest sensibilities to any project he would be involved with.

Please feel free to contact me should you require any additional information.

Regards

Dr Clement Lanthier
Director Animal Care and Habitat
Calgary Zoo

The Calgary Zoological Society
1300 Zoo Road N.E., Calgary, Alberta, Canada T2E 7V6
Tel: (403) 232-9300 Fax: (403) 237-7582
www.calgaryzoo.ab.ca

Ontario
LEGISLATIVE ASSEMBLY

JOHN R. O'TOOLE, M.P.P.
Durham

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Tel. (416) 325-6745
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Constituency Office:
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Bowmanville, Ontario
L1C 1N4
Tel. 1-800-661-2433
(905) 697-1501
Fax (905) 697-1506

E-mail: john_otoole@ontla.ola.org

February 17, 2004

Mayor Oscar Goodman
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada
USA 89101

Dear Mayor Goodman:

This letter is with regard to the Bowmanville Zoo. As you may know, it is Canada's oldest oldest private zoological park and, I understand, one of the first "children's zoos."

I am acquainted with the Bowmanville Zoo and its Director, Michael Hackenberger, through my duties as Member of Provincial Parliament for the Electoral District of Durham since 1995. Previously, I met Mr. Hackenberger and the Bowmanville Zoo as a member of Municipal Council representing Bowmanville.

The Bowmanville Zoo is an outstanding corporate citizen that helps to promote our municipality as a great place to live, to work and to raise a family. It is also an important tourism asset and an employer of many local citizens.

As Member of Provincial Parliament, it has been my privilege to assist the Bowmanville Zoo and Mr. Hackenberger in applying for provincial funding to support its marketing program.

I trust this letter helps to show that the Bowmanville Zoo, its management and staff are highly regarded in our community. I am pleased to extend my support.

Yours truly,

John O'Toole, MPP
Durham

cc. Mr. Michael Hackenberger

Wendy Korver/Michael Hackenberger

From: "Reguly, Eric" <EReguly@globeandmail.ca>
To: <alex.nagy@rogers.com>
Cc: "Reguly, Eric" <EReguly@globeandmail.ca>; <mwkd@rogers.com>
Sent: Tuesday, February 17, 2004 2:14 PM
Subject: Hackenberger reference letter from Eric Reguly

RECEIVED CITY CLERK 2004 FEB 27 P 1:39

Ed Sher
Sher Developments
Las Vegas, Nevada
Feb. 17, 2004
Dear Mr. Sher
I am writing this note in support of Michael Hackenberger.
When you are a journalist, as I am, it's easy to get cynical about humanity. Stories about crime and calamity, or corporate and political sleaze, are the oxygen of any newspaper. In my professional, even private, world there are few heroes. The exception is Michael Hackenberger.

Michael is both friend and contact. I have know him since our high school days 25 years ago and have written the odd piece about him, as has my wife, Karen, who works for a rival Toronto newspaper. His career has been truly remarkable. He started out as an elephant and cat trainer. He has been an entertainer and film maker. I now consider him one of Canada's leading experts in species preservation and education.

The Bowmanville Zoo, just east of Toronto, where Michael is co-owner and director, is magical. It combines that traditional elements of a zoo, that is, animals in enclosures and park-like settings, with compelling education and entertainment components. His presentations have shown thousands of families that many animals, such as elephants, are intelligent and affectionate creatures that thrive on stimulation. His elephants will perform sophisticated tricks and maneuvers to the delight of audiences, creating a bond between animal and audience that most zoos either don't, or can't, provide. Elephant rides enhance the bonding experience (for the record, the zoo has never had an incident that resulted in the injury of a patron). Michael's talks are informative. He explains why a certain animal is endangered and what can be done to either slow or prevent its eradication in the wild. Friends of mine who have been to both the Toronto and Bowmanville zoos say they much prefer the Bowmanville experience, partly because they feel the Bowmanville animals get the freedom and attention that other zoos don't provide.

Michael travels the world in his animal conservation quest. Bowmanville has accepted many zoo and circus animals that were emotionally or physically fragile and has rehabilitated them, even if the effort put financial strain on the business. He has worked on the breeding of rare species. Among his current projects is a plan to save the elephants of Sabah, in Malaysia; some of them may find a new home in Bowmanville. The zoo has extended its education effort through documentaries and films. In short, he and the zoo are synonymous with animal conservation in Canada. In The Globe and Mail newspaper alone, there have been about a dozen stories about Michael, the zoo and its various inititatives, including one about the effort to repatriate Angus, probably the largest elephant in captivity, to South Africa's Phinda reserve, where he was captured as a baby.

I have never met anyone with more knowledge of animal behavior than Michael. This, of course, means he is well aware of the risks of working with large, powerful wild animals (he has the scars to prove it). In the many dozens of times that I have been with him at the zoo, at game parks, at circuses or on the road, I have never seen him ill treat an animal. It is not in his nature to do so and never necessary because he is so expert at anticipating their moods and moves. Yes, I have seen him disclipline an elephant, but only once. Years ago, I was witness to an incident in which Michael was flung and nearly trampled by an elephant in musth. He used a stick to defend himself. The elephant backed off and was in no way harmed.

In Canada, the "Tina" incident – the story of the Vancouver elephant that was destined for Bowmanville – has caused Michael undue grief. The story, which ran in my own paper last year, reported that animal activists claimed Michael had a "reputation for hitting elephants while training them." As someone who has seen him work with animals on- and off-stage for the better part of three decades, I refuse to believe the allegations, which were unsubstantiated. Again, I have never seen him harm or ill treat an animal. In my experience, animal activist organisations are superb at marketing, far less so on research.

Michael is superb zoo keeper, conservationist and educator. I admire and respect him because he is devoting his life to preserve species from man's onslaught. Doing so has meant financial sacrifice, grueling hours, extensive travel and physical exhaustion. To me, my family and my friends, he is an inspiration. To a cynical journalist like myself, he represents hope.

Yours sincerely,
Eric Reguly
The Globe and Mail
444 Front St. West
Toronto, Ontario
Canada M5V 2S9

RECEIVED
CITY CLERK
2004 FEB 27 P 1:40

February 16, 2004

Mr. E. Sher
Sher Development
Las Vegas, Nevada

Dear Mr. Sher:

This letter is in regards to the list of accusations made by Heather Kalka, a former employee of the Bowmanville Zoo. During her employment here Heather had always had issues with or about the director, Michael Hackenberger. I feel that these accusations are directed more to hurt Michael than to the welfare of the animals mentioned in the accusations. If they were more for the animals, then these issues or concerns should have been mentioned during her employment here and not brought up a year and a half later. During the few days before here departure, I was led to believe by Heather that she was going to stay until the end of the summer for not to leave us short staffed during this very busy time of the summer. Instead of informing us of her plans to quit, so that we could find a replacement, she decided to call in during her lunch hour of the Friday and left a message that she was not coming back to work, leaving the zoo and its animals extremely vulnerable.

In terms of the direct allegations Heather charges Michael with I can only reiterate that she seemed to have a vendetta against Michael and the charges that I have seen are false.

Regards,

Allison Edwards

Allison Edwards
Head Animal Keeper

Wendy Korver/Michael Hackenberger

From: "Bruce Davidsen" <bruced@tanglewood.com>
To: '"Michael Hackenberger'" <mwkd@rogers.com>; <bzpzoo@aol.com>
Sent: Friday, February 13, 2004 10:51 AM
Subject: The Letter

TANGLEWOOD

February 13, 2004

Sher Development
Las Vegas, Nevada

Dear Mr. Sher,

I understand that some controversy has been started by the animal activist community regarding Michael Hackenberger and his potential involvement with the proposed Zoo Las Vegas.

May I start by saying the Tanglewood Entertainment is very pleased to work with Michael in the live stage production of "Zoboomafoo & Friends". This work is based on the pre-school television show "Zoboomafoo", which currently enjoys the highest viewer-ship of any pre-school children's television program in the North American marketplace. In our dealings with Michael's we have found him to be just and honorable, with the welfare of his animals always the most important aspect of his work.

As the third largest producer of live children's entertainment in North America, it is vital that our efforts and those of our associates be above reproach. By working with Michael we are confident that we are adhering to this creed.

The animal actives community is a loud and vocal one, however their current allegations against Michael are unfounded and untrue in our experience.

Should you require any additional information please do no hesitate in contacting me at (416) 787-8687 ex:237

2004 FEB 27 P 1:40
RECEIVED
CITY CLERK

Regards,

BwD

Bruce Davidson
President

Signed copy faxed to BVZ 11:50am February 13, 2004

JOHN VARTY

92 Sandton Drive, Sandton, Johannesburg
Tel: (011) 784-9375
Fax: (011) 883-6472

12 February 2004

Dear. Mr Sher,

I write to you out of my deep respect and admiration for Michael Hackenburger. Michaels' dedication to captive conservation, humane training techniques and general love for animals holds him as a world leader in his field. I whole heartily support all of Michael Hackenburger's endeavours with Sher Development's, Las Vegas, Nevada project, in the field of animal care and captive conservation.

Michael Hackenburger and I have been close friends and partners for many years. I have a deep admiration for Michael's constant drive to better the life of every animal in his care. This was more than apparent when he started a project with me that would bring his elephant Angus back to the wilds of Africa. Angus was one of the first young elephants to be taken out of the Kruger Park as an alternate to him being culled. The Angamella project that he and I began made use of Michaels' world-class training techniques and husbandry skills to ease Angus's transition from captivity to the wild. Michaels' deep passion to better his animal's life drives him to see Angus wild again.

It was this passion and concern for captive animals that drove me to request Michael's assistance with a ground breaking project that would see the first captive bred tigers taught to hunt and then released to sustain themselves in a Sanctuary in South Africa. Michael jumped at the chance to assist us with this captive conservation project. He attained and nurtured two Bengal tigers of a reputable breeding line for the purpose of being put through a rehabilitation process in South Africa. Using his impeccable husbandry skills and human training techniques, we were able to teach these two tigers to hunt and care for themselves in a model sanctuary in South Africa. This sanctuary will hopefully be used in Asia as a working model for people and tigers to share the earth. Without the constant husbandry support and training input the process would have failed years ago.

It is Michael's years of support in our conservation efforts, his absolute passion and his love for animals that has motivated me to write this letter of support. It is my opinion that Michael Hackenburger uses only the highest quality humane training techniques and husbandry skills in his daily struggle to improve the livelihood for all animals within his care. I whole heartily support all of Michael Hackenburger's endeavours with the Sher Development's, Las Vegas, Nevada project, in the field of animal care and captive conservation.

If you have any queries please do not hesitate to contact me.

Yours Sincerely,

John Varty
Tel: +27 51 773-7060

Subj: **Fwd: Mr. Michael Hackenberger**
Date: 2/18/04 3:53:25 PM Eastern Standard Time
From: BZPZOO
To: Bzpoffice

Forwarded Message:
Subj: **Mr. Michael Hackenberger**
Date: 2/11/04 2:45:35 PM Eastern Standard Time
From: bruce.dougan@moncton.ca (Bruce Dougan)
To: bzpzoo@aol.com ('bzpzoo@aol.com')

Sher Development
Las Vegas Nevada

Dear Mr. Sher

am writing you in reference to a colleague of mine, Mr. Michael kenberger, Director of the Bowmanville Zoo in Bowmanville Ontario, nada.

I have known Mr. Hackenberger in a professional capacity for more than 26 years, and have found him to be a very dedicated individual who has always provided exemplary care to his animals. Much to his credit, Mr. Hackenberger has become regarded as one of the top animal trainers in this country.

Mr. Hackenberger has directed the Bowmanville Zoo for more than 20 years and has maintained this facility to the standards necessary for national accreditation by the Canadian Association of Zoos and Aquariums (CAZA). Under Mr. Hackenbergers' direction, the Bowmanville Zoo won the prestigious Tom Baines award (the highest award bestowed by CAZA) in 1996 for it's educational initiatives.

. Sher, as I am sure you are aware in this day and age, there are ponents to the maintaining of animals in captivity; and although we in the ustry feel that an accredited zoo enhances a city's quality of life by providing educational opportunities for its citizens through various schools and community groups, as well as providing an invaluable family oriented recreational facility; these views are not shared by some special interest groups.

These groups have a worldwide network of advocates that will give rise to the cause while getting only one very biased version of the facts. Case in point, just recently I have received more than 800 e-mails and 300 faxes pertaining to just one situation in our industry that is being addressed to the best of that institutions ability. The point that I am trying to make here is that if these special interest groups decide to target an individual or institution, it may be for reasons that are unfounded as many of the individuals in these groups are reacting to extremely biased information.

In closing, I would like to reiterate my endorsement of Mr. Hackenberger's professionalism; and would not hesitate to support him in this venture. If you would like to further discuss Mr. Hackenberger's qualifications, please do not hesitate to contact me.

Bruce Dougan, President
Canadian Association of Zoos and Aquariums
Tel: (506) 877-7719
E-mail: bruce.dougan@moncton.ca

——————— Headers ———————
Return-Path: <bruce.dougan@moncton.ca>
Received: from rly-xg01.mx.aol.com (rly-xg01.mail.aol.com [172.20.115.198]) by air-xg02.mail.aol.com (v98.5) with ESMTP id MAILINXG24-444402a863c346; Wed, 11 Feb 2004 14:45:35 -0500
Received: from smtp.moncton.org (smtp.moncton.org [142.166.164.38]) by rly-xg01.mx.aol.com (v98.5) with ESMTP id MAILRELAYINXG12-444402a863c346; Wed, 11 Feb 2004 14:45:01 -0500
Received: FROM garfield.moncton.loc BY smtp.moncton.org ; Thu Feb 12 03:47:05 2004 -0400
Received: by garfield.moncton.loc with Internet Mail Service (5.5.2650.21)
    id <DAN76SS3>; Wed, 11 Feb 2004 15:40:46 -0400
Message-ID: <DDC7CE058AF1D711B65200065B8C363074622A@garfield.moncton.loc>
From: Bruce Dougan <bruce.dougan@moncton.ca>
    "'bzpzoo@aol.com'" <bzpzoo@aol.com>
ject: Mr. Michael Hackenberger
Date: Wed, 11 Feb 2004 15:40:46 -0400
MIME-Version: 1.0
X-Mailer: Internet Mail Service (5.5.2650.21)
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X-AOL-IP: 142.166.164.38
X-AOL-SCOLL-SCORE: 0:XXX:XX
X-AOL-SCOLL-URL_COUNT: 0

Clarington
Leading the Way

Mayor John Mutton

February 11, 2004

2004 FEB 27 P 1:40
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Sher Development
Las Vegas, Nevada
USA

Dear Mr. Sher:

I understand that a potential exists for Michael Hackenberger of our local Bowmanville Zoo to be involved in a Zoo that would be an attraction to the residents and visitors to the City of Las Vegas.

The Bowmanville Zoo has been an integral part of the community of Clarington since 1919. As a local government, we have enjoyed excellent relations with the Zoo, and Michael Hackenberger and his animals have been involved in many of events, both locally and in neighbouring areas to promote our Municipality. Michael took time from his busy schedule to be one of the founding members of the Clarington Animal Advisory Committee.

The Bowmanville Zoo has hosted tens of thousands of elementary school children every year as part of their school curriculum. Classroom teachers from all across Durham Region bring their students to this wonderful zoo to show the children the many different animals that live there.

I understand that there are people in our country who believe that no animal should be held in captivity, but to the best of my knowledge, we have not received any complaints about the care and treatment of the animals at the Bowmanville Zoo. I personally have witnessed Michael Hackenberger's interaction with the animals, on several occasions, and I would say that his manner is above reproach.

I believe that Michael Hackenberger will be an asset to any future development of a Zoo in the City of Las Vegas.

Yours very truly,

J. Mutton

JOHN MUTTON

/mr

CORPORATION OF THE MUNICIPALITY OF CLARINGTON
40 TEMPERANCE STREET, BOWMANVILLE, ONTARIO L1C 3A6 **T** (905) 623-3379 **F** (905) 623-2582
e-mail - mayor@municipality.clarington.on.ca

LONDOLOZI
productions

2004 FEB 27 P 1:40

RECEIVED
CITY CLERK

Michael Hackenburger and Alex Nagy
Bowmanville Zoo
340 King Street E
Bowmanville, ON
L1C 3K5

15 December 2003

Dear Michael and Alex,

Living With Tigers

Our most sincere thanks for the privilege of filming at Bowmanville Zoo and for your outstanding support and friendship over the years. "Living With Tigers" could not have been the success it is without your invaluable assistance in the Tiger Project.

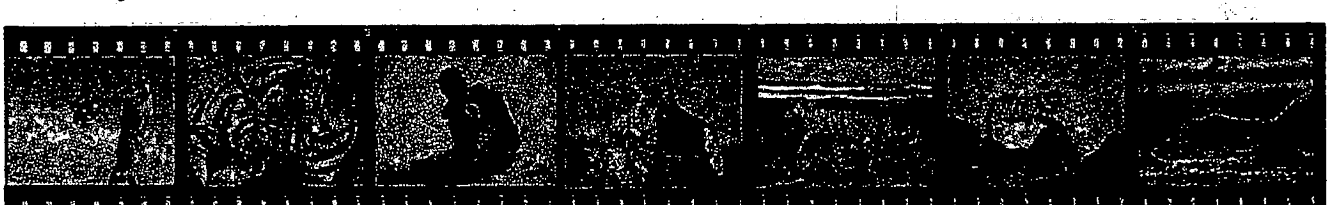
Included herewith, as a token of our appreciation, is a complementary copy for each of you of "Living With Tigers", which has been broadcast repeatedly across the USA and received outstanding ratings.

Bowmanville Zoo has been credited under Special Thanks in the end credits of this production.

We look forward to working with you on future productions.

Kind regards,

OLOFF BERGH
General Manager
Londolozi Productions



tread lightly on the earth

92 Sandton Drive Sandton 2146 PO Box 2000 Paulshof Gauteng 2056 South Africa
Tel: +27 11 784 9375 Fax: +27 11 683 6472 Cell: +27 84 594 4484 katherine@londolozi.co.za
www.londolozi.co.za

CITY COUNCIL MEETING OF
March 3, 2004

VERBATIM TRANSCRIPT — ITEM 42

Discussion and possible action regarding a Memorandum of Understanding between the City of Las Vegas and Sher Development, LLC granting Sher Development a two year exclusive negotiation period to conduct feasibility studies and negotiate a Disposition and Development Agreement with the City for the development of a zoo on the Floyd Lamb State Park site owned by the State of Nevada – Ward 6 (Mack)

Appearance List:
OSCAR GOODMAN, Mayor
MARTIN MILLER, 9850 W. Sahara Avenue, representing Sher Development, LLC
MICHAEL MACK, Councilman
DOUG SELBY, City Manager
GARY REESE, Councilman
BARBARA JO RONEMUS, City Clerk
BRAD JERBIC, City Attorney

(10:13 – 10:23/10:35 – 10:37)
1-2300/1-3437

12 minutes

Typed by: Lean Coleman
Proofed by: Stacey Campbell

MAYOR GOODMAN
Item 42 is discussion and possible action regarding a Memorandum of Understanding between the City of Las Vegas and Sher Development, LLC granting Sher Development a two year exclusive negotiation period to conduct feasibility studies and negotiate a Disposition and Development Agreement with the City for the development of a zoo on the Floyd Lamb State Park site owned by the State of Nevada. This is Ward 6.

MARTIN MILLER
Good morning, Your Honor, Pro Tem, Council members. Martin Miller, 9850 W. Sahara, Las Vegas, Nevada representing The Sher LLC –

MAYOR GOODMAN
Nevada

MARTIN MILLER
That's my southern diction, Your Honor. I apologize.

MAYOR GOODMAN
Nevada.

MARTIN MILLER
Thank you, Your Honor, for the correction.

MAYOR GOODMAN
Anybody says Nevada gets voted against.

MARTIN MILLER
You and the Governor both have corrected me now, Your Honor. Your Honor, the a, item that's on the agenda today is a simple MOU, Memorandum of Understanding. The reason we're asking for this in the two-year period is the simple process, the chart that I, I have on the screen, if you can take a look at it –

COUNCILMAN MACK
Marvin, excuse me one second if you could. Maybe Mr. Selby can just give the pretext of what we're discussing here today then we can turn it over –

DOUG SELBY
Thank you, Councilman.

COUNCILMAN MACK
I'm sorry. Thank you.

DOUG SELBY
Actually, this is just a follow on to discussions that the Council had with the proponents of a new zoo project to be located potentially at Floyd Lamb State Park. The concept being that the development of the zoo there in cooperation with the City may have the opportunity to offset the City's operating cost of Floyd Lamb Park, should the Council choose to take that park. So that's very briefly the background.

COUNCILMAN MACK
Thank you.

MARTIN MILLER
Okay, the item before you is a simple MOU; it's a, we're asking for the two-year period because of the process, as you can see on the chart. We started a charette yesterday and brought several experts from around the world in. In understanding some of the process it's going to take, we feel like it's going to take a little bit longer than what we anticipated. However, we do feel in a very short period of time, as we discussed in previous council meetings, is that the feasibility study, which is a need of your basic process where you'll be able to make a decision, will be ready some time in June.

MAYOR GOODMAN

My only concern, well I have a lot of concerns, but my immediate concern is—I understood from a couple sessions ago that we were under a time limitation, if I recall correctly, as far as making a decision as to whether or not the City is going to take over Floyd Lamb Park. Does this in any way impact that decision?

MARTIN MILLER

Mayor, we're in continued dialogue with the state regarding taking over the park. They're interested in us making a decision for this budget year for them, as well we need to make that decision for ourselves, but I don't believe there's any statutory requirement that the park transfer to the city within a certain timeframe.

MAYOR GOODMAN

All right, well I'm happy to hear from my Council as far as comments. Councilman Reese.

COUNCILMAN REESE

Same show, you know on a prior item today, we discussed the money issues, and to me this here is definitely a money issue. I've had a lot of mail for and against a zoo coming to the City of Las Vegas. The reasons why I understand a lot of what a zoo entails, I think that there's a lot of problems with, a zoo would have with the City of Las Vegas because the animals, the temperature in the summers and so on so forth. I understand even in San Diego, to me which is, I took my kids there two or three times when they was younger. It was a great place to take my kids but again though, it was continual endowments that kept the zoo. I mean the zoo never ever made money. I don't know how we can even look at something like this going in here without us feeling like that it's not going to cost the City anything. It's going to cost the City a lot, and I, I still say that where we're at today, you know, we have to make our choices, and this MOU, I feel like it's just gonna drag on and on and on and on, and I've voiced my displeasure in the past, and I've, I supported the, to go forward with this, but I feel like today because of where we're at on our money issues, that if I continue to support this, then I'm, I'm being kind of hypocritical and I just, I just can't do that.

MAYOR GOODMAN

Anybody else? Well, I'll, - vote for it but I'll, - tell you this. I don't, my personal belief is, I don't think you're ever going get to the point where you're going to be able to convince this Council that this will be properly endowed to the point that we can assure that the City will not suffer any liability nor that the animals will not suffer. And we're certainly not going to approve it unless we're convinced of those two factors. If your client wants to spend up to $2,000,000 to try to convince us, that's his problem, and we'll certainly be here with open minds, but my bet is that at the end of the day, I don't think we're ready to, I don't think that the community is ready to support the zoo.

MARTIN MILLER

Your Honor, and we thank you just for that opportunity. We do reiterate again to the Sher, LLC and the Sher family will not bring any burden to the City Council in making this decision. The feasibility study is simply this: If the numbers aren't there, this zoo is not going to get build, and we've reiterated that and we reiterated that.

MAYOR GOODMAN

Right, that's from both sides.

MARTIN MILLER

Yes, sir.

MAYOR GOODMAN

The numbers being, are acceptable to Sher, that they'll make a profit and numbers being acceptable to the City in that we won't suffer a loss.

MARTIN MILLER

Your Honor, we fully understand that. You've made that perfectly clear.

MAYOR GOODMAN

Very good, as long as it's clear. All right.

DOUG SELBY
Mayor?

MAYOR GOODMAN
Yes

DOUG SELBY
I'm sorry.

MAYOR GOODMAN
Oh, sorry, Dr. Selby?

UNIDENTIFIED SPEAKER
Go ahead, Doug.

DOUG SELBY
Before you make a motion, just to clarify one thing, the City is making no financial commitment with regard to this MOU, and then I have a couple text changes for clarification to really express the intent of this, that a potential zoo development would be on, outside of the developed area of the park itself as we know it today. So, there would be a change in the first whereas to expand the acreage to 1,740 acres, and in the third whereas, in the recitals, line 5, would read: appropriate to consider the development of such a zoo on undeveloped park lands.

MAYOR GOODMAN
Okay, let me ask you one question, the one other question, if you will, excuse me, Councilman. Apropos of our discussion before about contracts, are we at, I guess the City Attorney has to answer this, are we absolutely sure that when we sign this, we're not getting any kind of contingent liability whatsoever assuming that the deal doesn't go through? I mean, I really don't want, two years from now, to hear that the City owes the Shers $2,000,000 because we had, had something in the contract, which wasn't covered.

DOUG SELBY
Well, our, we were the drafters of this MOU through the City Attorney's office.

MAYOR GOODMAN
Okay, well shame on us if we don't protect ourselves.

DOUG SELBY
Yes.

MAYOR GOODMAN
Do you feel confident?

DOUG SELBY
I do not believe that it binds the City. The intent is to give, give the Shers exclusive opportunity to develop this proposal and conduct a feasibility study without risk of the City considering another zoo developer at the same time.

MAYOR GOODMAN
All right. I promised I wasn't going to play lawyer, and I'm not going to tell Mr. Miller how to beat us two years from now, but there's language here that makes me, boy, when you talk about something not being as sure as it should be, what is a good faith negotiation? How about at the end of the day, Councilman Reese says, you know I don't care what you say, we're not going to have enough Marshals out there, and I'm not going to go for a zoo, and I don't want to take it over. Is that bad faith or good faith? I don't know. I think it's good faith on his part but I can see an argument being made against us that it's bad faith on our part when we enter into this. As long as, I just want the record to clearly reflect that from my perspective, and I'll speak for the Council, unless they take exception to it, nobody has any obligation under this. Each side could walk away without any liability, without any claims against the other, that this is just, as I understand it, the only thing the City is doing that is of a binding nature here, and correct me if I am wrong, Mr. Miller, hold your peace, is that we're giving you the exclusivity over a two year period to even discuss the zoo on that property. Other than that, both parties can go their way.

MARTIN MILLER
Again, Your Honor, you have made this very clear, as well as staff.

MAYOR GOODMAN
That's fine. No problem. Okay, Councilman.

COUNCILMAN MACK
Thank you, Your Honor, I appreciate the Sher family and Marvin, your team. I was fortunate to attend the charette, that's how it's pronounced in the west, Marvin, charette, and we had experience with that. The team that they've put together, I don't know if Marvin's handed the hand-out out, but they have the CEO of the Los Angeles Olympics '84 games as well as the Salt Lake games. They've had Disney Imaginators (sic). They have teams from South Africa. They're, they have put a world class team together, zoo curators. The bottom line here is we, the City, are not gonna have a financial burden. We're not going to put our City Marshals out there; this is going to be a private/public partnership, and I'm looking at it as a win-win for the City, and I think this feasibility, whether it shows that, us that result or not, will give a comfort level to this Council. We're not asking for one dollar from the City, other than the time and resources, and we know that costs time and costs money, you know, working with staff on these type of agreements, but the Sher family is putting this burden, financial burden on themselves.

MARTIN MILLER
That's correct.

COUNCILMAN MACK
So with that, Your Honor, I move for approval of the Memorandum of Understanding. With the, I think the bottom line here being that these people are spending $2,000,000, I think we should give them the respect of a not compete, per say, with this Memorandum of Understanding, I think that's what it spells this out.

MAYOR GOODMAN
All right, let's vote, please.

COUNCILMAN REESE

Again, Your Honor, before I cast my vote, it has to be understood also, that this also depends upon, and it may not, the zoo may not cost us anything, okay, the zoo may not cost us a penny, but in order for us to take over and get this property, we're going to have to invest a lot of money that we don't have, if we take over Floyd Lamb State Park. And that is why I am not supporting the zoo. If they want to go out here and buy a piece of property where we don't have to give it to them, then I'm, I'm willing to support a zoo. They can have that MOU. But I'm saying it's going to cost us money if we go out here and take Floyd Lamb State Park over from the State, and that's where they want to put this zoo. So it is going to cost us money, no misunderstandings. Thank you.

MARTIN MILLER

Pro Tem, I'd like to address that, if that's possible?

MAYOR GOODMAN

Certainly.

MARTIN MILLER

The initial trade zone analysis reports, and I would, I just want to comment the person that's heading this charette as well as the feasibility study was Vice President of the Los Angeles Olympics. It's the only Olympics that's made any money at all. We understand your position, and we applaud it. The Sher LLC does not want to bring any burden to the taxpayers. We, we do have resources, and we possibly could do that, but that would exclude the City from being able to generate the kind of income that the possibility after this feasibility comes back to be able to participate in. So, as well as there's risk, there's also rewards, and we feel like at the point that you will have the opportunity to take this feasibility study and tear it apart as much as you'd like, but we would just like to have the opportunity to get to that point.

MAYOR GOODMAN
Thank you very much, Mr. Miller. All right, let's vote please. Post.

BARBARA JO RONEMUS
Your Honor, for verification please, that was approval as recommended?

MAYOR GOODMAN
That is correct. Thank you. Let's vote, please. Post? Let's see, it's a tie. I don't know what to do on a tie. I haven't been here long enough.

BARBARA JO RONEMUS
It fails, Your Honor.

MAYOR GOODMAN
It does fail?

BARBARA JO RONEMUS
Yes.

MARTIN MILLER
Thank you.

MAYOR GOODMAN
All right. Motion fails.

END RELATED DISCUSSION – RESUME RELATED DISCUSSION

COUNCILMAN MACK
Your Honor?

MAYOR GOODMAN
Yes.

COUNCILMAN MACK
If we could, I'd like to recall item 42 for a, a reconsideration.

MAYOR GOODMAN
All right. Thank you. Item 42 – What do we – Ms. Ronemus, do we vote on the motion to reconsider?

BRAD JERBIC
I don't know that you take a motion to reconsider it, this, but typically when there have been tie votes in the past, people can continue to make motions until something does pass. Ultimately, if it doesn't, then it just dies. But at this point in time, if somebody wanted to make another motion to see if it would pass, it would be appropriate.

COUNCILMAN MACK
Your Honor, the reason why I've considered this is I'd like, you know, the Sher family and their representatives to meet with the Council. Maybe there's been a lack of communication on the City's contribution or taxpayer contribution. And I'd think it'd be fair to have the whole Council here, as well as, Councilwoman Boggs McDonald to have this vote, and I'd like to abey it for two weeks if possible.

MAYOR GOODMAN
All right, give me some guidance then. Do we vote on the motion to reconsider?

BRAD JERBIC
No, you just take a motion – you just continue with motions until you have one that passes.

MAYOR GOODMAN

Okay, so all right, so there's now a motion to abey for two weeks. Okay fine, let's vote on that, please. Post. Motion carries. **(Motion carried with Councilwoman Moncrief and Councilman Reese voting No and Councilwoman McDonald excused)** All right.

(END OF DISCUSSION)

/lc; sc

City of Las Vegas

Agenda Item No. 43

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: BUSINESS DEVELOPMENT
DIRECTOR: IAIN VASEY, ACTING ☐ CONSENT ☒ DISCUSSION

SUBJECT:
Discussion and possible action regarding a report concerning the Downtown Entertainment Corporation on their progress to effectuate the implementation of the East Fremont Entertainment District, the appropriateness of extending the sunset of the district another 18 months - Ward 5 (Weekly)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Bill 2004-16 is currently in process and eligible for adoption on March 17, 2004, and would extend the sunset of Ordinance Number 5521 that created the district from April 2, 2004 until October 2, 2005. Staff finds that the property owners within the district have formed a corporation with 87% participation and with the assistance of the city are making progress toward achieving the goals and objectives of establishing the district. Staff requested that the owners' association make this presentation to Council.

RECOMMENDATION:
Council to direct staff.

BACKUP DOCUMENTATION:
Submitted after meeting: hard copy of PowerPoint

MOTION:
WEEKLY – APPROVED – UNANIMOUS with L.B. McDONALD excused

NOTE: Before hearing Item 45, COUNCILMAN MACK disclosed that he voted on this matter, even though his brother-in-law ANDREW DONNER has a contract with the Lady Luck Casino, because he did not believe his relative's business venture would be impacted.

MINUTES:
IAIN VASEY, Acting Director, Office of Business Development, JOHN FRANK, owner of Days Inn at 707 East Fremont and member of the Entertainment District Owners Association Executive Board, and FRANK ELAM, also a member of the Entertainment District Owners Association Executive Board, were present. MSSRS. VASEY and FRANK each gave an overview of a section of the PowerPoint presentation, which is made a part of these minutes.

CITY COUNCIL MEETING OF MARCH 3, 2004
Business Development
Item 43 – Discussion and possible action regarding a report concerning the Downtown Entertainment Corporation on their progress to effectuate the implementation of the East Fremont Entertainment District, the appropriateness of extending the sunset of the district another 18 months – Ward 5 (Weekly)

MINUTES – Continued:

MR. ELAM requested the extension, explaining that it has been difficult to obtain the concurrence of all the property owners within the district because of some of the problems that had to be resolved. A lot of the owners did not want to yield to the idea of allowing gaming in the district.

WAYNE STARKER, El Cortez Hotel, expressed his support of the district. The owners are becoming energized as they see the progress being made.

MAYOR GOODMAN noted that DEPUTY CITY MARSHAL JEFF DUFRENE and SERGEANT ERIC FRICKER have been very instrumental in the future success of this area. He believes cabbies will refer tourists to this area when asked where the action is in Las Vegas. He thanked them for helping this area become safer, as well as the other Councilmembers for meeting with the people interested in the Fingerprint building. It is very exciting to see the progress being made. COUNCILMAN WEEKLY agreed with the Mayor's comments.

(10:23 - 10:36/10:38)
1-2902/1-3569

DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT

East Fremont Street

Las Vegas Metropolitan Police

3/3/04 CC Mtg.
#43

ORDINANCE EXTENSION:

- Owners request an 18 month extension of the ordinance to allow for full implementation
- The goals and objectives of the district can be met by the owners, with city assistance, over the next 18 months
- Change of ownership of major property and expiration of near-term leases will allow more rapid lease arrangements for new clubs

HOW MANY LICENSES POSSIBLE?

- 601 Fremont will include 4-5 licenses
- 501-515 Fremont = 1-3 licenses
- 517-523 Fremont = 2 licenses
- 707 Fremont = 2-3 licenses
- 709-725 Fremont = 1-3 licenses
- 115 N 7th = 1 license
- 760 Fremont = 1-3 licenses
- **12-20 in near term -- more possible later**

FUTURE CORPORATE ACTIONS:

- Owners to establish business security plan
- Establish sidewalk/ streetscape maintenance plan
- Work together to establish collective valet parking plan acceptable to city
- Work with city to establish Business Improvement District for streetscape, security, and other issues
- Owners to establish marketing and branding plan for district

DOWNTOWN ENTERTAINMENT CORPORATION CREATED:

- Non-profit corporation filed July 29, 2003, with <u>87%</u> of all owners signed on
- Operating agreement adopted and being implemented
- Major property owner = permanent member
- Super-majority of 80% needed for all major and financial actions
- Board of Directors will meet monthly

DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT

East Fremont Street

Downtown Entertainment Corporation

CITY ORDINANCE EXTENSION:

- Staff recommends an 18 month extension of the ordinance to allow for full implementation
- The goals and objectives of the district are being met, and will yield results over next 18 months.
- Extension will allow the city and owners to implement first key projects to help establish district and create long-term anchors

OWNERS AND CITY TOGETHER:

- Owners and city have worked collaboratively to establish, develop, and implement the district
- Owners will work with city to establish a business improvement district (BID) as needed
- Owners will establish a business security plan after 7 clubs open
- Owners will establish a sidewalk / streetscape maintenance plan and budget after 7 clubs open

FUTURE CITY ACTIONS:

- Review license applications / backgrounds
- Relocate Metro sub-station within District
- Select developer for 601 Fremont – negotiate DDA and coordinate transaction/development
- Complete East Fremont Streetscape Design and identify funding sources with owners' participation
- Propose special design standards for area

RECENT CITY ACTIONS:

- Coordinated with owners to create district owners association
- Coordinated actions between City and Metro to target illegal activity
- Set up regular street cleaning route/schedule
- Bought 601 Fremont from Clark County – for Entertainment Venue Redevelopment
- Initiated East Fremont streetscape design
- Manage design review committee

CITY ORDINANCE NO. 5521:

- Adopted Oct. 2, 2002 / 18 month sunset
- Established new entertainment district
- Requires owners to form association
- Creates new tavern-limited license
- Waives tavern distance separation
- Waives parking requirements
- Establishes design review committee

ENTERTAINMENT DISTRICTS:

- Entertainment District entitlements modeled on other successful districts around nation
- Gas Lamp District in San Diego provides walkable precinct of clubs, lofts, restaurants and retail within historic area
- Bourbon Street in New Orleans provides late night party atmosphere in vintage district
- Beale Street in Memphis focused on the blues
- Bleeker Street in NYC lined with basement jazz and blues clubs

CHARACTER OF DISTRICT / 2002:

- 43 different parcels
- 28 different owners
- Obsolete 1950's shopping district
- Very low rents: $.53/ft/mo typical
- Some vintage architecture obscured by renovations / signs
- High crime area: Drugs and prostitution
- FSE tourists would not cross Las Vegas Blvd.
- C-2 zoning only: No incentive for owners to renovate buildings
- Parking nearby

LOCATION OF DISTRICT:

- 6 Block Area on either side of Fremont Street, Between Las Vegas Boulevard and 8th Street

INTENT OF THE DISTRICT:

- Create safe and secure environment
- Eliminate blight and enhance under-performing properties
- Revitalize surrounding neighborhoods
- Encourage private investment
- Target criminal activities
- Adjust zoning and licensing restrictions to encourage non-gaming entertainment venues such as music clubs, comedy clubs, etc.
- Facilitate creation of a BID

DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT

East Fremont Street

City of Las Vegas

City of Las Vegas

Agenda Item No. 44

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Lameche Anice Davis, 507 North Lamb #5, Las Vegas, Nevada 89110

Fiscal Impact

[X] No Impact	Amount:	
[ ] Budget Funds Available	Dept./Division:	
[ ] Augmentation Required	Funding Source:	

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:
Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:
REESE – Motion to bring forward and STRIKE Item 44 – UNANIMOUS with L.B. McDONALD excused

MINUTES:
There was no discussion.

(9:22 – 9:23)
1-400

RECEIVED
CITY CLERK

2004 FEB 12 A 9:37

February 12, 2004

City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

To Whom It May Concern:

I wish to appeal to the City Council the denial by the Metropolitan Police Department of my Work Card application.

Sincerely,

Lameche Anice Davis

Lameche Anice Davis
507 North Lamb #5
Las Vegas, NV 89110

February 12, 2004

Lameche Anice Davis
507 North Lamb #5
Las Vegas, NV 89110

Re: **WORK CARD APPEAL**

Dear Ms. Davis:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of March 3, 2004.

Your appeal is scheduled to be heard during the morning session of the meeting, which commences at 9:00 a.m. We would advise that you be in attendance to present your appeal and answer any questions which may arise.

Occasionally, the City Council has been persuaded to grant a work card to an applicant through the intercession of the applicant's prospective employer. Therefore, if you think that your prospective employer would acknowledge, either in writing or personally before the City Council at your hearing, that he is aware of the reasons your work card was originally denied and wishes to hire you anyway, I urge you to request him to do so.

If a letter is submitted to the Council, **it must be from the licensee or principal who must be approved for suitability under Las Vegas Municipal Code Chapter 6.06 (the owner of the business, other principal or key employee)** for the establishment in which you are seeking employment. Also, you should bring to the hearing all other materials which may assist you in your appeal.

Sincerely,

Vicky Darling

VICKY DARLING
ASSISTANT DEPUTY CITY CLERK

/epc

cc: City Attorney-Civil
Las Vegas Metropolitan Police Department - SIB

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

City of Las Vegas Agenda Item No. 45

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action to correct the fine imposed against La Fuente, Inc., d/b/a Cheetah's, 2112 Western Avenue, Las Vegas, Clark County, Nevada, January 7, 2004, to $1,017,000 and to approve a release and settlement agreement between the City, La Fuente, Inc., and Jack Galardi - Ward 1 (Moncrief)

Fiscal Impact

[X]	**No Impact**	**Amount:**
[ ]	**Budget Funds Available**	**Dept./Division:**
[ ]	**Augmentation Required**	**Funding Source:**

PURPOSE/BACKGROUND:
On January 7, 2004, the City Council found that La Fuente, Inc. had violated Title 6 of the Las Vegas Municipal Code. A fine of $1,095,000 was imposed. This fine was incorrectly calculated. The correct calculation results in a fine of $1,017,000. On February 18, 2004, another disciplinary complaint was brought before the City Council for approval. La Fuente, Inc. submitted a plan to resolve payment of the fine, litigation challenging discipline taken against it, and the allegations in the new disciplinary complaint. This plan requires executing a release and settlement agreement.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
Subsequent to the meeting the City Attorney submitted the final Release and Settlement Agreement for the record.

MOTION:
GOODMAN – APPROVED settlement amount and the Release and Settlement Agreement – motion carried with MONCRIEF voting NO, L.B. McDONALD excused, and MACK abstaining because Cheetah's is a direct competitor of Treasures, a client of his firm, Mack Consulting

NOTE: The initial motion by GOODMAN for approval of the settlement amount and the Release and Settlement Agreement failed with MONCRIEF voting NO, WEEKLY not voting, L.B. McDONALD excused, and MACK abstaining. CITY ATTORNEY JERBIC then advised that a majority vote was required under new State law, and, after trailing the item to wait for WEEKLY'S return, a subsequent motion for reconsideration was made by REESE which carried unanimously with L.B. McDONALD excused and MACK abstaining.

CITY COUNCIL MEETING OF MARCH 3, 2004
City Attorney
Item 45 – Discussion and possible action to correct the fine imposed against La Fuente, Inc., d/b/a Cheetah's, 2112 Western Avenue, Las Vegas, Clark County, Nevada, January 7, 2004, to $1,017,000 and to approve a release and settlement agreement between the City, La Fuente, Inc., and Jack Galardi – Ward 1 (Moncrief)

MINUTES:
SR. LITIGATION COUNSEL BILL HENRY advised that it was necessary to bring this matter back to Council in order to correct the amount of the fine imposed in the first disciplinary action, which after recalculation should have been $1,017,000 because of the number of days involved, and to approve a Release and Settlement Agreement attached as backup. ATTORNEY DOMINIC GENTILE, representing the applicant, agreed with MR. HENRY'S comments.

When the item was recalled, COUNCILMAN REESE questioned why this matter necessitated a motion for reconsideration while Item 42 did not. CITY ATTORNEY JERBIC advised that the motion on Item 42 did not pass because of a deadlock, which does not require reconsideration. There is just an extension of the motion practice until one passes.

(10:38 – 10:41/10:48 – 10:51)
1-3558/2-320

RELEASE AND SETTLEMENT AGREEMENT

The CITY OF LAS VEGAS and LA FUENTE, INC., and its principal JACK E. GALARDI agree as follows:

JACK E. GALARDI and LA FUENTE, INC. will dismiss with prejudice Case No. A479478 currently pending in the Eighth Judicial District Court in and for the County of Clark, State of Nevada, in which the CITY OF LAS VEGAS is Respondent. In addition thereto, JACK E. GALARDI and LA FUENTE, INC. tender the amount of One Million Seventeen Thousand Dollars ($1,017,000) to the CITY OF LAS VEGAS.

In consideration of the foregoing, the CITY OF LAS VEGAS hereby agrees that it shall not file any future disciplinary actions or complaints against LA FUENTE, INC. and/or JACK E. GALARDI based upon any of the activities of the principals, managers, agents, employees, representatives, servants, independent contractors of the licensee, whether now known or unknown, asserted or unasserted, suspected or unsuspected, which have already been brought or which could have been brought up to the date of the execution of this agreement. The CITY OF LAS VEGAS may, however, bring disciplinary actions against LA FUENTE, INC. and/or JACK E. GALARDI based upon his own personal conduct should it provide good cause therefor.

Further, all parties hereto release each other and their principals, managers, agents, employees, representatives, servants, independent contractors and/or assignees of any claims or liabilities now existing or which may hereafter accrue as a result of facts and circumstances now existing, whether now known or unknown, asserted or unasserted, suspected or unsuspected except for any future disciplinary actions as set forth above.

CITY OF LAS VEGAS

By: [signature]

Date: 3/8/04

LA FUENTE, INC.

By: Jack Galardi

Date: 3/4/04

JACK E. GALARDI

Jack Galardi

Date: 3/4/04

City of Las Vegas

Agenda Item No. 46

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and a new Nonrestricted Gaming License subject to the provisions of the fire codes, Health Dept. regulations, and confirmation of approval by the Nevada Gaming Commission, From: Horseshoe Club Operating Co., dba Horseshoe Club, Becky L. Behnen, COB, Pres, CEO, Treas, 99.153%, Jack B. Binion, .847%, To: Speakeasy Gaming of Fremont, Inc., dba Binion's Horseshoe Casino and Hotel, 128 Fremont Street, Edson R. Arneault, Dir, Pres, Secy, Treas, Roger M. Szepelak, COO, MTR Gaming Group, Inc., PTC, 100%, Edson R. Arneault, COB, CEO, HHLV Management Company, LLC, Key Employee, Thomas M. Jenkin, Key Employee, Harrah's Operating Company, Inc., Mmbr, 100% - Ward 5 (Weekly)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and Nonrestricted Gaming License

RECOMMENDATION:

Recommend approval with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Jones Vargas

MOTION:

GOODMAN – RECESS to Time Certain 9:00 a.m. 3/5/2004 – UNANIMOUS with L.B. McDONALD excused and MACK abstaining because his brother-in-law, ANDREW DONNER, has a contract with Lady Luck Casino, a non-restricted gaming business in direct competition with the Horseshoe

NOTE: A previous motion for approval, subject to a one-year review, by WEEKLY carried unanimously with L.B. McDONALD excused and MACK abstaining and was reconsidered upon a motion by REESE, which also carried unanimously with L.B. McDONALD excused and MACK abstaining.

City of Las Vegas

Agenda Item No. 46

CITY COUNCIL MEETING OF MARCH 3, 2004
Finance and Business Services
Item 46 - Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and a new Nonrestricted Gaming License subject to the provisions of the fire codes, Health Dept. regulations, and confirmation of approval by the Nevada Gaming Commission, From: Horseshoe Club Operating Co., dba Horseshoe Club, Becky L. Behnen, COB, Pres, CEO, Treas, 99.153%, Jack B. Binion, .847%, To: Speakeasy Gaming of Fremont, Inc., dba Binion's Horseshoe Casino and Hotel, 128 Fremont Street, Edson R. Arneault, Dir, Pres, Secy, Treas, Roger M. Szepelak, COO, MTR Gaming Group, Inc., PTC, 100%, Edson R. Arneault, COB, CEO, HHLV Management Company, LLC, Key Employee, Thomas M. Jenkin, Key Employee, Harrah's Operating Company, Inc., Mmbr, 100% - Ward 5 (Weekly)

MINUTES:

SONIA VERMEYS, Attorney, Schreck-Godfrey, appeared on behalf of Harrah's Entertainment and its subsidiaries, and was accompanied by THOMAS JENKIN, President of the Western Division, WADE FALL, Vice President of Operations for the Horseshoe, and JIM KIRKWOOD, Operations Controller for the Horseshoe. ATTORNEY ED GARCIA, Jones Vargas, appeared representing the landlord Speakeasy Gaming, Inc., and was accompanied by ROGER SZEPELAK, Chief Operating Officer for Speakeasy Gaming, Inc.

JIM DiFIORE, Manager, Business Services, indicated that this applicant would be appearing before the Gaming Control Board and the Nevada Gaming Commission that afternoon.

ATTORNEY VERMEYS added that it has been very important to reopen this establishment. As soon as all the contracts were signed the application was filed. Business Services staff was very helpful in expediting the process, for which she expressed her gratitude.

MAYOR GOODMAN said he was concerned about a rumor that the Horseshoe is being bought to acquire the name of the World Series of Poker, which is subsequently to be taken out of the downtown area and utilized by Harrah's elsewhere, which he cannot support. MR. JENKIN responded that the World Series of Poker would remain at the Horseshoe this year, but one of the long-term considerations of Harrah's is to move the name Horseshoe and the poker tournament to a different location in Las Vegas. MAYOR GOODMAN asked if that was subject to condition, because he would seriously like to keep it downtown. MR. JENKIN answered that anything was subject to discussion, as no formal decision had been made. MAYOR GOODMAN suggested a one-year review to hold further discussions regarding the poker tournament. ATTORNEY VERMEYS concurred with the one-year review.

COUNCILMAN BROWN supported the motion, noting that he did not believe a bigger name than Harrah's could come in and restart the downtown area. MAYOR GOODMAN noted that he has to protect the City.

CITY COUNCIL MEETING OF MARCH 3, 2004
Finance and Business Services
Item 46 - Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and a new Nonrestricted Gaming License subject to the provisions of the fire codes, Health Dept. regulations, and confirmation of approval by the Nevada Gaming Commission, From: Horseshoe Club Operating Co., dba Horseshoe Club, Becky L. Behnen, COB, Pres, CEO, Treas, 99.153%, Jack B. Binion, .847%, To: Speakeasy Gaming of Fremont, Inc., dba Binion's Horseshoe Casino and Hotel, 128 Fremont Street, Edson R. Arneault, Dir, Pres, Secy, Treas, Roger M. Szepelak, COO, MTR Gaming Group, Inc., PTC, 100%, Edson R. Arneault, COB, CEO, HHLV Management Company, LLC, Key Employee, Thomas M. Jenkin, Key Employee, Harrah's Operating Company, Inc., Mmbr, 100% - Ward 5 (Weekly)

MINUTES - Continued:

Before recessing the meeting, MAYOR PRO TEM REESE recalled Item 46 for reconsideration and moved to recess the City Council meeting to a Time Certain of 9:00 a.m. in the Council Chambers on Friday, March 5, 2004, to further consider Item 46.

CITY ATTORNEY BRAD JERBIC advised that the applicants were aware there was going to be a motion for reconsideration and a motion to recess to a Time Certain on Friday morning at 9:00 a.m. Being aware of that information, they elected not to appear this afternoon. MAYOR GOODMAN advised that MR. RAINES and MR. DiFIORE would be attending the Nevada Gaming Commission hearing to be held that afternoon.

COUNCILMAN MACK informed the Mayor that since he would be abstaining from voting on this item, he would not participate in Friday's meeting.

(10:41 – 10:47/2:45 – 2:47)

2-72/4-2135

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and a new Nonrestricted Gaming License, To: Speakeasy Gaming of Fremont, Inc., dba Binion's Horseshoe Casino and Hotel, 128 Fremont Street

The applicant is requesting approval of a temporary license as provided by LVMC 6.06.051, which reads as follows:

(A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:

(1) The applicant's fitness for a license; and

(2) The appropriateness of the applicant's business location.

(B) A temporary license shall not be granted under this Section unless:

(1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;

(2) The Director makes a preliminary finding that all of the principals of the business are suitable; and

(3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated February 12, 2004 from Jones Vargas, counsel for the applicant, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation and meets the criteria required to be considered for a temporary license.

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

JONES VARGAS

ATTORNEYS AT LAW
TWELFTH FLOOR
100 WEST LIBERTY STREET
PO BOX 281
RENO, NEVADA 89504-0281
TEL (775) 786-5000 FAX(775) 786-1177
WWW.JONESVARGAS.COM

MICHAEL G. ALONSO
Writer's Direct Line
(775) 788-2237
E-Mail Address
mga@jonesvargas.com

February 12, 2004

City of Las Vegas
Dept. of Finance & Business Services
Privileged License Section
400 E. Stewart Avenue, 3rd Floor
Las Vegas, NV 89101

Federal Express

Attn: Mr. Eddie Raines

Re: Acquisition of Binion's Horseshoe Hotel & Casino

Dear Mr. Raines:

This letter is a follow-up to our telephone discussion on Monday, February 9, 2004 regarding the above-referenced transaction. Please consider this letter to be our request on behalf of Speakeasy Gaming of Fremont, Inc. (Speakeasy) and MTR Gaming Group, Inc. (MTR) for temporary approval from the city council. We request that this matter be placed upon the council's March 3, 2004 agenda.

The following is some background regarding this project. Harrah's Operating Company, Inc. (HOC) entered into an Asset Purchase Agreement dated January 21, 2004 between HOC and Horseshoe Club Operating Company. HOC subsequently assigned, transferred and conveyed all of its right, title and interest under the Agreement to HHLV Management Company, LLC (HHLV), a wholly owned subsidiary of HOC. At the Horseshoe closing, HHLV will cause Horseshoe to assign, convey and transfer to Speakeasy, a wholly owned subsidiary of MTR, all of HHLV's right, title and interest under the Horseshoe Purchase Agreement except for a few specific pieces of intellectual property.

Speakeasy and HHLV will enter into a Joint Operating License Agreement. The Agreement provides that HHLV will serve as the primary day-to-day operator of the hotel/casino property (the Project) during the term of the agreement. HHLV will be a "key employee" (as such term is defined in the Nevada Gaming Act) of the Project during the term of the Agreement. HHLV will be subject to certain oversight and review of the Committee. The Committee will consist of a representative from both Speakeasy and HHLV.

Speakeasy is seeking to license the following individuals: Edson R. Arneault, the president, secretary, treasurer and sole director of Speakeasy and Roger Szepelak, the chief operating officer of Speakeasy. Mr. Szepelak will be the Speakeasy representative on the Committee. Enclosed with this letter are the Multi Jurisdictional Personal History Disclosure forms filed with the State within the last twelve months for both individuals.

Enclosed is a copy of the Nevada Business Registration form which will be filed with the State shortly. We will provide you with another copy upon filing. Also enclosed is a check in the amount of $30.00 payable to the City of Las Vegas for the processing fee.

We are in the process of collecting all the additional documents necessary for licensing by the City. Those will be forwarded to you upon receipt.

Please call me with any questions or concerns.

Sincerely,

Michael G. Alonso

MGA/cah
Enclosures

City of Las Vegas

Agenda Item No. 47

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:
Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to Health Dept. regulations, From: Jim Colbert Golf, Inc., dba Colbert Fogler Golf Enterprises, Robert H. Williams, Pres, To: Golf Enterprises, Inc., dba Las Vegas Golf Club, 4300 West Washington Avenue, Neil M. Miller, Pres, Treas, Dona L. Tanaka, Secy - Ward 5 (Weekly)

Fiscal Impact

X	**No Impact**	**Amount:**
	Budget Funds Available	**Dept./Division:**
	Augmentation Required	**Funding Source:**

PURPOSE/BACKGROUND:
Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License

RECOMMENDATION:
Recommend approval subject to Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Stephani Justice

MOTION:
WEEKLY – APPROVED the temporary license, subject to provisions as recommended, with the manager of Business Services granted the authority to approve the permanent license after completion of appropriate process – UNANIMOUS with L.B. McDONALD excused

MINUTES:
ATTORNEY ED GARCIA, Jones Vargas, 3773 Howard Hughes Parkway, appeared on behalf of Golf Enterprises.

JIM DiFIORE, Manager, Business Services, indicated that the applicant met the criteria for consideration of a temporary approval. The applicant was advised to stay in contact with the Real Estate Assets Manager for negotiation of a new contract, to be approved by the City Council. He suggested approval as recommended above. ATTORNEY GARCIA stated that his client understands the need to pursue those negotiations.

(10:47 – 10:48)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to Health Dept. regulations, To: Golf Enterprises, Inc., dba Las Vegas Golf Club, 4300 West Washington Avenue

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The applicant is requesting approval of a temporary license as provided by LVMC 6.06.051, which reads as follows:

(A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:

(1) The applicant's fitness for a license; and

(2) The appropriateness of the applicant's business location.

(B) A temporary license shall not be granted under this Section unless:

(1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;

(2) The Director makes a preliminary finding that all of the principals of the business are suitable; and

(3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated January 14, 2004, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on December 31, 2003. Based on a review of the applicant's certificate of release/clearance letter from the Los Angeles County Sheriff's Department, we have determined that the applicant is preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

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

JONES VARGAS

ATTORNEYS AT LAW
3773 HOWARD HUGHES PARKWAY
THIRD FLOOR SOUTH
LAS VEGAS, NEVADA 89109
TEL (702) 862-3300 FAX

WWW.JONESVARGAS.COM

January 14, 2004

Mr. Eddie Raines
Senior Licensing Officer
Department of Business License
3rd Floor City Hall
400 East Stewart
Las Vegas, Nevada 89101

HAND DELIVERY

**Re: American Golf Corporation / Request for Temporary Liquor License
The Badlands Golf Course, Las Vegas Golf Club and Painted Desert**

Dear Eddie,

Please allow this letter to serve as a formal Request for Temporary Liquor License for the above referenced applicants. It is my understanding that a Temporary Liquor License ("Temporary") may be granted by the Las Vegas City Council pending the Las Vegas Metropolitan Police Department's investigation of the principals associated with these entities.

Additionally, as we discussed, Painted Desert Golf Course only requires a change in officer information in order to complete their liquor license.

Please do not hesitate to contact me if you need any additional information or have any questions with regard to the foregoing.

Thank you very much for your assistance and patience in this matter.

Very truly yours,

Stephani Justice

Stephani Justice
Licensing Paralegal
JONES VARGAS

City of Las Vegas

Agenda Item No. 48

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:
Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, From: The Badlands Golf Club, Inc., Stanton V. Abrams, Dir, Pres, Richard B. Rogers, Dir, Secy, Michael J. Meluskey, Dir, Treas, To: American Golf Corporation, dba The Badlands Golf Club, 9119 Alta Drive, Neil M. Miller, EVP, CFO, Treas, Dona L. Tanaka, Secy - Ward 2 (L.B. McDonald)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License

RECOMMENDATION:
Recommend approval subject to Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Stephani Justice

MOTION:
BROWN – APPROVED the temporary license, subject to provisions as recommended, with the manager of Business Services granted the authority to approve the permanent license after completion of appropriate process – UNANIMOUS with L.B. McDONALD excused

MINUTES:
ATTORNEY ED GARCIA, Jones Vargas, 3773 Howard Hughes Parkway, appeared on behalf of American Golf Corporation.

JIM DiFIORE, Manager, Business Services, commented that the applicant met the criteria for consideration of a temporary approval. He suggested approval as recommended above.

(10:51)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, To: American Golf Corporation, dba The Badlands Golf Club, 9119 Alta Drive

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The applicant is requesting approval of a temporary license as provided by LVMC 6.06.051, which reads as follows:

(A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:

(1) The applicant's fitness for a license; and

(2) The appropriateness of the applicant's business location.

(B) A temporary license shall not be granted under this Section unless:

(1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;

(2) The Director makes a preliminary finding that all of the principals of the business are suitable; and

(3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated January 14, 2004, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on January 23, 2004. Based on a review of the applicant's certificate of release/clearance letter from the Los Angeles County Sheriff's Department, we have determined that the applicant is preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

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

JONES VARGAS

ATTORNEYS AT LAW
3773 HOWARD HUGHES PARKWAY
THIRD FLOOR SOUTH
LAS VEGAS, NEVADA 89109
TEL (702) 862-3300 FAX

WWW.JONESVARGAS.COM

January 14, 2004

Mr. Eddie Raines
Senior Licensing Officer
Department of Business License
3rd Floor City Hall
400 East Stewart
Las Vegas, Nevada 89101

HAND DELIVERY

Re: American Golf Corporation / Request for Temporary Liquor License
The Badlands Golf Course, Las Vegas Golf Club and Painted Desert

Dear Eddie,

Please allow this letter to serve as a formal Request for Temporary Liquor License for the above referenced applicants. It is my understanding that a Temporary Liquor License ("Temporary") may be granted by the Las Vegas City Council pending the Las Vegas Metropolitan Police Department's investigation of the principals associated with these entities.

Additionally, as we discussed, Painted Desert Golf Course only requires a change in officer information in order to complete their liquor license.

Please do not hesitate to contact me if you need any additional information or have any questions with regard to the foregoing.

Thank you very much for your assistance and patience in this matter.

Very truly yours,

Stephani Justice

Stephani Justice
Licensing Paralegal
JONES VARGAS

City of Las Vegas

Agenda Item No. 49

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Mulugeta K. Bour, dba Oakey Discount Market, 1616 Las Vegas Boulevard South, Mulugeta K. Bour, 100% - Ward 1 (Moncrief)

Fiscal Impact

[X] No Impact	Amount:	
[ ] Budget Funds Available	Dept./Division:	
[ ] Augmentation Required	Funding Source:	

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License

RECOMMENDATION:
Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:
Agenda Memo

MOTION:
MONCRIEF – ABEYANCE to 3/17/2004 – UNANIMOUS with L.B. McDONALD excused

NOTE: COUNCILMAN MACK disclosed that nearby is a SuperPawn shop owned by his brother STEVEN MACK, with whom he has a consulting agreement. He did not believe his brother's business would be impacted and he had not spoken with him; therefore, he would be voting.

MINUTES:
The applicant was present.

JIM DiFIORE, Manager, Business Services, requested a two-week abeyance to discuss some remaining issues. MAYOR GOODMAN confirmed with MR. BOUR that he understood MR. DiFIORE'S petition.

See related Item 50 for other discussion.

(10:51 – 10:53)

2-414

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Mulugeta K. Bour, dba Oakey Discount Market, 1616 Las Vegas Boulevard South

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On March 5, 2003 the City Council granted approval of this temporary license subject to a six-month review and conditioned the license prohibiting single sales of alcoholic beverages. Sales of alcoholic beverages were limited to standard industry packaging. On September 9, 2003 the City Council conducted the six-month review and extended the temporary subject to another six-month review with the same conditions as the original approval.

This Department conducted unannounced inspections of the premises on October 2, 2003, November 13, 2003 and December 24, 2003. At each inspection we found the business to be in compliance with LVMC 6.50 and the conditions placed on the license. Also of significance, the proprietor has added a substantial stock of grocery items as well as fresh produce to the inventory.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

City of Las Vegas

Agenda Item No. 50

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action regarding a Review of a Slot Route Operator Space Lease Location Restricted Gaming License for 5 slots, Green Valley Gaming, Inc., db at Oakey Discount Market, 1616 Las Vegas Boulevard South - Ward 1 (Moncrief)

Fiscal Impact

[X] No Impact	Amount:	
[ ] Budget Funds Available	Dept./Division:	
[ ] Augmentation Required	Funding Source:	

PURPOSE/BACKGROUND:
Discussion and possible action regarding a Review of a Slot Route Operator Space Lease Location Restricted Gaming License for 5 slots

RECOMMENDATION:
Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:
Agenda Memo

MOTION:
MONCRIEF – ABEYANCE to 3/17/2004 – UNANIMOUS with L.B. McDONALD excused

NOTE: COUNCILMAN MACK disclosed that nearby is a SuperPawn shop owned by his brother STEVEN MACK, with whom he has a consulting agreement. He did not believe his brother's business would be impacted and he had not spoken with him; therefore, he would be voting.

MINUTES:
The applicant was present.

JIM DiFIORE, Manager, Business Services, was present.

MAYOR GOODMAN asked MR. BOUR to fully cooperate with MR. DIFIORE.

See related Item 49 for other discussion.

(10:53)

2-432

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding a Review of a Slot Route Operator Space Lease Location Restricted Gaming License for 5 slots, Green Valley Gaming, Inc., db at Oakey Discount Market, 1616 Las Vegas Boulevard South

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On November 5, 2003 the City Council granted approval of this license subject to review on March 4, 2004 in conjunction with a six-month review of the beer/wine/cooler off-sale license approved for this business on September 9, 2003.

This Department conducted unannounced inspections of the premises on October 2, 2003, November 13, 2003 and December 24, 2003. At each inspection we found the business to be in compliance with LVMC 6.50 and the conditions placed on the license. Also of significance, the proprietor has added a substantial stock of grocery items as well as fresh produce to the inventory.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

City of Las Vegas

Agenda Item No. 51

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES
DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding a new Martial Arts Instruction Business License subject to the provisions of the fire codes, Young Il Kong, dba Grand Master Kong Taekwon-do, 1780 North Buffalo Drive, Suite 105, Young I. Kong, 100% - Ward 4 (Brown)

Fiscal Impact

[X]	No Impact	Amount:
[ ]	Budget Funds Available	Dept./Division:
[ ]	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Martial Arts Instruction Business License

RECOMMENDATION:
Recommendation to be provided following discussion of this item at the City Council meeting

BACKUP DOCUMENTATION:
Map

MOTION:
BROWN – ABEYANCE to 3/17/2004 – UNANIMOUS with L.B. McDONALD excused

MINUTES:
The applicant was present.

JIM DiFIORE, Manager, Business Services, stated that an updated investigative report was provided, and then deferred to STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), who indicated that the applicant was given a copy of the updated report and that he had gone in for a second interview with the investigating officer.

MR. KONG affirmed that he had the opportunity to review the report. He gave this account of the incident in question. MR. KONG'S friend from Korea was in Los Angeles, California and called him to visit at the motel. His friend and some other people were in the room holding a discussion, and then they asked him if they could use his school facility. They followed him to the school and went upstairs while MR. KONG was conducting a class downstairs. After about 30 minutes, his friend and the other people made a flight reservation to Korea and they left. MR. KONG asserted that that was the extent of his involvement. But the newspaper the following day contained a story that beatings and threats were taking place at his school, which MR. KONG stressed was not possible because there were children and parents present. MR. KONG said that he has been living in the United States for 35 years and has never been involved in a crime or any type of violence. His mistake was not disclosing this incident on the business application, but he forgot about it because it was dismissed in Los Angeles, California.

CITY COUNCIL MEETING OF MARCH 3, 2004
Finance and Business Services
Item 51 – Discussion and possible action regarding a new Martial Arts Instruction Business License subject to eh provisions of the fire codes, Young Il Kong, dba Grand Master Kong Taekwon-do, 1780 North Buffalo Drive, Suite 105, Young I. Kong, 100% - Ward 4 (Brown)

MINUTES – Continued:
MAYOR GOODMAN indicated the summarized report suggests that beatings took place at a motel and that the victims were then transported to the martial arts studio. DETECTIVE RODD confirmed the Mayor's understanding of the report. MAYOR GOODMAN felt disturbed that, even though charges were not filed, MR. KONG confessed to this activity. MR. KONG argued that the detectives never questioned him. He was detained and released the following Monday morning because the case was dismissed.

DETECTIVE RODD noted that the victims identified MR. KONG through a photo lineup. MR. KONG assisted in transporting the victims from the location where the initial beatings took place to his school where the violent activity continued. Metro is not representing that MR. KONG participated in the beatings. Metro's concern is that MR. KONG was involved at any level and even more that the beatings continued at his business location.

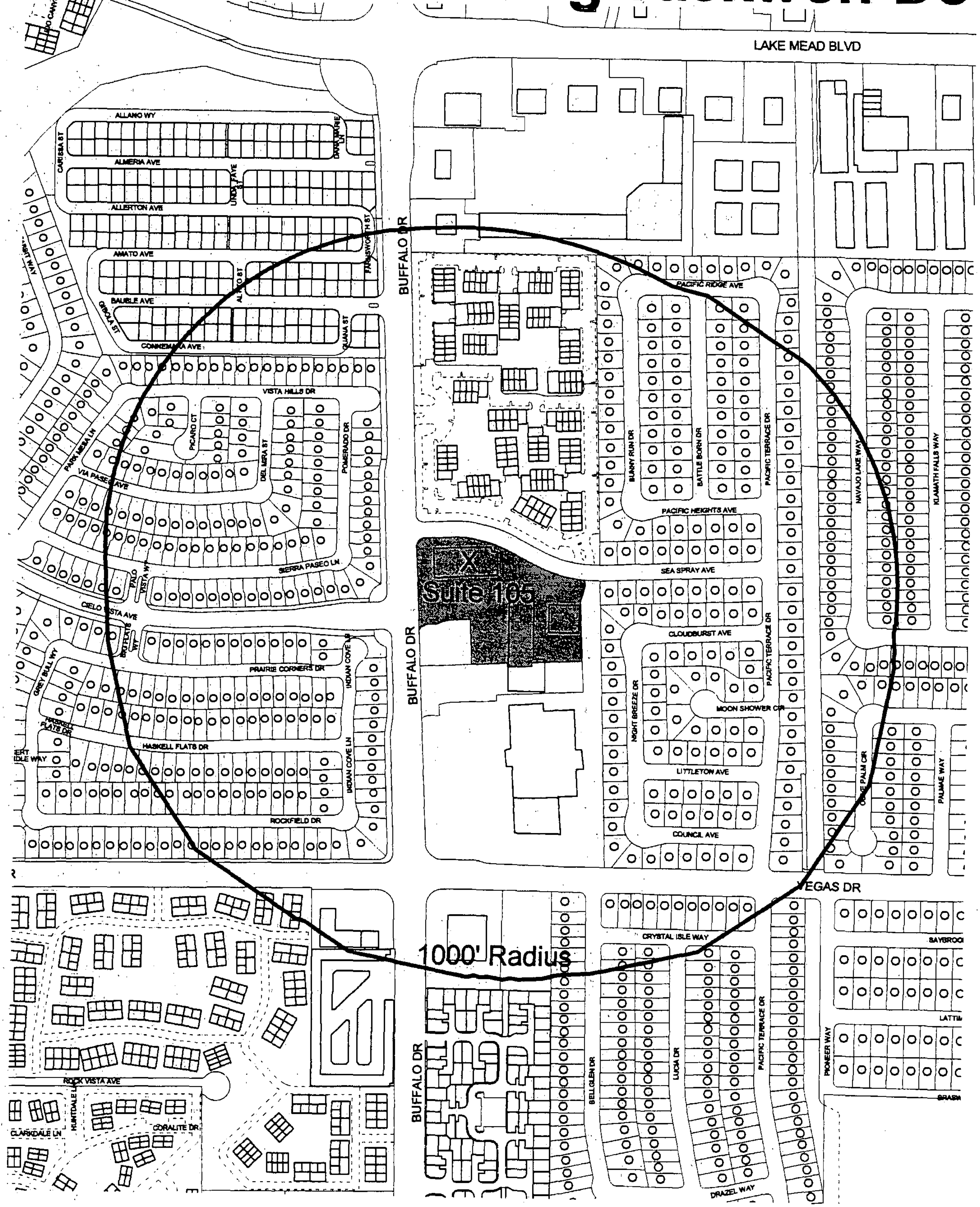
MAYOR GOODMAN questioned the representation in the investigative report that charges were not made despite MR. KONG'S confession. DETECTIVE RODD answered that the report from Los Angeles investigators indicated that MR. KONG acknowledged that he played a role in transporting the victims from the motel to his martial arts studio, even though MR. KONG claimed it was a big misunderstanding. MR. KONG countered he never used his vehicle and was never asked any questions. MAYOR GOODMAN requested a copy of the actual reports be provided for his review. DETECTIVE RODD indicated that he did not have them but he could provide them.

MAYOR GOODMAN opted to hold the matter in abeyance pending provision of the reports.

(10:53 – 11:01)

2-473

Grand Master Kong Taekwon-Do



051

City of Las Vegas

Agenda Item No. 52

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ CONSENT ☒ DISCUSSION

SUBJECT:
BOARDS & COMMISSIONS:

ABEYANCE ITEM - TRAFFIC & PARKING COMMISSION – Lewis Brandon, Term Expiration 10-18-2004 (Resigned)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Ordinance #5258 enacted October 4, 2000 increased the public membership on this commission to seven. The members are appointed by the Mayor and confirmed by the City Council such that one member shall reside in and represent each of the six Wards and one member representing the City as a whole. Mr. Brandon, a representative of Ward 6, has resigned. This seat requires Councilman Mack's recommendation. There is no requirement to fill unexpired portions of terms and no limits to the number of terms which may be served. At the Council Meeting of February 4, 2004, this item was abeyed to March 3, 2004.

RECOMMENDATION:
Procedure for this Board requires appointment by the Mayor with confirmation by the City Council. The new appointee for Mr. Brandon's seat is Councilman Mack's recommendation and must be a resident of Ward 6.

BACKUP DOCUMENTATION:
Current Listing & Authority - Traffic & Parking Commission

MOTION:
MACK – Motion to APPOINT ED GARCIA (Mack's recommendation), 7709 Meadow Robin, Las Vegas, Nevada 89131 – UNANIMOUS with L.B. McDONALD excused

Clerk to notify

MINUTES:
The applicant was present.

COUNCILMAN MACK thanked MR. BRANDON for his service. Unfortunately he moved out of the City. He welcomed MR. GARCIA.

(11:01 – 11:02)

2-18-2004

TRAFFIC & PARKING COMMISSION

MEMBERS		ADDRESS	ZIP CODE	ORIGINAL APPT.	TERM EXPIRES
1.	CRAIK, BETTY **(McDonald's recommendation)** **(Replaced Robert White-Resigned 3-29-2002)**	4416 Alta Drive **Resident of Ward 1**	07	5-15-2002	5-15-2006
2.	ESBIN, MARTIN **(Adamsen's recommendation)** **(L. McDonald's reappt.recommendation)**	9329 Lotus Elan Dr. **Resident of Ward 2**	17	2-21-1996 **(Reappt. 2-16-2000)** **(Reappt. 2-4-2004)**	2-21-2008
3.	CARRY, TED **(Callister's recommendation)** **(Weekly's concurrence to remain in seat following enactment of Ordinance #5258 due to redistricting)** **(Weekly's reappt.recommendation)**	1900 Stonehaven Dr. **Resident of Ward 4 (with redistricting this residence is in Ward 5)**	108	5-27-1997 **(Reappt. 5-2-2001)**	5-27-2005
4.	HOBAN, ROBERT **(Reese's recommendation)**	1929 Ballard Drive **Resident of Ward 3**	04	12-20-1995 **(Reappt. 1-5-2000)** **(Reappt. 12-3-2003)**	12-20-2007
5.	TURNER, DAVID STEPHEN **(Mayor Goodman, City-wide appt.)**	1210 Hinson Street **Resident of Ward 1**	02	6-19-2002	6-19-2006
6.	PHILLIPS, JOHN J. **(Brown's recommendation)**	3016 Yeoman Circle **Resident of Ward 4**	28	1-3-2001	10-18-2004
7.	BRANDON, LEWIS **(Mack's recommendation)**	3732 Justin Springs Circle **Resident of Ward 6**	08	11-1-2000	10-18-2004

(The Sheriff, or his designee, Lt. Wayne Petersen, Attn. Sgt. Tom Plehn, Traffic Section, LVMPD, 400 Stewart Avenue, Traffic Section, Las Vegas, Nevada 89101-2984 (229-3535) (Acting Designee - Sgt. Tom Plehn) and the Director of Public Works, or his designee, are also voting members.)

AUTHORITY: L.V.M.C. 2.48, Amended by Bill 2001-70, Ordinance 5346, adopted 8-1-2001. Resolution R-34-2002, adopted 6-5-2002, creates a Traffic Signal Capital Improvements Advisory Committee in conjunction with the City's Traffic Signal Capital Improvements Plan.

TERM: 4 years. No limit to number of terms. No requirement to fill unexpired portions of terms.

MEMBERS: **9 voting members** - 7 members of the public, the Sheriff, & Public Works Director. (Bill #89-72 adopted 1-3-90 increased from 3 to 5 the public members; Ordinance #5258 enacted 10/4/2000 increased the public membership to 7 to include the two new Wards). Seven public members **appointed by the Mayor and confirmed by the City Council** such that one member shall reside in and be representative of each of the six Council Wards with one member representing the City as a whole. Ex-Officio (non-voting) - Traffic Engineer, City Attorney, Fire Chief, Director of Planning & Development or their designees and other staff members that the City Manager may designate.

NOTES: MUST BE CITY OF LAS VEGAS RESIDENT, Ord. 3527.

NO CITY FINANCIAL DISCLOSURE REQUIREMENT per Bill 2001-70, Ordinance 5346, adopted 8-1-2001. (State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Commissions no longer required to file State form.)

MEETINGS: Meets 4th Thursday of each month, 2 p.m., City Hall Council Chambers.

City of Las Vegas

Agenda Item No. 53

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:
BOARDS & COMMISSIONS:

ANIMAL ADVISORY COMMITTEE – Mark A. Dolginoff, Term Expiration 3-20-2004

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board is comprised of 5 members who serve two-year terms, no limit to the number of terms that may be served and no requirement to fill an unexpired portion of a term. There is no City residency requirement. Mr. Dolginoff is eligible and wishes to be reappointed.

RECOMMENDATION:
Procedure for this Board requires appointment by the City Council. Mr. Dolginoff is eligible and wishes to be reappointed.

BACKUP DOCUMENTATION:
1. Memorandum from Roger Van Oordt, Animal Control Supervisor, Detention & Enforcement
2. Current Listing and Authority - Animal Advisory Committee

MOTION:
REESE – Motion to REAPPOINT MARK DOLGINOFF (Reese's recommendation) – UNANIMOUS with L.B. McDONALD excused

Clerk to notify

MINUTES:
The applicant was present.

COUNCILMAN REESE noted that MR. DOLGINOFF has done a good job.

(11:02 – 11:03)

2-771

Memorandum

City of Las Vegas
Detention and Enforcement

To: RONI RONEMUS

From: ROGER VAN OORDT; ANIMAL CONTROL SUPERVISOR

CC: MIKE SHELDON; DONNA WILLEY

Date: JANUARY 27, 2004

Re: ANIMAL ADVISORY/ DR. MARK DOLGINOFF

On January 26th, 2004 I contacted Animal Advisory Committee member Dr. Mark Dolginoff, whose term expires on March 20th, 2004. Dr. Dolginoff desires to be reappointed for another two- year term.

He missed one meeting due to a family illness this past term, but otherwise has attended all other meetings. His profession as a local veterinarian is a valuable asset to the Committee.

2-18-2004

ANIMAL ADVISORY COMMITTEE

MEMBERS	ADDRESS	ORIGINAL CODE	APPT.	TERM EXPIRES
1. DOLGINOFF, MARK A. DVM	2003 Silverton Drive **(Henderson)**	89074	3-20-1996	3-20-2004
(Adamsen's recom.)	Of: 1024 E. Twain Ave.	89109	**(Reapp. 3-9-1998)**	
(Reese's recom.)			**(Reapp. 3-1-2000)**	
(M. McDonald's recom.)			**(Reapp. 2-20-2002)**	
2. FITZGERALD, CHARLES	6124 Chinook Way.	89108	12-3-2003	12-3-2006
(Moncrief's recom.)	**(Ward 5)**		**(Reapp. 3-9-1998)**	
(Replaces Gretchen Stone)				
3. COLUMBO, STACI	10289 Placid Street	89123	11-15-2000	11-15-2004
(Mack's recom.)	**(Ward 6)**			
Replaced Diana Chesnoff			**(Resigned 10-23-2000)**	
(Mack's reappoint.)			**(Reapp. 10-16-2002)**	
4. BUTCHE, SUSAN	6170 Buckskin Avenue	89108	4-5-1995	4-5-2005
(Adamsen's recom.)	**(County)**		**(Reapp. 3-10-1997)**	
(Reese's recom.)			**(Reapp. 3-8-1999)**	
(Reese's recom.)			**(Reapp. 3-7-2001)**	
(Reese's recom.)			**(Reapp. 3-19-2003)**	
5. DUKES, AMBER	301 Arnold Street	89120	2-7-1996	2-7-2006
(Brown's recom.)	**(Ward 5)**		**(Reapp. 2-2-2000)**	
(Brown's recom.)			**(Reapp. 1-16-2002)**	
			(Reapp. 2-4-2004)	

Authority: Ord. #3618, Bill 91-75 adopted 12-4-91 (repealed #1777), LVMC 7.16.050 - Ord. #5220, Bill 2000-30, adopted 5-17-2000, updates City's animal control regulations.

Members: 5 members (do not have to represent any specific areas or categories)

Appointed: Appointed by the City Council.

Term: 2 yr. terms (no limit to number of terms)
Do not have to fill unexpired portion of term.

Notes: No City residency requirement.
No financial disclosure requirement.

Prior Code: Ord. #1777, adopted 7-2-75

PURPOSE: Committee is convened by Municipal Court. After a criminal complaint has been filed, Municipal Court may refer the question of whether an animal is vicious, dangerous, or ferocious to the Animal Advisory Committee.

City of Las Vegas

Agenda Item No. 54

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[ ] CONSENT [X] DISCUSSION

SUBJECT:
REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Discussion and possible action regarding a Lease Agreement between the City of Las Vegas and the International Institute of Modern Letters for approximately 3,800 square feet of office space located at 400 South Las Vegas Boulevard commonly referred to as the Fifth Street School - Ward 1 (Moncrief)

Fiscal Impact

[X] No Impact	**Amount:**	
[ ] Budget Funds Available	**Dept./Division:**	Public Works/Real Estate
[ ] Augmentation Required	**Funding Source:**	

PURPOSE/BACKGROUND:
On 12/17/03, Council approved staff entering into negotiations with the International Institute of Modern Letters (IIML). Both parties, in their collective efforts to provide facilities of higher learning as well as cultural, literary, educational and historical outlets in the downtown area, desire to enter into this new Lease Agreement to accomplish this goal. IIML shall be responsible to reimburse the City of Las Vegas for the pro-rata share of utilities. Term of the Lease Agreement is one year, with an additional renewal option through 2005.

RECOMMENDATION:
The 3/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:
Lease Agreement

MOTION:
MONCRIEF – APPROVED as recommended – UNANIMOUS with L.B. McDONALD excused

MINUTES:
DAVID ROARK, Manager, Real Estate and Asset Management Division, reviewed the subject matter and indicated that the leasee will pay $1 a month, pay all utilities, and assume the cost of renovations.

CITY COUNCIL MEETING OF MARCH 3, 2004
Public Works
Item 54 – Discussion and possible action regarding a Lease Agreement between the City of Las Vegas and the International Institute of Modern Letters for approximately 3,800 square feet of office space located at 400 South Las Vegas Boulevard commonly referred to as the Fifth Street School – Ward 1 (Moncrief)

MINUTES – Continued:
SARAH RALSTON, representing International Institute of Modern Letters (IIML), indicated that three years ago, with the assistance of the Mayor, Las Vegas became a City of Asylum for persecuted writers in North America. This brought a lot of prestige to Las Vegas but no funding for the program. The IIML facility has brought three writers SYL CHENEY-COKER from Sierra Leon, WOLE SOYINKA, the first Nobel laureate in the City from Nigeria, and ERI TAIGOW from China.

Last year UNLV was given the opportunity to take over the entire network of cities of asylum, move it to Las Vegas, and develop other cities throughout to protect persecuted writers. UNLV is now looking at people from Haiti, the Middle East, China, and South America. The Council responded to this idea with great enthusiasm and made the Fifth Street School available. She commended the City staff for prompt assistance.

MAYOR GOODMAN felt that it is phenomenal for Las Vegas to have such a facility. It is the beginning of many goals this Council is trying to accomplish in order to make Las Vegas a better place. This edifice is the jewel of the desert because there is no other that better represents this city's history. MS. RALSTON assured the Mayor that the intent is to improve the facility in keeping with the existing architecture. She is currently in pursuit of federal funds in the amount of $4 million to help renovate the facility.

TOM McGOWAN, Las Vegas resident, concurred with the Council's support of this matter and commended the efforts of the people involved at the Institute and the City. He then petitioned for asylum at this facility, as an American.

(11:03 – 11:09)

2-798

LEASE AGREEMENT BETWEEN CITY OF LAS VEGAS AND INTERNATIONAL INSTITUTE OF MODERN LETTERS FOR OFFICE SPACE LOCATED AT FIFTH STREET SCHOOL

THIS LEASE CONTRACT ("Lease"), made and entered into this 3 day of March, 2004, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter referred to as "Lessor"), and the INTERNATIONAL INSTITUTE OF MODERN LETTERS (IIML) ("Lessee").

WITNESSETH:

WHEREAS, Lessor owns the real property and improvements located on certain real property commonly known as the Fifth Street School, located commonly at 400 Las Vegas Boulevard South, Las Vegas, Nevada 89101 and depicted on the Site Map attached hereto as Exhibit "A"; and

WHEREAS, Lessor desires to lease to Lessee, and Lessee desires to lease from Lessor, the Premises at the Fifth Street School for the purpose of providing office space; and

WHEREAS, Lessee, by utilizing the Premises, will contribute to Lessor in its efforts to revitalize the central core of downtown Las Vegas; and

WHEREAS, Lessor determines that the lease of the Premises to Lessee for the purposes as hereinafter set forth in the Lease will provide a substantial benefit to the inhabitants of the City; and

WHEREAS, the Lessor agrees to lease the Premises upon the terms and conditions set forth below.

NOW, THEREFORE, for and in consideration of the foregoing and the covenants, terms and conditions herein contained, the parties agree as follows:

1. **LEASE OF PREMISES.** Subject to the provisions of this Lease, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, the Premises at Fifth Street School consisting of approximately 3,792 square feet. The location and dimensions of the Premises are shown more particularly on the Premises Site Map, Exhibit "B".

2. **TERM OF LEASE.** Unless earlier terminated in accordance with section 39 hereof, this Lease shall be for a period of one (1) year beginning on the Commencement Date as defined in Section 3. If Lessee is

not then in default of this Lease, Lessee may request to renew this Lease for an additional year by providing a written request to renew at least 60 days prior to the expiration of the Lease term and upon receiving such request Lessor must provide written approval within 30 days of expiration of Lease.

3. **EFFECTIVE DATE AND COMMENCEMENT DATE.** This Lease shall be effective on the date both parties have signed this Lease. The Commencement Date of this Lease shall be April 1, 2004.

4. **RENT.** Commencing on the Commencement Date, Lessee agrees to pay One Dollar ($1.00) per month as Rent to Lessor. The Rent shall be due and payable twelve (12) months in advance and shall be due on the Commencement Date.

5. **UTILITIES AND SERVICES.** Lessee shall pay for its use of all sewer, electricity and gas utilities at the Premises by reimbursing Lessor its pro-rata share of the Lessor's total utility bill at the Fifth Street School. Lessee's pro-rata share is based upon a percentage of the square footage occupied by Lessee at the Fifth Street School. Lessor shall invoice the Lessee no later than forty-five (45) days from the date of receipt from the appropriate utility companies, and Lessee shall make payment within (30) days of receipt of such invoice. Lessee shall be responsible for all costs of telephone, cable and other telecommunication services at the Premises.

6. **REPAIRS AND MAINTENANCE.**

A. **Lessor's Obligations.** Lessor shall keep the Premises, interior and exterior walls, roof and common areas and the equipment whether used exclusively for the Premises or in common with the other premises, in good condition and repair; provided, however, Lessor shall not be obligated to paint, repair or replace wall coverings or to repair or replace any improvements that are not ordinarily a part of the Premises.

B. **Lessee's Obligations.**

(1) Notwithstanding Lessor's obligation to keep the Premises in good condition and repair, Lessee shall be responsible for payment of the cost thereof to Lessor as additional rent for that portion of the cost of any maintenance and repair of the Premises, or any equipment (wherever located) that serves only Lessee of the Premises, to the extent such cost is attributable to causes beyond normal wear and tear. Lessee

shall be responsible for the cost of painting, repairing or replacing wall coverings, and to repair or replace any Premises improvements that are not ordinarily a part of the Premises. Lessor may, at its option, upon reasonable notice, elect to have Lessee perform any particular such maintenance or repairs, the cost of which is otherwise Lessee's responsibility hereunder.

(2) On the last day of the term hereof, or on any sooner termination, Lessee shall surrender the Premises to Lessor in the same condition as received, ordinary wear and tear excepted, clean and free of debris. Any damage or deterioration of the Premises shall not be deemed ordinary wear and tear if the same could have been prevented by good maintenance practices by Lessee. Lessee shall repair any damage to the Premises occasioned by the installation or removal of Lessee's trade fixtures, alterations, furnishings and equipment. Except as otherwise stated in this Lease, Lessee shall leave the HVAC, power panels, electrical distribution systems, lighting fixtures, air conditioning, window coverings, wall coverings, carpets, wall paneling, ceilings and plumbing on the Premises and in good operating condition.

7. **<u>USE OF PREMISES.</u>** Lessee agrees to use the Premises solely for the purpose of office space for Lessee. Lessee shall not use or permit the Premises to be used for any other purpose, except with the prior written consent of Lessor.

8. **<u>CONDITION OF PREMISES.</u>** The Premises are leased to Lessee on an "as-is basis. Lessor makes no other warranty concerning the Premises and shall have no obligation to construct any improvements other than those that presently exist.

9. **<u>USE OF PARKING AND OTHER AREAS.</u>** In connection with its use of the Premises pursuant to this Lease, Lessee is entitled to eight (8) parking spaces located in the parking lot within the confines of the depicted Site Map attached hereto as Exhibit "A".

10. **<u>LAWS, WASTE, NUISANCE.</u>** Lessee covenants that it:

A. Will not use or suffer or permit any person or persons to use the Premises or any part thereof for conducting thereon any activity not authorized in this Lease;

B. Will comply with all laws, ordinances, regulations and requirements, now in force or which hereafter may be in force, of any lawful governmental body or authority having jurisdiction over the Premises;

C. Will keep the Premises and every part thereof in a clean, neat and orderly condition, and will in all respects and at all times fully comply with all health and police regulations; and

D. Will not suffer, permit or commit any nuisance or waste on the Premises.

11. **ALTERATIONS, ADDITIONS AND IMPROVEMENTS.** At any time during the Lease term, Lessee, subject to the prior written approval of Lessor and at the expense of Lessee, may make alterations, additions or improvements in and to the interior of the Premises. No alterations, additions or improvements shall be authorized for the exterior of the Premises. Any such alteration, addition or improvement shall be performed in a workmanlike manner, in accordance with all applicable governmental regulations and requirements, and shall not weaken or impair the structural strength or lessen the value of the Premises.

All alterations, additions or improvements that may be erected or installed in or on the interior of the Premises shall become part thereof and the sole property of Lessor, except that all moveable fixtures that may be installed by the Lessee shall be and remain its or their property and shall not become the property of Lessor if it is removed in a timely manner after abandonment or surrender of the Premises.

12. **SIGNAGE.** Lessee shall have the right to place, construct and maintain one or more signs identifying its name at the Premises. All signage shall conform to the design of signs at Fifth Street School and shall be approved by Lessor prior to the sign's placement at the Premises.

13. **CHANGES TO COMPLEX.** Lessor reserves the right at all times to exercise reasonable control over, and from time to time make changes, alterations or additions to, the Fifth Street School. Lessor shall endeavor to do so with a minimum of disruption to the Lessee's rights under this Lease.

14. **ACCESS TO PREMISES.** Lessor shall have the right to place, maintain and repair utility equipment of any kind in, upon and under the Premises as may be necessary for the servicing of the Premises and other portions of the Fifth Street School and which are the Lessor's responsibility. Lessor shall also have

the right to enter the Premises upon reasonable notice to inspect or to exhibit the same to prospective purchasers and to make such repairs, additions, alterations or improvements, as Lessor may deem desirable.

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

15. **PAYMENT OF TAXES.** Lessor shall not be responsible for any real property taxes on, or real property-related assessments to, the Premises. Lessor shall have no responsibility or liability to pay any personal property taxes because of any personal property brought upon or used by Lessee in connection with the Premises, and Lessee agrees to pay, and to indemnify Lessor concerning, any such taxes that may be assessed.

16. **COMPLIANCE WITH THE LAW.** The Lessee shall promptly execute and comply with all applicable statues, rules, orders, building codes, ordinances, requirements, and regulations of the city, county, state and federal governments, including OSHA, the Americans with Disabilities Act of 1990 (42 USC Sections 12101 through 12213 and 47 USC Section 225.611) and their underlying regulations and rules, which are applicable to the Premises. Nothing herein contained shall be construed to restrict the Lessee for contesting the validity of any such regulation, rule or ordinance, provided the Lessee indemnifies the Lessor to its reasonable satisfaction against the consequences of noncompliance during the period of dispute.

17. **INDEMNIFICATION.** Lessee will be responsible for, and will indemnify, defend and hold the Lessor and its agents and employees harmless from and against, any loss, damage, liability, cost or expense to the extent of Lessee's liability provided by law that results from Lessee's use of the Premises and that is caused by the actions or nonactions of Lessee, or any employee, servant or agency of either. Lessor will be responsible for, and will indemnify, defend and hold the Lessee and its agents and employees harmless from and against, any loss, damage, liability, cost or expense to the extent of Lessor's liability provided by law that results from

Lessor's use of the Premises and that is caused by the actions or nonactions of Lessor, or any employee, servant or agency of either.

18. **INSURANCE.**

(A) Lessee further agrees to secure and maintain, at a minimum and at its sole cost and expense, the following liability insurance coverages, which coverages shall be maintained throughout the existence of this Agreement:

1. Personal injury liability for injury or death to one person: $1,000,000.00;
2. Personal injury liability for injury or death to any number of persons with respect to one occurrence: $2,000,000.00;
3. Property damage liability per occurrence: $1,000,000.00.

The City shall be named as an additional party insured under all of the liability coverages that are obtained in accordance with this Agreement. The liability coverage afforded the City by the additional insured endorsement shall only protect the City for liability due to Lessee's sole negligence. The coverages that are required herein must be written by a company which is approved to do business in the State of Nevada, and each policy with respect thereto shall provide that such coverages may not be canceled or materially altered without providing the City with thirty (30) calendar days' prior written notice of such cancellation or ten (10) days for non payment of premium.

(B) Within thirty (30) calendar days after the execution of this Agreement and as a precondition to this Agreement continuing in force and effect, Lessee shall submit to the City a certificate of insurance which evidences the required coverages. Such insurance coverages shall be so endorsed as to create the same liability on the part of the insurer that would exist if separate policies had been written for each the City and Lessee.

(C) If any of the insurance coverages that are required herein are canceled, terminated, reduced or restricted, and Lessee fails to obtain equivalent replacement coverage before such cancellation, termination, reduction or restriction becomes effective, the City may obtain the required insurance at the expense of Lessee.

19. **WAIVER OF SUBROGATION.** Lessor hereby waives, and Lessee hereby waives, any rights each may have against the other for loss or damage to its property or property in which it may have an interest, where such loss is caused by a peril of the type generally covered by fire or hazard insurance with extended coverage or arising from any cause which the claiming party was obligated to insure against under this Lease, and the Lessor and Lessee each waives any right of subrogation that it might otherwise have against the other party.

20. **SURRENDER OF PREMISES.** Upon expiration or other authorized termination of this Lease, Lessee shall and surrender the Premises in the same condition as they were in at the commencement of this Lease, except for additions, alterations or changes specifically authorized by Lessor and reasonable wear and tear, and shall deliver all keys to Lessor. Before surrendering the Premises, Lessee shall remove all of its personal property and trade fixtures and such alterations or additions to the Premises made by Lessee as may be specified for removal by Lessor, and shall repair any damage caused by such property or the removal thereof. If Lessee fails to remove such personal property and fixtures upon the expiration or other authorized termination of this Lease, the same shall be deemed abandoned and shall become the property of Lessor.

21. **HOLDING OVER.** Any holding over by the Lessee, with the Lessor's consent, after the expiration of the term hereof or of any renewal term shall be construed to be a tenancy from month to month, terminable on one month's written notice.

22. **SALE OF PREMISES.** Lessor reserves the right at any time to sell, convey or otherwise transfer its interest in the Premises or any portion thereof.

23. **EMINENT DOMAIN.** In case the whole of the Premises, or such part thereof as shall substantially interfere with Lessee's use and occupancy thereof, shall be taken by any lawful power or authority by exercise of the right of eminent domain, or sold to prevent such taking, either Lessor of Lessee may terminate this Lease effective as of the date possession is required to be surrendered to said authority. Lessee shall not because of such taking, and Lessor shall be entitled to receive the entire amount of any award without deduction for any estate or interest of Lessee. In the event the amount of property of the type of estate taken shall not substantially interfere with the conduct of Lessee's business, Lessor shall be entitled to the entire amount of the award without deduction for any estate or interest of Lessee. In such event, Lessor shall promptly proceed to restore the Premises to substantially their condition prior to such partial taking.

24. **DAMAGE OR DESTRUCTION.**

A. Lessee shall give prompt notice to Lessor in case of fire or accidents in or near the Premises or in any common area.

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

C. If the Premises or common areas are substantially or totally destroyed, or if the Premises are damaged so extensively that they cannot, in Lessor's opinion, be repaired within sixty (60) days after commencement of such repairs, or if Lessor shall decide to rebuild the Premises or common areas so that they will be substantially different structurally or architecturally, then Lessor may, at its option, within thirty (30) days after such damage or destruction, give Lessee written notice thereof and this Lease shall thereupon be canceled effective as of the date of the occurrence of such damage of destruction.

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

25. **LIENS AND ENCUMBRANCES.** Lessee agrees to keep the Premises and its interest therein free from liens and encumbrances and to indemnify and hold Lessor harmless therefrom. If any liens or other

encumbrances is filed against the Premises or any part thereof by reason of Lessee's acts or omissions or because of a claim against Lessee, Lessee shall cause the same to be canceled and discharged of record by bond or otherwise within ten (10) days after notice by Lessor. The failure of Lessee to obtain a cancellation or discharge or record by bond or otherwise as provided herein within the time limit hereby established shall constitute a default of the terms of this Lease.

26. **ASSIGNMENT AND SUBLETTING.** Lessee shall not transfer, assign, delegate, mortgage or hypothecate this Lease, in whole or in part, or permit the use of the Premises by any person or persons other than Lessee, or sublet the Premises, or any part thereof, without the prior written consent of Lessor in each instance. Such consent shall not be unreasonably withheld. The prohibition against transfer or assignment contained in his Section includes any transfer or assignment by operation of law.

27. **BREACH, DEFAULT AND REMEDIES.** If Lessor or Lessee fails to perform or comply with any covenant, term or condition that this Lease requires said party to perform or comply with, the defaulting party shall have thirty (30) days after it receives written notice of such default or breach within which to remove or cure said default or breach, except that such period in the case of Lessee's failure to pay rent in a timely fashion shall be fifteen (15) days after the date the rent payment is due. If a breach or default on the part of Lessee is not removed or cured within the applicable time limit set forth above, Lessor may, in addition to any other remedy it may have under law or equity at its option, terminate this Lease or re-enter and retake possession, with or without terminating the Lease. In the case of re-entry and retaking of possession, Lessor shall give Lessee a thirty (30) day notification so that arrangements for the removal of property can be made.

The remedies provided for in this Lease shall be cumulative, and the exercise of any remedy by a party shall not be to the exclusion of any other remedy.

28. **NO PARTNERSHIP.** Lessor does not by this Lease, in any way or for any purpose, become a partner or joint venturer of Lessee in the conduct of its business or otherwise.

29. **FORCE MAJEURE.** Lessor and Lessee shall each be excused for the period of any delay in the performance of any obligation hereunder when prevented from doing so by cause or causes beyond that

party's control, including labor disputes, civil commotion, war, governmental regulations or controls, fire or other casualty, inability to obtain any material or services, or acts of God.

30. **NO WAIVER.** Failure of either the Lessor or Lessee to insist upon the strict performance of any provision or to exercise any option hereunder in any one or more instances shall not be deemed a waiver or relinquishment of its right to do so in the future. No provision of this Lease shall be deemed to have been waived by Lessor/Lessee unless such waiver is in writing.

31. **BROKER'S COMMISSIONS.** The parties represent and warrant that there are no claims for brokerage commissions or finder's fees in connection with this Lease and each agrees to indemnify the other against and hold it harmless from all liability arising from such claims, including any attorney's fees connected therewith.

32. **PROVISIONS BINDING.** Except as otherwise provided, all provisions herein shall be binding upon and shall inure to the benefit of the parties, their legal representatives, heirs, successors and assigns.

33. **NON-DISCRIMINATION.** Lessee agrees that the Premises will not be segregated with respect to race, color, religion or national origin; that it will not segregate or discriminate on such grounds with respect to public utilization of or access to the Premises; and that it will comply with all applicable federal laws and regulations that prohibit discrimination in connection with federally-funded programs.

34. **ENTIRE AGREEMENT.** This Lease, including any exhibits attached hereto, sets forth the entire agreement between the parties. Any prior conversations or writings concerning the lease of the Premises are merged herein and extinguished.

35. **MODIFICATIONS OR AMENDMENTS**. Upon approval of this initial agreement by the City Council and after it has been fully executed by signature of all parties, staff of the Real Estate & Asset Management Division shall have the authority to complete and execute any additional documents necessary for the completion of the intent of this contractual obligation during the original term of this agreement. As an example, this may include amendments, changes of address, adjustments to monetary revenue or expenditure not to exceed ten thousand ($10,000.00) dollars, filing and recording of appropriate documents with the County

Recorders Office or the County Tax Assessors Office, and recordings and filing with the City Clerk's Office. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

36. **CAPTIONS AND SECTION NUMBERS**. The captions and section numbers appearing herein are inserted only as a matter of convenience and are not intended to define, limit, construe of describe the scope or intent of any section or paragraph.

37. **ATTORNEY'S FEES.** In the event Lessee/Lessor institutes any judicial proceeding against Lessee/Lessor relating to any default, the prevailing party shall be entitled to an award of reasonable attorney's fees as determined by the court.

38. **NOTICES.** Any notice, demand, request, or other instrument which may be or is required to be given under this Lease shall be delivered in person or sent by certified mail, return receipt requested, and shall be sent to the following address or to such other addresses as the parties may from time to time designate in writing:

If to the Lessor:

City of Las Vegas
Real Estate & Assets
400 Stewart Avenue, 4th Floor
Las Vegas, Nevada 89101
Attention: Manager

If to the Lessee:

Eric Olsen
International Institute of Modern Letters
Department of English, UNLV
Las Vegas, NV 89154-5011

39. **TERMINATION**. This Lease may be canceled by either party for any reason by providing one hundred eighty (180) days written notification. Lessee shall vacate the premises within 30 days of expiration of the contract.

40. **DISCLOSURE OF PRINCIPALS**. Pursuant to Resolution R-105-99 adopted by the City of Las Vegas City Council effective October 1, 1999, Lessee warrants that is has disclosed on the form attached as Exhibit "C", all principals and partners of INTERNATIONAL INSTITUTE OF MODERN LETTERS, as well as all persons and entities holding more than a one percent (1%) interest in INTERNATIONAL INSTITUTE OF MODERN LETTERS, or any principal of INTERNATIONAL INSTITUTE OF MODERN LETTERS. Throughout the term hereof, INTERNATIONAL INSTITUTE OF MODERN LETTERS, shall notify Lessor in writing of any material change in the above disclosure within 15 days of any such change.

IN WITNESS WHEREOF, the parties hereto have executed this Lease Agreement as of the day and year first above written.

CITY OF LAS VEGAS

"Lessor"

By ______________________
OSCAR B. GOODMAN, Mayor

ATTEST:

____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

______________________ 2/10/04
CITY ATTORNEY'S OFFICE Date

"Lessee"

INTERNATIONAL INSTITUTE OF MODERN LETTERS

By: ______________________ 2/13/04
ERIC OLSEN, Executive Director Date

F/depot/Eng Int/RE/RE/Fifth Street School/IIML2/10/2004 2:04 PM

Exhibit "A"

Site Map

Real Estate & Asset Mgmnt

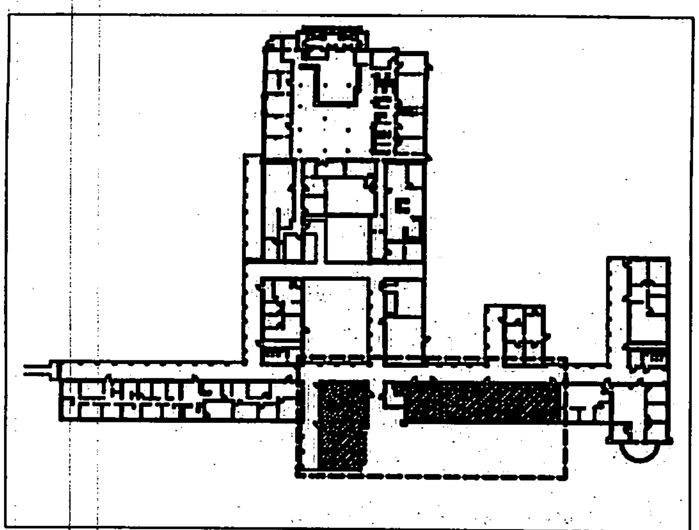
N

2/10/04

f\depot\re\ArcView\Jill\5th St

EXHIBIT "B"
Premises Site Map

5th Street School



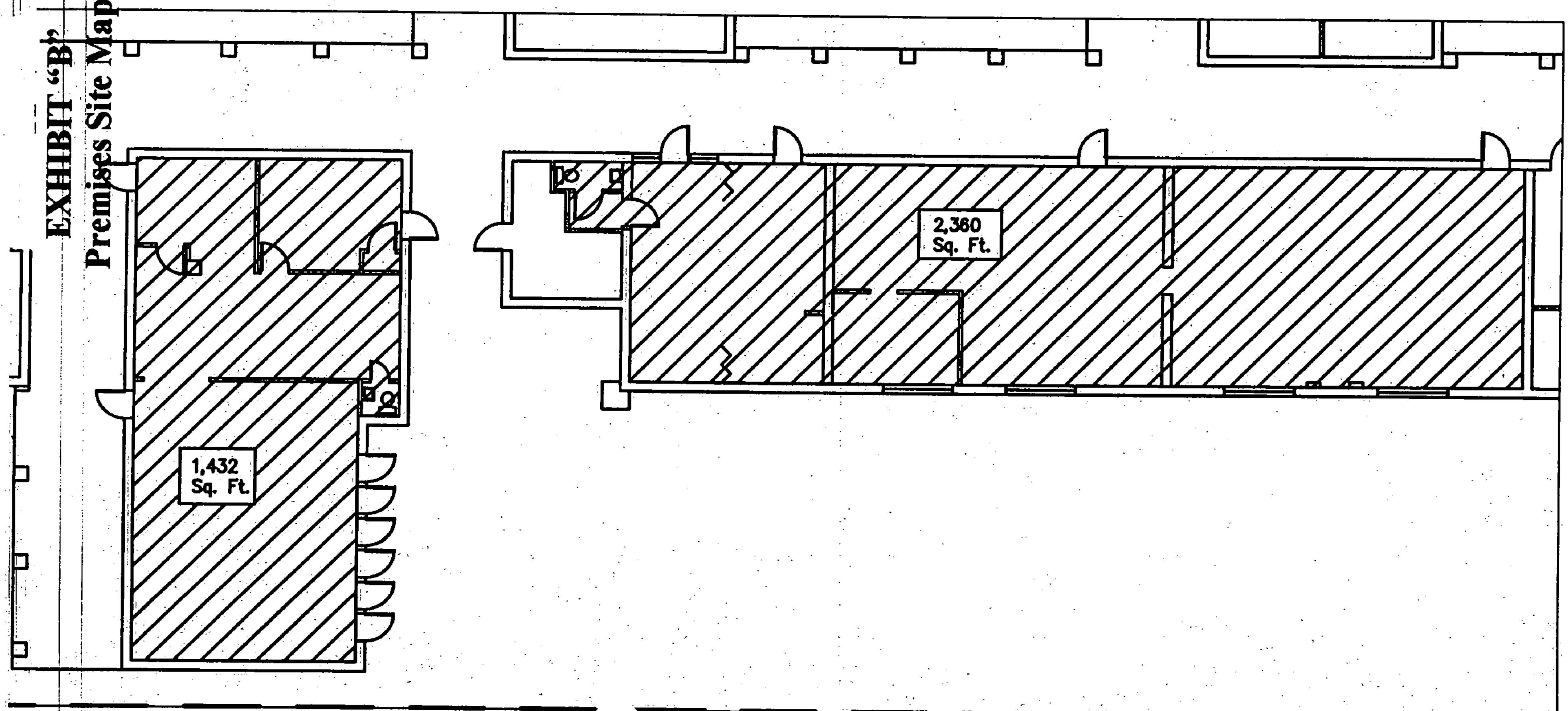


EXHIBIT "C"
CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

"City Council" means the governing body of the City of Las Vegas.

"Contracting Entity" means the individual, partnership, or corporation seeking to enter into a contract or agreement with the City of Las Vegas.

"Principal" means, for each type of business organization, the following: (a) sole proprietorship – the owner of the business; (b) corporation – the directors and officers of the corporation; but not any branch managers of offices which are a part of the corporation; (c) partnership – the general partner and limited partners; (d) limited liability company – the managing member as well as all the other members.

2. Policy

In accordance with Resolution 79-99 and 105-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Such disclosure generally is required in conjunction with a Request for Proposals (RFP). In other cases, such disclosure must be made prior to the execution of a contract or agreement.

3. Instructions

The disclosure required by the Resolutions referenced above shall be made through the completion and execution of this Certificate. The Contracting Entity shall complete Block 1, Block 2, and Block 3. The Contracting Entity shall complete either Block 4 or its alternate in Block 5. Specific information, which must be provided, is highlighted. An Officer or other official authorized to contractually bind the Contracting Entity shall sign and date the Certificate, and such signing shall be notarized.

4. Incorporation

This Certificate shall be incorporated into the resulting contract or agreement, if any, between the City and the Contracting Entity. Upon execution of such contract or agreement, the Contracting Entity is under a continuing obligation to notify the City in writing of any material changes to the information in this Certificate. This notification shall be made within fifteen (15) days of the change. Failure to notify the City of any material change may result, at the option of the City, in a default termination (in whole or in part) of the contract or agreement, and/or a withholding of payments due the Contracting Entity.

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 1 **Contracting Entity (Name)** Block 2 **Description**

International Institute of Modem Letters (IIML). The IIML is a nonprofit (501c3) arts supporting organization dedicated to advancing the cause of freedom to write.

Subject Matter of Contract/Agreement: **Lease Agreement @ 5th St. School**

Name _International Institute of Modem Letters

Address Dept. of English, UNLV, Las Vegas, NV 89154-5011

IN or Social Security # 88-0490533

Block 3 **Type of Business**

Individual

Partnership

Limited Liability Company

Corporation **(non-profit)**

Block 4 **Disclosure of Ownership and Principals** In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.

(please insert Board Members here) **FULL NAME/TITLE BUSINESS ADDRESS BUSINESS PHONE**

1. Glenn Schaeffer, director, c/o Mandalay Bay 3950 LV Blvd. S. LV, NV 89119 702-632-6710

2. Eric Olsen, Exec. Director, 1065 E. Flamingo, Apt. 1003, LV, NV 89119; 702-895-3033

3. Russell Banks, director, 19 Roberts Lane, Saratoga Springs, NY 12866; 518-576-9114

4. Ethan Canin, director, 507 N. Clinton St., Iowa City, IA 52242; 319-337-4373

5. Bill Manhire, director, PO Box 600, Wellington, New Zealand

6. Karen Lawrence, director, 243 Humanities Instructional Bldg., UCI, Irvine, CA 92597-3375; 949-824-5131

7. Sarah Ralston, director, 20 Colleton River Dr., Henderson, NV 89052; 702 -433-6611

8. Doug Unger, director, Dept. of English, UNLV, LV, NV 89154-5011; 702-895 -3558

9. Richard Wiley, director, Dept. of English, UNLV, LV, NV 89154-5011; 702 -895-3471

The Contracting Entity shall continue the above list on a sheet of paper entitled "Disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets:

Block 5 **Disclosure of Ownership and Principals - Alternate**

If the Contracting Entity, or its principals or partners, are required to provide disclosure (of persons or entities holding an ownership interest) under federal law (such as disclosure required by the Securities and Exchange Commission or the Employee Retirement Income Act), a copy of such disclosure may be attached to this Certificate in lieu of providing the information set forth in Block 4 above. A description of such disclosure documents must be included below.

Name of Attached Document: Date of Attached Document: ________________ Number of Pages: ________

I certify, under penalty of perjury, that all the information provided in this Certificate is current, complete, and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity.

Eric Olsen 2/5/04

Name

Date Subscribed and sworn to before me this

5th day of February

Carole Parker White, 2004.

Notary Public

CAROLE PARKER WHITE
Notary Public State of Nevada
No. 94-3941-1
My appt. exp. Sept. 16, 2006

City of Las Vegas

Agenda Item No. 55

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-5 – Establishes the "Live/Work Overlay District," together with related regulations and provisions. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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

PURPOSE/BACKGROUND:
This bill will establish the Live/Work Overlay District within the downtown area, which, under certain controlled circumstances, will allow the owners and operators of businesses to occupy joint living and work quarters in commercial and industrial areas where other types of residential uses are inappropriate.

RECOMMENDATION:
ADOPTION at 3/3/2004 City Council meeting as First Amendment pursuant to the 2/17/2004 Recommending Committee.

First Reading – 2/4/2004; First Publication – 2/20/2004

BACKUP DOCUMENTATION:
Bill No. 2004-5 - First Amendment

MOTION:
WEEKLY – Second Reading and BILL ADOPTED as a First Amendment as Ordinance No. 5671 – UNANIMOUS with L.B. McDONALD excused

Clerk to proceed with second publication

NOTE: COUNCILMAN MACK disclosed that, although Lady Luck Casino, with which his brother-in-law ANDREW DONNER has a contract, and SuperPawn, owned by his brother STEVEN MACK, are in the vicinity, he did not believe that either of his relatives would apply for this use nor have they approached him regarding this matter; therefore, he would be voting.

MINUTES:
There was no discussion.

(11:09 – 11:10)
2-1015

City of Las Vegas

Agenda Item No. 56

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-6 – Increases the time limit for parking in residential permit parking zones.
Proposed by: Michael Sheldon, Director of Detention and Enforcement

Fiscal Impact

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

PURPOSE/BACKGROUND:
Under the City's residential permit parking ordinance, the City currently is authorized to establish two-hour parking zones in areas designated as residential permit parking zones. In any such zone, persons with a residential parking permit for that zone may park in the zone without regard to the time limitation. This bill will add flexibility by authorizing an increase in the time limit for such a zone to three hours.

RECOMMENDATION:
ADOPTION at 3/3/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/4/2004; First Publication – 2/20/2004

BACKUP DOCUMENTATION:
Bill No. 2004-6

MOTION:
WEEKLY – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5672 – UNANIMOUS with L.B. McDONALD excused

Clerk to proceed with second publication

MINUTES:
There was no discussion.

(11:10)
2-1049

City of Las Vegas

Agenda Item No. 57

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-16 – Extends for an additional 18 months the provisions of Ordinance No. 5521, relating to the Downtown Entertainment Overlay District. Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

X	**No Impact**	**Amount:**
	Budget Funds Available	**Dept./Division:**
	Augmentation Required	**Funding Source:**

PURPOSE/BACKGROUND:

On October 2, 2002, the City Council adopted Ordinance No. 5521, which created the Downtown Entertainment Overlay District. The ordinance was to be effective for a period of 18 months unless further extended by ordinance. The 18-month period will expire in April of this year, and in view of the progress that has been made in implementing Ordinance No. 5521, it has been recommended that the provisions of the ordinance be extended an additional 18 months. This bill will accomplish the extension.

RECOMMENDATION:

ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 2/22/2004

BACKUP DOCUMENTATION:

Bill No. 2004-16

MOTION:

WEEKLY – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5673 – UNANIMOUS with L.B. McDONALD excused

NOTE: COUNCILMAN MACK disclosed that his brother-in-law ANDREW DONNER has a contract with Lady Luck Casino relative to non-restricted gaming. Since the Entertainment District does not propose to allow non-restricted gaming, COUNCILMAN MACK did not feel his brother-in-law's interest would be affected; therefore, he would be voting.

Clerk to proceed with second publication

City of Las Vegas Agenda Item No. 57

CITY COUNCIL MEETING OF MARCH 3, 2004
Recommending
Item 57 – Bill No. 2004-16

MINUTES:

TOM McGOWAN, Las Vegas resident, stated that this extension would carry this project into the fall of 2005, which is the Centennial Year. Ostensibly, there is no rush on the part of the Council. He then questioned the name of the new owner of the 601 East Fremont building, and how much money the owner has dedicated toward that edifice. Secondly, he questioned the status of his proposal for the entire downtown Entertainment District that he submitted approximately two years ago.

(11:10 – 11:13)
2-1063

City of Las Vegas Agenda Item No. 58

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-7 – Eliminates the special use permit requirement for the use "Beer/Wine/Cooler Art Event." Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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

PURPOSE/BACKGROUND:
The zoning regulations currently are written in a way that requires a special use permit for the use "Beer/Wine/Cooler Art Event." It has been determined that this type of use is sufficiently limited in frequency and impact that requiring a special use permit is not necessary. This bill will eliminate that requirement.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas Agenda Item No. 59

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-8 – Establishes zoning requirements for swap meets. Sponsored by: Councilman Gary Reese

Fiscal Impact

X	**No Impact**	**Amount:**	
	Budget Funds Available	**Dept./Division:**	
	Augmentation Required	**Funding Source:**	

PURPOSE/BACKGROUND:
The City's zoning regulations generally do not treat swap meets as a separate type of land use, categorizing them under a broader retail category. Because of the nature of the use, it is deemed appropriate to establish particularized requirements for the use. This bill establishes the circumstances under which swap meets will be allowed in commercial and industrial zoning districts.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 60

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-9 – Increases the number of zoning districts in which a special use permit may be obtained for the keeping of carrier or racing pigeons. Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

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

PURPOSE/BACKGROUND:

Several months ago the City Council adopted Ordinance No. 5609 to allow, by special use permit, the keeping of carrier or racing pigeons in several of the larger-lot residential zoning districts. It is now proposed to authorize the same thing in additional zoning districts, namely, the R-1, R-CL, R-2, C-D, C-1, C-2, C-M and M Zoning Districts. If adopted, this bill will accomplish that change.

RECOMMENDATION:

HELD IN ABEYANCE to 3/15/2004 Recommending Committee meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

3/15/2004 Recommending Committee

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 61

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-10 – Adopts development agreement with Cliffs Edge, LLC for the Cliffs Edge Development. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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

PURPOSE/BACKGROUND:
At its meeting of February 18, 2004, the City Council is scheduled to approve a development agreement for the Cliffs Edge Development. Pursuant to State law, such an agreement must be adopted by ordinance. This bill will accomplish that adoption.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 62

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-11 – Levies Assessment for Special Improvement District No. 1472 - Durango Drive (Lone Mountain Road to Tropical Parkway) Sponsored by: Step Requirement

Fiscal Impact

[ ] **No Impact**
[ ] **Budget Funds Available**
[X] **Augmentation Required**

Amount: $168,901.24
Dept./Division: Public Works/SID
Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:
Levies the assessment for the cost of street improvements: pavement, curb, gutter, sidewalk, driveways, streetlights, and sewer laterals. This district will be financed by the City, and the assessments will be paid over a 10-year period.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 63

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-12 – Levies Assessment for Special Improvement District No. 1474 - Rainbow Boulevard (Silverstream Avenue to Smoke Ranch Road) Sponsored by: Step Requirement

Fiscal Impact

☐ **No Impact**	**Amount:** $209,036.50
☐ **Budget Funds Available**	**Dept./Division:** Public Works/SID
☒ **Augmentation Required**	**Funding Source:** Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:
Levies the assessment for the cost of street improvements: pavement, left turn lane and/or center median, "L" type curb and gutter, sidewalks, streetlights, water laterals and sewer laterals. The entire project length is located in Wards 2 and 6; however, the properties involved in the SID are located in Ward 6. This district will be financed through the sale of bonds, and the assessments will be paid over a 10-year period.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 64

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-13 – Levies Assessment for Special Improvement District No. 1481 - El Capitan Way (Centennial Parkway to US-95) Sponsored by: Step Requirement

Fiscal Impact

[ ] No Impact	**Amount:** $2,744,088.73
[ ] Budget Funds Available	**Dept./Division:** Public Works/SID
[X] Augmentation Required	**Funding Source:** Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:
Levies the assessment for the cost of street improvements: pavement, curb, gutter, driveway approaches, streetlights, storm drain facilities, water mains, water laterals, and sewer laterals. In addition, pavement, curb, gutter, storm drain facilities, water mains, and streetlights were installed along the south side of Elkhorn Road. Bonds will be sold for this district, and the assessments will be paid over a 20-year period.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 65

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-14 – Levies Assessment for Special Improvement District No. 1486 - Rainbow Boulevard Phase II (Rancho Drive to Ann Road) Sponsored by: Step Requirement

Fiscal Impact

[ ]	**No Impact**	**Amount:** $394,135.77
[ ]	**Budget Funds Available**	**Dept./Division:** Public Works/SID
[X]	**Augmentation Required**	**Funding Source:** Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:
Levies the assessment for the cost of street improvements: pavement, "L" type curb and gutter, sidewalk, commercial and residential driveway approaches, water laterals, sewer laterals and streetlights. Bonds will be sold for this district, and the assessments will be paid over a 10-year period.

RECOMMENDATION:
ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

3/17/2004 Council Agenda

City of Las Vegas

Agenda Item No. 66

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT A LATER MEETING:

Bill No. 2004-15 – Ordinance Creating Special Improvement District No. 1503 - Durango Drive Phase IV (Tropical Parkway to Clark County Highway 215) Sponsored by: Step Requirement

Fiscal Impact

☐ No Impact	**Amount:** $349,029.49
☐ Budget Funds Available	**Dept./Division:** Public Works/SID
☒ Augmentation Required	**Funding Source:** Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

Installation of pavement, curb, gutter, and streetlights.

RECOMMENDATION:

ADOPTION at 3/17/2004 City Council meeting pursuant to the 3/1/2004 Recommending Committee.

First Reading – 2/18/2004; First Publication – 3/5/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

3/17/2004 Council Agenda

THE MORNING SESSION RECESSED AT 11:13 A.M.

City of Las Vegas

Agenda Item No. 67

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ CONSENT ☐ DISCUSSION

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

MOTION:
REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 73 [MOD-3069], Item 77 [SUP-3315] and Item 78 [SUP-3369] and to HOLD IN ABEYANCE Item 76 [SUP-3152] to 5/5/2004, Item 79 [SUP-3394] to 3/17/2004 and Item 80 [SUP-3479] to 4/7/2004 – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

MINUTES:
MAYOR PRO TEM REESE excused MAYOR GOODMAN and COUNCILMAN WEEKLY who were attending another meeting, and excused COUNCILWOMAN McDONALD who was attending the National League of Cities Conference in Washington D.C.

ROBERT GENZER, Director, Planning and Development Department, indicated that the applicant had requested Item 73 [MOD-3069] be withdrawn without prejudice. ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, verified the request. The applicant worked with the neighbors to eliminate the need for the major modification, which should be withdrawn without prejudice.

DEPUTY CITY ATTORNEY BRYAN SCOTT confirmed with MAYOR PRO TEM REESE that Item 78 [SUP-3369] be withdrawn without prejudice.

(1:45 – 1:48)

City of Las Vegas

Agenda Item No. 68

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:

Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter and dangerous building located at 1020 Hassett Avenue. PROPERTY OWNER: JAMES W. & RHONDA O'CONNOR – Ward 3 (Reese)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $2,403.05
[X]	**Budget Funds Available**	**Dept./Division:** Neighborhood Services/Response
[ ]	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, ADS Consulting, Inc. was hired to abate the problem by boarding and securing all doors, windows, and openings; removing all trash, debris, litter, refuse, waste, vagrant materials, miscellaneous items, and dead/dry/overgrown vegetation; and by posting "No Trespassing" signs the property.

RECOMMENDATION:

That the City Council: 1. Approve the report of expenses in the amount of $2,403.05 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

CITY COUNCIL MEETING OF MARCH 3, 2004
Neighborhood Services Department
Item 68 – 1020 Hassett Avenue

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. The abandoned building was open and accessible. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, ADS Consulting, Inc. was hired to abate the problem. The property was cleaned and secured by boarding, and the boards were painted. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $2,403.05 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the public hearing closed.

(1:48 – 1:50)

4-102

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of nuisance/litter and dangerous building located at 1020 Hassett Avenue. PROPERTY OWNER: JAMES W. & RHONDA O'CONNOR – Ward 3 (Reese)

ADS Consulting, Inc. completed work on January 9, 2004 at a cost of $1,807.00, a boarding fee of $325 plus a 15% administration fee, for a total of $2, 403.05.

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

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

GRIFFITH AVE
OAKEY BLVD
NINTH ST
HOWARD DR
HASSETT AVE
TENTH ST
ELEVENTH ST
CANOSA AVE
BONITA AVE
ST LOUIS AVE
CORDOVA ST
CHURCH
CH.
BAKER PARK COMMUNITY SCHOOL
J.C. FREMONT JR. HIGH SCHOOL
BAKER PARK

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: February 17, 2004

Re: Report of Expenses for the abatement of Nuisance/Litter and Dangerous Building located at 1020 Hassett Avenue - Ward 3 (Reese)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Codes for "Nuisance/Litter and Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to corrected by boarding and securing all doors, windows, and openings; removing all trash, debris, litter, refuse, waste, vagrant materials, miscellaneous items, and dead/dry/overgrown vegetation; and by posting "No Trespassing" signs the property. ADS Consulting, Inc. completed work on January 9, 2004 at a cost of $1,807.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	....	$ 1,807.00
AMOUNT DUE	....	1,807,00
Boarding Fee	....	325.00
Administrative processing fee	....	271.05
TOTAL AMOUNT DUE	....	$ 2,403.05

OWNER OF RECORD: JAMES W. & RHONDA O'CONNOR

PROPERTY ABATED: 1020 HASSETT AVENUE

ASSESSOR'S PARCEL: 162 03 719 004

LEGAL DESCRIPTION: SOUTHRIDGE TRACT 2
PLAT BOOK 3 PAGE 16
LOT 4

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531 3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: ______________________

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68865-1

____
NOTARY PUBLIC in and for said
County and State

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
·AWRENCE WEEKLY
1ICHAEL MACK
ʌNET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING
MARCH 3, 2004

Pursuant to Title 9, Chapter 12 of the Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, March 3, 2004** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding and securing all doors, windows, and openings; removing all trash, debris, litter, refuse, waste, vagrant materials, miscellaneous items, and dead/dry/overgrown vegetation; and by posting "No Trespassing" signs on property located at **1020 HASSETT AVENUE** legally described as **SOUTHRIDGE TRACT 2, PLAT BOOK 3 PAGE 16 LOT 4** Owner of record at time of abatement: **JAMES W. & RHONDA O'CONNOR – WARD 3 (REESE)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,403.05 was expended ($1,807.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $271.05 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

CASENO 6666 CODEENF 02525-67

Address: 1020 HASSETT AVE

DRY VEGETATION, LARGE CAN OF OIL LEFT IN FRONT YARD

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
16203719004	0.15 ACRE	SOUTHRIDGE TRACT 2

Owner Information:

10-Aug-02 O'CONNOR JAMES W & RHONDA
1020 HASSETT AVE; LAS VEGAS, NV 89104-3158

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
870076	Hold			01/27/2004 13:49	01/27/2004 14:01	12
880076	Failed		11/12/2003	11/13/2003 9:47	11/13/2003 9:57	10
970581	Failed		11/24/2003	11/22/2003 16:10	11/22/2003 16:20	10
970581	Failed		12/8/2003	12/06/2003 16:10	12/06/2003 16:15	5
880076	Passed	Partial	12/29/2003	12/29/2003 10:27	12/29/2003 10:29	2
880076	Passed	Partial	1/5/2004	01/05/2004 13:41	01/05/2004 13:44	3
					Time in Minuets:	42

Violation Details

Violation	*Violation DT*	*Resolve DT*	*Location:*
A-REFUSE/WST	11/13/2003	1/27/2004	D/W, FRONT YARD

REMOVE PLASTIC CONTAINERS, PALM FRONDS, HIGH GRASS/WEEDS, T/D

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	1/30/2004 10:28:00 AM	KATHY STEWART	0
Sent Invoice ($1,807) from ADS Consulting, Inc. to Finance for payment. Gave file to Jackie Gordon for Council.			
INSP	1/27/2004 8:00:00 AM	KATHY STEWART	15
24) Property clean. Windows boarded tight & painted. Carport iron gate *pad-locked. Rear structure secure. All areas cleaned. Looks great. No Trespassing signs on windows & door boards. *I have key now, to access rear area.			
VIDPST	1/27/2004 8:00:00 AM	KATHY STEWART	15
24) After Abatement Video completed.			
MISC	1/15/2004 8:39:00 AM	KATHY STEWART	0
Received Invoice ($1,807) from ADS Consulting, Inc. for completion of abate. Sent Request for AFTER Abatement Video to Pam Hines.			
MISC	1/6/2004 11:21:00 AM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY TODAY. BOOK: 20040106 INST: 00918.			
INSP	1/5/2004 1:41:00 PM	LAURA DEARMOND	3
23) OIL CONTAINERS REMOVED FROM DW, NO SIGN OF ABATEMENT CB 1/12			
EMAIL	12/30/2003 6:26:00 PM	PAMELA HINES	0
24) EMAILED LORI WOHLETZ TO HAVE OIL REMOVED ASAP OR ADVISE IF WE NEED TO CONTACT SOMEONE OTHER THAN HER OFFICE.			
MISC	12/30/2003 9:49:00 AM	KATHY STEWART	0
Per ADS Consulting, start date for abatement is 01/05/04.			

INSP	12/29/2003 10:27:00 AM	LAURA DEARMOND	2
23) OIL CONTAINER REMAINS ON DRIVEWAY RE-24			
MISC	12/24/2003 1:40:00 PM	KATHY STEWART	0
Received Certified letter back Return to Sender, UNCLAIMED. File in folder.			
BIDA	12/24/2003 9:40:00 AM	KATHY STEWART	0
Per David Semenza, award to lowest bidder, ADS Consulting. Faxed Award letter to ADS Consulting. Contractor to call with a start date.			
BIDR	12/24/2003 8:00:00 AM	KATHY STEWART	0
Received bids from contractors (1) ADS Consulting - $1,807; (2) CASA Enterprises - $2,000; (3) Weaver Construction - $2,130.			
PHONE	12/19/2003 1:14:00 PM	LAURA DEARMOND	6
23) CALLED LORI WOHLETZ REACHED VOICE MAIL LEFT MESSAGE TO REMOVE OIL, LEFT CELL # CB 12/23			
BIDS	12/17/2003 11:09:00 AM	KATHY STEWART	18
Faxed Invitation to Bid to contractors. Bids due back 12/23/03.			
VIDPRE	12/16/2003 8:00:00 AM	KATHY STEWART	15
cont'd) Rear slider opens, as does the entrance door to accessory building in the rear. Misc junk, refuse in rear yard; plywood, blankets, carpet, buckets, etc. There are 2 buckets of motor oil in front driveway area.			
VIDPRE	12/16/2003 8:00:00 AM	KATHY STEWART	15
24) Pre video completed. Front transition area needs weed removal. Front of house has overgrown berry bush & dead vegetation accumulated near entrance. Carport accessible via unlocked iron gate. Vagrant trash in carport & rear yard.			
VIDPRE	12/16/2003 8:00:00 AM	KATHY STEWART	15
cont'd) Will have 23 e-mail L. Wohletz for removal of oil. Tape to DS & file to KS. Please obtain bids & proceed with abatement.			
INSP	12/6/2003 4:10:00 PM	KATHY STEWART	5
26) No change. Building still locked and secure but gates to rear yard still open and trash/debris all over back yard and driveway. Took PIX. Continue abatement.			
PHONE	12/5/2003 1:30:00 PM	KATHY STEWART	5
Received phone call from owner, Rhonda O'Connor who stated the property is in bankruptcy. Mortgage company is US Bank Home Mortgage, PO Box 20005, Owensboro, KY 42304-0005, phone #(800) 365-7772. Local attorney handling bankruptcy is Frank Sorentino.			
NOPOST	11/25/2003 2:05:00 PM	LAURA DEARMOND	5
21) PROPERTY REMAINS VACANT, SECURE. STILL ACCESS TO REAR, T/D, LITTER REMAINS, POSTED N&O CB 12/8			
MISC	11/24/2003 11:55:00 AM	KATHY STEWART	0
N&O letter attached in OLE.			
NOTICE	11/24/2003 11:30:00 AM	KATHY STEWART	23
Sent Nuisance/Litter Abatement Notice & Order to Comply letter to owner James or Rhonda O'Connor. Post: 11/25. C/B: 12/8. Sent file to #26.			
NOREQ	11/24/2003 7:20:00 AM	KATHY STEWART	7
26) Prepared & sent N&O to office for typing & mailing.			
RESEAR	11/24/2003 7:20:00 AM	KATHY STEWART	7
26) Researched ownership information for N&O, no listing in phone, book, # in sewer screen belongs to someone else. Prepared N&O & sent to office.			
INSP	11/22/2003 4:10:00 PM	KATHY STEWART	10
26) House is vacant. Observed plastic containers, trash, debris in front yard. Property appears to be vacant, outside storage, trash, debris at back yard that is open & accessible. PIX. Refer to 23 for N&O.			
INSP	11/13/2003 9:47:00 AM	LAURA DEARMOND	10
23) NO RESPONSE @ DOOR, PLASTIC CONTAINER, PALM FRONDS, T/D FRONT YARD, DILAPIDATED BICYCLE ON DW C/N CB 11/24			

Time in minuets: 176

APN 162-03-719-004
Ref # - 6666

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **JAMES W. & RHONDA O'CONNOR**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**162-03-719-004**
Commonly known as:	**1020 HASSETT AVENUE**
Legal Description:	**SOUTHRIDGE TRACT 2**
	PLAT BOOK 3 PAGE 16
	LOT 4

On **January 9, 2004**, as provided in the Municipal Code, Title 9, Chapter 12, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$2,403.05** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2004**, ordered the above charges in the amount of **$2,403.05**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

Barbara Jo Ronemus

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

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

Barbara Jo Ronemus

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 18th day of March, 2004

Vicky Darling

NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
VICKY DARLING
My Appointment Expires
May 22, 2006
No. 94-0086-1

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
Las Vegas, NV 89101

City of Las Vegas

Agenda Item No. 69

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:
Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1013 Ingraham Street. PROPERTY OWNER: GABRIEL VARGAS AYALA – Ward 3 (Reese)

Fiscal Impact

[ ]	No Impact	**Amount:**	1,241.55
[X]	Budget Funds Available	**Dept./Division:**	Neighborhood Services/Response
[ ]	Augmentation Required	**Funding Source:**	General Fund

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, ADS Consulting, Inc. was hired to abate the problem by boarding and securing all doors, windows and openings, securing the metal shed and the chain link gate; removing all trash, debris, litter, dead/dry/overgrown vegetation and graffiti; and by posting "No Trespassing" signs on the property.

RECOMMENDATION:
That the City Council: 1. Approve the report of expenses in the amount of $1,241.55 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video was shown but not submitted

MOTION:
REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

City of Las Vegas Agenda Item No. 69

CITY COUNCIL MEETING OF MARCH 3, 2004
Neighborhood Services Department
Item 69 – 1013 Ingraham Street

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. The abandoned building was open and accessible. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, ADS Consulting, Inc. was hired to abate the problem. They cleaned and secured the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $1,241.55 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

TODD FARLOW, 240 North 19th Street, commended MR. SEMENZA and his crew for painting the boards.

No one appeared in opposition.

MAYOR PRO TEM REESE declared the public hearing closed.

(1:50 – 1:52)

4-157

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1013 Ingraham Street. PROPERTY OWNER: GABRIEL VARGAS AYALA – Ward 3 (Reese)

ADS Consulting, Inc. completed work on December 29, 2003 at a cost of $797.00, a boarding fee of $325.00, plus a 15% administrative fee, for a total of $1,241.55.

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

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

MOJAVE RD
MACFARLANE ST
MELISSA ST
EMETRIUS AVE
JAMES ST
TERESA AVE
INGRAHAM ST
INGRAHAM ST
AZTEC AVE
SEQUOIA AVE
SATTES ST
SATTES ST
BRADY AVE
JANSEN AVE
THERESA AVE
DEMETRIUS AVE
STOUT WAY
PALMER ST
PALMER ST
WILBORN
METRO TRAINING CENTER
FREEDOM PARK
WAS

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: February 17, 2004

Re: Report of Expenses for the abatement of Dangerous Building located at 1013 Ingraham Street - Ward 3 (Reese)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to corrected by boarding and securing all doors, windows, and openings; securing the metal shed and the chain link gate; removing all trash, debris, litter, dead/dry/overgrown vegetation, and graffiti; and by posting "No Trespassing" signs the property. ADS Consulting, Inc. completed work on December 29, 2003 at a cost of $797.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	$	797.00
AMOUNT DUE		797,00
Boarding Fee		325.00
Administrative processing fee		119.55
TOTAL AMOUNT DUE	$	1,241.55

OWNER OF RECORD: GABRIEL VARGAS AYALA

PROPERTY ABATED: 1013 INGRAHAM STREET

ASSESSOR'S PARCEL: 139 25 612 079

LEGAL DESCRIPTION: COLLEGE PARK #23 AMD
PLAT BOOK 8PAGE 50
LOT 3 BLOCK 5

DS:jg

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531 3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: ______________

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public, on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68968-1

____
NOTARY PUBLIC in and for said
County and State

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
`VRENCE WEEKLY
ICHAEL MACK
.NET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING
MARCH 3, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, March 3, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding and securing all doors, windows and openings; securing the metal shed and the chain link gate; removing all trash, debris, litter, dead/dry/overgrown vegetation and graffiti; and by posting "No Trespassing" signs on property located at **1013 INGRAHAM STREET** legally described as **COLLEGE PARK #23 AMD, PLAT BOOK 8 PAGE 50, LOT 3 BLOCK 5.** Owner of record at time of abatement: **GABRIEL VARGAS AYALA – WARD 3 (REESE)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $1,241.55 was expended ($797.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $119.55 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

68112-012-6/03

Address: 1013 INGRAHAM ST

DILAPIDATED FENCE, TRASH IN REAR YARD

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13925612079	0.14 ACRE	COLLEGE PARK #23 AMD

Owner Information:

10-Aug-02	08-Jan-03	GONZALEZ ANA L 1013 INGRAHAM ST; LAS VEGAS, NV 89101-1705
08-Jan-03		AYALA GABRIEL VARGAS 1013 INGRAHAM ST; LAS VEGAS, NV 89101-1705

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
960392	Failed	11/4/2003	11/04/2003 11:25	11/04/2003 11:30	5
960392	Failed	11/24/2003	11/04/2003 11:25	11/04/2003 11:30	5
870076	No Action	12/29/2003			

Time in Minuets: 10

Violation Details

Violation	*Violation DT*	*Resolve DT*	*Location:*
A-WEEDS	11/4/2003		YARD AREAS
REMOVE ANY HIGH VEGETATION. REMOVE ALL DEAD VEGETATION FROM TREES, BUSHES, AND ANY PILED DEBRIS			
A-STORAGE	11/4/2003		PROPERTY
REMOVE ANY STORED ITEMS			
A-PERMIT REQ	11/4/2003		REAR YARD
REMOVE SHED			
A-PAINTING	11/4/2003		PERIMETER FENCE
MAKE NECESSARY STRUCTURAL REPAIRS TO WOODEN PERIMETER FENCE, AND PAINT AREAS WHERE PAINT IS DETERIORATED			
A-LITTER	11/4/2003		YARD AREAS, RESIDENCE INTERIOR
REMOVE ALL LITTER, TRASH, AND DEBRIS			
A-GRAFFITI	11/4/2003		PROPERTY
REMOVE OR PAINT OVER ANY GRAFFITI			

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	2/13/2004 4:16:00 PM	L. GORDON	0
MAILED LETTER AND REPORT OF EXPENSES TO PROPERTY OWNER. 03-03-04 COUNCIL AGENDA			
PHONE	1/20/2004 8:00:00 AM	VICTORIA ROSEMORE	0
16) TELECON W/ RON (642-2108) WERE REGARDING STATUS OF PROPERTY. ADVISED HIM TO CALL DAVID SEMENZA, MANAGER FOR DETAILS.			
MISC	1/14/2004 11:44:00 AM	KATHY STEWART	0
Sent Invoice ($797) from ADS Consulting, Inc. to Finance for payment. Gave file to Jackie Gordon for Council.			
INSP	1/14/2004	KATHY STEWART	0
24) Met ADS on-site & completed video of rear yard. Clean. Shed wired secure. Looks good. Tape to DS.			

INSP	1/12/2004 1:30:00 PM	KATHY STEWART	10
24) Secure, clean. Couldn't open the wooden gate or the chain link gate to gain access to the rear yard but what I could see, looks clean & secure. Front is clean & secure.			
VIDPST	1/12/2004 1:30:00 PM	KATHY STEWART	10
24) Post video completed.			
VIDPST	1/6/2004 1:49:00 PM	KATHY STEWART	0
Received Invoice ($797) from ADS Consulting for completion of abatement. Sent After Abatement Video Request to Pam Hines.			
MISC	12/24/2003 12:53:00 PM	JESSICA LARRAMENDY	0
JL) RECORDED NOTICE AND ORDER TODAY AT CLARK COUNTY. BOOK: 20031224 INST: 00896.			
BIDA	12/10/2003 12:51:00 PM	KATHY STEWART	0
Per David Semenza, award to lowest bidder. Faxed Award letter to ADS Consulting, Inc. Contractor to call with a start date.			
BIDR	12/10/2003 8:00:00 AM	KATHY STEWART	0
Received bids from contractors (1) ADS Consulting - $797; (2) CASA Enterprises - $1,100; (3) Weaver Construction - $1,939; (4) WCG Contracting - $2,110; (5) K.O. Construction - $2,171; (6) C&W Enterprises - $2,600.			
BIDS	12/3/2003 2:46:00 PM	KATHY STEWART	0
Faxed Invitation to Bid to contractors. Bids due back 12/9/03.			
MISC	12/2/2003 11:43:00 AM	KATHY STEWART	0
Received Certified letter back Return to Sender, UNCLAIMED. Sent to C/E for filing.			
VIDPRE	11/21/2003 8:00:00 AM	KATHY STEWART	15
24) Pre-video done. House is accessible thru open north side window. Minor litter in yards. Open metal shed to be secured. High vegetation in front & rear. 2 large bushes need trim in rear. North chain link gate needs securing. Refer to bids.			
INSP	11/4/2003 11:25:00 AM	LAURA DEARMOND	5
17) NO CHANGE, N&O STILL POSTED, NO NEW OWNER INFO, ASSESS FEE & PROCEED W/10 DAY			
NOPOST	10/24/2003 2:30:00 PM	LAURA DEARMOND	0
17) POSTED N&O TO ABATE DANG BLDG, CB 11/4			
NOTICE	10/23/2003 2:00:00 PM	KATHY STEWART	20
Sent Notice & Order to Abate Dangerous Building letter to owner Gabriel Vargas Ayala. Post: 10/24. C/B: 11/4. Sent file to #17			
RESEAR	10/20/2003 6:57:00 AM	STEPHANIE DEMOLEAS	12
17) NO INFO FOUND FOR OWNER AYALA, HE OWNS NO OTHER PROP, RESIDENCE IS VACANT, NO NEW OWNERSHIP PENDING (PER SEWER)			
INSP	10/17/2003 1:35:00 PM	STEPHANIE DEMOLEAS	15
House vacant, but secure. Trash/debris, high vegetation. Open shed in rear, graffiti. N&O initated. Contact info pending.			

Time in minuets: **87**

APN 139-25-612-079
Ref # - 5552

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: GABRIEL VARGAS AYALA
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**APN 139-25-612-079**
Commonly known as:	**1013 INGRAHAM STREET**
Legal Description:	**COLLEGE PARK #23 AMD** **PLAT BOOK 8 PAGE 50** **LOT 3 BLOCK 5**

On **December 29, 2003**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$1,241.55** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2004**, ordered the above charges in the amount of **$1,241.55**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

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

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 18th day of March, 2004

NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
VICKY DARLING
My Appointment Expires
May 22, 2006
No. 94-0089-1

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101

City of Las Vegas

Agenda Item No. 70

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:
Public hearing to consider the report of expenses to recover costs for abatement of a dangerous building/boarded building nuisance located at 510 W. McWilliams Ave. PROPERTY OWNER: LAND ACQUISITIONS, LLC – Ward 5 (Weekly)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $2,759.55
[X]	**Budget Funds Available**	**Dept./Division:** Neighborhood Services/Response
[ ]	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed, ADS Consulting, Inc. was hired to abate the problem by boarding and securing all doors, windows, and openings; removing all trash, debris, litter, vagrant materials, miscellaneous items, and dead/dry/overgrown vegetation; removing the inoperable van; and by posting "No Trespassing" signs the property.

RECOMMENDATION:
That the City Council: 1. Approve the report of expenses in the amount of $2,759.55 in order that the above charges be filed and recorded against the property, constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treas.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Map
3. Report of Expenses
4. Contractor Disclosure
5. Notice of Public Hearing
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. "Before" the abatement photographs and "after" video shown but not submitted

MOTION:
REESE – APPROVED the action of Neighborhood Services – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

City of Las Vegas

Agenda Item No. 70

CITY COUNCIL MEETING OF MARCH 3, 2004
Neighborhood Services Department
Item 70 – 510 W. McWilliams Avenue

MINUTES:
MAYOR PRO TEM REESE declared the Public Hearing open.

The property owner was not present.

DAVID SEMENZA, Neighborhood Services, presented a video of the subject property after the abatement. The condition of the property was a public hazard and an attractive nuisance. The neighbors of the property called continuously about the vagrants and drug trafficking in this particular area. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, ADS Consulting, Inc. was hired to abate the problem. The property was cleaned, boarded and a vehicle removed. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $2,759.55 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

BEATRICE TURNER, West Las Vegas, stated that her grandmother owned this particular home 40 years ago until a cousin had her sign a deed and put her grandmother in the hospital. This area was drug infested even when her grandmother owned the home. MS. TURNER indicated it is a disservice to the community to leave this house boarded and asked that it be demolished.

MAYOR PRO TEM REESE declared the public hearing closed.

(1:52 – 1:56)

4-207

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/boarded building nuisance located at 510 W. McWilliams Avenue. PROPERTY OWNER: LAND ACQUISITIONS, LLC – Ward 5 (Weekly)

ADS Consulting, Inc. completed work on December 29, 2003 at a cost of $2,117.00, a boarding fee of $325.00; plus a 15% administrative fee, for a total of $2,759.55.

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

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


WASHINGTON AV
ADAMS AVE
MORGAN AVE
ETHEL PEARSON PARK
MC WILLIAMS AVE
INTERSTATE ROUTE 15
BONANZA RD
D ST
E ST
F ST
G ST
H ST
WILSON AVE
RESCUE MISSION 4 BUILDINGS 119 BEDS
CHURCH
E.O.B. TREATMENT CTR.
VACANT
AUTO SHOP
SHOP
SHOPS
NEVADA READY MIX
CHURCH PARKING LOT
MARKET
REST.
E.O.B.
PARKING

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: February 17, 2004

Re: Report of Expenses for the abatement of Dangerous Building/Boarded Building Nuisance located at 501 W. McWilliams Avenue - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building/Boarded Building Nuisance," the Department of Neighborhood Services caused the above-referenced property to corrected by boarding and securing all doors, windows, and openings; removing all trash, debris, litter, vagrant materials, miscellaneous items, and dead/dry/overgrown vegetation; removing the inoperable van; and by posting "No Trespassing" signs the property. ADS Consulting, Inc. completed work on December 29, 2003 at a cost of $2,117.00, which was accepted by the Department of Neighborhood Services.

Contract Amount	$	2,117.00
AMOUNT DUE		2,117,00
Boarding Fee		325.00
Administrative processing fee		317.55
TOTAL AMOUNT DUE	$	2,759.55

OWNER OF RECORD: LAND ACQUISITIONS, LLC

PROPERTY ABATED: 510 W. MCWILLIAMS AVE.

ASSESSOR'S PARCEL: 139 27 310 042

LEGAL DESCRIPTION: LAS VEGAS ORIG TOWNSITE 2ND AMD
PLAT BOOK 1 PAGE 46
LOT 6 & LOT 7 BLOCK 19

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531 3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the foregoing list is full and complete.

ADS Consulting

By: ______________________

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-69865-1

NOTARY PUBLIC in and for said
County and State

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
LAWRENCE WEEKLY
'ICHAEL MACK
JET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

NOTICE OF PUBLIC HEARING
March 3, 2003

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, March 3, 2003,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding and securing all doors, windows, and openings; removing all trash, debris litter, vagrant materials miscellaneous items and dead/dry/overgrown vegetation; removing the inoperable van; and by posting "No Trespassing" signs on property located at **510 W. McWILLIAMS AVENUE** legally described as **LAS VEGAS ORIG TOWNSITE 2ND AMD, PLAT BOOK 1, PAGE 46, LOT 6 AND LOT 7, BLOCK 19** Owner of record at time of abatement: **LAND ACQUISITIONS, LLC – WARD 5 (WEEKLY)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,759.55 was expended ($2,117.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $317.55 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

CASENO 3469 **CODEENF** **02325-62**

Address: **510 W MCWILLIAMS AVE**

Boarded building with vagrant. B&S to get electrical drops cut.

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13927310042	0.14 ACRE	LAS VEGAS ORIG TOWNSITE 2ND AMD

Owner Information:

10-Aug-02	05-Feb-03	TRUSTEE CLARK COUNTY TREASURER 3603 LAS VEGAS BLVD N #166-124; LAS VEGAS, NV 89115-0588
05-Feb-03	14-Feb-03	TRUSTEE CLARK COUNTY TREASURER 510 W MCWILLIAMS AVE; LAS VEGAS, NV 89106
14-Feb-03	04-Jun-03	TRUSTEE CLARK COUNTY TREASURER 510 W MCWILLIAMS AVE; LAS VEGAS, NV 89106-3424
04-Jun-03		LAND ACQUISITIONS L L C 47 W DIVISION #357; CHICAGO, IL 60610-2339

Inspection Summary

Inspector:	*Status:*	*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
870076	Hold		01/27/2004 8:00	01/27/2004 8:15	15
940274	Failed	9/15/2003	09/18/2003 8:00	09/18/2003 8:15	15
				Time in Minuets:	30

Violation Details

Violation	*Violation DT*	*Resolve DT*	*Location:*
A-BLD HOUSE	9/18/2003	1/27/2004	

Please board or secure accrding to code and submit a letter of intent.

Log

Type:	*Date:*	*Employee:*	*Min:*
MISC	1/30/2004 10:27:00 AM	KATHY STEWART	0
Sent Invoice ($2,117) from ADS Consulting, Inc. to Finance for payment. Gave file to Jackie Gordon for Council.			
VIDPST	1/27/2004 8:00:00 AM	KATHY STEWART	15
24) After Abatement Video completed.			
INSP	1/27/2004 8:00:00 AM	KATHY STEWART	15
CONT) structure & rear, side chain link fence. Will call ADS to pick up.			
INSP	1/27/2004 8:00:00 AM	KATHY STEWART	15
24) No trespassing signs posted. Multiplex bldg, windows & doors boarded. All painted off-white. 2 iron sceurity on front (main) bldg, pad-locked, 3 on rear bldg pad-locked, all secure. Ext. grounds clean w/exception of 1 pile of debris btn the 3rd			
MISC	1/6/2004 2:09:00 PM	KATHY STEWART	0
Received Invoice ($2,117) from ADS Consulting for completion of abatement. Sent After Abatement Video Request to Pam Hines.			
MISC	1/6/2004 11:23:00 AM	JESSICA LARRAMENDY	0
JL) RECORDED N&O AT CLARK COUNTY TODAY. BOOK: 20040106 INST: 00921.			
BIDA	12/11/2003 3:46:00 PM	KATHY STEWART	0
Per David Semenza, ok to award to lowest bidder. Faxed Award letter to ADS Consulting. Contractor will call with a start date.			

PHONE	12/11/2003 3:29:00 PM	DAVID SEMENZA	0

ds I spoke with the next door neighbor again today about the on going drug use and vagrant activity at this address. Unless the building is properly secured the activity will continue.

BIDR	11/12/2003 8:52:00 AM	KATHY STEWART	0

Received bids from contractors (1) ADS Consulting - $2,117; (2) K.O. Construction - $2,169; (3) Weaver Construction - $4,100.

BIDS	11/5/2003 10:56:00 AM	KATHY STEWART	0

Per David Semenza, Faxed Invitation to Bid to contractors. Bids due back 11/10.

INSP	9/18/2003 4:05:00 PM	VICKI OZUNA	5

19)TOOK PIX, NOT SURE WHAT ACTION BY OWNERS WAS TO BE DONE. REFER TO DS PLEASE PRINT PICTURES.

MISC	9/15/2003 2:38:00 PM	LAURA DEARMOND	0

REC'D CERT CARD FROM OWNER: LAND ACQUISITIONS

NOTICE	9/2/2003 9:29:00 AM	LAURA DEARMOND	1

SENT BOARDED BLDG N&O W/LETTER OF INTENT $375.00 BOARDING FEE

FAX	8/25/2003	THOMAS COOLEY	0

Fax from Thom to Dave re property. Call from Fire Dispatch for electrical wire tampering. Tony Guarino and Thom checked it out. Ordered 4 electrical drops to be cut. Building previously boarded. Someone living there. Need new N&O.

Time in minuets: 51

APN 139-27-310-042
Ref # - 3469

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: LAND ACQUISITIONS, LLC
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**APN 139-27-310-042**
Commonly known as:	**510 W. McWILLIAMS AVENUE**
Legal Description:	**LAS VEGAS ORIG TOWNSITE 2ND AMD**
	PLAT BOOK 1 PAGE 46
	LOT 6 & LOT 7 BLOCK 19

On **December 29, 2003**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$2,759.55** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **March 3, 2004**, ordered the above charges in the amount of **$2,759.55**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

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

Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 18th day of March, 2004

Vicky Darling
NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
VICKY DARLING
My Appointment Expires
May 22, 2006
No. 94-0086-1

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101

City of Las Vegas

Agenda Item No. 71

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:
Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building/Demolition regarding 880 E. Sahara Ave. PROPERTY OWNERS: DESERT PALMS INVESTMENT GROUP LLC - Ward 3 (Reese)

Fiscal Impact

[X] No Impact	**Amount:**	
[ ] Budget Funds Available	**Dept./Division:**	Neighborhood Services/Response
[ ] Augmentation Required	**Funding Source:**	

PURPOSE/BACKGROUND:
The subject property was determined to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 202 and 302, and Section 102 – Unsafe Buildings or Structures, of the 1997 Uniform Building Code. A Notice and Order to abate Dangerous Building/Demolition was mailed to the property owners to demolish the structure(s), cause the property to be cleaned, and install "No Trespassing" signs. Today's hearing is to consider the Appeal to the Notice and Order to Comply filed by Robert Newhard.

RECOMMENDATION:
That the City Council approve the Notice and Order to Abate Dangerous Building/Demolition.

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Map
3. Notice and Order to Abate Dangerous Building/Demolition
4. Notice of Appeal
5. Letter Notice of Appeal hearing

MOTION:
REESE – APPROVED a 30-day extension and review by Council at the 04/07/2004 meeting – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

CITY COUNCIL MEETING OF MARCH 3, 2004
Neighborhood Services Department
Item 71 – 880 E. Sahara Avenue

MINUTES:
DAVID SEMENZA, Neighborhood Services, explained that in 2001 a fire occurred at this location, and a permit for demolition was obtained in July 2001. The owners at that time, BEN CAZAI and MITRA ASARI, failed to meet their obligation and never demolished the building. The Department of Neighborhood Services intervened and sent proper notification before hiring a contractor to begin the demolition process, which included an asbestos abatement. OSHA found problems during the asbestos abatement; the abatement was halted, and it was never continued. Subsequently a new owner purchased the building for cleaning and restoring, with the understanding that the asbestos abatement would be completed. The property was purchased in February of 2003 and plans submitted in May of 2003, but the new owner had difficulty in meeting the requirements. Finally, permits were issued in February 2004. In the interim, the City sent another demolition notice to ensure that the owner would move forward with the remodel. If not, the City is still obligated to complete the demolition.

ROBERT NEWHART, 3609 Alliance Street, Desert Palms Investment Group, stated that this set of circumstances is the exception and not the norm for the company. However, the permit process was more difficult than anticipated. They received the permits on February 11, 2004 and the preliminary work has begun, as MR. SEMENZA has been informed. The materials have been ordered and full construction is scheduled within a month.

MAYOR PRO TEM REESE emphasized the length of this ongoing situation. MR. NEWHART reiterated that his company has a history of working well with MR. SEMENZA'S office. His company has purchased problem properties and rehabilitated them, putting properties back on the tax roll and at the same time repaying the City ten of thousands of dollars in liens that were filed against previous owners.

MAYOR PRO TEM REESE interjected that he is not interested in a past record, but with seeing this property restored. He granted the applicant 30 days in which to show pictures of what has been accomplished. He was promised that this problem would be resolved half a year ago, but the building still looks the same as it did then. He would not grant any more extensions and, if work does not begin within the 30 days, will support the recommendation that the building be demolished. MR. NEWHART remarked that construction has already begun.

ALLEN FELD, owner of a medical office building at 860 East Sahara, stated that this abandoned building has been there for four years. It took less time to remove the World Trade Center debris than for the property owner to demolish this building. It has become blight for the neighborhood.

CITY COUNCIL MEETING OF MARCH 3, 2004
Neighborhood Services Department
Item 71 – 880 E. Sahara Avenue

MINUTES – Continued:

MAYOR PRO TEM REESE stressed that the City is working as fast as it can to have this problem resolved. MR. FELD argued that as of today nothing is being done. He hoped that the 30 days would mean that on the 31st day the City would begin demolition. MAYOR PRO TEM REESE responded that if within 30 days the pictures do not show signs of construction, the City will have the building demolished.

AL GALLEGO, citizen of Las Vegas, requested that APN numbers be included in the agenda to show where these properties are located. In that regard with the subject property, he has called numerous times to MR. SEMENZA because there is no record that MR. NEWHART or his company owns the property. MR. GALLEGO further reported that Ward 3 has the most boarded homes.

(1:56 – 2:05)

4-330

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public Hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 880 E. Sahara Ave. PROPERTY OWNERS: DESERT PALMS INVESTMENT GROUP LLC - Ward 3 (Reese)

The subject property was deemed to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 202 and 302, and Section 102 - Unsafe Buildings or Structures, of the 1997 Uniform Building Code.

A Notice and Order to Abate Dangerous Building/Demolition was sent to the property owners by regular and certified mail recommending that they demolish the structure(s), cause the property to be cleaned, and to post "No Trespassing" signs on the property. A copy of the notice was also posted on the property.

Today's public hearing is to consider the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Robert Newhard.

SAHARA AVE
MARKET ST
ALMOND TREE LN
SANTIAGO ST
CORDOVA ST
ALHAMBRA DR
SILVER STATE BLDG.
TRINITY HIGH SCHOOL
TRINITY SCHOOL
L.V. ATHLETIC CLUB
PARKING
OFFICES
OFFICES 1120
MUSIC

NEIGHBORHOOD SERVICES DEPARTMENT

NOTICE AND ORDER

December 18, 2003

CASE #7766
Certified/Regular Mail
Return Receipt Requested

Desert Palms Invest Group LLC
3609 Alliance Street
Las Vegas, NV 89126-6819

TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS BUILDING/DEMOLITION

You are hereby notified as recorded owner(s) of the property located at **880 East Sahara Avenue, Las Vegas, Nevada, Parcel #162-03-801-133**, the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Section 202, and is also a dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

1. **Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.**

2. **Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.**

3. **Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.**

4. **Whenever any portion of a building or structure remains on a site after the demolition or destruction of the building or structure or whenever any building or structure is abandoned for a period in excess of six months so as to constitute such building or portion thereof an attractive nuisance or hazard to the public.**

5. **Whenever any building or structure, or portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others, or have a deleterious effect on the value of neighboring properties.**

And, under Section 102 of the 1997 Uniform Building Code.

Section 102 - - Unsafe Buildings or Structures

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

To correct this condition, you need to obtain a permit to demolish the structure(s) and cause the property to be cleaned and install "No Trespassing" signs on the property within ten (10) days from the date of receipt of this Notice and Order.

Once you have been officially notified that this condition exists and you fail to respond, court citations could be issued with each day constituting a separated offense.

If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, A Lien of Assessment shall be filed with the County Recorder's office, certified copies of the lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the council's designee, in cases where a owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

2. That this Notice and Order or a copy therefore be presented to the Department of Building and Safety when purchasing a demolition permit, or Neighborhood Services Department when boarding a building.

3. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. <u>The City will send a contractor out to abate the problem without further notice.</u>

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions at your earliest convenience.

Sincerely,

Paul K Wilkins

Paul K. Wilkins, Director
Department of Building and Safety

PW:DS:ks

Desert Palms Investment Group, LLC
2287 Crestline Loop Suite C & D
North Las Vegas, NV 89030
702-839-2052 702-839-2053

January 6, 2004

RECEIVED
CITY CLERK
2004 JAN -6 P 3:02

City of Las Vegas
City Clerk Office
400 Stewart Ave.
Las Vegas, NV 89101

Attention: Paul K. Wilkins
Re: **Neighborhood Services Department reference case #7766: 880 East Sahara Ave.**

Paul Wilkins or To Whom It May Concern:

Please use this letter as a formal notice that we at Desert Palms Investment Group, LLC are **appealing** the decision of demolition and abatement of the building located at **880 East Sahara Ave., Las Vegas, NV parcel #162-03-801-133.**

We at Desert Palms Investment Group, LLC are currently in final stages with the building department to obtain construction permits. We are anticipating having permits within short period of time. We have **a lot invested** in the project for us not to challenge the demolition and abatement decision. We at Desert Palms Investment Group, LLC are very excited about this project and we are ready to start the project as soon as permits are issued.

Please make changes to you files that Desert Palms Investment Group, LLC has a new mailing address. The information is on the top of this page.

If you have any further question please contact me on my cell at 210-4582 or at my office at the number above.

Sincerely,

Robert Newhard
Desert Palms Investment Group, LLC
Managing Member
Slsn

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
'WRENCE WEEKLY
лICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

February 19, 2004

CERTIFIED & REGULAR MAIL

Robert Newhard
Desert Palms Investment Group, LLC
2287 Crestline Loop Suite C & D
North Las Vegas, Nevada 89030

Re: Notice of Appeal Hearing – Ten Day Notice and Order to Abate Dangerous Building/Demolition on property located at 880 East Sahara Avenue

Dear Mr. Newhard:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 3rd day of March, 2004, at the hour of 1:00 p.m. This hearing is in response to your letter dated January 6, 2004 requesting the same, concerning the Ten Day Notice and Order to Abatement Dangerous Building/Demolition on property located at 880 East Sahara Avenue.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,

Barbara Jo Ronemus
City Clerk

BJR/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Susie Martinez, Ward 3 Liaison

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TTY 702.386.9108
www.ci.las-vegas.nv.us

68112-012-6/03

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

NO ITEMS

DISCUSSION/ACTION ITEMS

SITE DEVELOPMENT PLAN REVIEW

72 **ABEYANCE ITEM - SDR-3201** - Tabernacle of Praise Church of God in Christ on behalf of The Bureau of Land Management

MAJOR MODIFICATION TO THE IRON MOUNTAIN RANCH MASTER PLAN - PUBLIC HEARING

73 **ABEYANCE ITEM - MOD-3069** - Signature Homes on behalf of Plaster Development Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-3069 - PUBLIC HEARING

74 **ABEYANCE ITEM - SDR-3072** - Signature Homes on behalf of Plaster Development Company

REQUIRED ONE YEAR REVIEW - SPECIAL USE PERMIT - PUBLIC HEARING

75 **ABEYANCE ITEM - RQR-3668** - Applicant: Higco, Inc. - Owner: Boca Park Parcels, Limited Liability Company

SPECIAL USE PERMIT - PUBLIC HEARING

76 **ABEYANCE ITEM - SUP-3152** - Reagan National Advertising on behalf of Noriko Takada Oba Qualified Trust

77 **ABEYANCE ITEM - SUP-3315** - Bumper Medic on behalf of Sun West

78 **ABEYANCE ITEM - SUP-3369** - Las Vegas Billboards on behalf of Marvin James Schiff Trust 80

79 **ABEYANCE ITEM - SUP-3394** - Las Vegas Billboards on behalf of West Sahara Associated, Limited Partnership

80 **ABEYANCE ITEM - SUP-3479** - Lamar Outdoor Advertising on behalf of Newberg-Fiorello Development

81 **SUP-3542** - Applicant: Pat Marcy - Owner: Trails Village Center Company

City of Las Vegas

Agenda Item No. 72

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - **SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT** - Request for a Site Development Plan Review FOR EXISTING TEMPORARY MODULAR TRAILERS TO BECOME PERMANENT on 5 acres at 7550 Constantinople Avenue (APN: 138-10-101-020), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation], Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
The Planning Commission (4-1 vote) and staff recommend DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:
BROWN – APPROVED subject to deleting all conditions with the exception of Condition 2 and an added condition for a three-year review – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

MINUTES:
MIKE JACKSON, Tabernacle of Praise Church, 7550 Constantinople, explained that after speaking with COUNCILMAN BROWN, it was agreed, subject to permits being obtained and adherence to all Building and Safety conditions, to leave the trailers for three years.

COUNCILMAN BROWN acknowledged that the applicant was attempting to use the existing trailers while creating a brand new structure at considerable expense. However, the problem was that many of the original approvals happened in the County. An agreement was reached to extend leaving the trailers for a three-year period, subject to a review. The only condition is that all City codes and conditions are met before the issuance of the Certificate of Occupancy.

City of Las Vegas

Agenda Item No. 72

CITY COUNCIL MEETING OF MARCH 3, 2004
Planning and Development Department
Item 72 – SDR-3201

MINUTES – Continued:

In light of COUNCILMAN BROWN'S recommendation, ROBERT GENZER, Director, Planning and Development Department, suggested that all conditions be deleted as no changes will be made to the site, since the trailers are already placed, and a review condition be added. After some discussion, it was decided that the additional condition regarding the trailer was not required because the trailer already exists and no changes will be made to the site for at least three years. At the three-year review, the applicant may come back and state their intentions. He also recommended leaving Condition 2.

COUNCILMAN BROWN verified with PAUL WILKINS, Director, Planning and Development Department, that nothing needed to be added for the record, as long as the applicant complies with the Building Code.

No one appeared in opposition.

(2:05 – 2:09)
4-634

CONDITIONS:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

2. The applicant shall obtain all appropriate permits from the Department of Building and Safety and shall comply with Building Code requirements.

3. All development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.

4. The applicant shall submit information to the Planning and Development Department related to the operation of the Child Care Facility, including the number of staff members and students. Subsequently, the site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the number of spaces required for both the church and child care use. The applicant shall be required to construct additional parking area to accommodate both uses as the submitted information requires.

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

CONDITIONS – Continued:

6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

8. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

9. All City Code requirements and design standards of all City departments must be satisfied.

10. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

11. Right-of-way dedications and easements to be granted to the City of Las Vegas shall be required upon property receiving patent from the Bureau of Land Management.

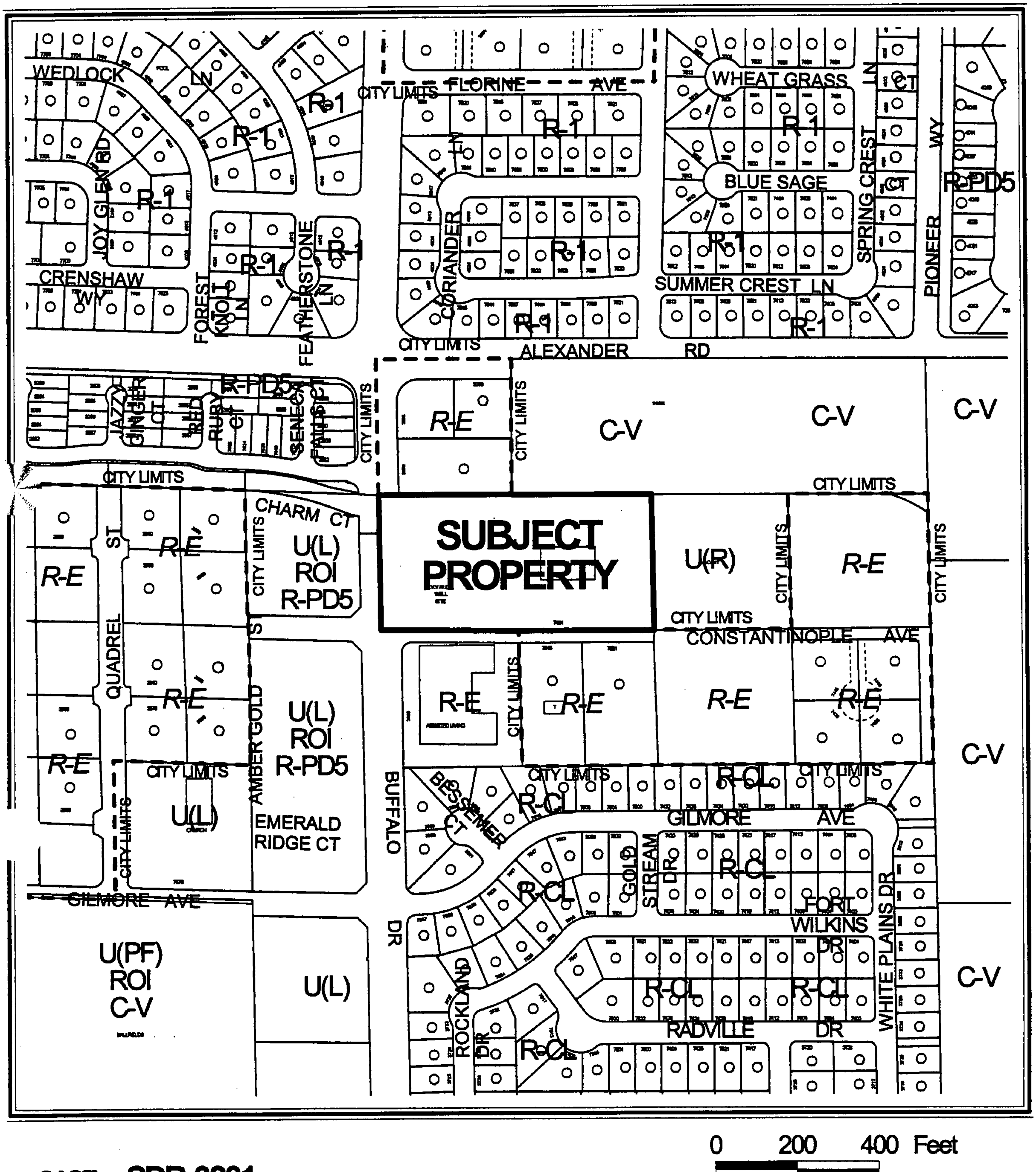
12. Remove all substandard public street improvements and unused driveway cuts along Constantinople Avenue, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

13. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The City shall determine area traffic mitigation contribution requirements based upon information provided in the approved Traffic Impact Analysis; such monies shall be contributed prior to the issuance of any permits for this site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

CONDITIONS – Continued:

Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.



CASE: SDR-3201

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

0 200 400 Feet

CASE: SDR-3201

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) ZONE [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION]

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT

THIS ITEM WAS HELD IN ABEYANCE FROM THE MARCH 3, 2004 CITY COUNCIL MEETING AT COUNCILMAN BROWN'S REQUEST.

** CONDITIONS **

The Planning Commission (4-1 vote) and staff recommend DENIAL. If Approved, subject to:

Planning and Development

1. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.

2. The applicant shall obtain all appropriate permits from the Department of Building and Safety and shall comply with Building Code requirements.

3. All development shall be in conformance with the site plan, landscape plan and building elevations, except as amended by conditions herein.

4. The applicant shall submit information to the Planning and Development Department related to the operation of the Child Care Facility, including the number of staff members and students. Subsequently, the site plan shall be revised and approved by Planning and Development Department staff, prior to the time application is made for a building permit, to reflect the number of spaces required for both the church and child care use. The applicant shall be required to construct additional parking area to accommodate both uses as the submitted information requires.

5. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.]

6. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.

7. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Title 19.12.050.

8. Any property line wall shall be a decorative block wall, with at least 20 percent contrasting materials. Wall heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

9. All City Code requirements and design standards of all City departments must be satisfied.

10. The design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

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11. Right-of-way dedications and easements to be granted to the City of Las Vegas shall be required upon property receiving patent from the Bureau of Land Management.

12. Remove all substandard public street improvements and unused driveway cuts along Constantinople Avenue, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.

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Alternatively, in lieu of a Traffic Impact Analysis, the applicant may participate in a reasonable alternative mutually acceptable to the applicant and the Department of Public Works.

14. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for a Site Development Plan Review to make existing temporary trailers permanent in conjunction with an existing church at 7550 Constantinople Avenue.

B) Applicant's Justification

The applicant's justification letter states that the Tabernacle of Praise Church is in the process of purchasing the existing modular trailers and would like to do some exterior beautification in order to make said structure aesthetically compatible with the new fellowship hall structure that is on-site.

BACKGROUND INFORMATION

A) Previous Actions

05/20/99	The Clark County Planning Commission approved a Use Permit (UC-0550-99) to allow a Church on the subject site. The background information from Clark County indicated that the submitted site plan included a fellowship hall, future gymnasium and a future church sanctuary. Additional information provided by the applicant to Clark County as part of the use permit application indicates that a child care facility and multi-purpose facilities were to be included at a future date.
01/05/00	The City Council approved an annexation (A-0015-99) for the subject property as part of a larger request. The Planning Commission recommended approval. The effective date was February 4, 2000.
07/20/00	The City of Las Vegas Department of Building and Safety issued a building permit for new church at 7550 Constantinople Avenue.
11/20/03	The Planning Commission voted to abey this item until the December 18, 2003 Planning Commission meeting in an effort to give the applicant an opportunity to work with staff.
12/18/03	The Planning Commission voted to abey this item until the January 22, 2004 Planning Commission meeting in an effort to give the applicant additional time to work with staff.
01/22/04	The Planning Commission voted 4-1 to recommend DENIAL (PC Agenda Item #94/al).

B) Pre-Application Meeting

09/25/03	The applicant presented information about the Clark County use permit and explained that the church seeks to make the existing temporary trailers permanent in order to house child care services.

C) Neighborhood Meetings

No neighborhood meeting was required or held with respect to this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	5.2

B) Existing Land Use

Subject Property:	Las Vegas Valley Water District Well Site and Church
North:	Single Family Dwelling and Park
South:	Single Family Dwellings and Senior Apartments
East:	Undeveloped
West:	Undeveloped

C) Planned Land Use

Subject Property:	R (Rural Density Residential)
North:	R (Rural Density Residential)
South:	R (Rural Density Residential) and PF (Public Facilities)
East:	R (Rural Density Residential)
West:	L (Low Density Residential)

D) Existing Zoning

Subject Property:	U (Undeveloped)
North:	Clark County and C-V (Civic)
South:	R-E (Residence Estates) and Clark County
East:	U (Undeveloped)
West:	U (Undeveloped) under Resolution of Intent to R-PD5 (Residential Planned Development – 5 Units Per Acre)

E) General Plan Compliance

The Centennial Hills General Plan R (Rural Density Residential) category allows a maximum of 3.5 dwelling units per gross acre. This is a rural or semi-rural environment with a lifestyle much like that of the Desert Rural, but with a smaller allowable lot size. Churches are allowed with approval of a Special Use Permit within the U (Undeveloped) zoning district.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

The site is not subject to any special area plans, overlay districts, study area or trail requirements.

PROJECT DESCRIPTION

The proposal is to make existing trailers permanent in order to house a child care facility that is ancillary to the church use. The Department of Building and Safety reviews all applications for compliance with building department standards and was unable to locate permits for the existing trailers. A full submittal to the Building Department will be required and is recommended as a condition of approval, to bring the trailers into compliance with the Building Code. Additionally, the Building Department commented that the type of construction must match that of the church.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Provided	Compliance
Min. Lot Size	20,000 Feet	230,229 SF	Y
Min. Lot Width	100 Feet	626 Feet	Y
Min. Setbacks			
• Front	50 Feet	95 Feet	Y
• Side	10 Feet	65 Feet (min.)	Y
• Corner	15 Feet	N/A	N/A
• Rear	35 Feet	130 Feet	Y
Max. Lot Coverage	N/A	N/A	N/A
Max. Building Height	2 Stories / 35 Feet	25 Feet (trailer)	Y

The existing church development and trailers meet the minimum development standards required by Title 19.

A2) Residential Adjacency Standards

Pursuant to Title 19.08, the following Residential Adjacency Standards apply to the subject proposal:

- Proximity slope and building setback.
  At a height of 18 feet (mid-point of the roof) the structure must remain at least 54 feet from residential property, which is either developed for sale or designated for such development in the General Plan. The trailers are located 70 feet from the east property line and 96 feet from the south property line, the two nearest borders with residential property.

A3) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Church/House of Worship	9,370 GFA (7,313 SF in gathering room)	1/ 4 fixed seats or 1/100 SF of non-fixed seating area in gathering room, whichever is greater	74	See below	76	See below
Child Care Center	2,730 GFA	1/each staff member, plus one space for each ten children	Insufficient information		See below	See below
Handicap Breakdown					71	5

The submitted site plan is contradictory, as the parking analysis states that 76 parking spaces exist when well in excess of 76 spaces are shown on the plan. The site plan does depict the ultimate build-out of the site, however it is unclear as to whether the applicant intends to add parking area. Additionally, Title 19.10.010(E) requires parking to be calculated separately for each different uses area in a building or on a site, including any ancillary use. Not enough information was provided to determine the number of spaces needed for the child care use, but because the overall site plan depicts approximately 180 spaces, a condition is recommended that the applicant be required to submit a revised site plan and information related to the operation of the Child Care Facility that clearly depicts the number of spaces required for each individual use.

A4) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required Ratio	Required Trees	Provided
Parking Area	1 Tree/6 Spaces	19 Trees	3 Trees
Buffer: • Min. Trees (along frontage)	1 Trees/20 Linear Feet	17 Trees	8 Trees
• Min. Zone Width (adj. to ROW)	15 Feet		15 Feet
• Min. Zone Width (side & rear)	8 Feet		18 Feet (east)
• Wall height	No minimum		6.5 Feet (east & north)

The submitted site plan is deficient in the quantity of landscape material, specifically the inclusion of 24-inch box trees. The submitted plan depicts the overall build-out of the site; therefore it is somewhat unclear what changes the applicant is proposing to the existing landscaping. At the time of the pre-application meeting, the applicant indicated that additional landscaping would be installed only around the trailers. At the time when the future church structure is developed, additional landscaping may be required in order to meet city standards.

B) General Analysis and Discussion

- Zoning

A church is allowed in the U (Undeveloped) zone with approval of a Special Use Permit. The applicant received a Special Use Permit from Clark County in 1999 before the property was within city limits. Records from the Clark County Use Permit submittal indicate that child care was approved as an ancillary use during the Use Permit process.

- Site Plan

The church complex sits on property owned by the Bureau of Land Management that also includes a Las Vegas Valley Water District well site. The site plan depicts an existing 9,370 square foot Fellowship Hall and existing trailers that total 2,730 square feet. Also depicted are a future 6,029 square foot church building, play field and a basketball court. Existing landscaping, and parking is shown. The applicant proposes no change to the current location of the trailers that are approximately 15 feet from an existing structure.

- Waivers

There are no waiver requests associated with this application.

- Landscape Plan

The submitted plan depicts the overall build-out of the site; therefore it is somewhat unclear what changes the applicant is proposing to the existing landscaping. The existing trees appear to exceed the required 20 feet on-center, however at the time the Clark County Use Permit was approved the requirements met county requirements. As this application's scope of work is limited to making temporary trailers permanent, no additional landscaping shall be required. However, at the time when the future church structure is developed, additional landscaping may be required in order to meet city standards.

- Elevation

The elevations depict the trailers to be finished with a 36-inch high stone veneer and stucco. The overall height is 25 feet. Stucco coated wood columns support small porch areas to the front and rear of the trailers.

- Floor Plan

The submitted floor plan for the trailers depict a central area surrounded by individual rooms. Three bathrooms are shown.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   The change to permanent status for the existing trailers is not compatible with the surrounding area that includes single-family dwellings.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The existing development is not consistent with the design standards contained in Title 19, as the development was approved when the property was located within Clark County's jurisdiction and was subject to different standards. As the remainder of the site is developed, city of Las Vegas standards will be applied.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   As the trailers already exist, the change to a permanent status will not negatively impact adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

   The building and landscape materials are appropriate for the area, as they are similar to other development in terms of the use of stucco and cultured stone veneer.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

   The proposed finishes and landscaping around the trailers is not unsightly or undesirable. However, because the Department of Building and Safety was unable to locate permits for the trailers, it is yet to be determined that the structures may be located on the property on a permanent basis.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

   The proposed development will be subject to inspections for permitting, and therefore will not compromise the public health, safety or welfare.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: SDR-3201 APN: T.20S. R.60.E. Sec. 10, S1/2 nw1/4 nw1/4 nw1/4

Name of Property Owner: Bureau of Land Management

Name of Applicant: Tabernacle of Praise C.O.G. IC

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_______ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: ____________________

Partner(s): ____________________ ____________________

APN: ____________________

X Signature of Property Owner/Authorized Agent: Mervin G. Boyd

Print Name: MERVIN G. BOYD

Subscribed and sworn before me

This 7th day of October, 2003

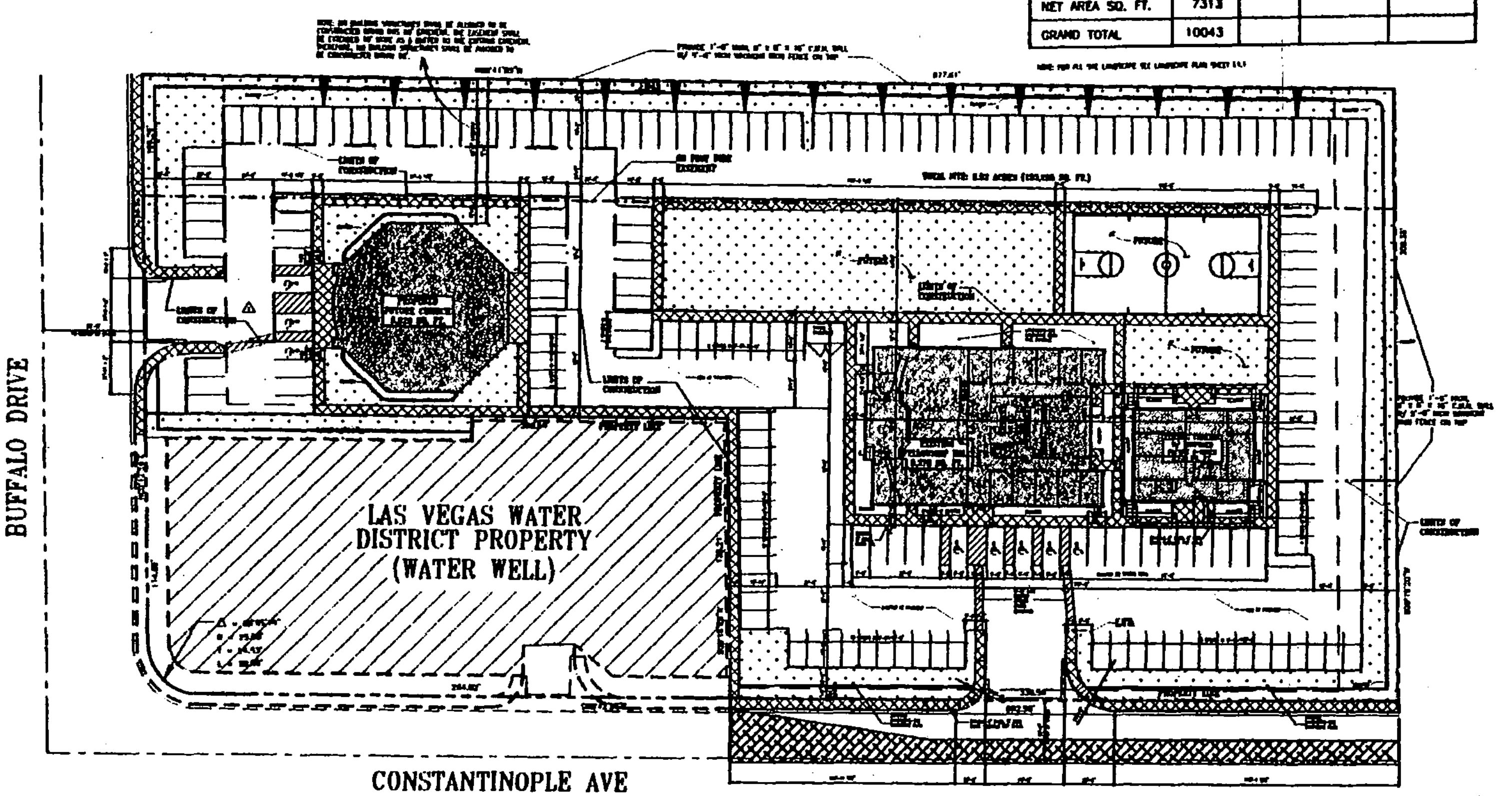
Jennifer K. Aamodt

Notary Public in and for said County and State

JENNIFER K. AAMODT
Notary Public State of Nevada
No. 94-4974-1
My appt. exp. July 18, 2006

parking analysis

DESCRIPTION	GROSS AREA SQ. FT	PARKING RATIO REQ.	TOTAL PARKING REQUIRED	ACTUAL PARKING SPACES
NEW PROPOSED EXISTING TRAILERS	2730	1:100	28 SPACES	76 SPACES
EXISTING FELLOWSHIP HALL	9370	1:100	74 SPACES (INCLUDE 3 H.C.)	76 SPACES (INCLUDE 4 H.C.)
STORAGE, COLSETS VESTIBULE ECT.	-2057			
NET AREA SQ. FT.	7313			
GRAND TOTAL	10043			



1 SITE PLAN
SCALE: 1" = 30'

STAFF

SDR-3201

1-22-04 PC

PINNACLE ARCHITECTURAL STUDIO, INC.

TABERNACLE OF PRAISE C.O.G.I.C.

Project Name

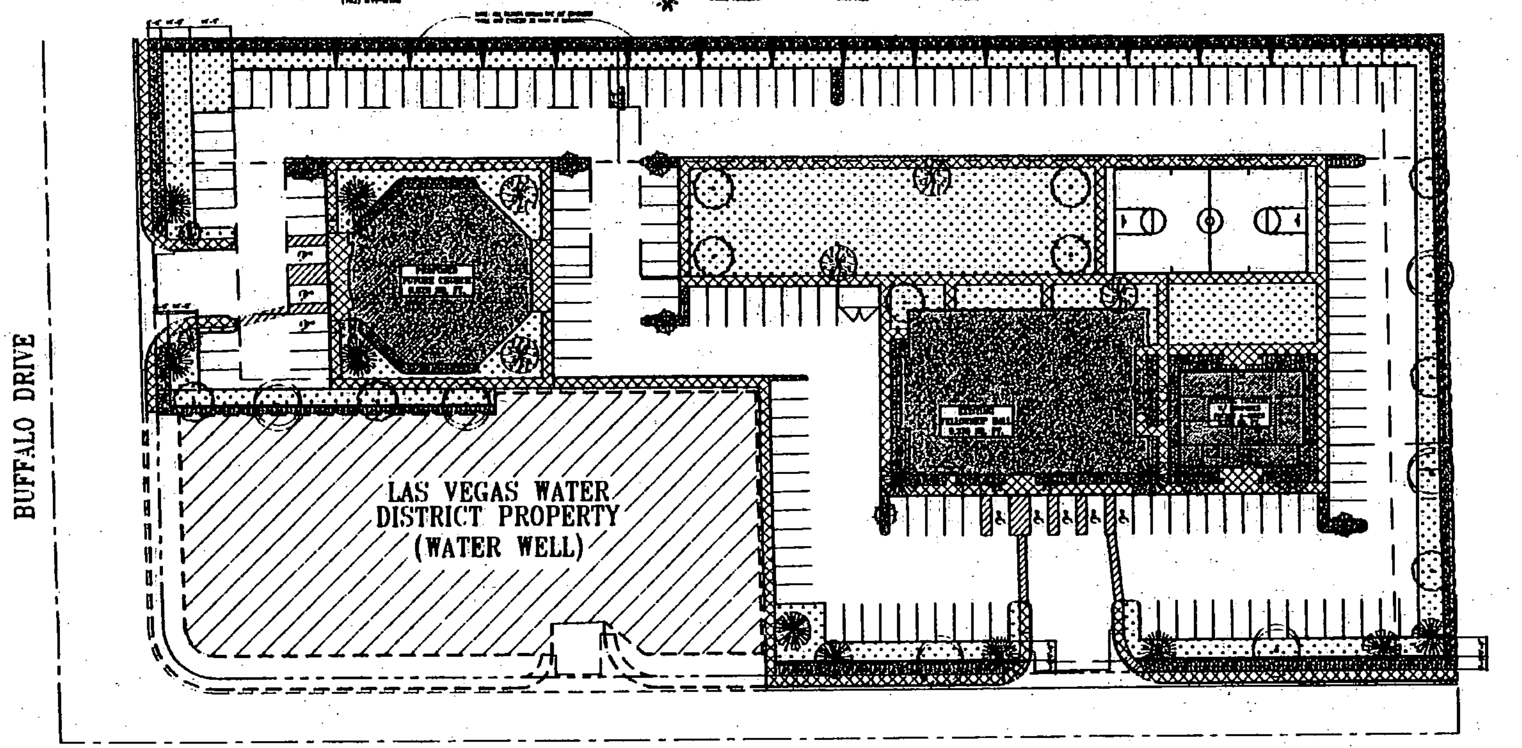
SITE PLAN

A1.1

NOTES:

PLANT LEGEND

SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS



CONSTANTINOPLE AVE

1 LANDSCAPE PLAN

SCALE: 1" = 30'

STAFF

SDR-3201

1-22-04 PC

PINNACLE ARCHITECTURAL STUDIO, INC.

TABERNACLE OF PRAISE C.O.G.I.C.

AT BUFFALO DRIVE AND CONSTANTINOPLE LAS VEGAS, NEVADA

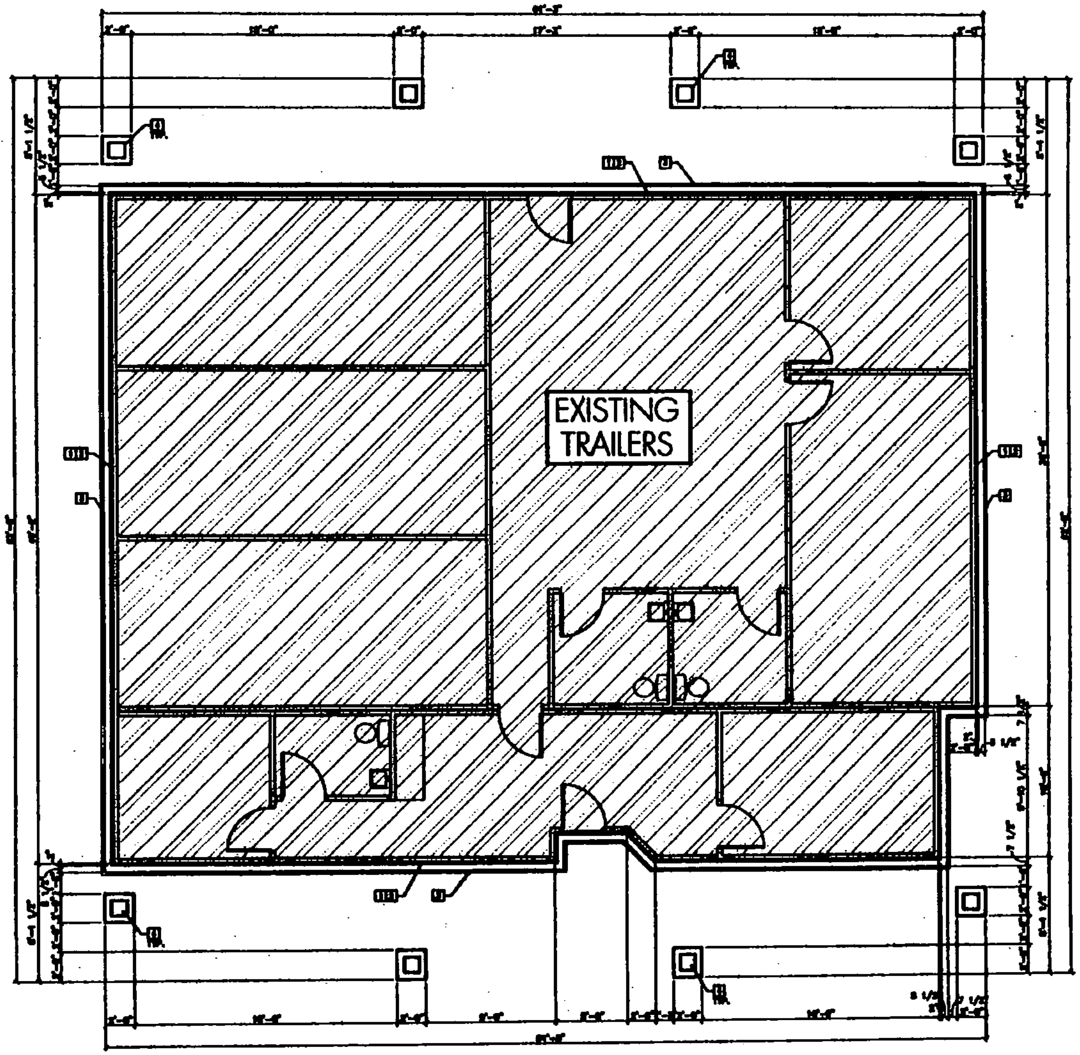
LANDSCAPE PLAN

Revisions

L1.1

OCTOBER 9, 2003

KEYNOTES



1 FLOOR PLAN

SCALE: 1/4" = 1'-0"

STAFF

SDR-3201

1-22-04 PC

PINNACLE ARCHITECTURAL STUDIO, INC.

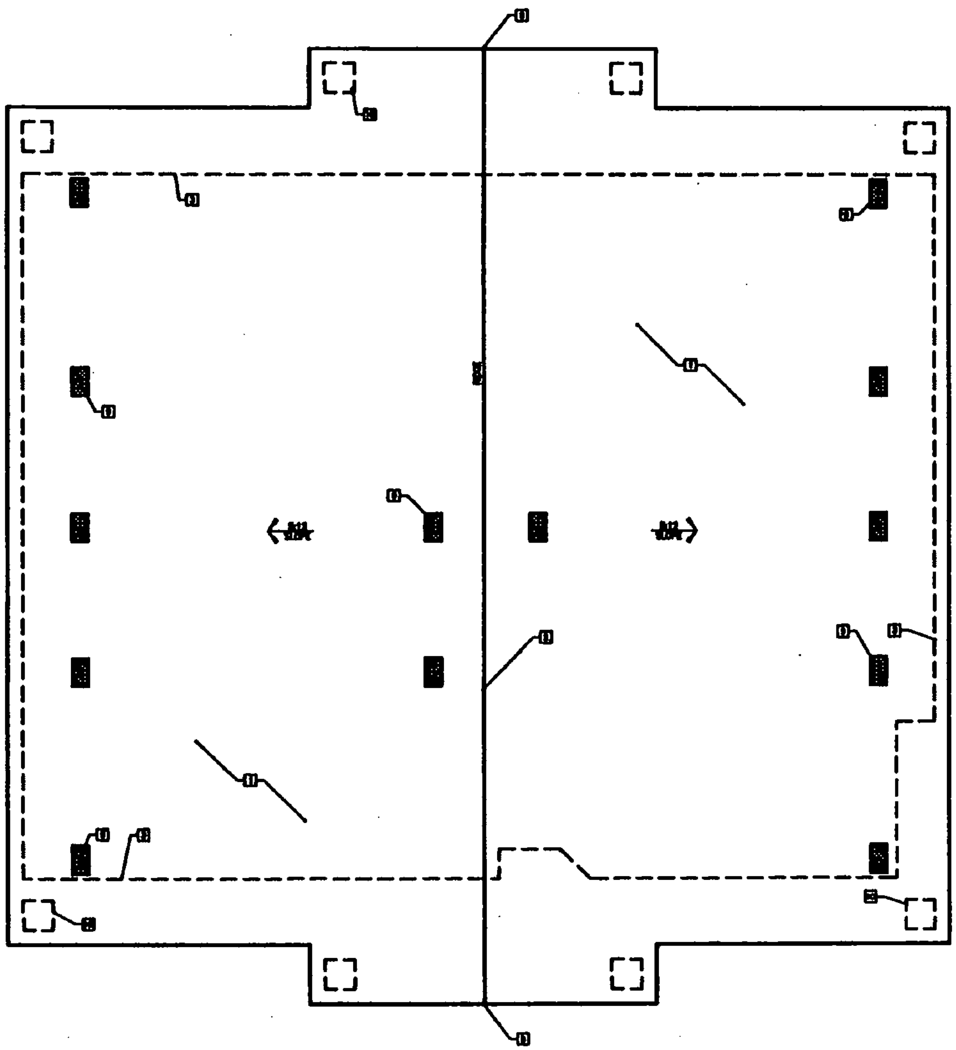
TABERNACLE OF PRAISE C.O.G.I.C.

Project Name

AT BUFFALO DRIVE AND CONSTANTINOPLE LAS VEGAS, NEVADA

FLOOR PLAN

A2.1



1 ROOF PLAN
SCALE: 1/4" = 1'0"

KEYNOTES

1. [illegible]
2. [illegible]
3. [illegible]
4. DASHED LINE INDICATES BUILDING BELOW
5. [illegible]
6. [illegible]
7. [illegible]
8. 3'-0" DIA. CIRCULAR WALL GABLE VENT - SEE EXTERIOR ELEVATIONS FOR LOCATION
9. [illegible]
10. WOOD COLUMN BELOW

VENT CALCULATIONS

[illegible]

TOTAL: 1601 SQ. IN. NET FREE VENTILATION PROVIDED

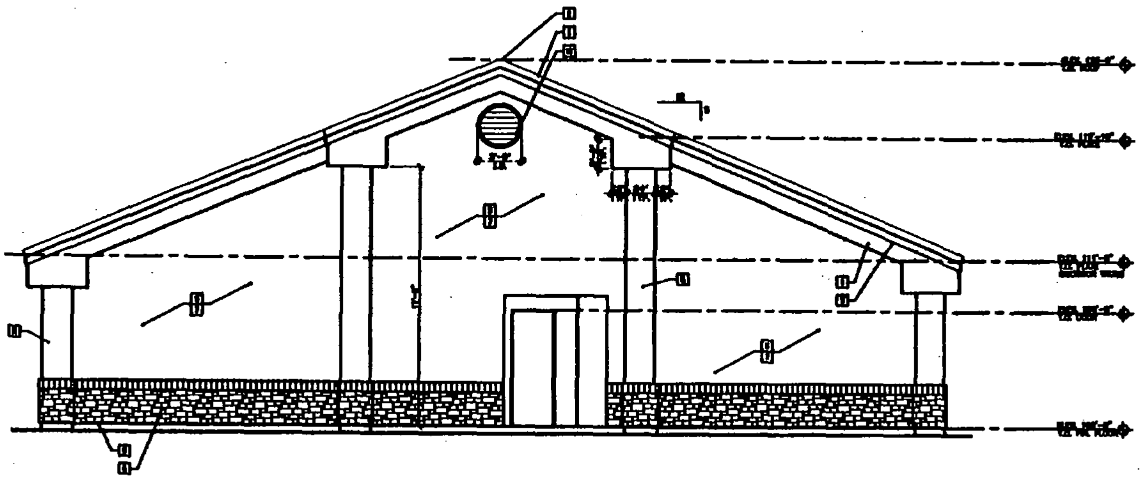
STAFF
SDR-3201
1-22-04 PC

PINNACLE ARCHITECTURAL STUDIO, INC.

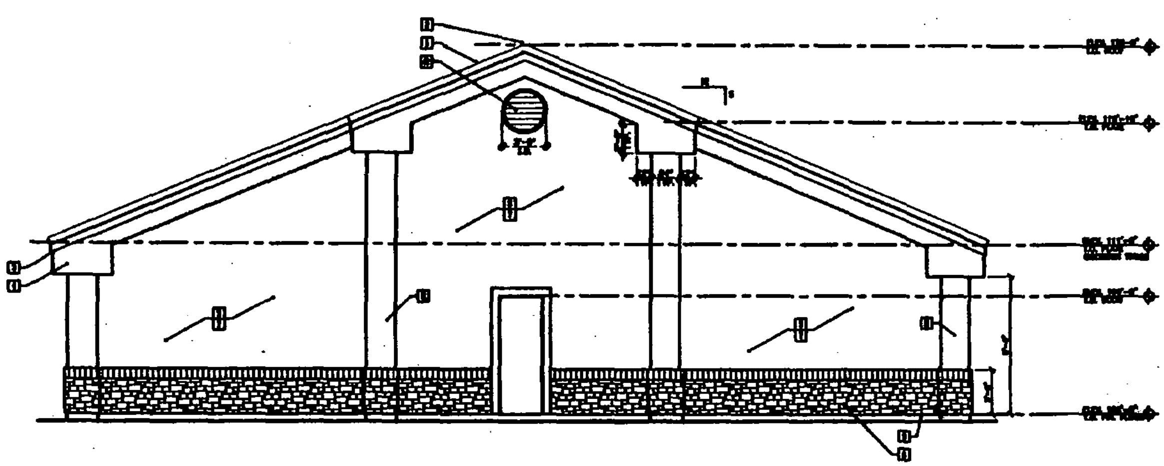
TABERNACLE OF PRAISE C.O.G.I.C.
Project Name
AT BUFFALO DRIVE AND CONSTANTINOPLE LAS VEGAS, NEVADA
ROOF PLAN

Revisions
SCALE DRAWING NOTE

A3.1
03112
SEPTEMBER 2, 2003



1 FRONT ELEVATION
SCALE: 1/4" = 1'0"



2 REAR ELEVATION
SCALE: 1/4" = 1'0"

KEYNOTES

1. TYPICAL ROOF CONSTRUCTION: CONC. ROOF TILE O/ 2 LAYERS OF 30# FELT O/ PLYWOOD [illegible]
2. [illegible]
3. [illegible]
4. [illegible] – SEE DETAIL [illegible]
5. [illegible]
6. PROPOSED [illegible] HIGH LOW WALL [illegible] W/ CULTURED STONE VENEER [illegible]
7. TYPICAL EXTERIOR WALL: [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. PROPOSED STUCCO COVERED WOOD COLUMN
12. PROPOSED 3'-0" DIA CIRCULAR GABLE VENT

STAFF

SDR-3201

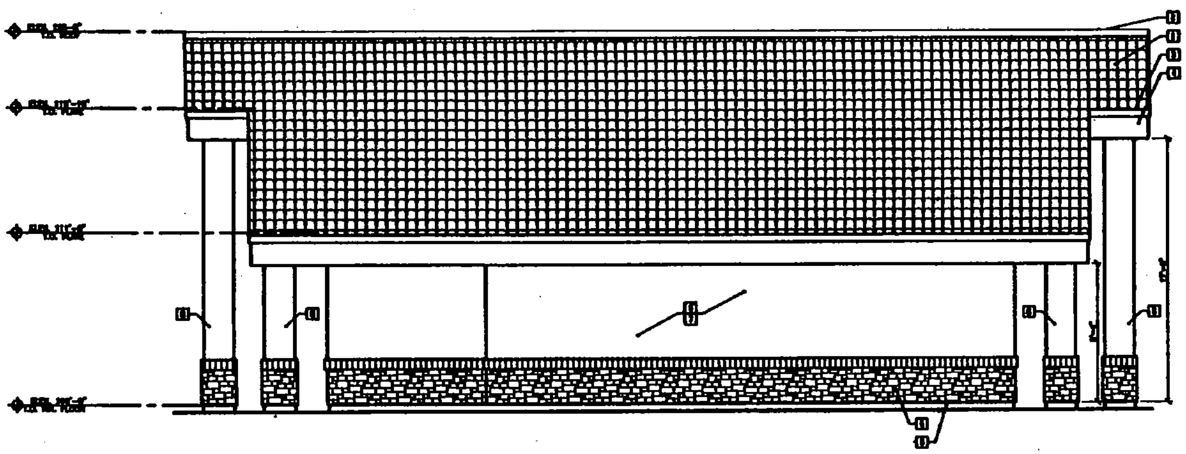
1-22-04 PC

PINNACLE ARCHITECTURAL STUDIO, INC.

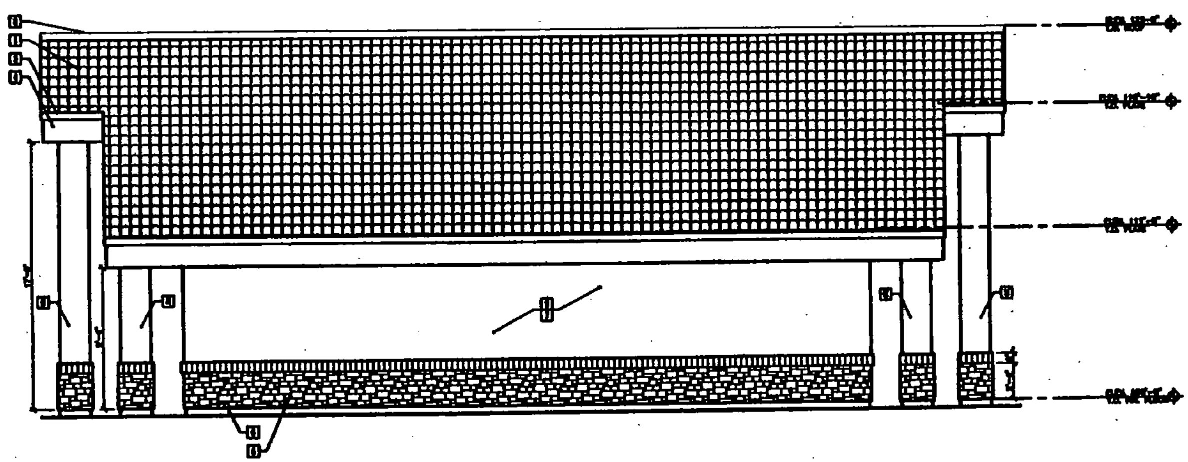
TABERNACLE OF PRAISE C.O.G.I.C.
Project Name
AT BUFFALO DRIVE AND CONSTANTINOPLE LAS VEGAS, NEVADA
EXTERIOR ELEVATIONS

SCALE DRAWING NOTE

A4.1
03142
SEPTEMBER 2, 2003



1 RIGHT SIDE ELEVATION
SCALE: 1/4" = 1'0"



2 LEFT SIDE ELEVATION
SCALE: 1/4" = 1'0"

KEYNOTES

1. TYPICAL ROOF CONSTRUCTION: CONC. ROOF TILE O/ 2 LAYERS OF 30# FELT O/ PLYWOOD SHEATHING (PROVIDE ALUMINUM MEMBRANE OVER PLYWOOD SHEATHING ON ATTIC SIDE) O/ PREMANUFACTURED ROOF TRUSSES OR 2X RAFTERS @ 24" O.C. (SEE ROOF FRAMING PLAN) [illegible] INSULATION @ TOP CHORD OF ROOF TRUSS OR 2X RAFTER AND [illegible] INSULATION @ BOTTOM CHORD OF ROOF TRUSS OR 2X CEILING JOIST OVER LIVABLE SPACES (PER SPECIFICATION SECTIONS 06100, 07100, 07200 & 07300)
2. CONC. TILE RIDGE CAP, GROUT TO MATCH TILE, SEE DETAIL (PER SPECIFICATION SECTION [illegible])
3. TILE CLOSURE AND [illegible] BY TILE MANUFACTURER. PAINT TO MATCH ROOF TILE (PER SPECIFICATION SECTIONS [illegible] AND [illegible])
4. FASCIA – SEE DETAIL 11/A9.1
5. REMOVE EXISTING WOOD SIDING PANELS FOR A STUCCO APPLICATION SEE KEYNOTE NUMBER 7 FOR STUCCO APPLICATION
6. PROPOSED 36" HIGH LOW WALL WAINSCOT W/ CULTURED STONE VENEER ATTACH W/ CMP – SEE DETAIL [illegible]
7. TYPICAL EXTERIOR WALL: PAINTED 7/8" STUCCO O/PAPERBACKED METAL LATH O/ SHEATHING (SEE SHEARWALL SCHEDULE) O/2X6 WOOD STUDS @ 16" O.C. [illegible] BATT INSULATION @ LIVABLE SPACES & 5/8" GYPSUM BOARD INTERIOR FINISH (U.N.O.) (PER SPECIFICATION SECTIONS 06100, 07200, [illegible]) PROVIDE TWO LAYERS OF GRADE D PAPER UNDER STUCCO APPLIED OVER PLY WOOD SHEATHING @ [illegible]
8. [illegible]
9. [illegible]
10. [illegible]
11. PROPOSED STUCCO COVERED WOOD COLUMN
12. [illegible]

STAFF

SDR-3201

1-22-04 PC

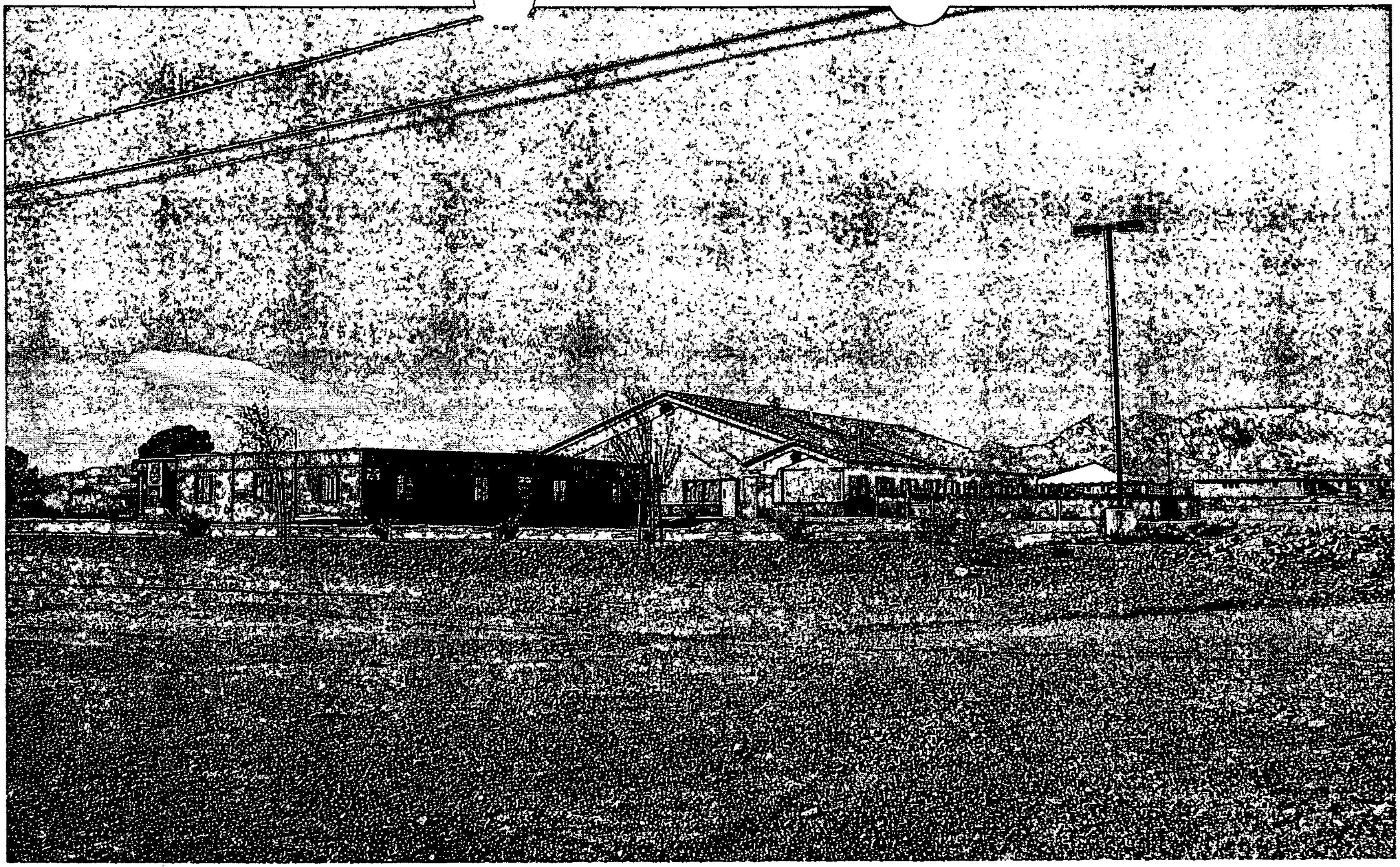
PINNACLE ARCHITECTURAL STUDIO, INC.

TABERNACLE OF PRAISE C.O.G.I.C.
Project Name
AT BUFFALO DRIVE AND CONSTANTINOPLE LAS VEGAS, NEVADA

EXTERIOR ELEVATIONS

SCALE DRAWING NOTE

A4.2

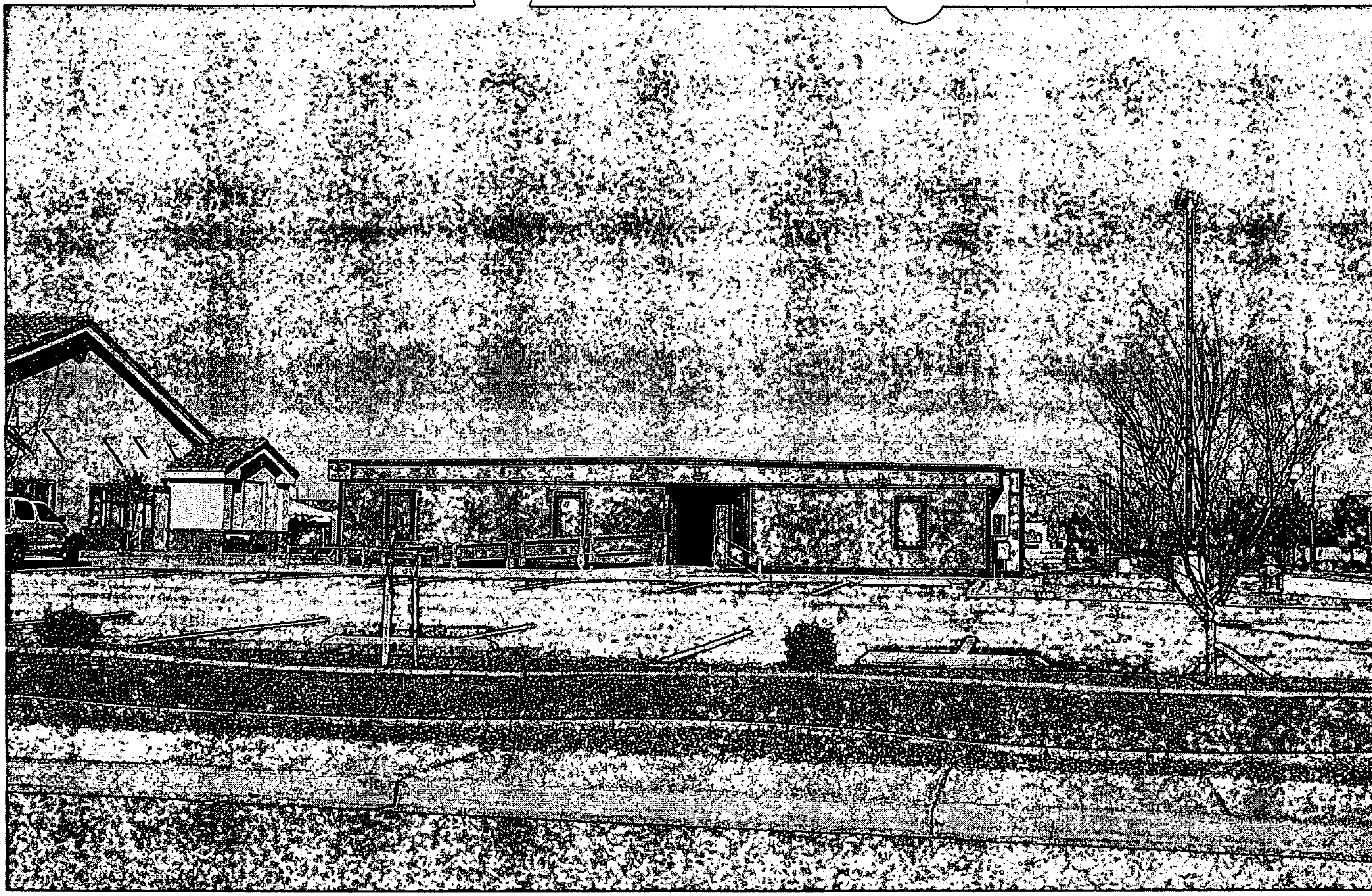


SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
7550 Constantinople Avenue
FEBRUARY 18, 2004 CITY COUNCIL MEETING

Picture taken 02/04/04

SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
7550 Constantinople Avenue
FEBRUARY 18, 2004 CITY COUNCIL MEETING

Picture taken 02/04/04



SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
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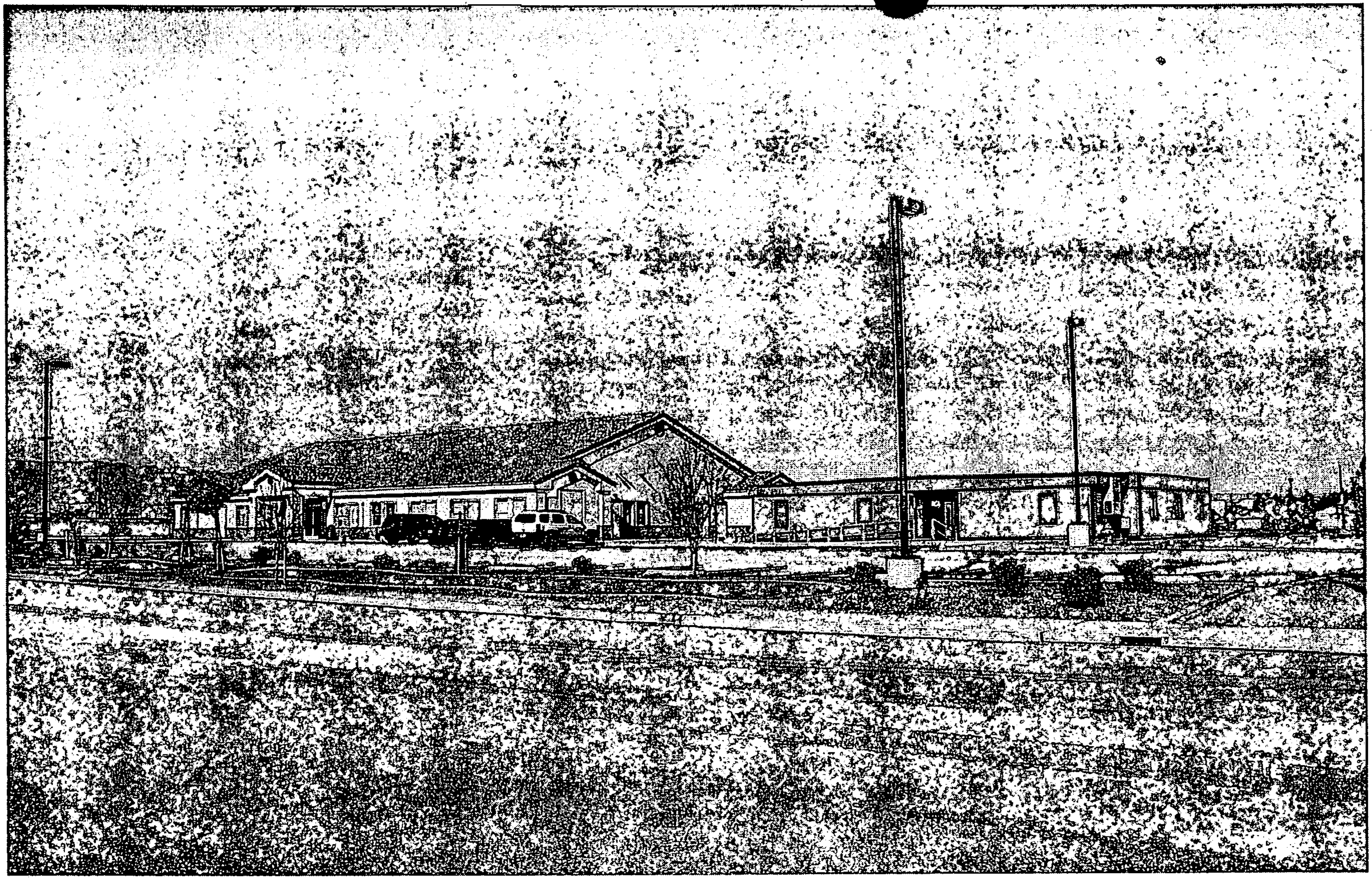

SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
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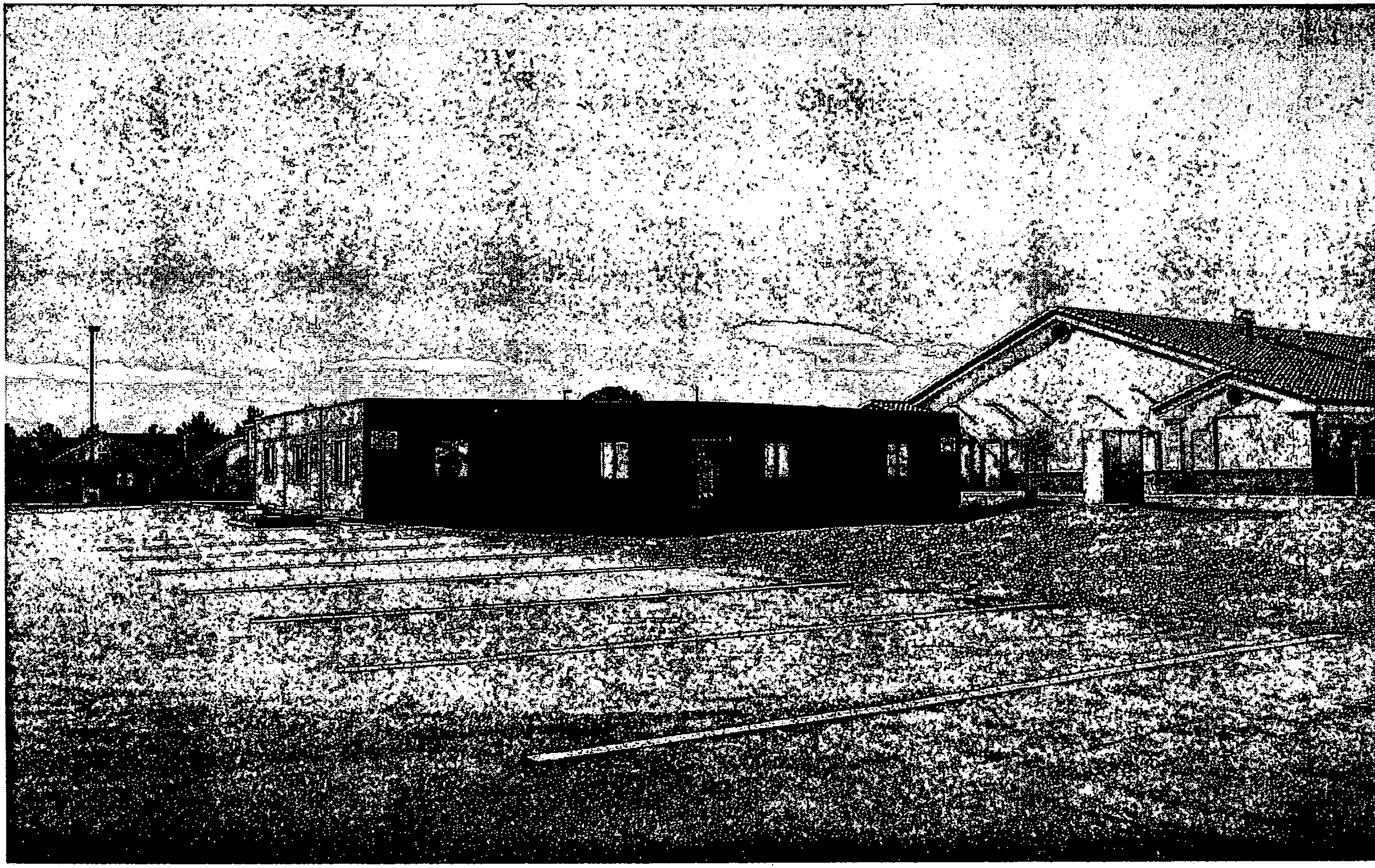
Picture taken 02/04/04



SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
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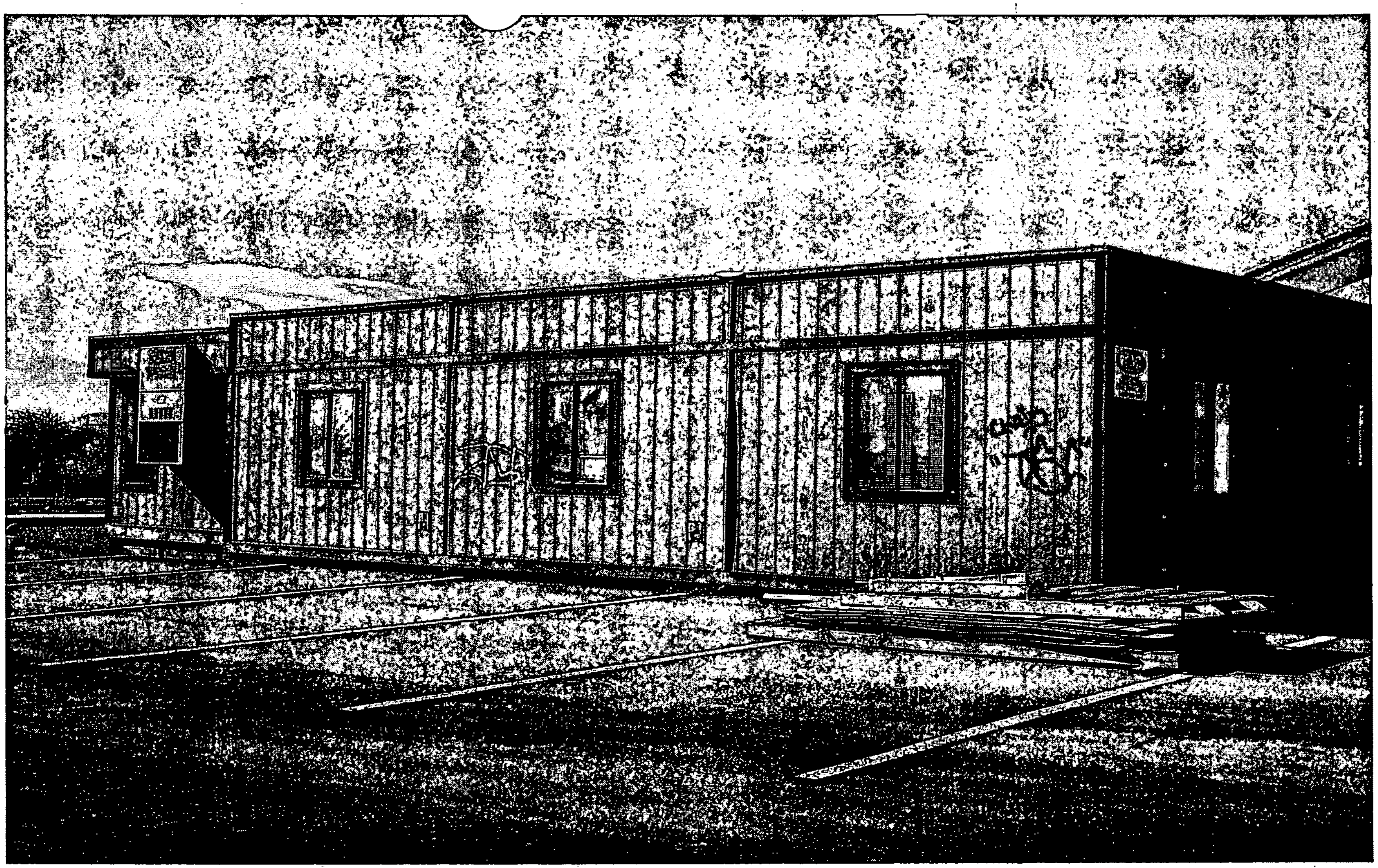
Picture taken 02/04/04



SDR-3201 - TABERNACLE OF PRAISE CHURCH OF GOD IN CHRIST ON BEHALF OF THE BUREAU OF LAND MANAGEMENT
7550 Constantinople Avenue
FEBRUARY 18, 2004 CITY COUNCIL MEETING

Picture taken 02/04/04

City of Las Vegas

Agenda Item No. 73

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: MARCH 3, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

☐ CONSENT ☒ DISCUSSION

SUBJECT:

ABEYANCE ITEM - MAJOR MODIFICATION TO THE IRON MOUNTAIN RANCH MASTER PLAN - PUBLIC HEARING - **MOD-3069 - SIGNATURE HOMES ON BEHALF OF PLASTER DEVELOPMENT COMPANY** - Request for a Major Modification to the Iron Mountain Ranch Master Plan (Planned Area 16 and Section 2.3.2) TO ALLOW 14,000 SQUARE FOOT MINIMUM LOT SIZES WHERE 20,000 SQUARE FOOT IS THE MINIMUM ALLOWED on 9.8 acres adjacent to the southwest corner of Horse Drive and Thom Boulevard (APN: 125-12-701-005), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre), Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

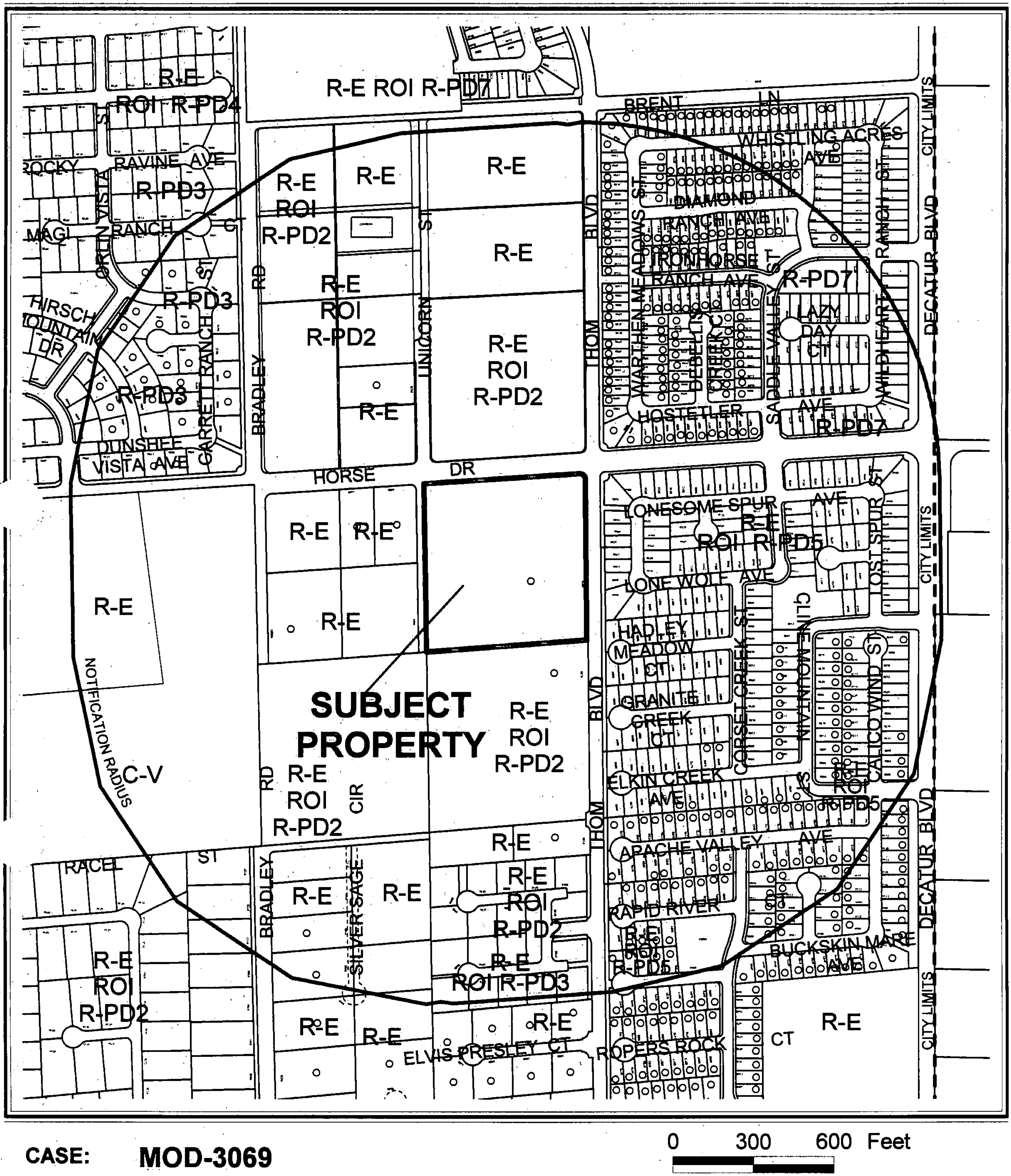
MOTION:

REESE – Motion to Accept the WITHDRAWAL Without Prejudice of Item 73 [MOD-3069], Item 77 [SUP-3315] and Item 78 [SUP-3369] and to HOLD IN ABEYANCE Item 76 [SUP-3152] to 5/5/2004, Item 79 [SUP-3394] to 3/17/2004 and Item 80 [SUP-3479] to 4/7/2004 – UNANIMOUS with GOODMAN, L.B. McDONALD and WEEKLY excused

MINUTES:

ROBERT GENZER, Director, Planning and Development Department, indicated that the applicant had requested Item 73 [MOD-3069] be withdrawn without prejudice. ATTORNEY BOB GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, verified the request. The applicant worked with the neighbors to eliminate the need for the major modification, which should be withdrawn without prejudice.

(1:45 – 1:48)



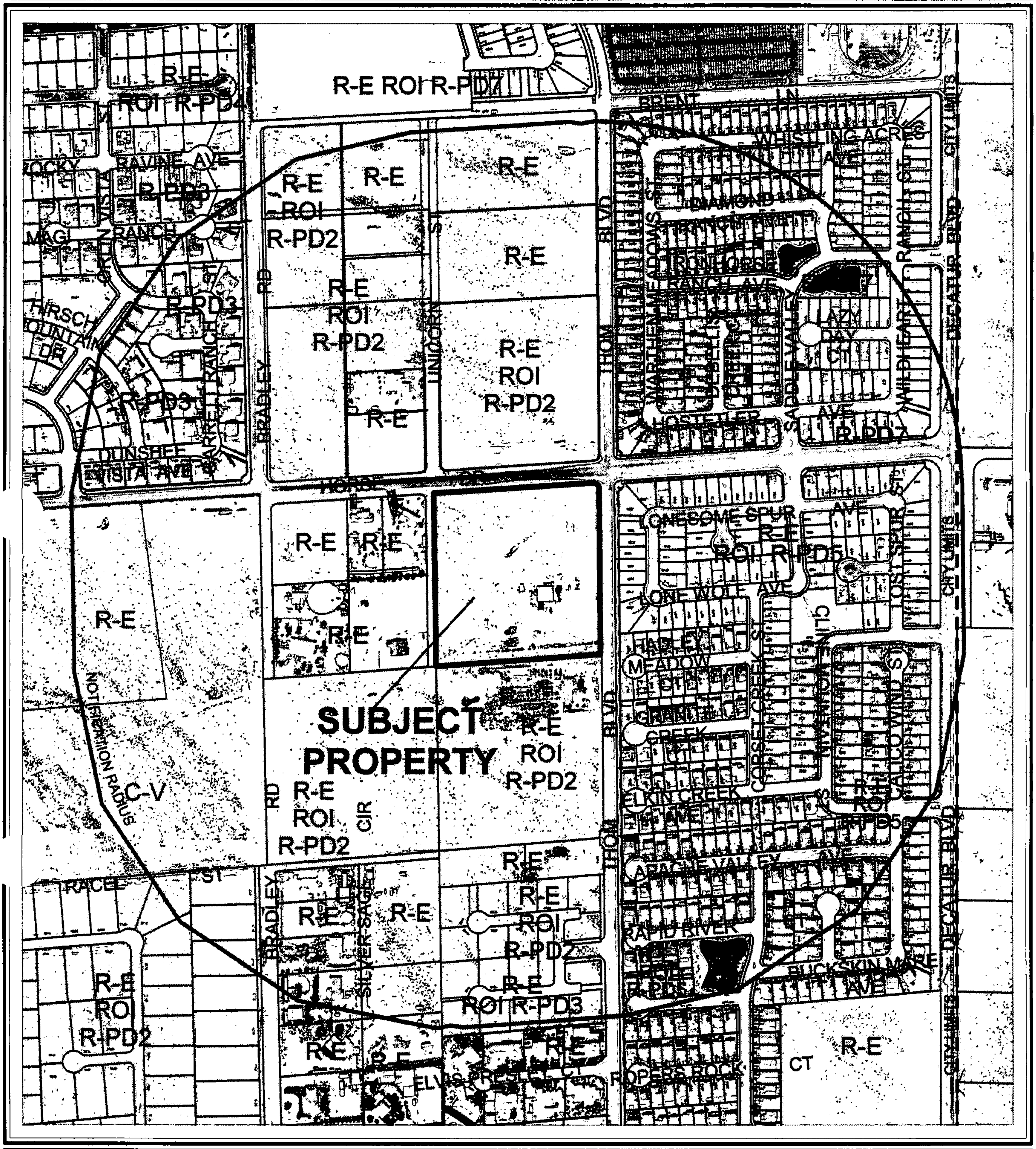
CASE: **MOD-3069**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N



0 300 600 Feet

CASE: **MOD-3069**

RADIUS: 1320 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: MARCH 3, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - MOD-3069 - SIGNATURE HOMES ON BEHALF OF PLASTER DEVELOPMENT COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE FEBRUARY 4, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

The Planning Commission (5-0-1 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Equestrian uses shall not be permitted within this development.
2. A Site Development Plan Review application (SDR-3072) approved by the Planning Commission and City Council prior to issuance of any permits, any site grading, and all development activity for the site.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Major Modification to the Iron Mountain Ranch Master Plan to allow 14,000 square foot minimum lot sizes where 20,000 square feet is the minimum required on 9.8 acres adjacent to the southwest corner of Horse Drive and Thom Boulevard.

B) Applicant's Justification

The applicant's justification letter indicates this modification will be an asset to the City of Las Vegas since it will result in a high-end housing development.

BACKGROUND INFORMATION

A) Previous Actions

10/12/98	The City Council approved a Rezoning (Z-0016-98) to R-PD2 (Residential Planned Development – 2 Units Per Acre) on this site as part of a larger request.
11/20/03	The Planning Commission recommended approval of a request for a Site Development Plan Review (SDR-3072) for an 18 lot single family development on this site.
11/20/03	The Planning Commission voted 5-0-1 to recommend APPROVAL (PC Agenda Item #16).

B) Pre-Application Meeting

08/28/03	The applicant was advised of the sections of the Iron Mountain Ranch Master Plan that must be modified to allow the 14,000 square foot lots.

C) Neighborhood Meetings

A neighborhood meeting is not required as part of this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres:	9.8
Net Acres:	9.0

B) Existing Land Use

Subject Property:	Undeveloped
North:	Undeveloped
South:	Undeveloped
East:	Single Family Residential
West:	Single Family Residential

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	DR (Desert Rural Density Residential)
South:	DR (Desert Rural Density Residential)
East:	L (Low Density Residential)
West:	DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
North:	R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
South:	R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
East:	R-PD5 (Residential Planned Development – 5 Units Per Acre)
West:	R-E (Residence Estates)

E) General Plan Compliance

The Centennial Hills Sector Plan designates this site as DR (Desert Rural Density Residential). This category allows single family Residential Planned Developments at a density up to 2.49 dwelling units per acre. The proposed development on the site is consistent with the general plan and zoning designation of the site.

SPECIAL DISTRICTS/ZONES	**Yes**	**No**
Special Area Plan	X	
Iron Mountain Ranch	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

Special Area Plan:

The site is located within the Iron Mountain Ranch Master Development Plan Area. Upon approval of this proposal all development shall take place in accordance with the guidelines of the Iron Mountain Ranch Master Development Plan requirements. The intent of the 20,000 square feet buffer lots was to provide a definite compatible with the rural lifestyle of adjacent property.

A) General Analysis and Discussion

The applicant is requesting a Major Modification to the north half of area No. 16 on the original Iron Mountain Ranch Master Plan to allow the lots on this property a 14,000 square foot minimum lot size. The plan currently requires lots in this area on the plan to have a minimum of 20,000 square feet. The result of the Modification will increase the lot count on this parcel by two lots over the original conceptual layout. The density of the project (1.84 dwelling units per acre) will not exceed the DR (Desert Rural Density) designation of the Centennial Hills Sector Plan, which allows 2.49 dwelling units per acre.

The design of the subdivision will be evaluated with the companion Site Development Plan Review application (SDR-3072) on this agenda. The original plan also allowed for equestrian uses on lots 20,000 square feet or greater in accordance with the R-E (Residence Estates) zone. Due to the reduction in lot size, a condition has been added prohibiting equestrian uses within this development.

NOTICES MAILED 239 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: MOD-3069 APN: 125-12-701-005

Name of Property Owner: Plaster Development Company Inc.

Name of Applicant: Plaster Development Company Inc.

To the best of your knowledge, does the Mayor or any member of the City Council, Planning Commission, or a Hearings Officer have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes ✓ No

If yes, please indicate the member of the City Council, Planning Commission or Hearings Officer who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: __________

Partner(s): __________ __________

APN: __________

Signature of Property Owner/Authorized Agent: Gary L Cavender

GARY L. CAVENDER, V.P.

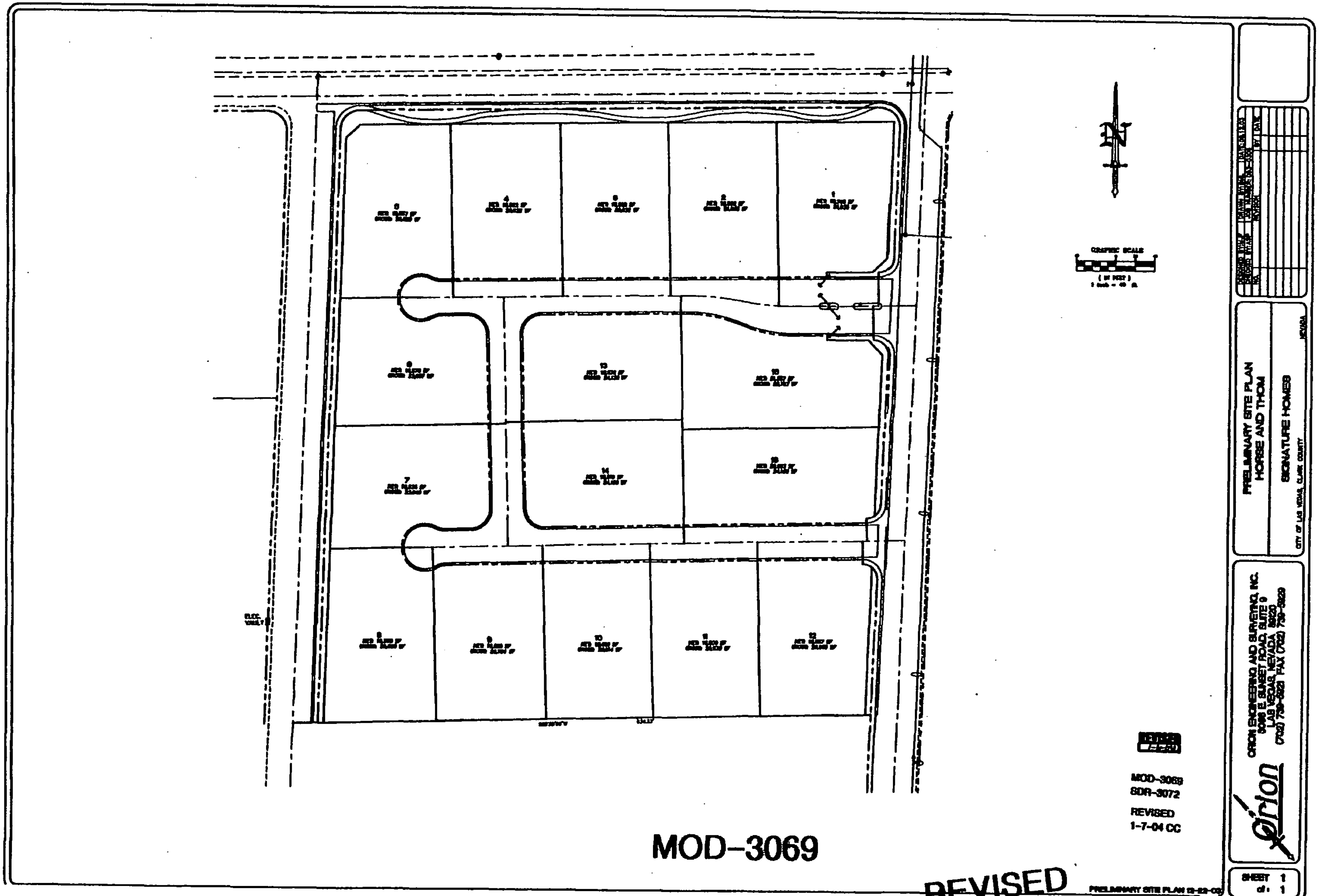
PLASTER DEVELOPMENT COMPANY, INC

Subscribed and sworn before me

This 25th day of AUGUST, 2003

Notary Public in and for said County and State

ROBERT A. LEWIS
Notary Public State of Nevada
No. 99-3177-1
My appt. exp. Jan. 21, 2007

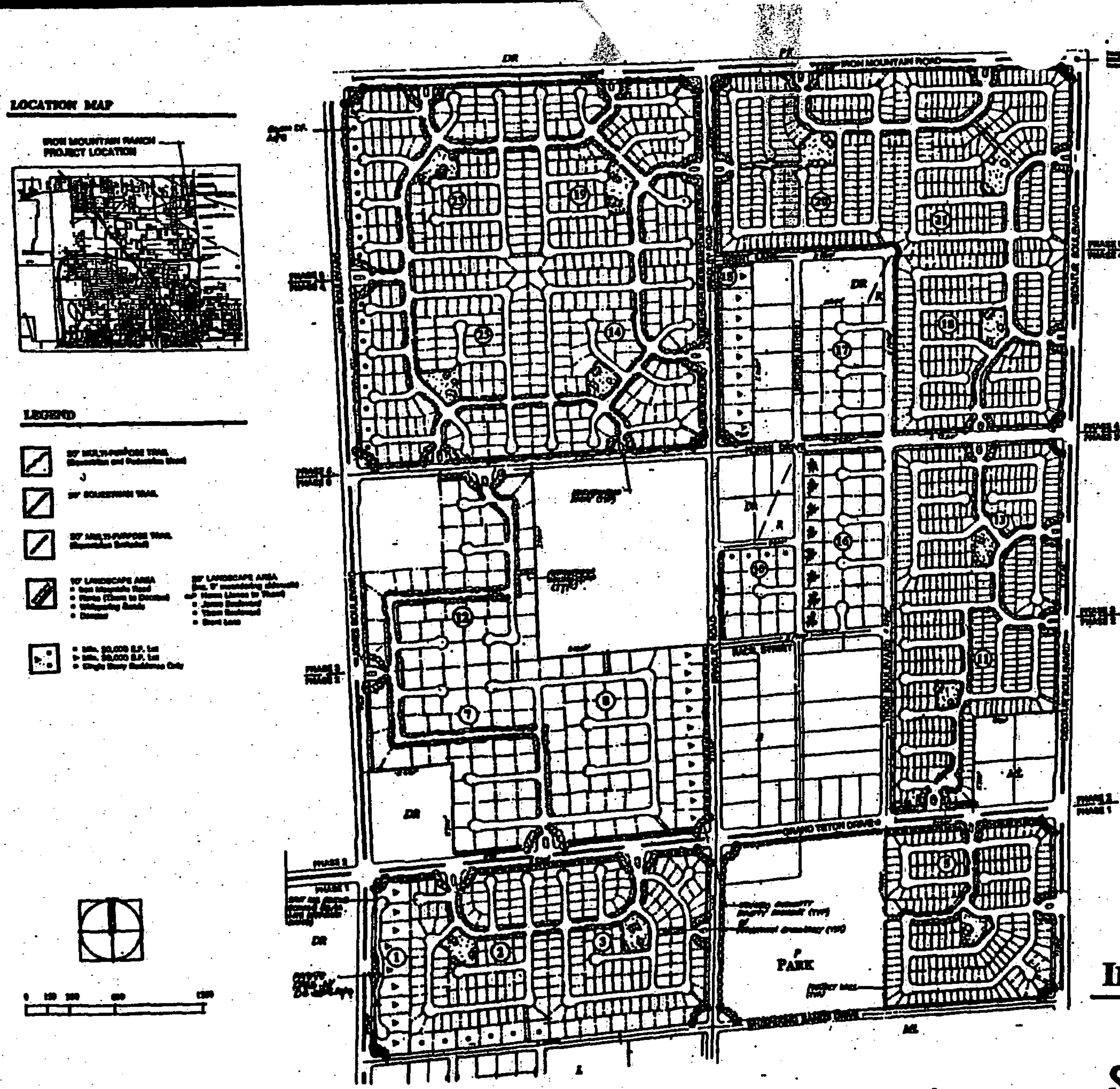


MOD-3069

SDR-3072

REVISED

1-07-04 CC



SUMMARY

OPEN SPACE SUMMARY

Champion Homes

KTGY GROUP, INC.

INCLUDING PROPOSED ANNEXATION AREA

CONCEPTUAL SITE PLAN

IRON MOUNTAIN RANCH

LAS VEGAS • NEVADA

~~MOD-3069~~ 2

STAFF 11-20-03 PC

MOD-3069 - SIGNATURE HOMES ON BEHALF OF PLASTER DEVELOPMENT COMPANY
SOUTHWEST CORNER OF HORSE DRIVE AND THOM BOULEVARD
NOVEMBER 20, 2003 PLANNING COMMISSION

10/01/03