City of Las Vegas

Agenda Item No. 53

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
RESOLUTIONS:

R-71-2004 - Approval of a Resolution to establish a twenty percent minimum fund balance for the Group Insurance Internal Service Fund (ISF) based on prior year expenditures

Fiscal Impact

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

PURPOSE/BACKGROUND:
A recent City Auditor report found that our Group Insurance Internal Service Fund (ISF) did not have a formal policy on fund balance reserves similar to those established for our Workers Compensation and Liability ISFs. This resolution formalizing our policy will satisfy the audit recommendation, and formally establish a policy that ensures funds are available to cover insurance claims incurred but not yet recorded.

RECOMMENDATION:
Staff recommends approval of the Resolution for the establishment of a twenty percent minimum fund balance in the Group Insurance ISF

BACKUP DOCUMENTATION:
Resolution No. R-71-2004

MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

Items 43-46 & 55: **APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66 **STRICKEN under separate actions** (see individual items)

MINUTES:
There was no related discussion.

(9:43 – 9:45)
1-988

R-71-2004

RESOLUTION ESTABLISHING A MINIMUM FUND BALANCE REQUIREMENT FOR THE GROUP INSURANCE INTERNAL SERVICE FUND OF THE CITY OF LAS VEGAS

WHEREAS, the City Council desires to establish a minimum fund balance for the Group Insurance Internal Service Fund (ISF) for the purpose of ensuring funds are available to cover insurance claims incurred but not recorded (IBNR); and

WHEREAS, internal service fund accounts for all revenue and expenditures as they pertain to the group insurance plans maintained by the City; and

WHEREAS, the minimum fund balance will be maintained at a level not less than twenty percent of the prior year expenditures.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, THAT the Group Insurance Internal Service Fund will maintain a minimum fund balance equal to twenty percent of the prior year expenditures.

PASSED, ADOPTED, AND APPROVED this 21 day of April, 2004.

CITY OF LAS VEGAS

By ______________________
OSCAR B. GOODMAN, Mayor

ATTEST:

____
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

______________________ 4-6-04

City of Las Vegas

Agenda Item No. 54

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

SUBJECT:
RESOLUTIONS:

R-72-2004 - Approval of a Resolution Amending Schedule 25-I, 30 MPH Speed Limits, to Add a Speed Limit of 30 MPH on Greenmoor Lane between Pavilion Center Drive and Anasazi Way; Laurelglen Drive between Pavilion Center Drive and Sageberry Drive; Park Run Drive between Pavilion Center Drive and Town Center Drive; Pavilion Center Drive between Charleston Boulevard and Laurelglen Drive; and Sageberry Drive between Pavilion Center Drive and Laurelglen Drive - Ward 2 (L.B. McDonald)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The above-named roadways have been posted 30 mph by the developer. Staff conducted traffic studies on these roadways and found that the 85th percentile speeds ranged from 35 to 49 mph. Staff is requesting that a 30 mph speed limit be established on these roadways so they could be posted to the Traffic Schedule.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
1. Map
2. Resolution No. R-72-2004

MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

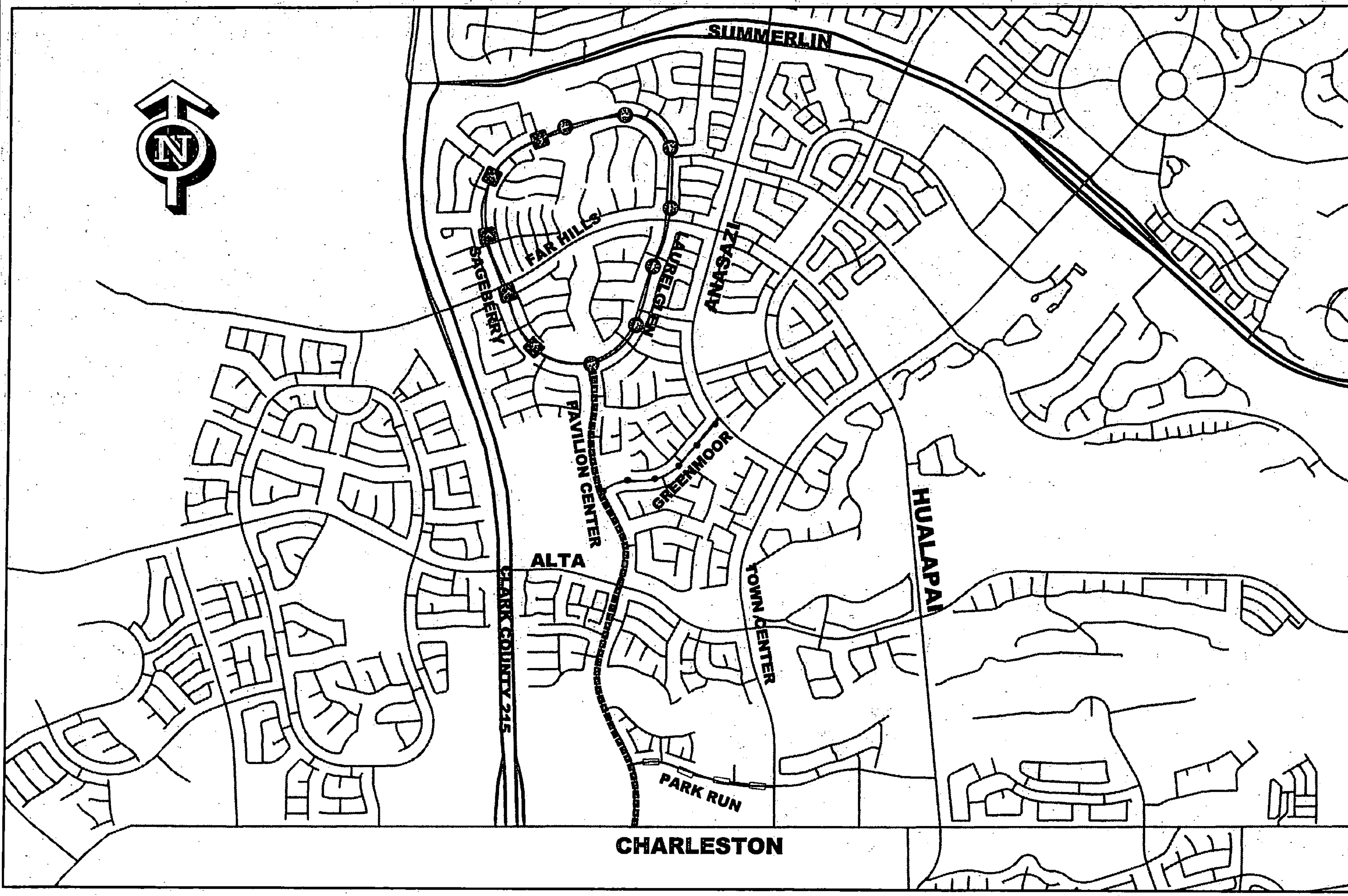
Items 43-46 & 55:	**APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66	**STRICKEN under separate actions** (see individual items)

MINUTES:
There was no related discussion.

(9:43 – 9:45)

1-988

PROPOSED 30 MPH SPEED LIMITS



SAGEBERRY DR - PAVILION CENTER DR TO LAUREL GLENN DR
LAURELGLEN DR - PAVILION CENTER DR TO SAGEBERRY DR
GREENMOOR LN - PAVILION CENTER DR TO ANASAZI DR
PAVILION CENTER DR - CHARLESTON BLVD TO LAURELGLEN DR
PARK RUN DR - PAVILION CENTER DR TO TOWN CENTER DR

RESOLUTION NO. R-72-2004

WHEREAS, various sections of TITLE 11 of the Las Vegas Municipal Code allow for additions to and corrections of the schedules which are established in the respective sections to be effected by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the City Traffic Engineer that the following additions and corrections be made in said schedules;

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada, that the following schedules pertaining to TITLE 11 of the City Code be amended as follows:

Schedule 25-I be amended to **add** the following 30 MPH Speed Limit Zones:

STREET	FROM	TO
Greenmoor Ln	Pavilion Center Dr	Anasazi Wy
Laurelglen Dr	Pavilion Center Dr	Sageberry Dr
Park Run Dr	Pavilion Center Dr	Town Center Dr
Pavilion Center Dr	Charleston Blvd	Laurelglen Dr
Sageberry Dr	Pavilion Center Dr	Laurelglen Dr

OSCAR GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 55

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLI C WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

SUBJECT:
RESOLUTIONS:

R-73-2004 - Approval of a Resolution Amending Schedule 25-II, 35 MPH Speed Limits, to Add a Speed Limit of 35 MPH on Washington Avenue between Martin L. King Boulevard and D Street - Ward 5 (Weekly)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Washington Avenue between Martin L. King Boulevard and D Street was posted 35 mph with roadway improvements. Staff conducted traffic studies on this roadway and found that the 85^{th} percentile speed was 44 mph. Staff is requesting that a 35 mph speed limit be established so it could be posted to the Traffic Schedule.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
1. Map
2. Resolution No. R-73-2004

MOTION:
WEEKLY – APPROVED as recommended – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
Under Item 3, COUNCILMAN WEEKLY requested this matter be pulled for discussion, because he was concerned about the possibility of the speed limit in this area being increased. RICHARD GOECKE, Director, Public Works Department, reviewed the information under the Purpose/Background section. He noted that posting the speed limit on the Traffic Schedule would legitimize it, thus, avoiding problems should any citations be issued.

(9:45 – 9:47)

PROPOSED 35 MPH SPEED LIMITS

WASHINGTON AVE - M. L. KING BLVD TO D ST

RESOLUTION NO. R-73-2004

WHEREAS, various sections of TITLE 11 of the Las Vegas Municipal Code allow for additions to and corrections of the schedules which are established in the respective sections to be effected by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the City Traffic Engineer that the following additions and corrections be made in said schedules;

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada, that the following schedules pertaining to TITLE 11 of the City Code be amended as follows:

Schedule 25-II be amended to **delete** the following 35 MPH Speed Limit Zone:

STREET	FROM	TO
Washington Ave	D St	Nellis Blvd

Schedule 25-II be amended to **add** the following 35 MPH Speed Limit Zone:

STREET	FROM	TO
Washington Ave	Martin L. King Blvd	Nellis Blvd

OSCAR GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 56

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

SUBJECT:
RESOLUTIONS:

R-74-2004 - Approval of a Resolution Amending Schedule 25-IV, 45 MPH Speed Limits, to Add a Speed Limit of 45 MPH on Charleston Boulevard between the 215 Beltway and Hualapai Way - Ward 2 (L.B. McDonald)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Charleston Boulevard between the 215 Beltway and Hualapai Way was posted 45 mph by the developer. Staff conducted traffic studies on this roadway and found that the 85th percentile speed was 54 mph. Staff is requesting that a 45 mph speed limit be established so it could be posted to the Traffic Schedule.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
1. Map
2. Resolution No. R-74-2004

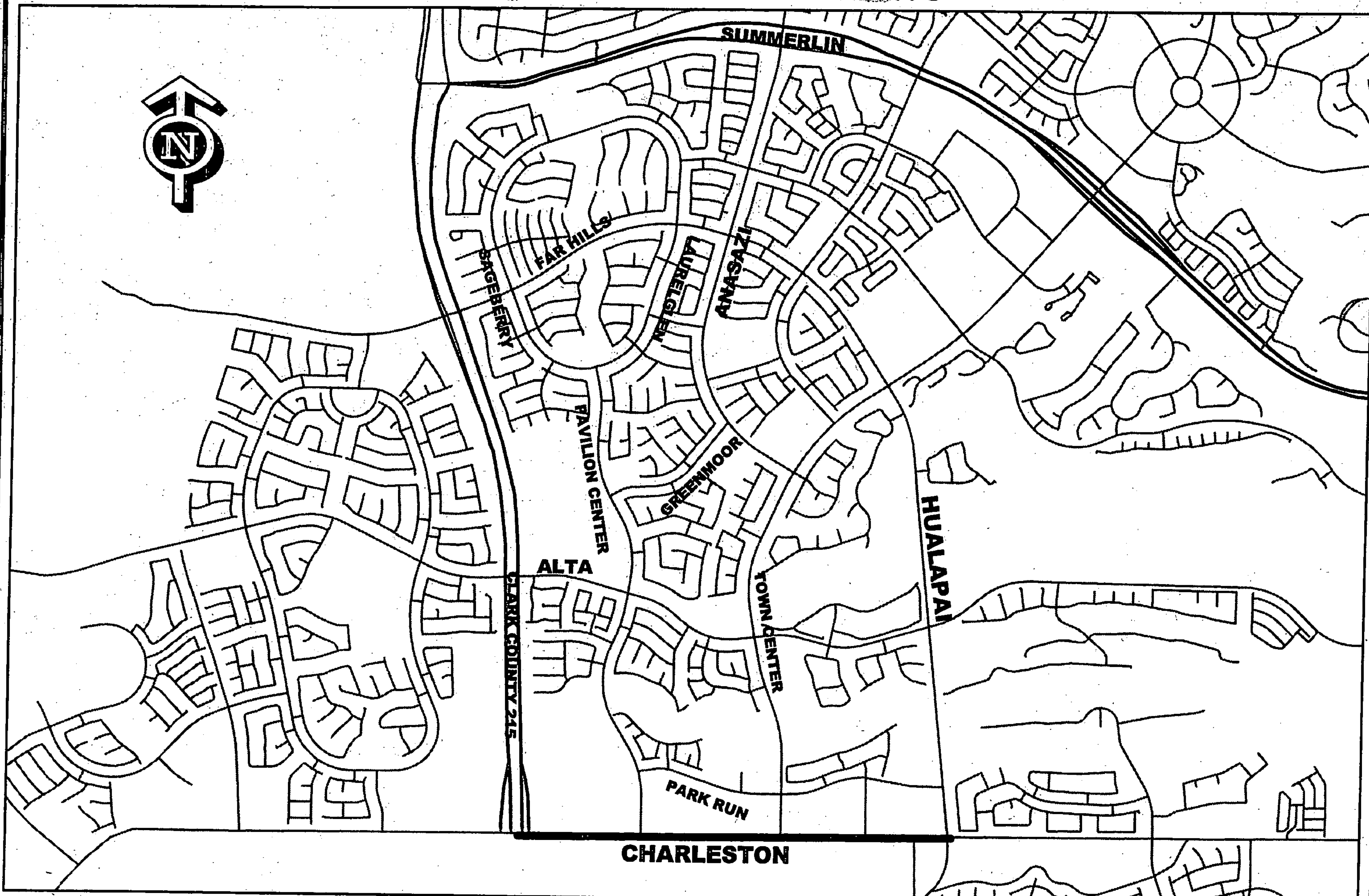
MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

Items 43-46 & 55:	**APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66	**STRICKEN under separate actions** (see individual items)

MINUTES:
There was no related discussion.

(9:43 – 9:45)
1-988

PROPO[illegible]ED 45 MPH SPEED L[illegible]TS



CHARLESTON BLVD - 215 BELTWAY TO HUALAPAI WAY

RESOLUTION NO. R-74-2004

WHEREAS, various sections of TITLE 11 of the Las Vegas Municipal Code allow for additions to and corrections of the schedules which are established in the respective sections to be effected by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the City Traffic Engineer that the following additions and corrections be made in said schedules;

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada, that the following schedules pertaining to TITLE 11 of the City Code be amended as follows:

Schedule 25-IV be amended to **delete** the following 45 MPH Speed Limit Zone:

STREET	FROM	TO
Charleston Blvd	Hualapai Wy	Martin L. King Blvd

Schedule 25-IV be amended to **add** the following 45 MPH Speed Limit Zone:

STREET	FROM	TO
Charleston Blvd	215 Beltway	Martin L. King Blvd

OSCAR GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 57

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

SUBJECT:
RESOLUTIONS:

R-75-2004 - Approval of a Resolution Amending Schedule 25-II, 35 MPH Speed Limits, to Add a Speed Limit of 35 MPH on Azure Drive between US 95 and Tenaya Way; Bradley Road from the 215 Beltway to the north City limits; Centennial Center Boulevard between Ann Road and Durango Drive; Farm Road between Durango Drive and Tenaya Way; Farm Road between Jones Boulevard and Decatur Boulevard; Tenaya Way between Ann Road and Skypointe Drive; and Tropical Parkway between Durango Drive and US 95 - Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The above-named roadways have been posted 35 mph by the developer. Staff conducted traffic studies on these roadways and found that the 85th percentile speeds ranged from 46 to 49 mph. Staff is requesting that a 35 mph speed limit be established on these roadways so they could be posted to the Traffic Schedule.

RECOMMENDATION:
Traffic and Parking Commission: Approval
Staff: Approval

BACKUP DOCUMENTATION:
1. Map
2. Resolution No. R-75-2004

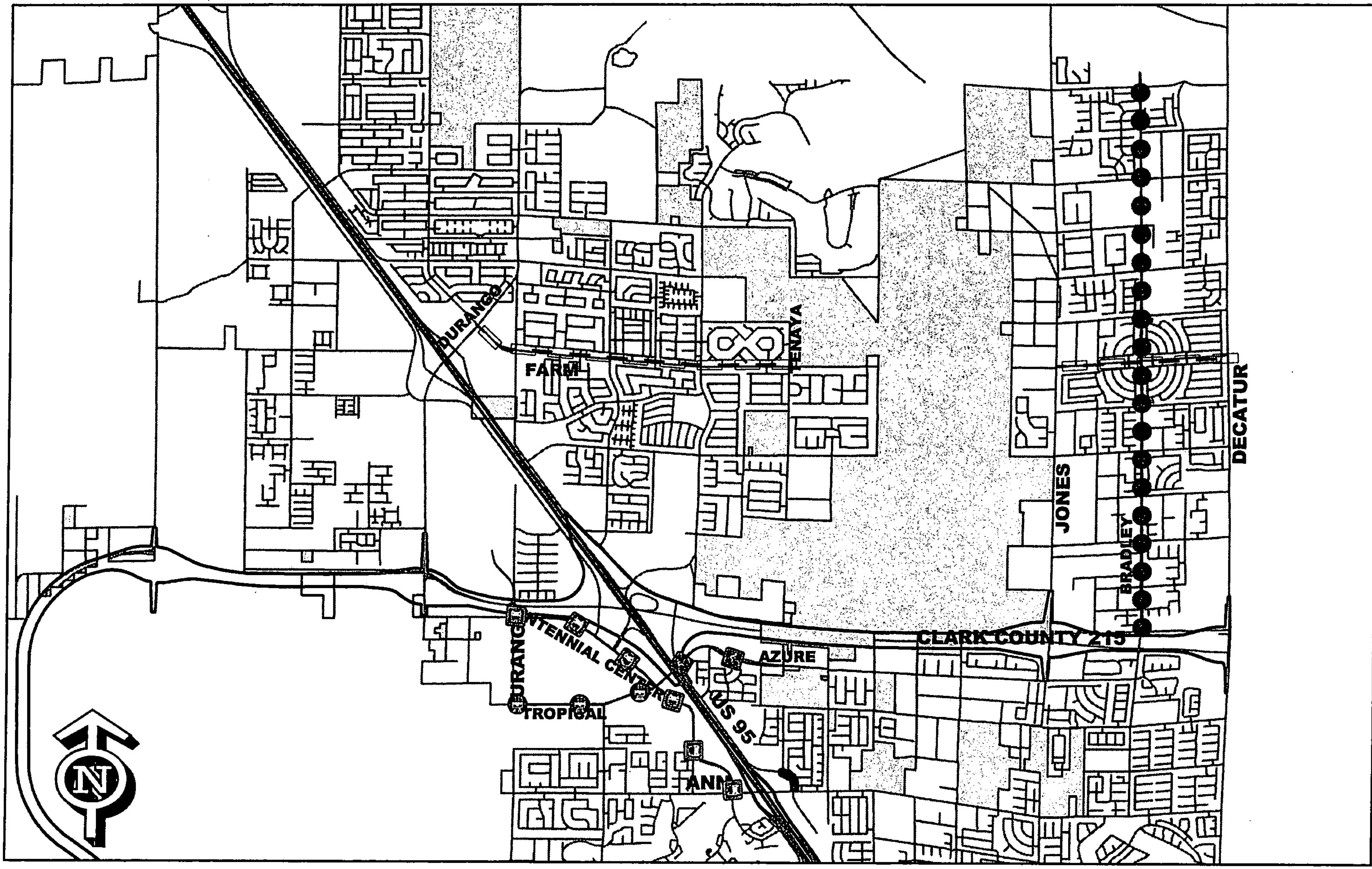
MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

Items 43-46 & 55: **APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66 **STRICKEN under separate actions** (see individual items)

MINUTES:
There was no related discussion.

(9:43 – 9:45)
1-988

PROPOSED 35 MPH SPEED LIMITS



AZURE DR - US95 TO TENAYA WAY
FARM RD - DURANGO DR TO TENAYA WAY; JONES BLVD TO DECATUR BLVD
BRADLEY RD - 215 BELTWAY TO NORTH CITY LIMITS
CENTENNIAL CENTER BLVD - ANN RD TO DURANGO DR
TROPICIAL PKWY - DURANGO DR TO US95
TENAYA WAY - ANN RD TO SKYPOINTE DR

RESOLUTION NO. R-75-2004

WHEREAS, various sections of TITLE 11 of the Las Vegas Municipal Code allow for additions to and corrections of the schedules which are established in the respective sections to be effected by Resolution; and

WHEREAS, it has been determined and recommended by the Traffic and Parking Commission and the City Traffic Engineer that the following additions and corrections be made in said schedules;

NOW, THEREFORE, be it resolved by the City Council of the City of Las Vegas, Nevada, that the following schedules pertaining to TITLE 11 of the City Code be amended as follows:

Schedule 25-II be amended to **delete** the following 35 MPH Speed Limit Zones:

STREET	FROM	TO
Bradley Rd	Ann Rd	Beltway
Tenaya Way	Sky Pointe Drive	north City limits

Schedule 25-II be amended to **add** the following 35 MPH Speed Limit Zones:

STREET	FROM	TO
Azure Dr	US 95	Tenaya Wy
Bradley Rd	Ann Rd	north City limits
Centennial Center Blvd	Ann Rd	Durango Dr
Farm Rd	Durango Dr	Tenaya Wy
Farm Rd	Jones Blvd	Decatur Blvd
Tenaya Way	Ann Rd	north City limits
Tropical Pkwy	Durango Dr	US 95

OSCAR GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

City of Las Vegas

Agenda Item No. 58

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 488 acres of land commonly known as APNs 125-01-001-001 and 125-01-701-001 located in the vicinity of Decatur Boulevard and Moccasin Road for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $100 filing fee
[X]	**Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
[ ]	**Augmentation Required**	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:
1. Application
2. Site Map

MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

Items 43-46 & 55:	**APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66	**STRICKEN under separate actions** (see individual items)

MINUTES:
COUNCILMAN WEEKLY reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve Item Nos. 58 and 61.

(9:43 – 9:45)

1-988

Form 2740-1
(August 1994)

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Date	Serial Number *(BLM use only)*
4-21-04	

Home phone *(include area code)*

1a. Applicant's name	b. Address *(include zip code)*	Business phone *(include area code)*
City of Las Vegas	400 E. Stewart Ave. Las Vegas, NV 89101	(702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
Lots 5-16	1	19S	60E	mount Diablo

County of	State of	Containing *(acres)*
Clark	NV	488

3a. Application is for ☒ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☒ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See attached Plan of Development

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

Authority is derived from Chapter 268 of NRS and the Charter for the City of Las Vegas adopted by the Nevada Legistature, Chapter 515, Statutes of Nevada 1971, p.1063.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or Public purposes pursuant to the Recreation and Public urposes Act, consider this application as a petition for such classification.

Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature David Roy...	Date

itle 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.

3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.

4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

   b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.

   c. Type and general location of all proposed improvements, including public access *(roads, trails, etc.)*. This showing may

Item

blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

   d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.

   e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.

   f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.

   g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature	Date
David Koop	

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.

3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.

4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

   b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.

   c. Type and general location of all proposed improvements, including public access *(roads, trails, etc.)*. This showing may blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

   d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.

   e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.

   f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.

   g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.

Item

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or

APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

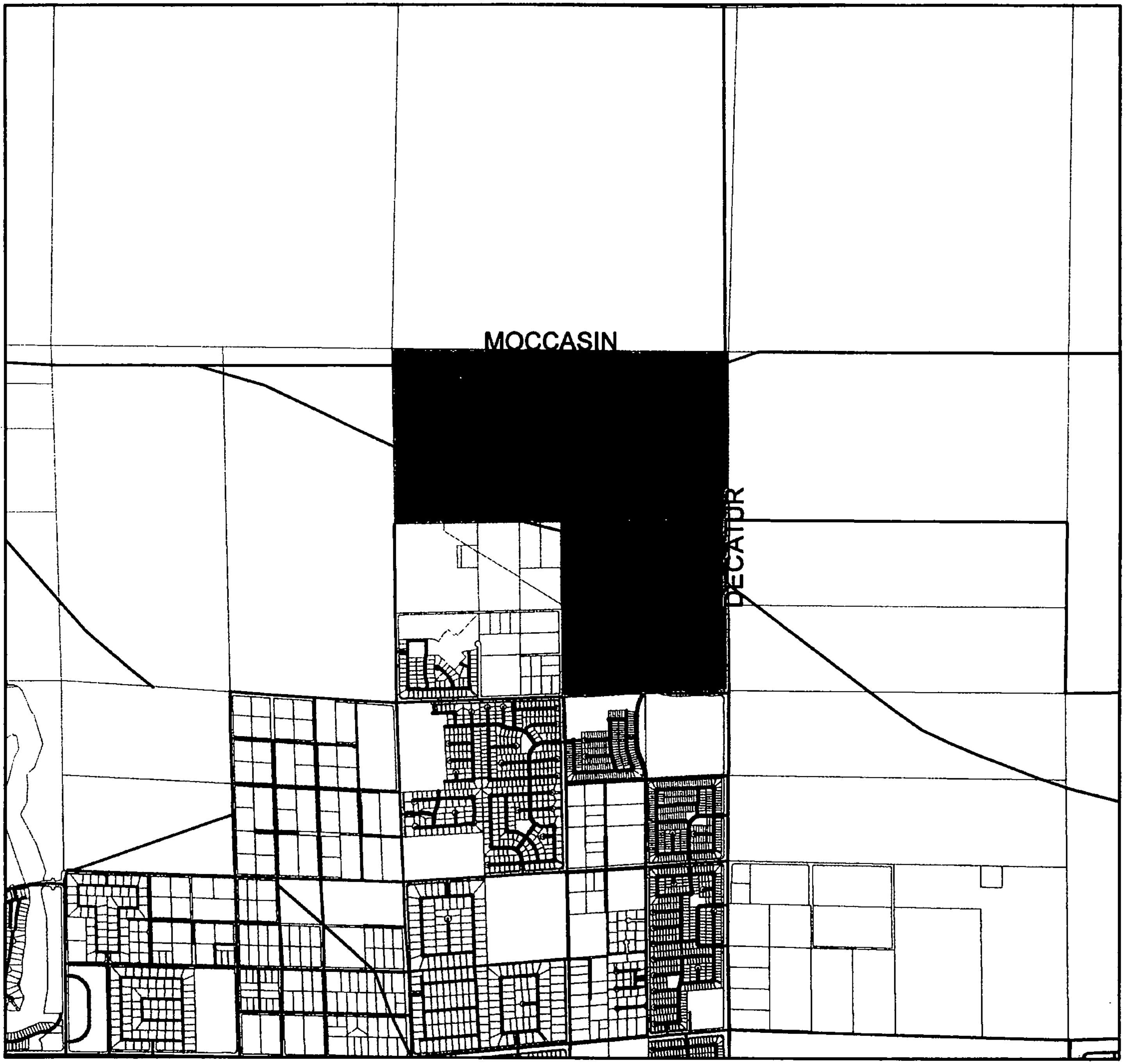
Mount Diablo Base & Meridian, Nevada

Township 19 South, Range 60 East,
Section : 1
Government Lots: 5-16

Consisting of approximately 488 acres

ATTACHMENT 1

SITE MAP



Site Map

Legend

Selected Site

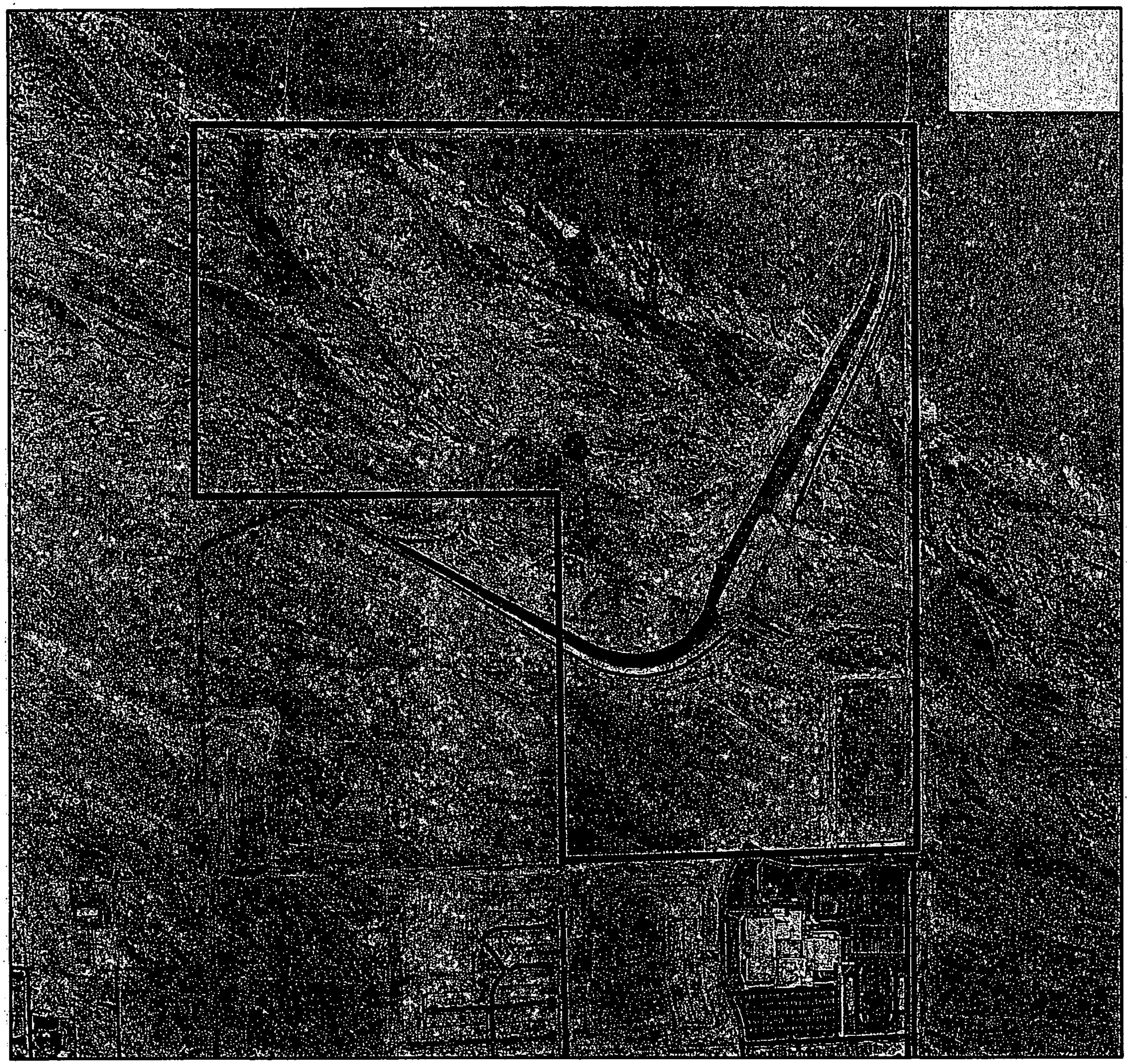
Street Centerline

Parcels

Real Estate & Asset Mgmnt

N

3/31/2004



Site Map

Legend

- Street Centerline
- scl_majors
- City of Las Vegas
- USA
- Leased
- Applied
- County of Clark

Real Estate & Asset Mgmnt

N

3/8/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase.
A complete plan of development along with maps will be submitted at a later date.

Work would include:

- Street Grading and Paving
- Offsite Improvements
- Composition Paths
- Street Striping and Signage
- Site Earthwork
- Site Electrical
- Walking Path
- Dumpsite Enclosure
- Landscaping
- Playground
- Restrooms
- Volleyball Court
- Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

As the City of Las Vegas continues to grow, increased demands will be placed upon the City to provide for new parks and recreation facilities for existing and future residents.

It is imperative for the City of Las Vegas to plan, acquire and develop parks and recreational facilities in a timely manner, to ensure that these services will be available when needed. The City intends on phasing its park development as the demand for recreational facilities increases. Due to revenue reform at the state and federal levels and the budget constraints of a growing community, the City finds it necessary to minimize the cost of park site acquisition.

It is intended that this project will provide a location where individual recreational needs will be possible. The park will be geared to all ages and abilities. The facility will include individual group picnic shelters, parking, restrooms, tot lot play area, walking paths, and open spaces.

MANAGEMENT PLAN

The City of Las Vegas Agrees to the following commitments which will be incorporated by reference in the conveyance of the subject land:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use the park than is changed at other comparable installations managed by State and local agencies. The City Council will submit to the Bureau of Land Management a schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modifications by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

3. To develop and manage the land in accordance with the approved program of utilization submitted with this application.

4. To secure the approval of the Secretary of the Interior or his delegate on all plans of construction prior to commencing actual construction.

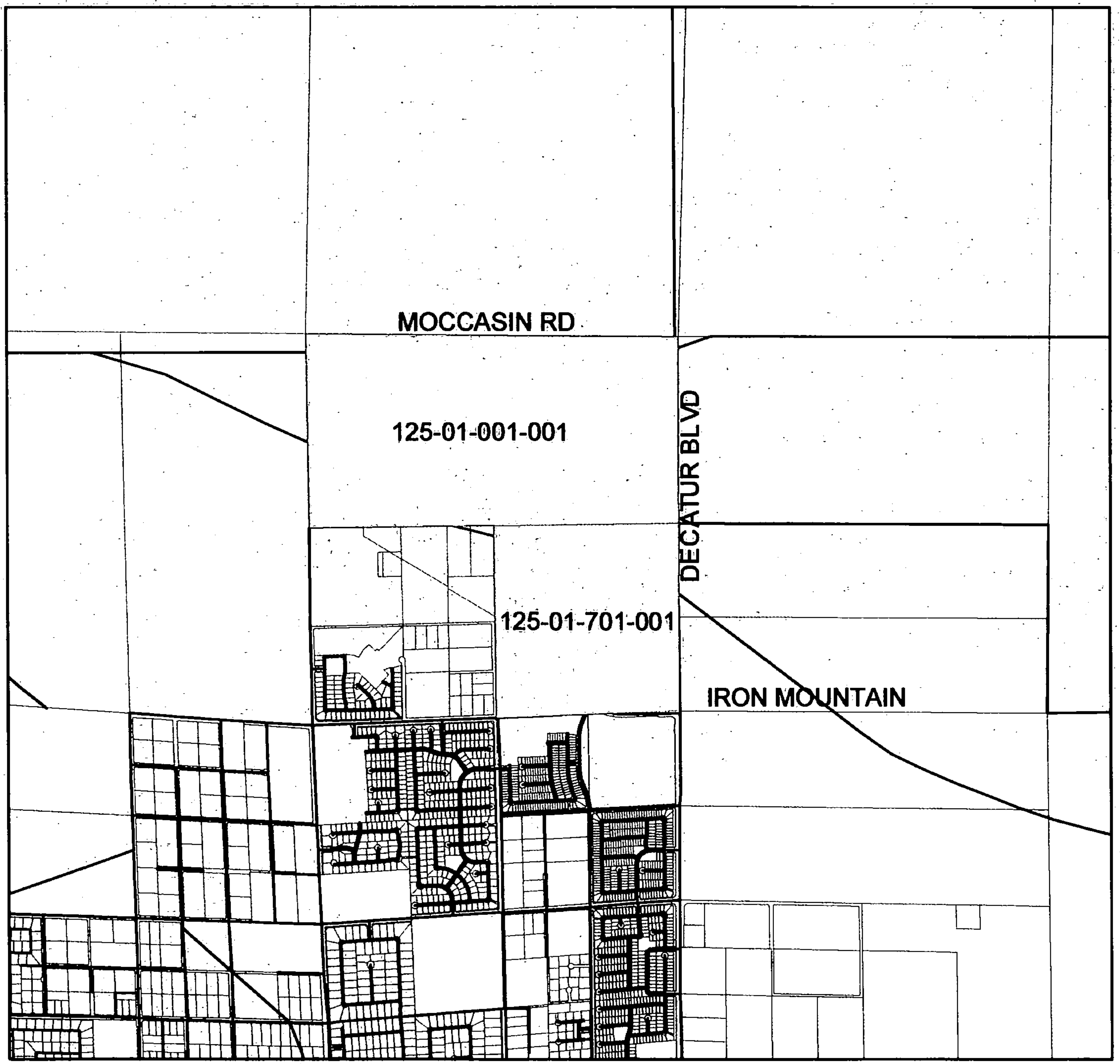
5. To maintain in satisfactory condition the facilities on this land.

FUNDING

It is anticipated the City of Las Vegas will provide for the construction of the facilities with general funds, future park bonds and Residential Construction Impact Fees.

MAINTENANCE

The City of Las Vegas agrees to maintain the Park Site in a satisfactory manner during all phases of development. Funding for maintenance and custodial services shall become a part of the annual operating budgets.



Site Map

Legend

Selected Site

Street Centerline

Parcels

Real Estate & Asset Mgmnt

N

4/5/2004

City of Las Vegas

Agenda Item No. 59

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as APN 126-02-101-005 located south of Moccasin Road and west of Puli Drive for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ] No Impact	**Amount:** $100 filing fee	
[X] Budget Funds Available	**Dept./Division:** Public Works/Real Estate	
[ ] Augmentation Required	**Funding Source:** PW/Real Estate/Rental of Land	

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommended striking this item

BACKUP DOCUMENTATION:
1. Application
2. Site Map

MOTION:
REESE – Motion to bring forward and STRIKE Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)
1-881

Form 2740-1
(August 1994)

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Date: 4-21-04

Serial Number *(BLM use only)*:

Home phone *(include area code)*:

1a. Applicant's name: City of Las Vegas

b. Address *(include zip code)*: 400 E. Stewart Ave. Las Vegas, NV 89101

Business phone *(include area code)*: (702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
Lots 24 & 29	2	19S.	59E	Mount Diablo

County of: Clark

State of: NV

Containing *(acres)*: 10

3a. application is for ☒ Lease ☒ Purchase *(If lease, indicate year*)

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See attached Plan of Development

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

Authority is derived from Chapter 268 of NRS and the Charter for the City of Las Vegas adopted by the Nevada Legistature, Chapter 515, Statutes of Nevada 1971,p.1063.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or Public purposes pursuant to the Recreation and Public urposes Act, consider this application as a petition for such classification.

(Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature	Date

itle 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.

3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.

4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

   b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.

   c. Type and general location of all proposed improvements, including public access *(roads, trails, etc.)*. This showing may

Item

blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

   d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.

   e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.

   f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.

   g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or

APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

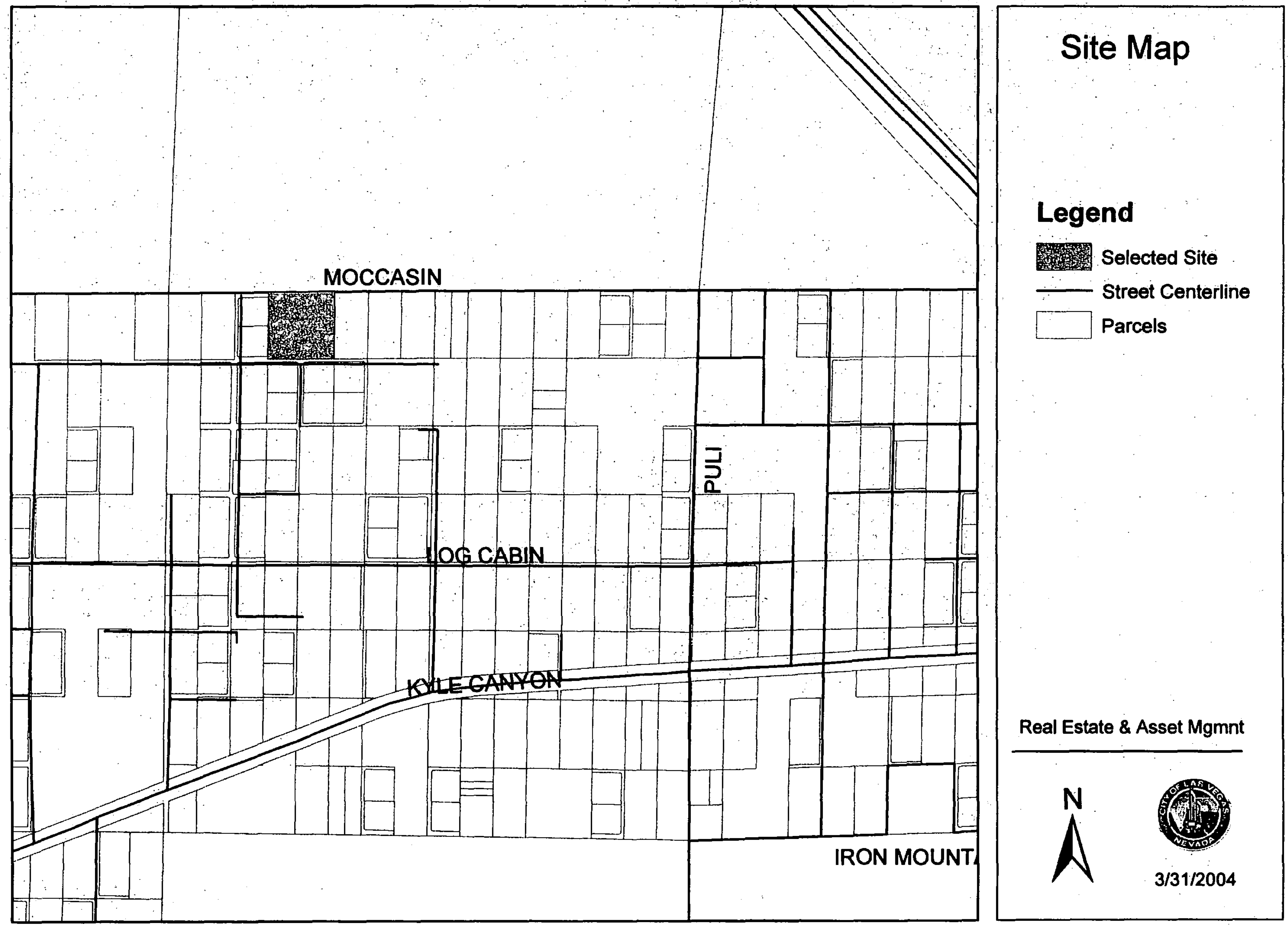
Mount Diablo Base & Meridian, Nevada

Township 19 South, Range 59 East,
Section : 2
Government Lots: 24 & 29

Consisting of approximately 10 acres

ATTACHMENT 1

SITE MAP


Site Map
Legend
Selected Site
Street Centerline
Parcels
MOCCASIN
PULI
LOG CABIN
KYLE CANYON
IRON MOUNT
Real Estate & Asset Mgmnt
N
CITY OF LAS VEGAS NEVADA
3/31/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase. A complete plan of development along with maps will be submitted at a later date.

Work would include:

- Street Grading and Paving
- Offsite Improvements
- Composition Paths
- Street Striping and Signage
- Site Earthwork
- Site Electrical
- Walking Path
- Dumpsite Enclosure
- Landscaping
- Playground
- Restrooms
- Volleyball Court
- Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

As the City of Las Vegas continues to grow, increased demands will be placed upon the City to provide for new parks and recreation facilities for existing and future residents.

It is imperative for the City of Las Vegas to plan, acquire and develop parks and recreational facilities in a timely manner, to ensure that these services will be available when needed. The City intends on phasing its park development as the demand for recreational facilities increases. Due to revenue reform at the state and federal levels and the budget constraints of a growing community, the City finds it necessary to minimize the cost of park site acquisition.

It is intended that this project will provide a location where individual recreational needs will be possible. The park will be geared to all ages and abilities. The facility will include individual group picnic shelters, parking, restrooms, tot lot play area, walking paths, and open spaces.

MANAGEMENT PLAN

The City of Las Vegas Agrees to the following commitments which will be incorporated by reference in the conveyance of the subject land:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use the park than is changed at other comparable installations managed by State and local agencies. The City Council will submit to the Bureau of Land Management a schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modifications by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

3. To develop and manage the land in accordance with the approved program of utilization submitted with this application.

4. To secure the approval of the Secretary of the Interior or his delegate on all plans of construction prior to commencing actual construction.

5. To maintain in satisfactory condition the facilities on this land.

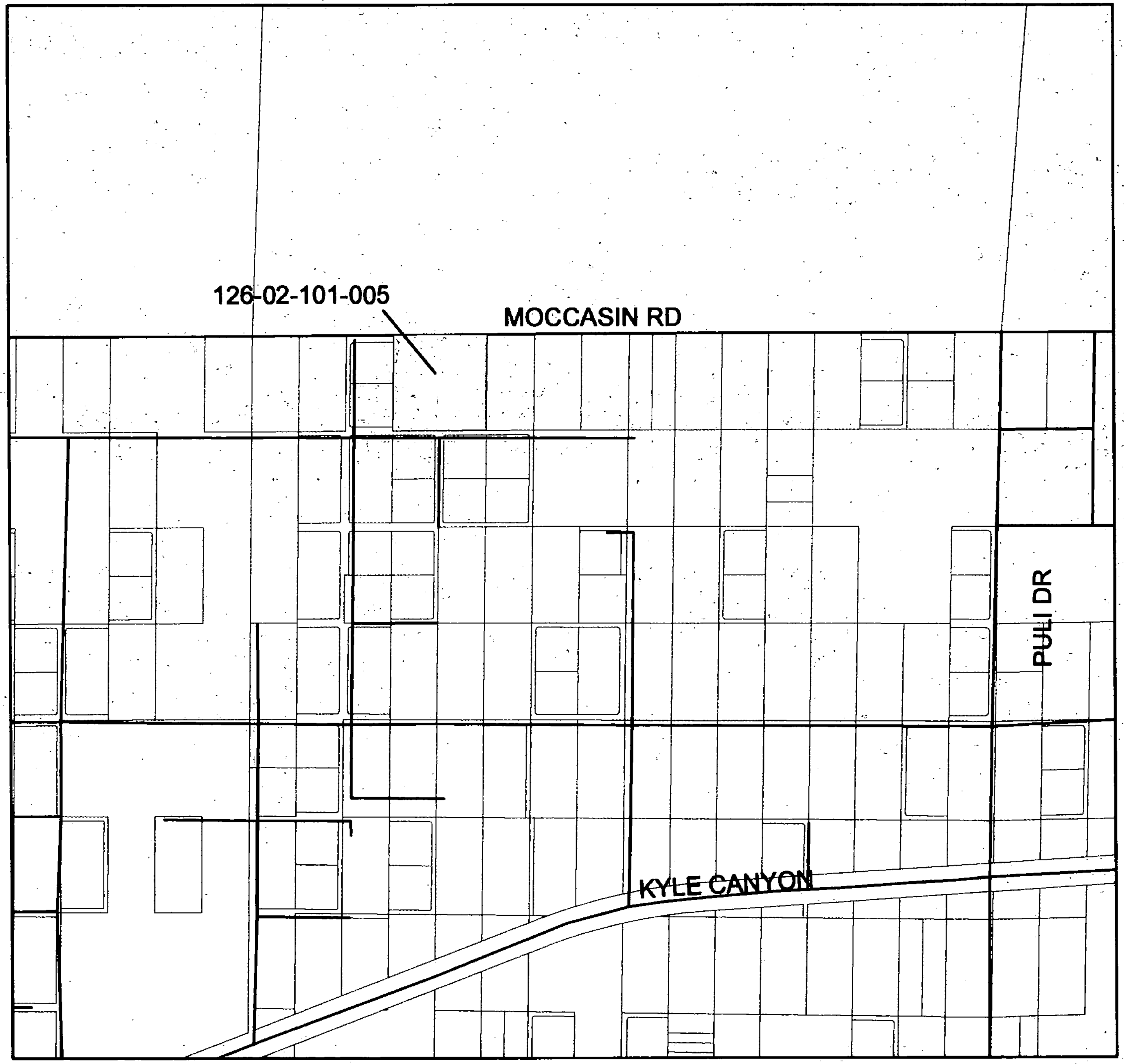
FUNDING

It is anticipated the City of Las Vegas will provide for the construction of the facilities with general funds, future park bonds and Residential Construction Impact Fees.

MAINTENANCE

The City of Las Vegas agrees to maintain the Park Site in a satisfactory manner during all phases of development. Funding for maintenance and custodial services shall become a part of the annual operating budgets.

Site Map



Legend

- Selected Site
- Street Centerline
- Parcels

Real Estate & Asset Mgmnt

N

4/5/2004

City of Las Vegas

Agenda Item No. 60

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE [X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 8 acres of land commonly known as APNs 126-02-401-002 and 126-02-401-004 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ] **No Impact**	**Amount:** $100 filing fee
[X] **Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
[ ] **Augmentation Required**	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:

Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:

The 4/19/2004 Real Estate Committee and staff recommended striking this item

BACKUP DOCUMENTATION:

1. Application
2. Site Map

MOTION:

REESE – Motion to bring forward and STRIKE Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:

There was no discussion.

(9:40 – 9:42)

1-881

Form 2740-1
(August 1994)

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Date	Serial Number *(BLM use only)*
4-21-04	

Home phone *(include area code)*

1a. Applicant's name	b. Address *(include zip code)*	Business phone *(include area code)*
City of Las Vegas	400 E. Stewart Ave. Las Vegas, NV 89101	(702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
E½NE¼SW¼SW¼, E½NW¼SW¼SW¼	2	19S.	59E.	mount Diablo

County of	State of	Containing *(acres)*
Clark	NV	8

3a. pplication is for ☒ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

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Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

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Applicant's Signature David Romf	Date

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
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SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

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Item

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APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

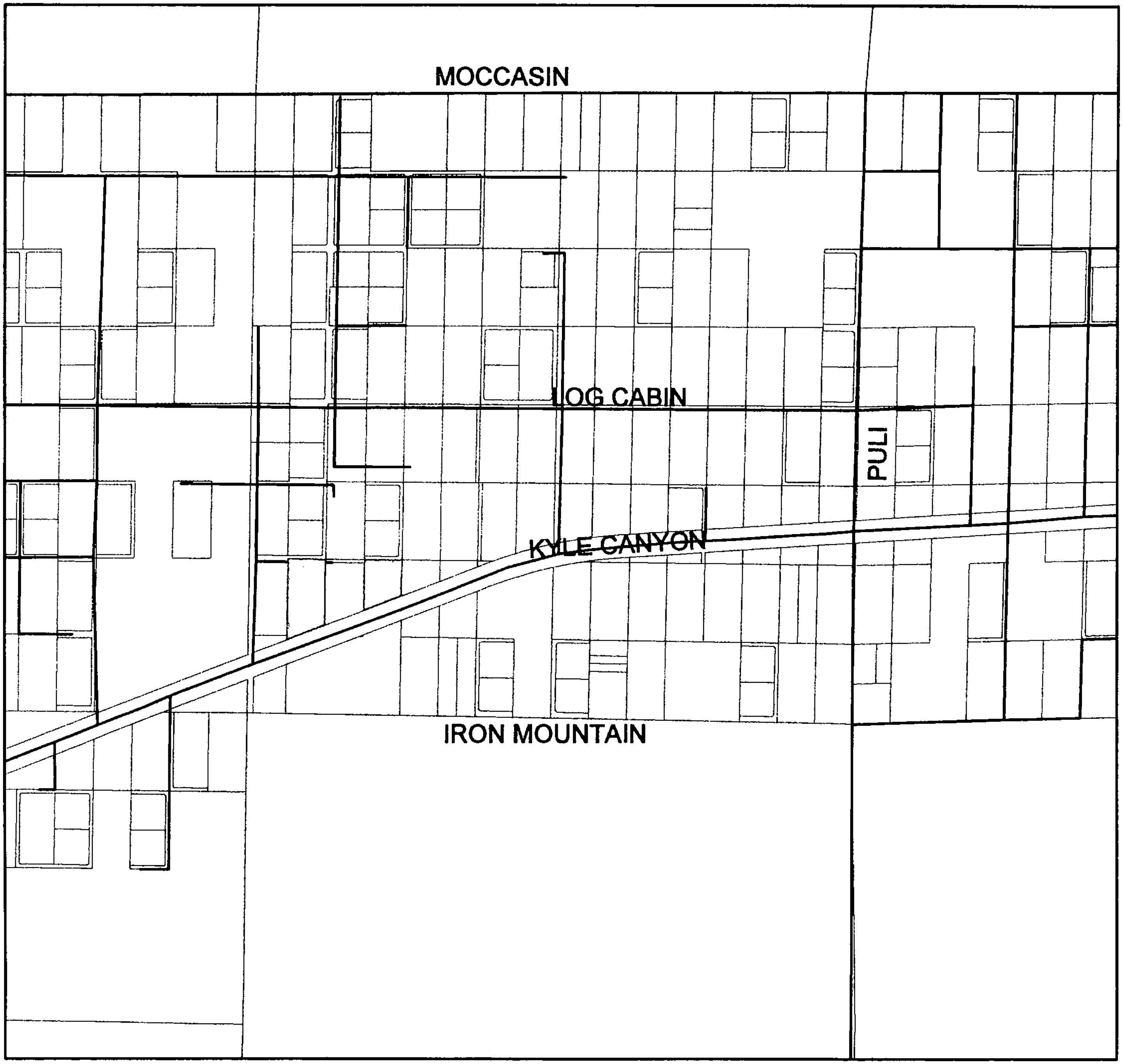
Mount Diablo Base & Meridian, Nevada

Township 19 South, Range 59 East,
Section : 2
E½NE¼SW¼SW¼, E½NW¼SW¼SW¼

Consisting of approximately 8 acres

ATTACHMENT 1

SITE MAP



Site Map

Legend

- Selected Sites
- Street Centerline
- Parcels

Real Estate & Asset Mgmnt

N

3/31/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase.
A complete plan of development along with maps will be submitted at a later date.

Work would include:

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Offsite Improvements
Composition Paths
Street Striping and Signage
Site Earthwork
Site Electrical
Walking Path
Dumpsite Enclosure
Landscaping
Playground
Restrooms
Volleyball Court
Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

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MAINTENANCE

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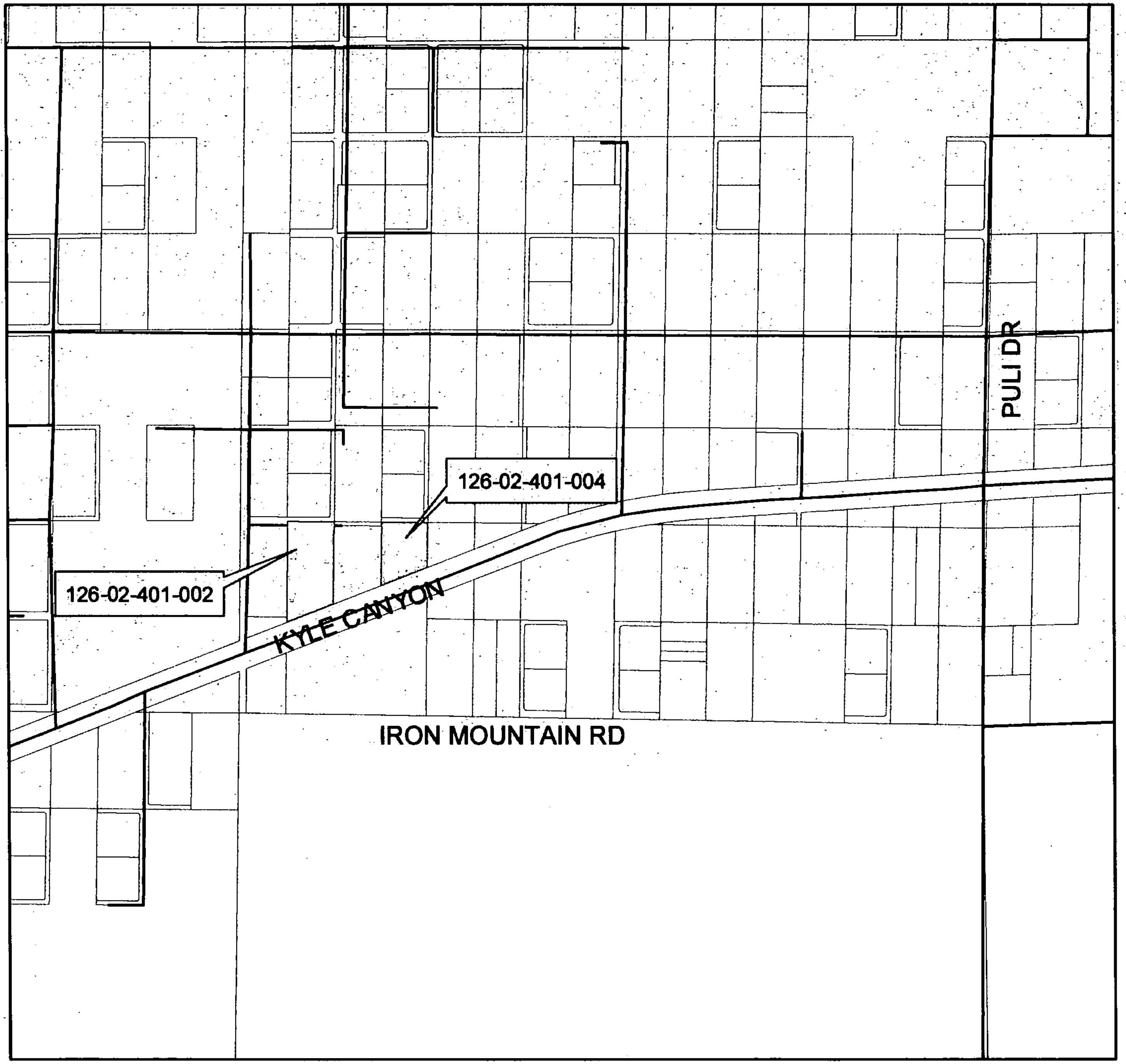

Site Map

Legend

Selected Site

Street Centerline

Parcels

Real Estate & Asset Mgmnt

N

4/5/2004

City of Las Vegas

Agenda Item No. 61

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] **CONSENT** [ ] **DISCUSSION**

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

Approval to authorize staff to purchase real property known as APN 139-34-612-026 located on the northeast corner of Carson Avenue and 8th Street from the State of Nevada Department of Conservation and Natural Resources Division of State Lands ($323,049.80 plus closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

Fiscal Impact

[ ]	**No Impact**	**Amount:** 323,049.80 + closing costs
[ ]	**Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
X	**Augmentation Required**	**Funding Source:** City Facilities Capital Project Fund

PURPOSE/BACKGROUND:
On 3/24/04 PW/REAM was notified of a public auction of the parcel referenced above. This is a vacant parcel of land for sale by the State. The appraisal value is $323,049.80, including appraisal/publication. Per NRS 277.050, the City can request a direct sale from the State for the appraisal value plus associated cost without having to competitively bid. Permission is requested to go forward with a direct sale of this property.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:
1. Notice of Public Auction
2. 4/6/04 Response Letter

MOTION:
REESE – APPROVED Items 3-42, 47-54, 56-58, 61, 67 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

Items 43-46 & 55:	**APPROVED under separate actions** (see individual items)
Items 59, 60 & 62-66	**STRICKEN under separate actions** (see individual items)

MINUTES:
COUNCILMAN WEEKLY reported that the Real Estate Committee met to review all of the Real Estate items on the consent agenda and joins with the recommendation of staff that the City Council approve Item Nos. 58 and 61.

(9:43 – 9:45)
1-988

NOTICE OF PUBLIC AUCTION SALE
APRIL 21, 2004

By THE STATE OF NEVADA, DIVISION OF STATE LANDS to be sold at public auction the following:

A VACANT PARCEL OF LAND
LOCATED ON THE NORTHEAST CORNER OF EIGHTH ST. AND CARSON AVENUE
LAS VEGAS, CLARK COUNTY, NEVADA
Clark County APN 139-34-612-026

The auction will be held at the Grant Sawyer Building 555 E. Washington St. Room #4412-E, Las Vegas, Nevada at 1:30 p.m. on April 21, 2004

MINIMUM BID IS $ 323,049.80 which includes appraisal costs and costs of publication pursuant to NRS 321.335. The buyer will also be responsible for closing costs. A deposit in the amount of **$ 32,305.00** which is 10% of the minimum bid in the form of a cashier's check or money order made payable to the State of Nevada is required the day of the auction. Cashier's checks must be drawn on an institution authorized to do business in the State of Nevada. Balance of the bid including the closing costs and costs of the appraisal and publication are due and payable to Stewart Title prior to 3:00 p.m. Friday May 21, 2004. The successful bidder's deposit is **non-refundable**. The State Land Registrar reserves the right to reject any and all bids and to cancel the sale in its entirety. Sale information will be posted and updated on the Internet at www.lands.nv.gov.

For more information about this property, the terms of the sale, to view the property, or to receive a bid package contact Division of State Lands, 333 West Nye Lane Room 118, Carson City, NV 89706, telephone 775-687-4364 ext 226 or dottie@lands.nv.gov.

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
I AWRENCE WEEKLY
IICHAEL MACK
.NET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

April 6, 2004

<u>VIA FACSIMILE @ (775) 687-3783</u>
ORIGINAL TO FOLLOW

Ms. Dorothy Hansen
Land Agent II
State of Nevada
Department of Conservation & Natural Resources
Division of State Lands
333 W. Nye Lane, Room #118
Carson City, NV 89706-0857

Re: Parcel Number 139-34-612-026/Vacant Land

Dear Ms. Hansen:

This letter is to inform you that the City has an interest in purchasing the above referenced parcel through a direct sale process per NRS 277.050. I will be placing an item on our April 21, 2004, City Council agenda requesting permission to proceed with the purchase for the appraised amount, plus other associated cost.

I am in receipt of the complete appraisal report you mailed to me and want to thank you for the prompt response.

If you have any questions, please contact my office at (702) 229-1021.

Sincerely,

David Roark

David Roark, Manager
Public Works/Real Estate & Assets

DR:jm

Cc: Steven P. Houchens, Deputy City Manager
Mark Vincent, Finance & Business Services Director
John McNellis, Deputy Public Works Director

hansen

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 Item No. 62

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 10 acres of land commonly known as APN 126-01-801-002 located in the vicinity of Iron Mountain Road and Hualapai Way for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $100 filing fee
[X]	**Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
[ ]	**Augmentation Required**	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommended striking this item

BACKUP DOCUMENTATION:
1. Application
2. Site Map

MOTION:
REESE – Motion to bring forward and STRIKE Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)

1-881

Form 2740-1
(August 1994)

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Date	Serial Number *(BLM use only)*
4-21-04	

Home phone *(include area code)*

1a. Applicant's name: City of Las Vegas

b. Address *(include zip code)*: 400 E. Stewart Ave. Las Vegas, NV 89101

Business phone *(include area code)*: (702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
N1/2 NE1/4 SW1/4 SE1/4, E1/2 NW1/4 SW1/4 SE1/4.	1	19S.	60E.	Mount Diablo

County of: Clark

State of: NV

Containing *(acres)*: 10

3a. Application is for ☒ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See attached Plan of Development

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

Authority is derived from Chapter 268 of NRS and the Charter for the City of Las Vegas adopted by the Nevada Legislature, Chapter 515, Statutes of Nevada 1971, p.1063.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or Public purposes pursuant to the Recreation and Public urposes Act, consider this application as a petition for such classification.

Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature David Roerig	Date

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
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4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

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   c. Type and general location of all proposed improvements, including public access *(roads, trails, etc.)*. This showing may

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blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

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APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

Mount Diablo Base & Meridian, Nevada

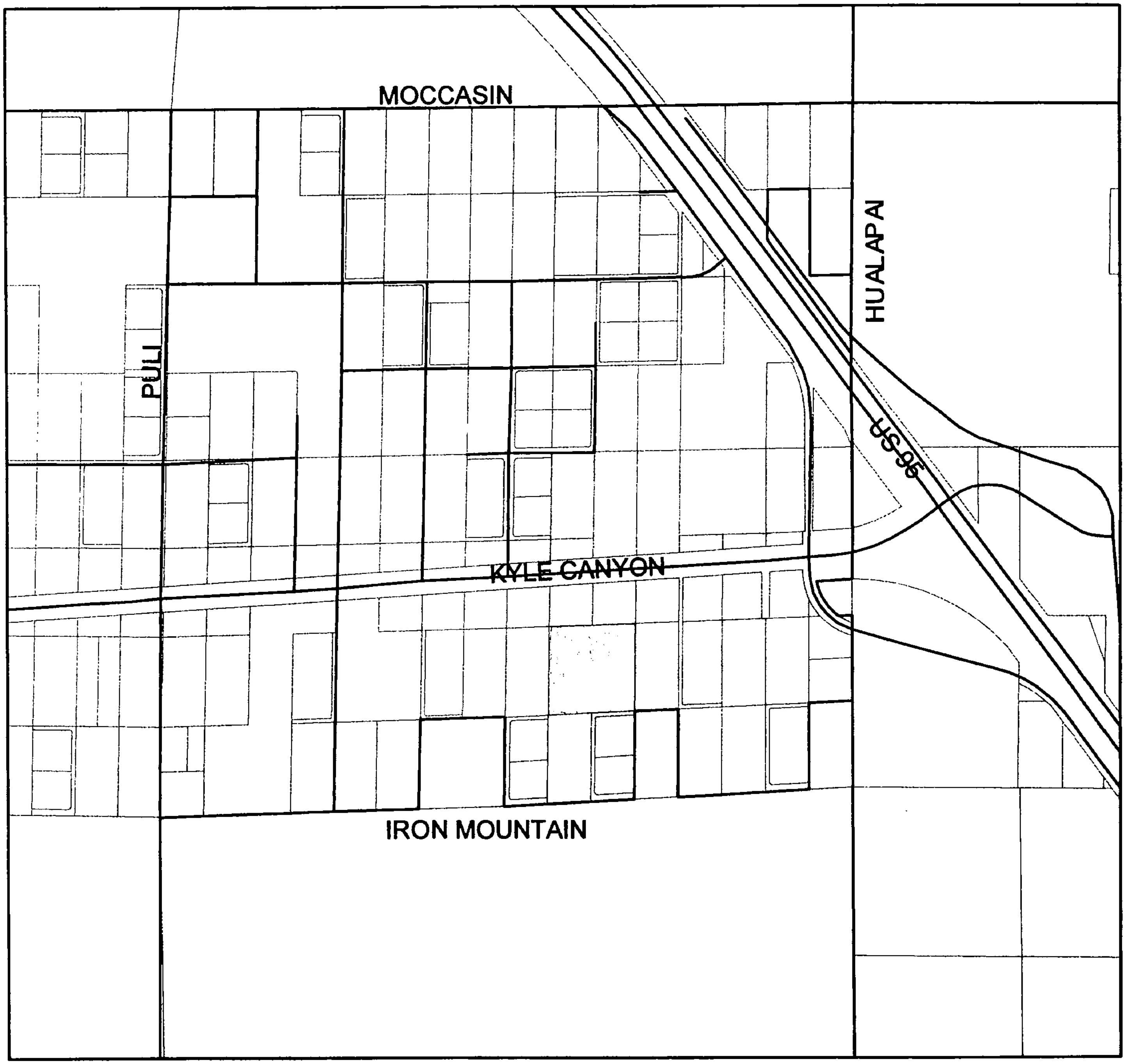
Township 19 South, Range 60 East,
Section : 1
W½NE¼SW¼SE¼, E½NW¼SW¼SE¼

Consisting of approximately 10 acres

ATTACHMENT 1

SITE MAP

Site Map



Legend

Selected Site
Street Centerline
Parcels

Real Estate & Asset Mgmnt

N

3/31/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase.
A complete plan of development along with maps will be submitted at a later date.

Work would include:

- Street Grading and Paving
- Offsite Improvements
- Composition Paths
- Street Striping and Signage
- Site Earthwork
- Site Electrical
- Walking Path
- Dumpsite Enclosure
- Landscaping
- Playground
- Restrooms
- Volleyball Court
- Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

As the City of Las Vegas continues to grow, increased demands will be placed upon the City to provide for new parks and recreation facilities for existing and future residents.

It is imperative for the City of Las Vegas to plan, acquire and develop parks and recreational facilities in a timely manner, to ensure that these services will be available when needed. The City intends on phasing its park development as the demand for recreational facilities increases. Due to revenue reform at the state and federal levels and the budget constraints of a growing community, the City finds it necessary to minimize the cost of park site acquisition.

It is intended that this project will provide a location where individual recreational needs will be possible. The park will be geared to all ages and abilities. The facility will include individual group picnic shelters, parking, restrooms, tot lot play area, walking paths, and open spaces.

MANAGEMENT PLAN

The City of Las Vegas Agrees to the following commitments which will be incorporated by reference in the conveyance of the subject land:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use the park than is changed at other comparable installations managed by State and local agencies. The City Council will submit to the Bureau of Land Management a schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modifications by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

3. To develop and manage the land in accordance with the approved program of utilization submitted with this application.

4. To secure the approval of the Secretary of the Interior or his delegate on all plans of construction prior to commencing actual construction.

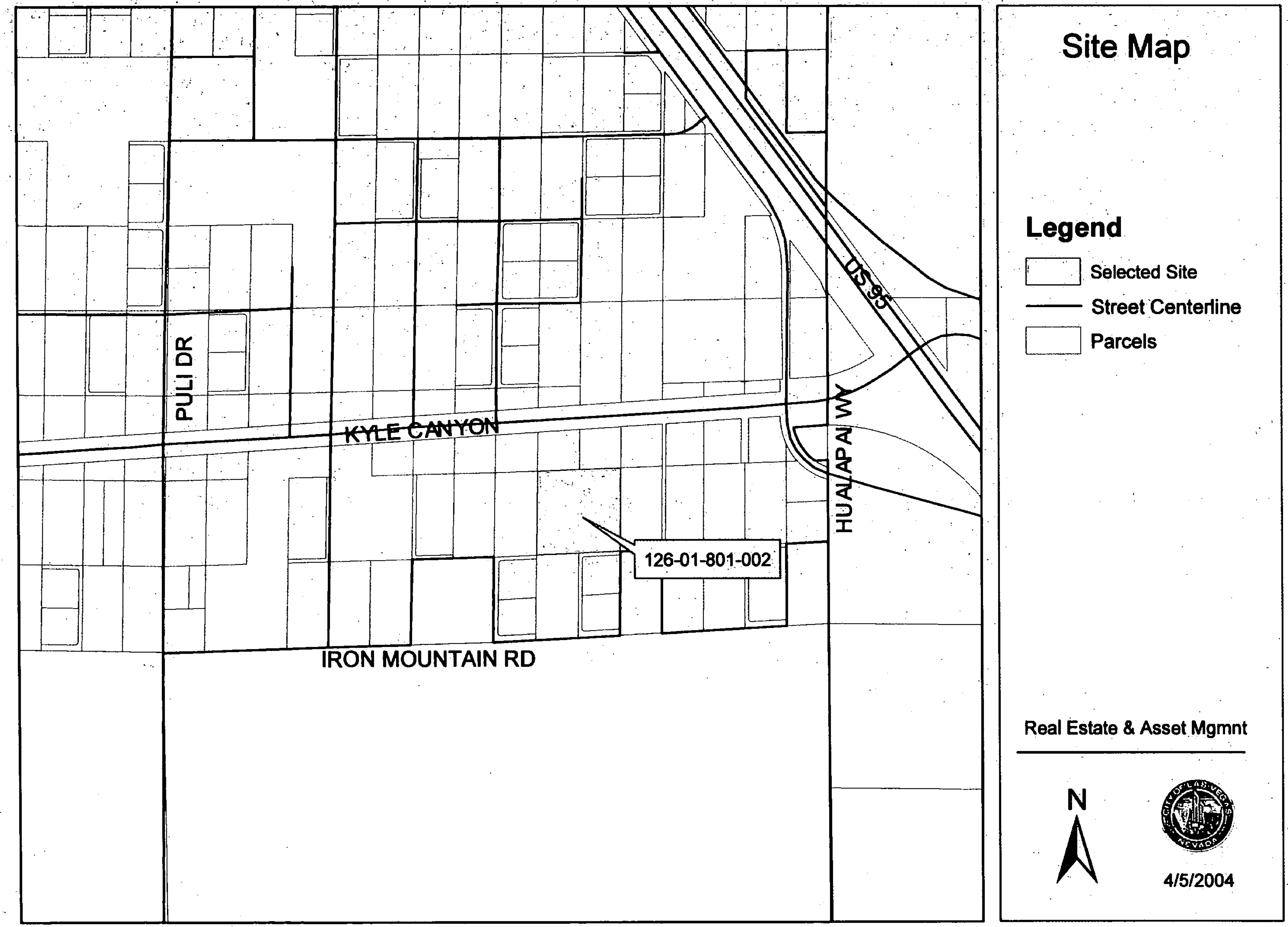
5. To maintain in satisfactory condition the facilities on this land.

FUNDING

It is anticipated the City of Las Vegas will provide for the construction of the facilities with general funds, future park bonds and Residential Construction Impact Fees.

MAINTENANCE

The City of Las Vegas agrees to maintain the Park Site in a satisfactory manner during all phases of development. Funding for maintenance and custodial services shall become a part of the annual operating budgets.



PULI DR
KYLE CANYON
US 95
HUALAPAI WY
126-01-801-002
IRON MOUNTAIN RD
Site Map
Legend
Selected Site
Street Centerline
Parcels
Real Estate & Asset Mgmnt
N
CITY OF LAS VEGAS NEVADA
4/5/2004

City of Las Vegas

Agenda Item No. 63

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 15 acres of land commonly known as portions of APNs 126-01-101-010 and 126-01-301-004 located off of Puli Drive between Moccasin Road and Iron Mountain Road for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ] **No Impact**	**Amount:** $100 filing fee
[X] **Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
[ ] **Augmentation Required**	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommended striking this item

BACKUP DOCUMENTATION:
1. Application
2. Site Map

MOTION:
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Form 2740-1
(August 1994)

UNITED STATES
DEPARTMENT OF THE INTERIOR
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APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

Date	Serial Number *(BLM use only)*
4-21-04	

Home phone *(include area code)*

1a. Applicant's name	b. Address *(include zip code)*	Business phone *(include area code)*
City of Las Vegas	400 E. Stewart Ave. Las Vegas, NV 89101	(702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
E½ SE¼ SW¼ NW¼, NE¼ NW¼ SW¼	1	19S.	59E.	Mount Diablo

County of	State of	Containing *(acres)*
Clark	NV	15

3a. Application is for ☐ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

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Applicant's Signature David Royl	Date

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APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

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Township 19 South, Range 59 East,
Section : 1
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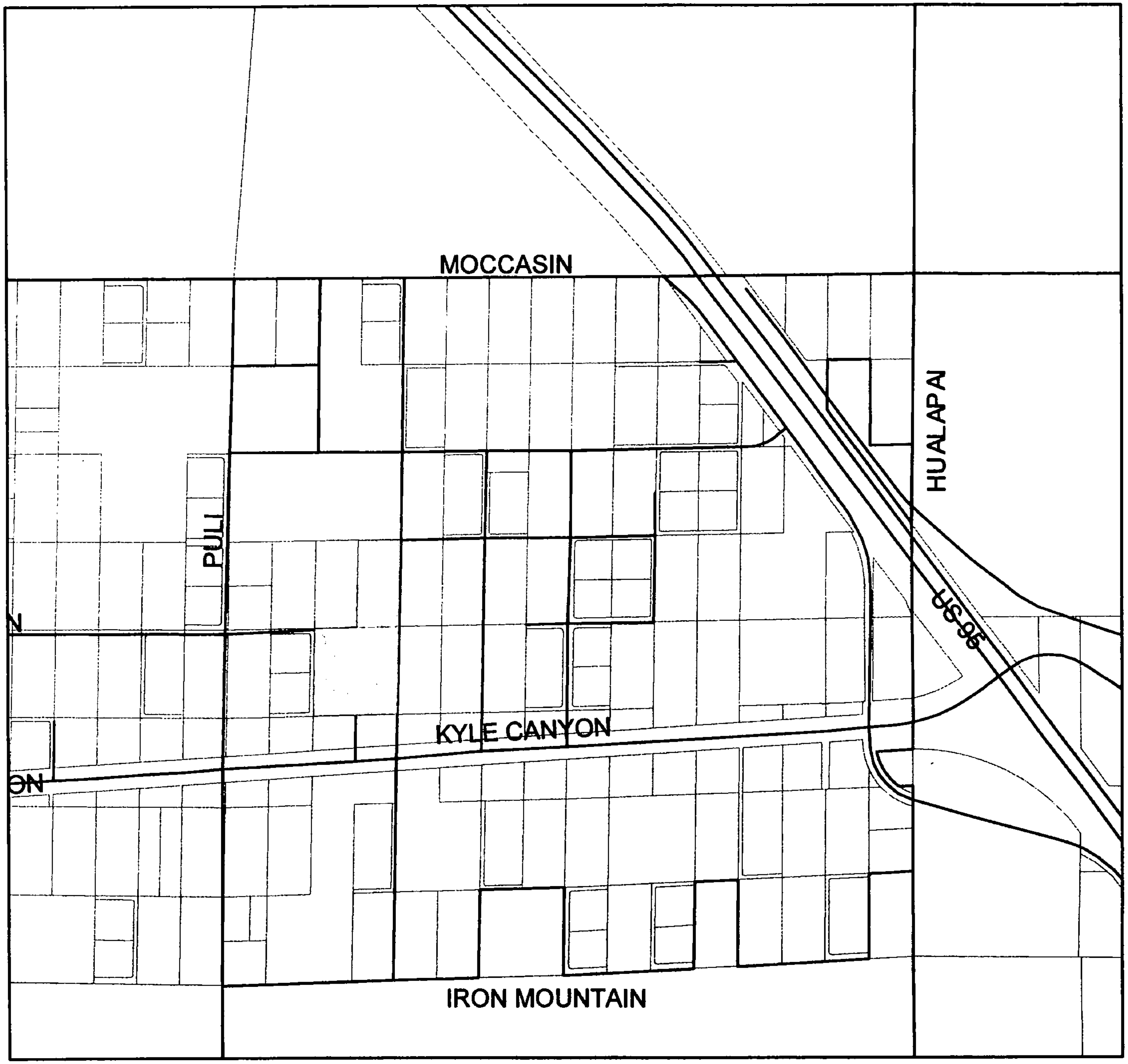
Consisting of approximately 15 acres

ATTACHMENT 1

SITE MAP



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3/31/2004

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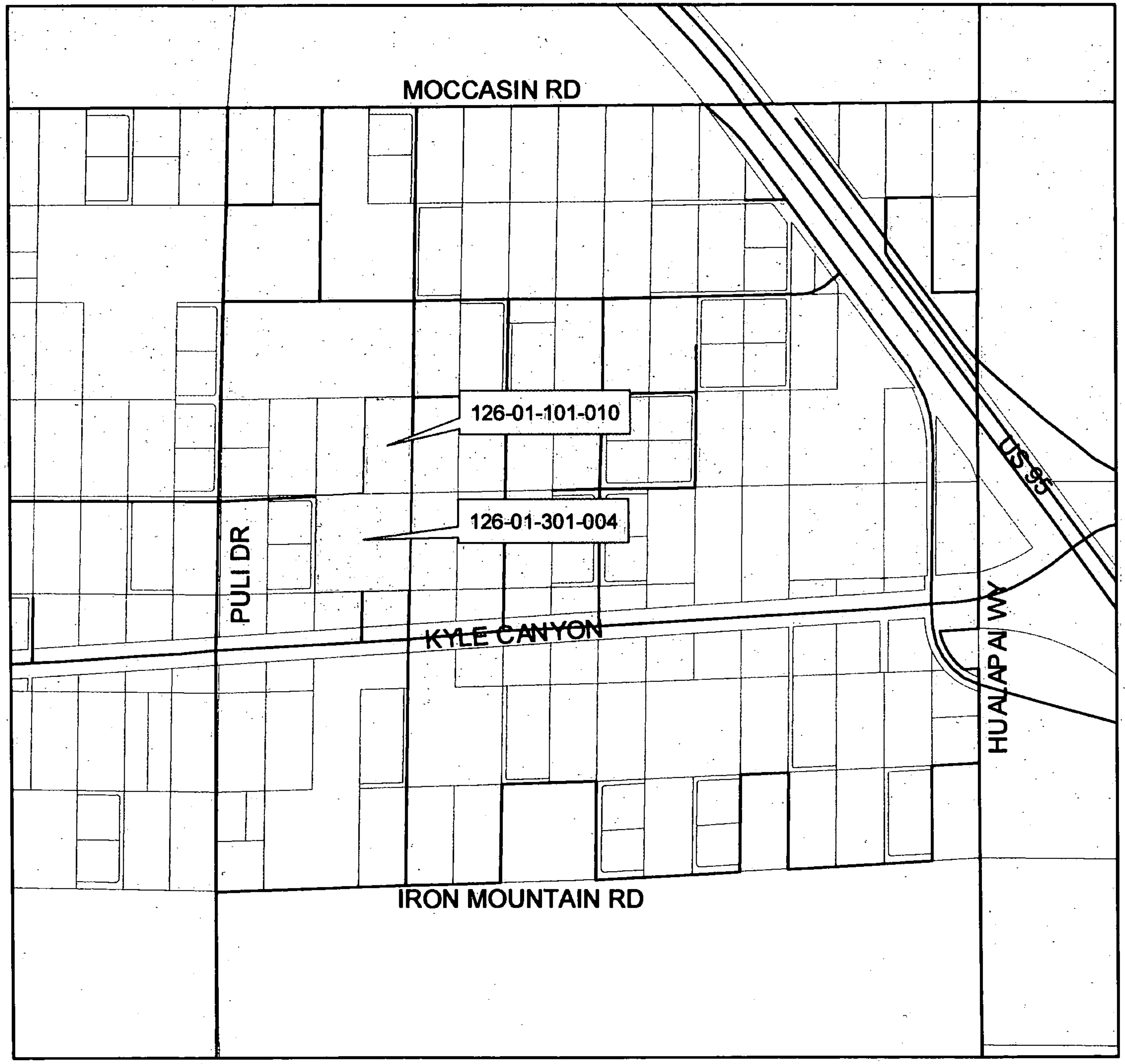

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Real Estate & Asset Mgmnt

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4/5/2004

City of Las Vegas

Agenda Item No. 64

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 12.5 acres of land commonly known as a portion of APN 126-01-401-003 located in the vicinity of Iron Mountain Road and Puli Drive for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ] No Impact	**Amount:** $100 filing fee
[X] Budget Funds Available	**Dept./Division:** Public Works/Real Estate
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MINUTES:
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(9:40 – 9:42)
1-881

Form 2740-1
(August 1994)

FORM APPROVED
OMB No. 1004-0012
Expires: June 30, 1996

UNITED STATES
DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

APPLICATION FOR LAND FOR RECREATION OR PUBLIC PURPOSES

(Act of June 14, 1926, as amended; 43 U.S.C. 869; 869-4)

Date: 4-21-04

Serial Number *(BLM use only)*:

Home phone *(include area code)*:

1a. Applicant's name: City of Las Vegas

b. Address *(include zip code)*: 400 E. Stewart Ave. Las Vegas, NV 89101

Business phone *(include area code)*: (702) 229-1021

2. Give legal description of lands applied for *(include metes and bounds description, if necessary)*

SUBDIVISION	SECTION	TOWNSHIP	RANGE	MERIDIAN
NW¼SE¼SW¼, SW¼SW¼NE¼SW¼.	1	19S.	59E	Mount Diablo

County of: Clark

State of: NV

Containing *(acres)*: 12.5

3a. Application is for ☒ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See attached Plan of Development

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

Authority is derived from Chapter 268 of NRS and the Charter for the City of Las Vegas adopted by the Nevada Legistature, Chapter 515, Statutes of Nevada 1971,p.1063.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or Public purposes pursuant to the Recreation and Public urposes Act, consider this application as a petition for such classification.

Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature	Date

Title 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
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(Items not listed are self-explanatory)

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4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance **must** show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

   b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.

   c. Type and general location of all proposed improvements, including public access (roads, trails, etc.). This showing may

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blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

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APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

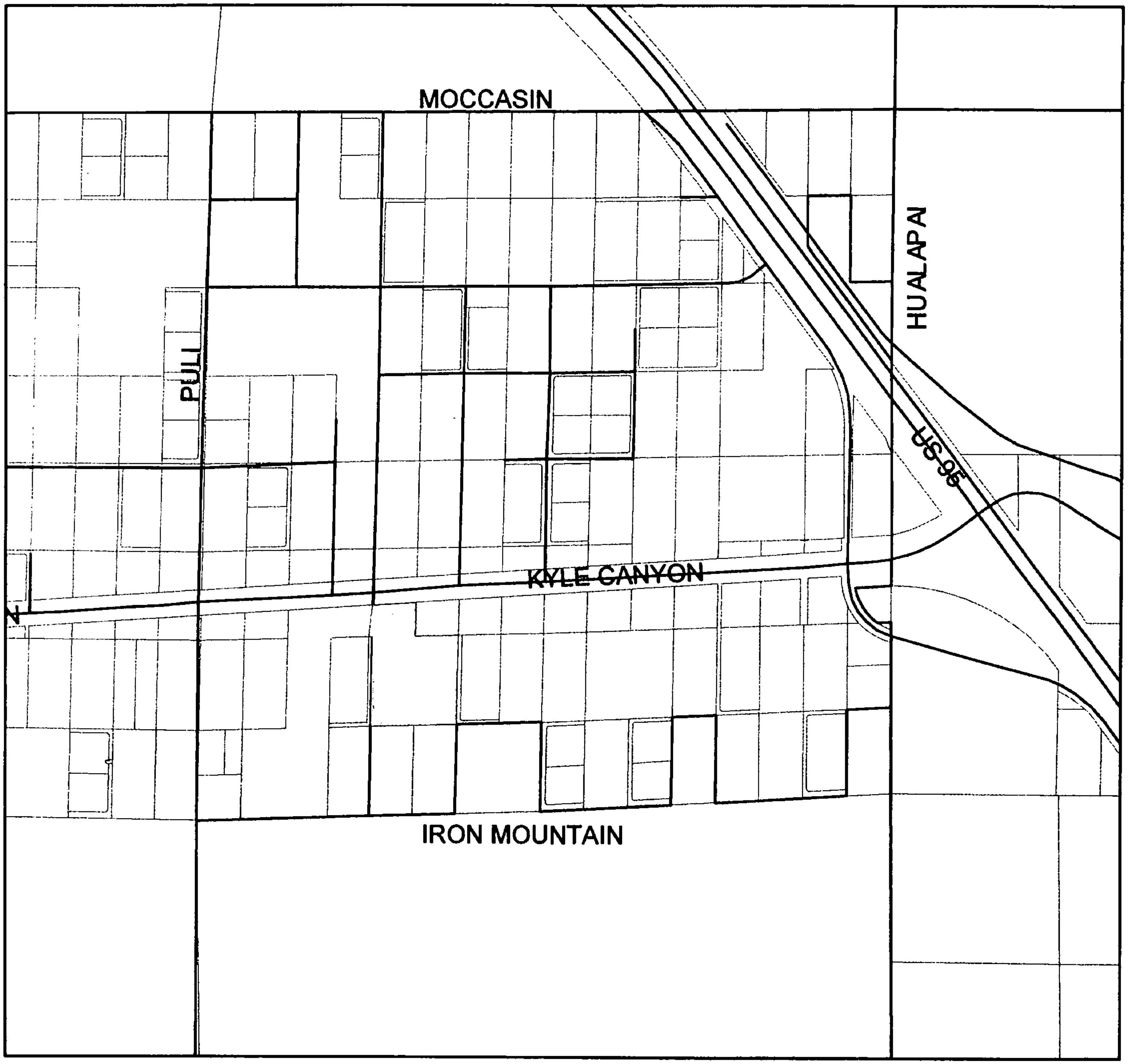
Mount Diablo Base & Meridian, Nevada

Township 19 South, Range 59 East,
Section : 1
NW¼SE¼SW¼, SW¼SW¼NE¼SW¼

Consisting of approximately 12.5 acres

ATTACHMENT 1

SITE MAP



Site Map

Legend

Selected Site
Street Centerline
Parcels

Real Estate & Asset Mgmnt

N

CITY OF LAS VEGAS NEVADA

3/31/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase.
A complete plan of development along with maps will be submitted at a later date.

Work would include:

- Street Grading and Paving
- Offsite Improvements
- Composition Paths
- Street Striping and Signage
- Site Earthwork
- Site Electrical
- Walking Path
- Dumpsite Enclosure
- Landscaping
- Playground
- Restrooms
- Volleyball Court
- Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

As the City of Las Vegas continues to grow, increased demands will be placed upon the City to provide for new parks and recreation facilities for existing and future residents.

It is imperative for the City of Las Vegas to plan, acquire and develop parks and recreational facilities in a timely manner, to ensure that these services will be available when needed. The City intends on phasing its park development as the demand for recreational facilities increases. Due to revenue reform at the state and federal levels and the budget constraints of a growing community, the City finds it necessary to minimize the cost of park site acquisition.

It is intended that this project will provide a location where individual recreational needs will be possible. The park will be geared to all ages and abilities. The facility will include individual group picnic shelters, parking, restrooms, tot lot play area, walking paths, and open spaces.

MANAGEMENT PLAN

The City of Las Vegas Agrees to the following commitments which will be incorporated by reference in the conveyance of the subject land:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use the park than is changed at other comparable installations managed by State and local agencies. The City Council will submit to the Bureau of Land Management a schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modifications by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

3. To develop and manage the land in accordance with the approved program of utilization submitted with this application.

4. To secure the approval of the Secretary of the Interior or his delegate on all plans of construction prior to commencing actual construction.

5. To maintain in satisfactory condition the facilities on this land.

<u>FUNDING</u>

It is anticipated the City of Las Vegas will provide for the construction of the facilities with general funds, future park bonds and Residential Construction Impact Fees.

<u>MAINTENANCE</u>

The City of Las Vegas agrees to maintain the Park Site in a satisfactory manner during all phases of development. Funding for maintenance and custodial services shall become a part of the annual operating budgets.

Site Map

Legend

- Selected Site
- Street Centerline
- Parcels

Real Estate & Asset Mgmnt

N

4/5/2004

City of Las Vegas

Agenda Item No. 65

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 5 acres of land commonly known as APN 126-01-501-001 located in the vicinity of Moccasin Road in between Puli Drive and Hualapai Way for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ]	No Impact	**Amount:** $100 filing fee
[X]	Budget Funds Available	**Dept./Division:** Public Works/Real Estate
[ ]	Augmentation Required	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
The 4/19/2004 Real Estate Committee and staff recommended striking this item

BACKUP DOCUMENTATION:
1. Application
2. Site Map

MOTION:
REESE – Motion to bring forward and STRIKE Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)

Form 2740-1
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County of: Clark

State of: NV

Containing *(acres)*: 5

3a. This application is for ☒ Lease ☒ Purchase *(If lease, indicate year)*

b. Proposed use is ☐ Public Recreation ☐ Other Public Purposes

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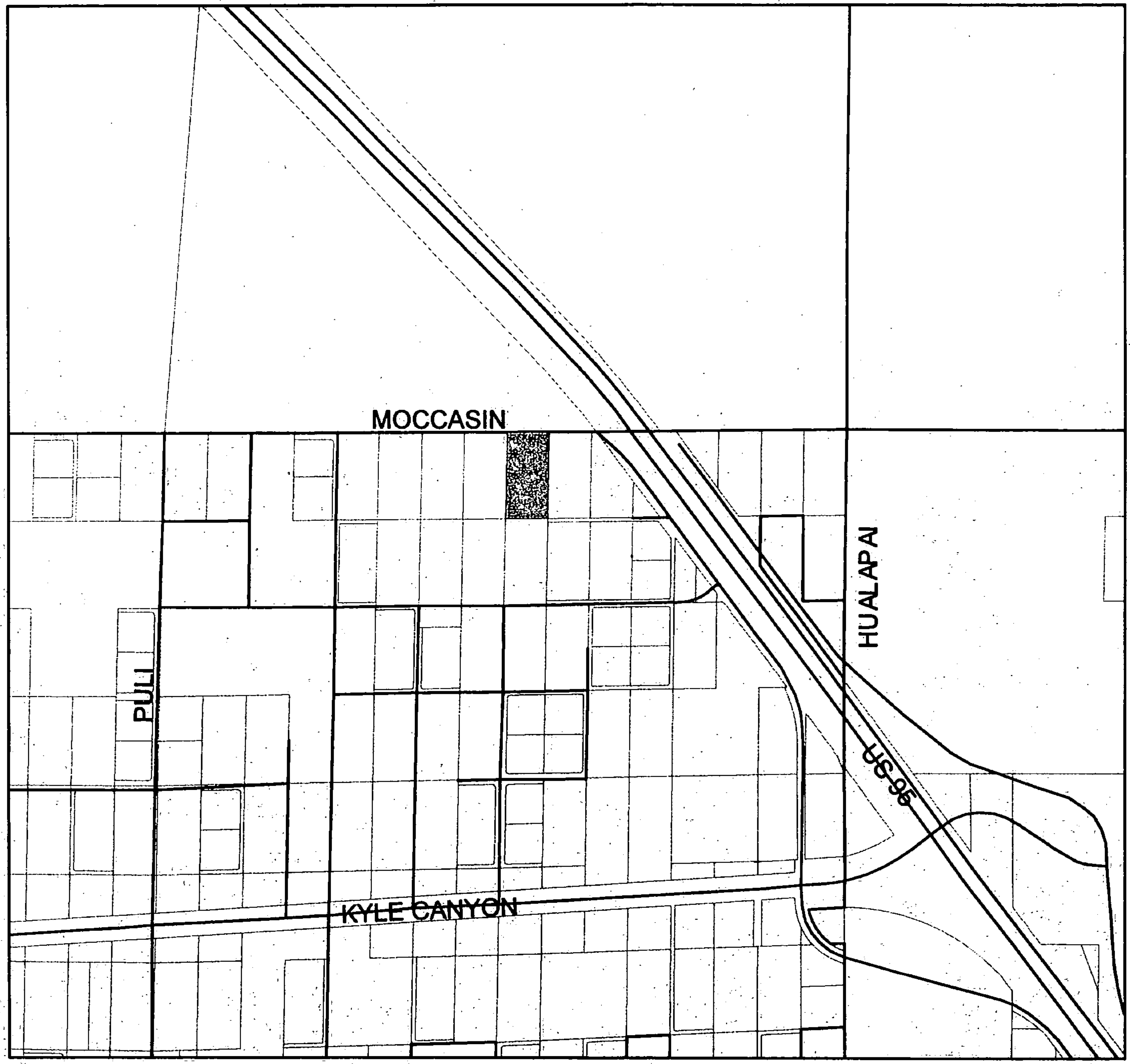
ATTACHMENT 1

SITE MAP



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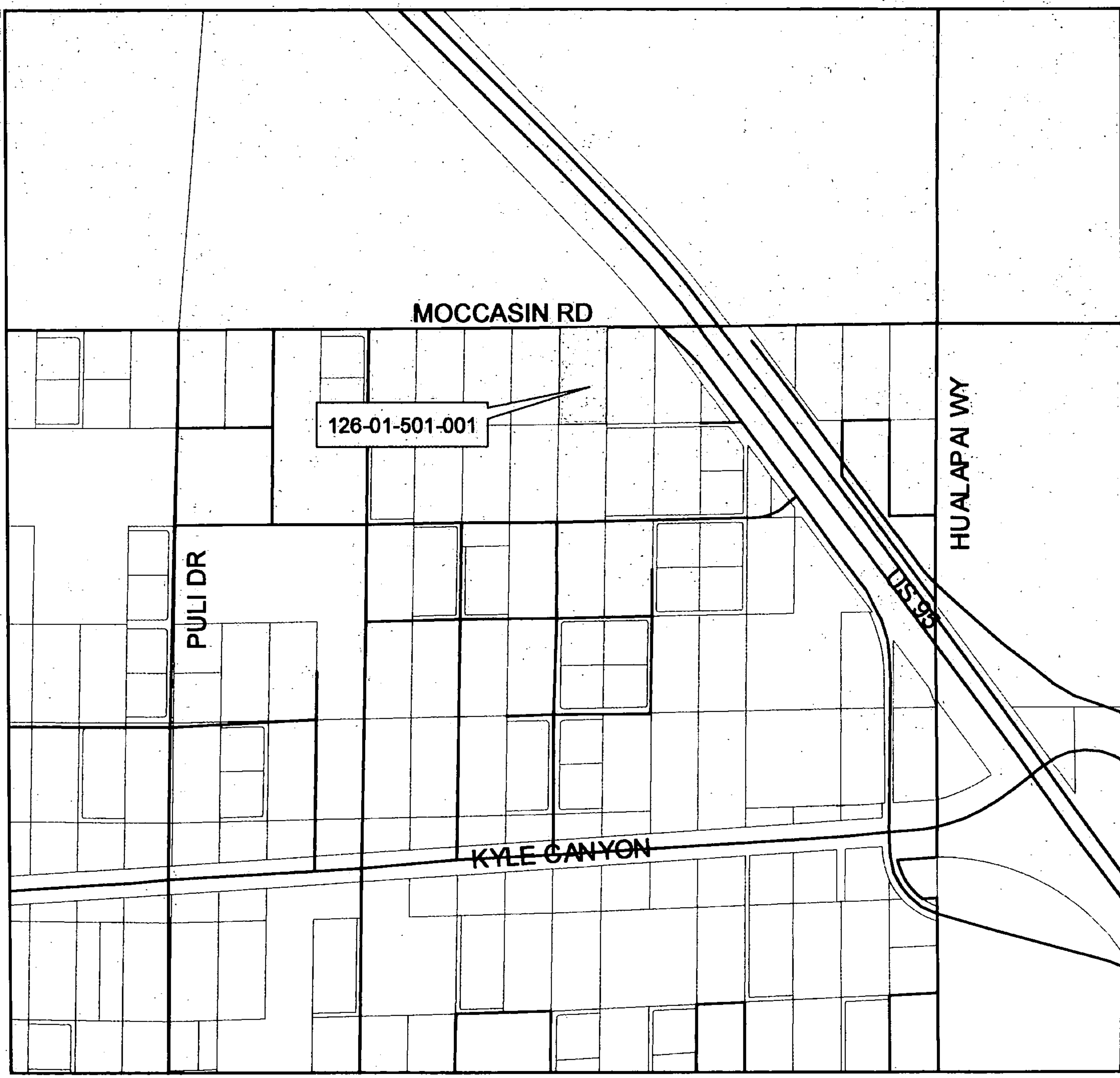

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Real Estate & Asset Mgmnt

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4/5/2004

City of Las Vegas

Agenda Item No. 66

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE [X] CONSENT [ ] DISCUSSION

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

Approval authorizing staff to apply for a Recreation and Public Purpose Lease from the Bureau of Land Management for 5 acres of land commonly known as APN 126-01-601-002 located in the vicinity of Moccasin Road and Hualapai Way for use as a Public Park ($100 - Public Works/Real Estate/Rental of Land) - Clark County (near Ward 6 - Mack)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $100 filing fee
[X]	**Budget Funds Available**	**Dept./Division:** Public Works/Real Estate
[ ]	**Augmentation Required**	**Funding Source:** PW/Real Estate/Rental of Land

PURPOSE/BACKGROUND:
Public Works/Real Estate has identified this site as ideal for a future public park location to meet the growing demands for recreation facilities to service the current and future citizens in this area.

RECOMMENDATION:
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2. Site Map

MOTION:
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MINUTES:
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(9:40 – 9:42)
1-881

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(August 1994)

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BUREAU OF LAND MANAGEMENT

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4. Describe the proposed use of the land. The description must specifically identify an established or definitely proposed project. Attach a detailed plan and schedule for development, a management plan which includes a description of how any revenues will be used, and any known environmental or cultural concerns specific to the land.

See attached Plan of Development

5. If applicant is State or Political subdivision thereof, cite your statutory or other authority to hold land for these purposes.

Authority is derived from Chapter 268 of NRS and the Charter for the City of Las Vegas adopted by the Nevada Legistature, Chapter 515, Statutes of Nevada 1971, p.1063.

6. Attach a copy of your authority for filing this application and to perform all acts incident thereto.

7. If land described in this application has not been classified for recreation and/or Public purposes pursuant to the Recreation and Public urposes Act, consider this application as a petition for such classification.

Continued on reverse)

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

9. Are all activities, facilities, and services constructed or provided as a result of your proposed development accessible to and usable by persons with disabilities? ☒ Yes ☐ No *(If "no," describe the situation or activity and the reasons for nonaccessibility).*

Applicant's Signature David Boyd	Date

.itle 18 U.S.C. Section 1001, makes it a crime for any person knowingly and willfully to make to any department or agency of the United States any false, fictitious, or fraudulent statements or representation as to any matter within its jurisdiction.

GENERAL INSTRUCTIONS

1. Type or print plainly in ink.
2. Submit application and related plans to the BLM District or Resource Area Office in which the land is located.
3. Study controlling regulations in 43 CFR 2740 *(Sales)* and 43 CFR 2912 *(Leases)*.
4. If applicant is non-governmental association or corporation, attach a copy of your charter, articles of incorporation or other creating authority. If this information has been previously filed with any BLM office, refer to previous filing by date, place, and case serial number.
5. If applicant is non-governmental association or corporation, attach a copy of your authority to operate in the State where the lands applied for are located. If previously filed with any BLM office, refer to previous filing by date, place, and case serial number.

SPECIFIC INSTRUCTIONS

(Items not listed are self-explanatory)

Item

2. If land is surveyed, give complete legal description. If land is unsurveyed, description should be by metes and bounds connected, if feasible, by course and distance with a corner of public land survey. If possible, approximate legal subdivisions of unsurveyed lands should be stated. Acreage applied for must not exceed that specified by regulations.

3a. Generally, title to lands will not be granted upon initial approval of an application. In order to assure proper development or use plans, the general practice will be to issue a lease or lease with option to purchase after development is essentially completed. In any case, term of lease may not exceed 20 years for non-profit organizations or 25 years for governmental agencies, instrumentalities or political subdivisions.

4. Leases and patents under this act are conditioned upon continuing public enjoyment of the purposes for which the land is classified. The plan of development, use, and maintenance must show, at a minimum:

   a. A need for proposed development by citing population trends, shortage of facilities in area, etc.

   b. That the land will benefit an existing or definitely proposed public project authorized by proper authority.

   c. Type and general location of all proposed improvements, including public access *(roads, trails, etc.)*. This showing may

Item

blueprints in any combination available and necessary to describe the finished project. Site designs should be provided for intensive use sites and general information about improvements existing or planned on lands within the overall project.

   d. An estimate of the construction costs, how the proposed project will be financed, including a list of financial sources, and an estimated timetable for actual construction of all improvements and facilities.

   e. A plan of management to include operating rules, proposed source and disposition of revenues arising from the proposed operation, personnel requirements, etc.

   f. A specific maintenance plan to include, for example, sewage and garbage disposal, road maintenance, upkeep and repair of grounds and physical facilities, etc.

   g. Applications for solid waste disposal sites must comply with guidelines established by the Environmental Protection Agency (40 CFR 258) and must include a detailed physical description of the site including a map, description of ground water situation, soil characteristics and management plan.

6. This may consist of a copy of a delegation of authority, resolution or other evidence of authority from the governing board of the applicant's organization, copy of the by-laws of the organization, or

8. Are all activities, facilities, services, financial aid, or other benefits as a result of your proposed development provided without regard to race, color, religion, national origin, sex, or age? ☒ Yes ☐ No *(If "no," describe the situation or activity and your plans for achieving compliance.)*

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Applicant's Signature	Date
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APPLICATION FOR LAND
FOR
RECREATION AND PUBLIC PURPOSE

PARK SITE

CITY OF LAS VEGAS
LAS VEGAS, NEVADA

LEGAL DESCRIPTION

The parcel legally described as:

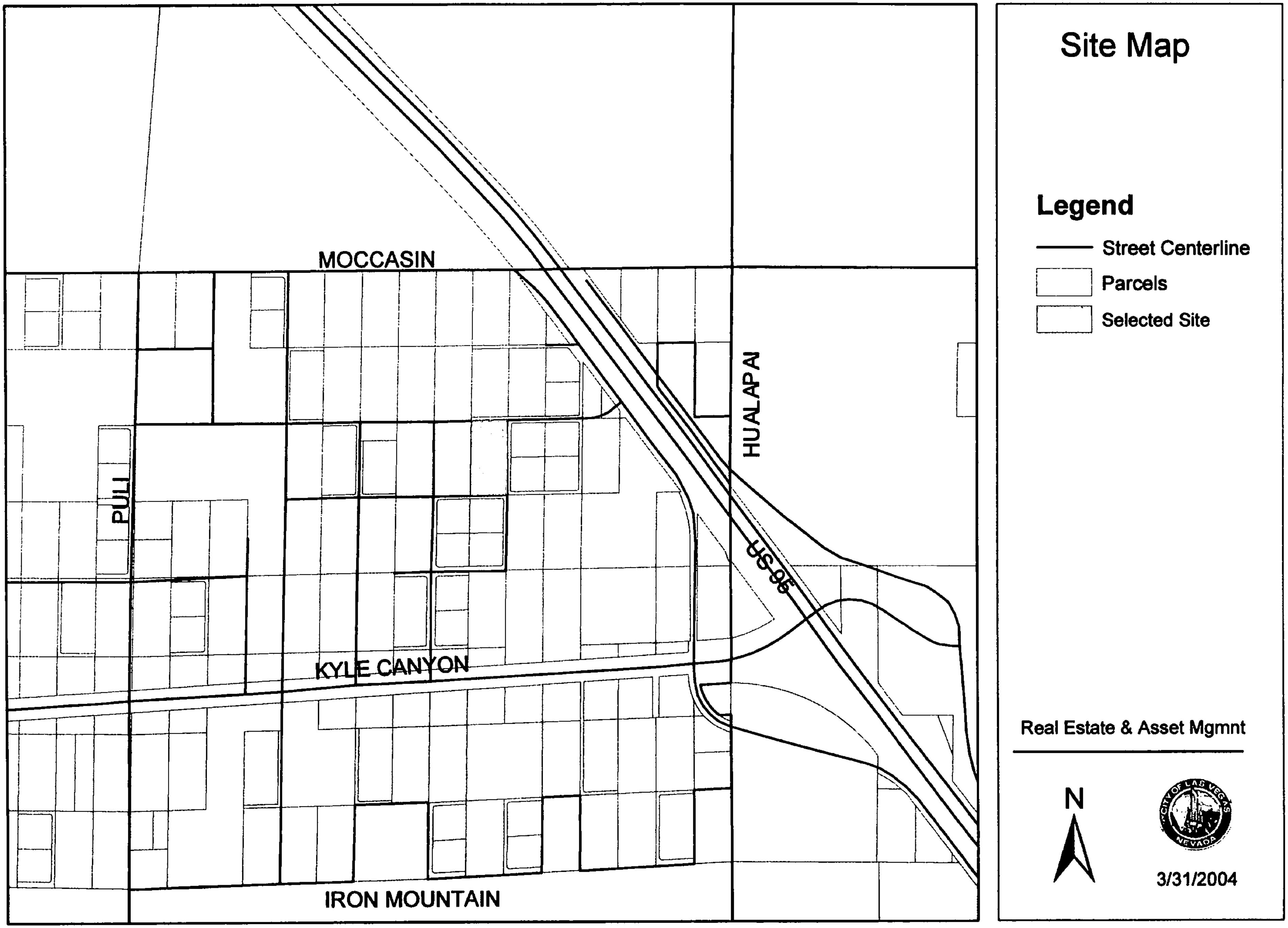
Mount Diablo Base & Meridian, Nevada

Township 19 South, Range 60 East,
Section : 1
E½NW¼SW¼NE¼

Consisting of approximately 5 acres

ATTACHMENT 1

SITE MAP


MOCCASIN
PULI
HUALAPAI
US 95
KYLE CANYON
IRON MOUNTAIN
Site Map
Legend
Street Centerline
Parcels
Selected Site
Real Estate & Asset Mgmnt
N
CITY OF LAS VEGAS NEVADA
3/31/2004

PLAN OF DEVELOPMENT

It is anticipated that this park facility would be complete in one phase. A complete plan of development along with maps will be submitted at a later date.

Work would include:

- Street Grading and Paving
- Offsite Improvements
- Composition Paths
- Street Striping and Signage
- Site Earthwork
- Site Electrical
- Walking Path
- Dumpsite Enclosure
- Landscaping
- Playground
- Restrooms
- Volleyball Court
- Equestrian trail along west side of park

STATEMENT OF NEED

The City of Las Vegas is one of the fastest growing communities in the country and most of this growth has occurred in the northwest sector of the City. During the past four years, from the period from 1997 to 2001 the population increased by an estimated 310,164 citizens. This tremendous growth is expected to continue for several years.

As the City of Las Vegas continues to grow, increased demands will be placed upon the City to provide for new parks and recreation facilities for existing and future residents.

It is imperative for the City of Las Vegas to plan, acquire and develop parks and recreational facilities in a timely manner, to ensure that these services will be available when needed. The City intends on phasing its park development as the demand for recreational facilities increases. Due to revenue reform at the state and federal levels and the budget constraints of a growing community, the City finds it necessary to minimize the cost of park site acquisition.

It is intended that this project will provide a location where individual recreational needs will be possible. The park will be geared to all ages and abilities. The facility will include individual group picnic shelters, parking, restrooms, tot lot play area, walking paths, and open spaces.

MANAGEMENT PLAN

The City of Las Vegas Agrees to the following commitments which will be incorporated by reference in the conveyance of the subject land:

1. To maintain the lands open to use by the public for recreational purposes without discrimination or favor.

2. To make no more than a reasonable charge for the use of facilities on the land (whether by concession or otherwise) and to charge no more for entrance to use the park than is changed at other comparable installations managed by State and local agencies. The City Council will submit to the Bureau of Land Management a schedule of charges. All charges shall be subject to review for conformance with this requirement and appropriate modifications by the Secretary of the Interior or his delegate after reasonable notice and opportunity for hearing.

3. To develop and manage the land in accordance with the approved program of utilization submitted with this application.

4. To secure the approval of the Secretary of the Interior or his delegate on all plans of construction prior to commencing actual construction.

5. To maintain in satisfactory condition the facilities on this land.

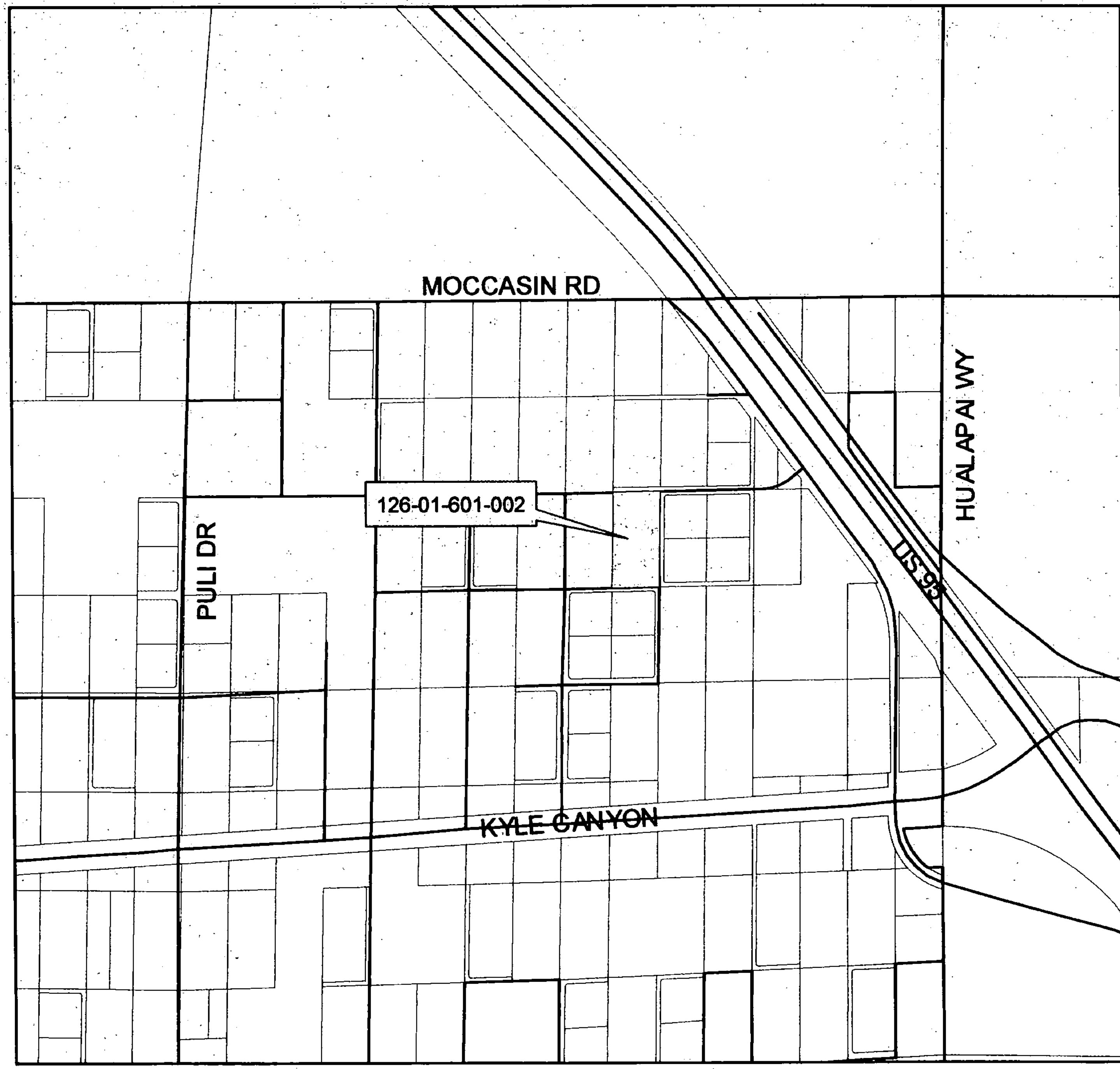
FUNDING

It is anticipated the City of Las Vegas will provide for the construction of the facilities with general funds, future park bonds and Residential Construction Impact Fees.

MAINTENANCE

The City of Las Vegas agrees to maintain the Park Site in a satisfactory manner during all phases of development. Funding for maintenance and custodial services shall become a part of the annual operating budgets.

Site Map



Legend

Selected Site
Street Centerline
Parcels

Real Estate & Asset Mgmnt

N

4/5/2004

City of Las Vegas

Agenda Item No. 67

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY MANAGER
DIRECTOR: DOUGLAS A. SELBY

[ ] CONSENT [X] DISCUSSION

SUBJECT:
ADMINISTRATIVE:

Discussion and possible action regarding final payment to Southwest Sports Realty, L.P. - (Not to exceed $120,000 - Industrial Development Special Revenue Fund)

Fiscal Impact

[ ]	**No Impact**	**Amount:** Not to exceed $120,000
[X]	**Budget Funds Available**	**Dept./Division:** Economic Development
[ ]	**Augmentation Required**	**Funding Source:** Industrial Development Special Revenue Fund

PURPOSE/BACKGROUND:
On October 2001, City Parkway IV, Inc. and City Parkway V, Inc. (collectively City Parkway) entered into an agreement with Southwest Sports Realty, L.P. ("SSG") (also referred to as Southwest Sports Group) to analyze and assess the viability and feasibility of developing a mixed-use development on the 61-acre site formerly owned by the Union Pacific Railroad. The City Parkway and SSG mutually terminated the agreement in October 2002. As part of the contract, City Parkway agreed to pay for the costs of consultants that were jointly agreed on by the two parties. SSG independently hired the architectural firm of David M. Schwarz, Architectural Services, Inc. A point of disputation has arisen over the perceived value of the deliverables by the architect and how much of this value City Parkway should reimburse. SSG has established a value of $120,000 in settlement of this obligation.

RECOMMENDATION:
Staff is respectively requesting direction from the City Council as to an appropriate settlement amount not to exceed $120,000 in finalization of this contract.

BACKUP DOCUMENTATION:
Agenda Memo with Exhibits

MOTION:
REESE – APPROVED as recommended – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
CITY MANAGER SELBY reviewed the information under the Purpose/Background section and indicated that Southwest Sports Group provided evidence, in the form of receipts, that $162,000 was expended. Staff recommends a settlement amount of $120,000, which is acceptable to Southwest Sports Group. The majority of the work product has been received, and the final presentation materials will be received after the settlement.

City of Las Vegas

Agenda Item No. 67

CITY COUNCIL MEETING OF APRIL 21, 2004
Administrative
Item 67 – Discussion and possible action regarding final payment to Southwest Sports Realty, L.P. – (Not to exceed $120,000 – Industrial Development Special Revenue Fund)

MINUTES – Continued:
COUNCILMAN REESE thanked the Southwest Sports Group for its interest in developing the 61 acres.

(9:47 – 9:51)
1-1213

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: April 21, 2004
DEPARTMENT: City Manager's Office
ITEM DESCRIPTION: Discussion and possible action regarding final payment to Southwest Sports Realty, L.P.

On October 5, 2001, City Parkway IV, Inc. and City Parkway V, Inc. (collectively known as City Parkway) entered into an agreement with Southwest Sports Realty, L.P. (SSG), to analyze and assess the viability and feasibility of developing a mixed-use development on the 61-acre site formerly owned by the Union Pacific Railroad and currently owned by City Parkway IV, Inc. and City Parkway V, Inc. A copy of the referenced agreement is attached as Exhibit A.

The original duration of this contract was for 180 days, at which time SSG was to have negotiated and prepared a mutually acceptable disposition and development agreement between City Parkway and SSG with respect to the development of the site. This event was contingent upon City Parkway and the Developer agreeing to the viability of developing a mixed-use development on the site.

Under the terms of the agreement, the City and SSG agreed to pursue these outcomes. The entities further agreed to hire, by consensus, consultants as necessary to achieve an accurate assessment of the property.

In order to accommodate certain predevelopment costs, City Parkway agreed to contribute $500,000 to pay for various costs related to the analysis of the development of the site, project facilitation, and certain development costs including all studies conducted during the 180-day period. All consultants were to be hired by City Parkway, subject to the approval of SSG. All studies, reports and other deliverables and paid for by City Parkway are the property of City Parkway. Similarly, materials originated by SSG and not paid for by City Parkway will remain the property of SSG.

Notwithstanding these conditions, SSG independently obtained the services of David M. Schwarz Architectural Services, a firm with headquarters in Washington D.C.. Schwarz was hired by SSG to accomplish several deliverables that were key to the project. The selection and hiring of the architect was not totally consistent with the provisions of reimbursement outlined in the Agreement.

The deliverables promised from Schwarz are:

- Concept Master Plan Alternatives
- Concept Renderings
- Typical Street Sections
- Memorandum
- PowerPoint Presentation

These are further explained under Exhibit B titled "APPENDIX B – DELIVERABLES". It can be shown that Schwarz has completed three of the five deliverables, with the Memorandum and the PowerPoint Presentation missing. The deliverables were provided either at or subsequent to a design charrette conducted by Schwarz on June 11 to 12, 2002.

During this time, SSG was granted two extensions. The first extended the negotiation period to July 4, 2002. The second extended the agreement to September 18, 2002.

On October 10, 2002, City Parkway formally noticed the expiration of the agreement. (Exhibit C). In a letter dated November 1, 2002, SSG acknowledged the October 10 letter from City Parkway, and committed to provide supporting information for expenses that had not yet been reimbursed. (Exhibit D) On October 14, 2003, SSG submitted a formal request for $120,000, noting that the actual costs submitted by Schwarz were in excess of $160,000. (Exhibit E) In addition, SSG requested that the City Parkway refund a their deposit of $100,000 in accordance with the contract under provisions of an automatic termination which was exercised.

SSG and City Parkway are mutually interested in resolving the issue of repayment of the architect's fees and expenses as requested by SSG. We understand this to be the only remaining issue. SSG has indicated that the City Parkway should reimburse SSG $120,000.

EXHIBIT A

AGREEMENT

THIS AGREEMENT is entered into this 5th day of October, 2001, by and between CITY PARKWAY IV, INC. and CITY PARKWAY V, INC. (hereinafter collectively referred to as "City Parkway") and SOUTHWEST SPORTS REALTY, L.P., a Texas limited partnership (hereinafter "Developer"), on the terms and provisions set forth below.

WHEREAS, City Parkway and Developer desire to perform an analysis of the viability and feasibility of developing a mixed use development on certain real property consisting of approximately 61 acres owned by City Parkway and located in Parkway Center in the City of Las Vegas, Nevada (the "City") and depicted on Exhibit "A" attached hereto and incorporated herein (the "Site"); and

WHEREAS, the Developer and City Parkway mutually desire to enter into an exclusive period in order to concurrently (i) analyze and assess the viability and feasibility of developing a mixed use development on the Site and (ii) in the event City Parkway and Developer mutually agree on the viability of developing a mixed use development on the Site, negotiate an agreement between City Parkway and Developer setting forth the terms and conditions by which Developer will act as master developer of the Site; and

WHEREAS, City Parkway is willing to agree not to negotiate regarding the Site with any other person or entity for the Negotiation Period (hereinafter defined) without notice to and discussion with Developer.

NOW, THEREFORE, for and in consideration of the mutual agreements which are hereinafter contained, the parties do hereby agree as follows:

I. [§100] <u>Assessment and Negotiations</u>

A. [§101] <u>Good Faith Assessment and Negotiations</u>

City Parkway and the Developer agree for the Negotiation Period set forth below to negotiate diligently and in good faith to pursue the following two objectives (the "Objectives"):

(a) Proceed to assess the viability and feasibility of the development of a mixed-use development on the Site consistent with the terms set forth in Section II.A. below. Developer and City Parkway anticipate that City Parkway will engage a consultant to complete an initial feasibility study to be completed in approximately two to three months (the "Initial Study"). : and;

(b) Negotiate and prepare a mutually acceptable Disposition and Development Agreement (hereinafter "DDA") between City Parkway and the Developer, in the manner set forth herein, with respect to the development of the Site. City Parkway and Developer agree that it is their intent that the DDA is to be negotiated and entered into only in the event they mutually agree on the viability of a plan for the development of the Site. City Parkway agrees, for the period set forth below, not to negotiate with any other person or entity regarding development of the Site or any portion thereof without the consent of Developer.

B. [§102] Term

The duration of this Agreement (hereinafter "Negotiation Period") shall be One Hundred Eighty (180) days from the date of execution of this Agreement by City Parkway and the delivery of the executed original to Developer for Developer's execution. If upon expiration of the Negotiation Period, the Developer has not signed and submitted the DDA to City Parkway, then this Agreement shall automatically terminate unless this Agreement has been mutually extended in writing by City Parkway and the Developer. If the DDA as mutually approved by Developer and City Parkway is so signed and submitted by the Developer to City

Parkway on or before expiration of the Negotiation Period, then this Agreement and the Negotiation Period herein shall be extended without further action by City Parkway or Developer for ninety (90) days from the date of such submittal during which time City Parkway shall take all steps necessary to: (1) submit the DDA to the Council of the City (the "Council") for its consideration and possible approval; (2) recommend to the Council that the City take the formal official actions necessary to authorize City Parkway to enter into the DDA; and (3) execute the DDA if so approved by the Council.

If City Parkway has not executed the DDA by such ninety (90) day period or any extension of such period, then this Agreement shall automatically terminate unless the period has been mutually extended in writing by City Parkway and the Developer. City Parkway agrees to consider reasonable requests for extensions of time. Extensions of time may be agreed to on behalf of City Parkway by the President of City Parkway.

C. [§103] Deposit

Upon execution of this Agreement by City Parkway, the Developer shall submit to a mutually acceptable escrow agent a good faith deposit (hereinafter "Deposit") in the amount of One Hundred Thousand and No/100ths Dollars ($100,000) in the form of cash or certified check to ensure that the Developer will proceed diligently and in good faith to achieve the Objectives. The parties agree to enter into escrow instructions to said escrow agent regarding the disposition of the Deposit which instructions shall be in accordance with the terms and conditions of this Agreement and shall provide that the fees of the said escrow agent shall be paid by City Parkway.

In the event the Developer has not continued to proceed diligently and in good faith to achieve the Objectives, City Parkway shall give written notice thereof to the

Developer who shall then have ten (10) business days to commence to proceed diligently and in good faith to achieve the Objectives. Following the receipt of such notice and the failure of the Developer to commence thereafter to proceed diligently and in good faith to achieve the Objectives within such ten (10) business days, this Agreement may be terminated by City Parkway. In the event of such termination by City Parkway, City Parkway_shall be paid the Deposit, and neither party shall have any further rights against or liability to the other party under this Agreement.

In the event City Parkway has not continued to proceed diligently and in good faith to achieve the Objectives, the Developer shall give written notice thereof to City Parkway which shall then have ten (10) business days to commence negotiating in good faith. Following the receipt of such notice and the failure of City Parkway to thereafter commence to proceed diligently and in good faith to achieve the Objectives within such ten (10) business days, this Agreement may be terminated by the Developer. In the event of such termination by the Developer, the Deposit shall be paid to Developer, and neither party shall have any further rights against or liability to the other party under this Agreement.

City Parkway and Developer agree that upon completion of the Initial Study and formal submission of the completed Initial Study to Developer, Developer shall have fifteen (15) days to determine, at Developer's sole discretion, if Developer desires to continue to assess the viability of developing the Site and proceed to negotiate the DDA. Developer shall notify City Parkway during such fifteen (15) day period as to Developer's decision. In the event Developer elects not to continue, this Agreement shall automatically terminate and the Deposit shall be paid to Developer and neither party shall have any further rights against or liability to the other party under this Agreement.

Upon automatic termination of this Agreement at the expiration of the Negotiation Period or such extension thereof, or upon execution by City Parkway and the Developer of the DDA, then concurrently therewith, the Deposit hereunder shall be paid to the Developer and neither party shall have any further rights against or liability to the other party under this Agreement. If the DDA has been executed by City Parkway and the Developer, the DDA shall thereafter govern the rights and obligations of the parties with respect to the development of the Site. City Parkway and Developer agree that (i) the Deposit is intended to secure only Developer's obligation to proceed diligently and in good faith to achieve the Objectives, (ii) the Deposit is nonrefundable only in the event City Parkway rightfully exercises its rights to terminate this Agreement in the event Developer does not proceed diligently and in good faith to achieve the Objectives and (iii) the Deposit is refundable in all other respects including, without limitation, the failure of City Parkway or Developer, at their respective sole discretion, to agree on the viability of a plan for the development of a mixed use project on the Site or to agree on a DDA.

II. [§200] Development Concept

A. [§201] Scope of Development

The Objectives are based on a development concept for the entire 61-acre parcel known as 100 South Grand Central Parkway, which shall include the development on the Site of mixed-uses including, but not limited to, residential, retail, office, hotels, academic medical campus, professional sports facility, performing arts theater, open spaces, multi-modal transportation station and other uses which may be deemed appropriate by City Parkway. Site design of layout and architecture will be developed during the negotiation of the DDA but may be revised from time to time after the execution of the DDA as permitted by the DDA.

B. [§202] Developer's Findings, Determinations, Studies and Reports

Upon reasonable notice, as from time-to-time requested by City Parkway, Developer agrees to make oral and written progress reports advising City Parkway on all matters and all studies being made by Developer. At such time that Developer and City Parkway commission or receive studies pertaining to the site or studies that may impact the development, both parties agree to provide copies of the studies to the other party.

III. [§300] Compensation/or Other Consideration

The compensation and/or other consideration to be paid by Developer under the DDA to acquire the Site will be established by City Parkway and Developer as part of the negotiation of the DDA. Such compensation and/or other consideration will be based upon such factors as market conditions, density of development, costs of development, highest and best use, risks of City Parkway, risks of Developer, estimated or actual Developer and City Parkway profit, public purpose and/or fair value for the uses permitted to be developed and financial requirements of City Parkway, and will be subject to approval by City Parkway and the Council after a public hearing as required by law.

IV. [§400] The Developer

A. [§401] Nature of the Developer

Developer is a limited partnership organized under the laws of the State of Texas and duly qualified to do business in Nevada.

B. [§402] Office of the Developer

The principal office of Developer is 200 Crescent Court, Suite 610. Dallas, Texas 75201.

C. [§403] Full Disclosure of Principals

Developer is required to make full disclosure to City Parkway and the City of Las Vegas of its principals, officers, major stockholders, major partners, joint venturers, key managerial employees and other associates, and all other material information concerning the Developer and its associates. Any significant change in the persons involved with the furtherance and decision making process of the development acting on behalf of Developer is subject to the approval of City Parkway which approval shall not be unreasonably withheld.

Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Developer warrants that it has disclosed, on the form attached hereto as Exhibit "B", all principals, including, partners or members of Developer, as well as all persons and entities holding more than 1% interest in Developer, or any principal, partner or member of Developer . Throughout the term hereof, Developer shall notify City Parkway in writing of any material change in the above disclosure within 15 days of any such change.

V. [§500] The Developer's Responsibilities

A. Master Developer

For the purposes of this Agreement, the term Master Developer shall mean the entity that will effectuate the complete development of the Site. The responsibilities of the Master Developer pursuant to the DDA shall include but will not be limited to: development of a master land use plan, development of the infrastructure plan, project scheduling, development of financial models, preparation of financial projections, formulation of a marketing plan, development of a staffing and management plan for the oversight of the progress of each phase of development, reporting to City Parkway with regard to progress and vital issues, coordinate with City Parkway on all land sale transactions and negotiations. If City Parkway and Developer agree on the viability of a plan for development of the Site as outlined herein and agree on a DDA, it is the mutual intent of the parties that Developer will act as the Master Developer for the entire 61- acre site and Developer shall be required under the DDA to diligently pursue the development of the Site to completion including, without limitation, in the event that the construction of a sports facility becomes infeasible. Subject to the approval of City Parkway, the Developer shall plan the development of the entire Site which will include, but not limited to, the scheduled phasing and conceptual designs of the various elements of the development, including, but not limited to, the location and financing of the performing arts theater, the medical facilities, open spaces, and a public water feature. Attention shall be given with regard to environmental issues and the placement of environmentally sensitive uses to reduce further remediation to the greatest extent possible.

B. <u>Baseball Stadium Feasibility Study</u>

A possible element of the development of the Site is a baseball stadium. One of the goals of the Negotiation Period is to determine the feasibility of the development and operation of a baseball stadium on the Site. City Parkway and Developer acknowledge and agree that this is one possible use for a portion of the Site as part of an overall mixed use development of the total Site. City Parkway at its sole expense shall commission a feasibility study within 3 months following Council and City Parkway approval of this agreement and prior to the execution of a DDA. The feasibility study will determine the market for a Major League Baseball or AAA Baseball team. The study shall be conducted by a qualified and independent third party and will be part of the Initial Study. The study will also address the feasibility of constructing and operating the facility without public assistance, (or in the event that public assistance is necessary, the amount) and the extent of construction for each phase of the overall development including estimates on land requirements and square footage of buildings. The findings of the study shall be presented to and approved by the City Council and City Parkway prior to the execution of the DDA within the Negotiation Period and any extensions thereof. The expense of such study shall be applied to the financial obligation of City Parkway set forth in Section V.F. below.

C. Development Plan

Subject to the findings of the feasibility study, Developer shall submit a development plan specifying the Site layout, and financial requirements for the development of the Site. The development plan shall also include a marketing plan, financial pro formas, staffing plans, estimated land costs, and a phasing schedule with estimated time lines. The development plan will be part of the negotiation of the DDA.

D. Project Facilitator

The DDA shall provide that City Parkway and the Developer will collectively hire and share equally in the cost of a Project Facilitator. The role of the Project Facilitator will be defined in the DDA. Final selection of the Project Facilitator will begin after the execution of the DDA.

E. Public assistance

As part of the negotiation of the DDA, Developer shall identify any necessary public assistance in conjunction with the development. Developer shall specify the source, amount and use of the resources either monetary or non-monetary. Developer_shall be responsible for adherence to any policies, laws, and ordinances that may be a condition to public assistance whether the funding source be from Federal or local entities.

F. [§501] Financial Ability

Prior to execution of the DDA, Developer shall submit to City Parkway satisfactory evidence of its ability to finance and complete the development. Developer may, at its option, engage a firm or consultant to assist the developer with financing sources for the development. The cost of such firm or consultant shall be borne by Developer. In order to accommodate certain predevelopment costs, City Parkway agrees to contribute Five Hundred Thousand and no/100 dollars ($500,000) (the "City Parkway Contribution") to pay for various costs related to the analysis of the viability of the development of the Site, the Project Facilitator and certain development costs, including, but not limited to, the cost of the Initial Study and all other studies conducted during the Negotiation Period and all other required consultants. All consultants and their compensation required in connection with such analyses shall be hired by City Parkway subject to the approval of Developer which approval will not be unreasonably withheld. All studies, reports and other deliverables generated and paid for by City Parkway shall belong to City Parkway. All materials originated by Developer and not paid for by City Parkway shall remain the property of Developer. Developer agrees that it shall fund all additional costs required for the feasibility analysis of the development of the Site in excess of the City Parkway Contribution.

G. [§502] Construction Financing

Developer's proposed method of obtaining construction financing for the development of the Site shall be submitted to City Parkway for approval as part of negotiation of the DDA.

H. [§503] Long-Term Development Financing

Developer's proposed method of obtaining long-term development financing shall be submitted to the City Parkway for approval as part of negotiation of the DDA.

I. [§504] Full Disclosure of Financing

The Developer will be required to make and maintain full disclosure to the City of its methods of financing to be used in the development of the Site.

VI. [§600] Redevelopment Area

A. [§601] Redevelopment Plan

The Site is located in the Redevelopment Area and may be subject to the provisions of the Redevelopment Plan for the Downtown Las Vegas Redevelopment Area which was approved and adopted by the City Council of the City of Las Vegas by Ordinance No. 3218 on March 5, 1986, and any amendments thereto. In the event Developer determines to develop all or any part of the Site under the authority of the Redevelopment Plan, Developer acknowledges that it will have to adhere to all applicable laws, ordinances, and policies as required by the Nevada Revised Statutes Chapter 279 including, but not limited to prevailing wages, employment plan submission and public bidding.

B. [§602] City Parkway Assistance and Cooperation

City Parkway shall use its best efforts to assist_in acquiring appropriate information and assistance from the City of Las Vegas.

VII. [§700] Real Estate Commission

City Parkway shall not be liable for any real estate commission or brokerage fees which may arise herefrom. City Parkway represents that it has engaged no broker, agent or finder in connection with this transaction, and the Developer agrees to hold City Parkway harmless from any claim by any broker, agent or finder retained by or involved by the Developer.

VIII. [§800] Confidentiality

City Parkway and Developer mutually agree to use their best efforts to keep confidential and not disclose the various elements of the viability and feasibility analyses and DDA negotiations to be completed and conducted pursuant to this Agreement. Matters which the parties shall use their best efforts to keep confidential include, but not limited to, the Initial Study, all other studies or reports, market analyses and environmental reports and assessments. In addition, the parties agree to use their best efforts to coordinate any public announcements concerning the execution of this Agreement or any other matters related to their relationship or the Site.

VIX. [§900] Limitations of this Agreement

By its execution of this Agreement, City Parkway is not committing itself to or agreeing to undertake:

(a) Disposition of land to the Developer; or (b) any other acts or activities requiring the subsequent independent exercise of discretion by City Parkway, the City of Las Vegas, the City of Las Vegas Redevelopment Agency, or any departments thereof.

This Agreement does not constitute a disposition of property or exercise of control over the Site and creates no interest whatsoever in Developer in the Site. Execution of this Agreement by City Parkway and Developer is merely an agreement to pursue the Objectives in accordance with the terms hereof. The Parties agree that the final and binding approval must be provided exclusively by the City Council of the City of Las Vegas, Authorized Officers of City Parkway, or the Board of Directors of the City of Las Vegas Redevelopment Agency, if applicable, as to any DDA and all proceedings and decisions in connection therewith.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to Negotiate Exclusively to be executed and to become effective on the date set forth above.

CITY PARKWAY IV, INC.

By 10-5-01
Lesa Coder, President

CITY PARKWAY V, INC.

By 10-5-01
Lesa Coder, President

SOUTHWEST SPORTS REALTY, L.P., a Texas limited partnership

By
Michael Kramer
"Developer"

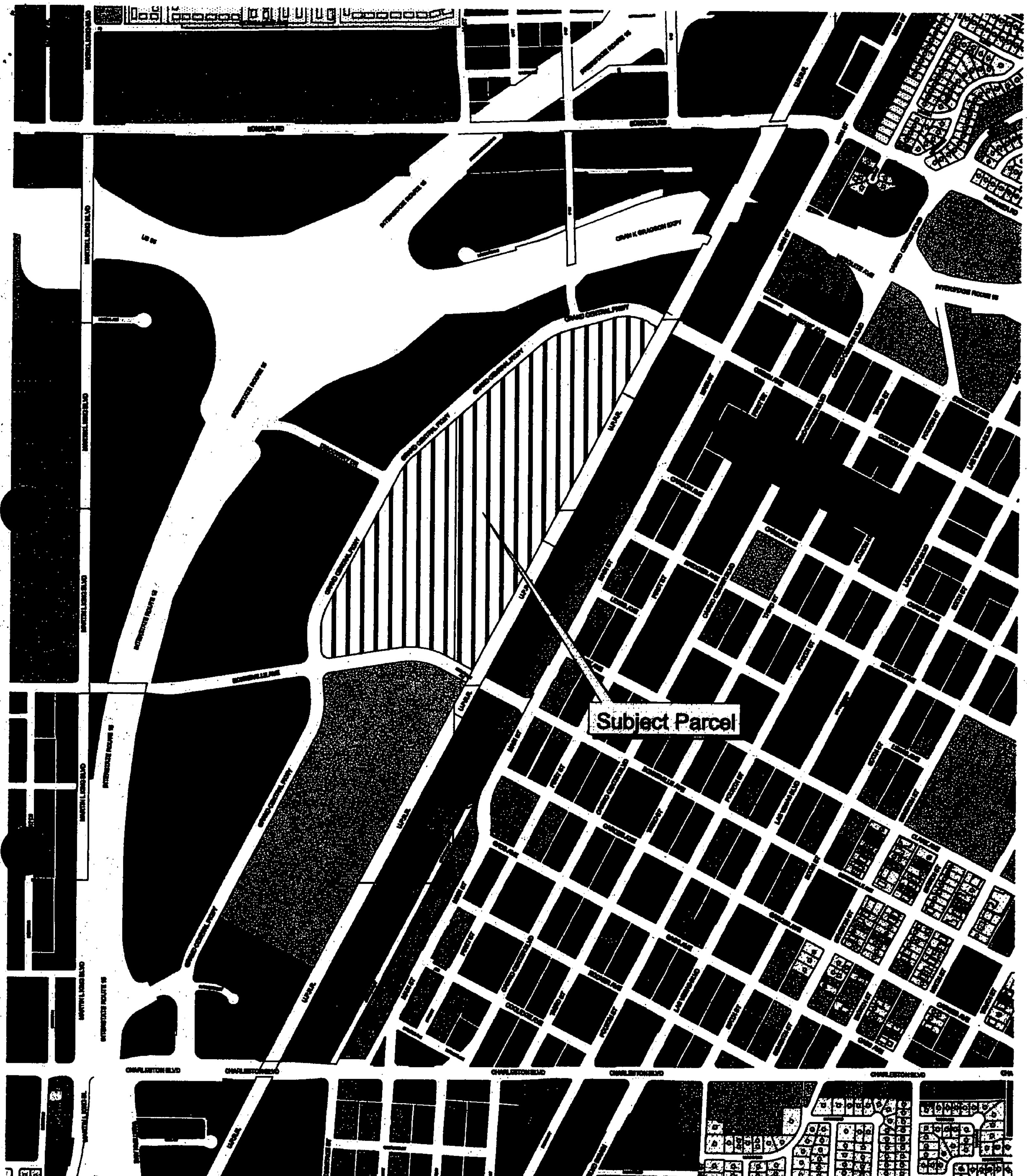
THIS AGREEMENT HAS BEEN REVIEWED AND APPROVED AS TO FORM TO THE EXTENT THAT IT HAS BEEN NEGOTIATED AND REDUCED TO WRITING TO DATE AS SET FORTH HEREIN. THE AGREEMENT IS NOT COMPLETE AND CERTAIN TERMS AND PROVISIONS REMAIN TO BE NEGOTIATED AND INSERTED INTO THE AGREEMENT. SUCH MATTERS NEED TO BE PRESENTED TO THE CITY COUNCIL AND MADE A PART OF THE RECORD . ONCE ANY FURTHER PROVISIONS ARE APPROVED BY THE CITY COUNCIL AND ENTERED INTO THE RECORD, THE CITY ATTORNEYS OFFICE SHALL INSERT SUCH PROVISIONS INTO THE FINAL DRAFT OF THE AGREEMENT PRIOR TO EXECUTION BY THE PARTIES.

Las Vegas City Attorney

By: ______________________

Deputy City Attorney
Date: August 28, 2001

EXHIBIT "A"
Site Map



61 Acre Parcel

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of Southwest Sports Realty, LP and all persons and entities holding more than 1% (one percent) interest in Southwest Sports Realty, LP or any principal of Southwest Sports Realty, LP are the following:

	FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1.	Thomas O. Hicks	200 Crescent Court, Suite 610 Dallas, Texas 75201	(214) 965-7979
2.	Michael J. Cramer	200 Crescent Court, Suite 610 Dallas, Texas 75201	(214) 965-7979
3.	Joseph B. Armes	200 Crescent Court, Suite 610 Dallas, Texas 75201	(214) 965-7979
4.	Jeffrey G. Mundy	200 Crescent Court, Suite 610 Dallas, Texas 75201	(214) 965-7979
5.	J. Richard Rees	200 Crescent Court, Suite 610 Dallas, Texas 75201	(214) 965-7979

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

SOUTHWEST SPORTS REALTY, LP

By: SWS Realty Partners, LLC
Its general partner

By: [signature]
Its: EVP & CFO

Subscribed and sworn to before me this
7th day of June, 2001.

Genee Darden
Notary Public

GENEE DARDEN
MY COMMISSION EXPIRES
April 5, 2003

EXHIBIT B

APPENDIX B - DELIVERABLES

The following is a list of documents to be delivered ("the Deliverables") within 60 days following the Phase 2 Workshop. Draft versions of Items marked (*) shall be delivered for Owner's Rep review and comment prior to the Phase 2 Workshop.

1. **Concept Master Plan Alternatives** - Concept master plan alternatives (optional plans) for the entire 61 acres which generally show:

   - location of uses and their approximate footprints and anticipated gross floor areas
   - street and block configuration
   - location of structured parking
   - location of open space
   - connections to existing, adjacent downtown Las Vegas.

   The final deliverable could consist of two alternate Concept Master Plans

2. **Concept Renderings** - Up to four (4) perspective drawings, rendered in color, depicting the general character of the proposed development. It is contemplated that the renderings will depict the following elements of the Concept Master Plan: an anchor use, a primary open space with surrounding uses, typical streetscape character including street fronting development, connection to the existing downtown. These image subjects may be modified by mutual agreement of Owner's Rep and Master Planner.

3. **Typical Street Sections** - Diagrammatic sections of the different street types envisioned for the development. Indicate right-of-way width, location of building face, and general approach to streetscape treatments.

4. **Memorandum** - A written memorandum identifying the opportunities and constraints of the site and a corresponding diagram.

5. **PowerPoint Presentation** - A PowerPoint presentation incorporating all of the images produced for this Workshop, along with some representative examples of similar projects.

EXHIBIT C

CITY PARKWAY IV, INC.
CITY PARKWAY V, INC.

400 Las Vegas Blvd. South
Las Vegas, NV 89101
(702) 229-6551

October 10, 2002

VIA FACSIMILE (214) 965-7989 AND
CERTIFIED MAIL - RETURN RECEIPT REQUESTED

Mr. Michael J. Cramer, President and COO
Southwest Sports Realty, L.P.
200 Crescent Court, Suite 610
Dallas, Texas 75201

RE: Conclusion of Agreement dated October 5, 2001 as amended

Dear Mr. Cramer:

The purpose of this letter is to formally recognize the close out of our agreement with Southwest Sports Realty, L.P., which expired on September 18, 2002. To summarize our agreement to date:

> On October 5, 2001, Southwest Sports Realty, L.P. ("Southwest") and City Parkway IV, Inc. and City Parkway V, Inc. (together known as "City Parkway") entered into an Agreement to exclusively negotiate whereby Southwest and City Parkway agreed to analyze and assess the viability and feasibility of developing a mixed use development on the Site described in the Agreement and, if mutually agreeable, negotiate an agreement between City Parkway and Southwest setting forth the terms and conditions by which you would act as master developer of the Site. The expiration date of the Negotiation Period and for a final Disposition and Development Agreement to be approved and signed by the parties was April 5, 2002.
>
> On April 3, 2002, the parties entered into an Amendment to the Agreement, which extended the expiration date of the Negotiation Period to July 4, 2002. By letter dated June 14, 2002, Southwest requested a 30-day extension of the expiration date of the

Negotiation Period. Pursuant to Southwest's request, on June 25, 2002, City Parkway submitted a Second Amendment to the Agreement whereby the Negotiation Period would be extended to September 18, 2002 and Southwest would be required to submit certain items necessary for the negotiation of the DDA and required by the Agreement to City Parkway by August 5, 2002. This Second Amendment to the Agreement was executed by City Parkway on June 21, 2002 and further approved by the City Council of the City of Las Vegas on July 3, 2002.

As of this date, City Parkway has not received the items required by the Second Amendment and the expiration date of September 18, 2002 has lapsed. City Parkway regretfully informs you of its decision to terminate the Agreement dated October 5, 2001, as amended, as of this date. With regard to the good faith deposit, City Parkway intends to fully refund your good faith deposit of $100,000. Please contact Mark Vincent, the Director of Finance and Business Services for the City of Las Vegas at (702) 229-6280 to arrange payment.

We understand from our staff and counsel that you have requested additional reimbursement for costs incurred beyond those expressed in the Agreement; and that no settlement has yet been reached regarding this request. Please be assured that Parkway will give due consideration to a settlement seeking reimbursement of costs by Southwest to the extent that such costs are provided for in the Agreement. Please submit any such requests to the attention of Steven Houchens along with supporting documentation by November 1, 2002.

We have the highest regard for Southwest Sports. At this time, however, we believe that it is necessary for City Parkway and the City of Las Vegas to pursue other alternatives for this property.

Very truly yours,

CITY PARKWAY IV, INC.

By: ______________________
Steven P. Houchens, Secretary/Treasurer

CITY OF LAS VEGAS

By: ______________________
Douglas A. Selby, City Manager

CITY PARKWAY V, INC.

By: ______________________
Steven P. Houchens, Secretary/Treasurer

bc: Mayor Oscar B. Goodman
Mayor Pro Tem Gary Reese
Councilman Michael J. McDonald
Councilman Larry Brown
Councilwoman Lynette B. McDonald
Councilman Lawrence Weekly
Councilman Michael Mack
Brad Jerbic
Lesa Coder
Stephanie Boixo

7000 1670 0010 0574 1126

U.S. Postal Service
CERTIFIED MAIL RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

OFFICIAL USE

Postage	$
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorsement Required)	
Total Postage & Fees	$

Postmark Here

OCT 1 1 2002

Sent To
Michael J. Cramer, Pres. and COO
Street, Apt. No.; or PO Box No.
Southwest Sports Realty, L.P.
City, State, ZIP+4
200 Crescent Court, Suite 610
Dallas, TX 75201

PS Form 3800, May 2000 See Reverse for Instructions

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	1317
CONNECTION TEL	12149657989
SUBADDRESS	
CONNECTION ID	SW SPORTS GROUP
ST. TIME	10/10 13:16
USAGE T	00'34
PGS. SENT	3
RESULT	OK

CITY OF LAS VEGAS NEVADA

OFFICE OF THE CITY MANAGER

Fax Transmittal

Date: October 10, 2002

To: Michael J. Cramer, President and COO – Southwest Sports Realty, L.P.

Fax: (214) 965-7989

From: Steven P. Houchens

Pages (including fax cover sheet): 3

- **Comments:**

EXHIBIT D

SOUTHWEST SPORTS REALTY

November 1, 2002

Mr. Steven P. Houchens
Deputy City Manager
City of Las Vegas
400 East Stewart
Las Vegas, NV 89101

Re: Invoice for Las Vegas Mixed Use Development

Dear Steven:

I am in receipt of your letter dated October 10, 2002. In response to your request for supporting information for other expenses that the City has agreed to reimburse, please be advised that I am currently working to gather such information and will forward it to you as soon as possible.

Sincerely,

J. Richard Rees
Vice President Development

JRR/gmd

cc: Mayor Oscar Goodman
Michael J. Cramer

200 Crescent Court ▲ Suite 610 ▲ Dallas, Texas 75201
214.965.7979 ▲ fax 214.965.7989

SOUTHWEST SPORTS GROUP, LLC

November 1, 2002

To:	Steven Houchens
Company:	City of Las Vegas
Phone:	(702) 229-6501
Fax:	(702) 388-1807

From:	Ricky Rees
Phone:	214 – 965-7986
Fax:	214 – 965-7989

Pgs. including cover:	2

Comments:	
	CONFIDENTIALITY NOTICE: The documents accompanying this fax may contain confidential information which is legally privileged. The information is intended for the use of the intended recipient named above. If you are not the intended recipient, you are hereby notified that any disclosure, copying, or distribution or taking of any action in reliance on the contents of this telecopied information, except its direct delivery to the intended recipient named above, is strictly prohibited. If you have received this fax in error, please notify us immediately by telephone to arrange for the return of the original documents to us. Please call Geneé Darden at 214/965-7981 if you fail to receive all pages or if a problem exists with the transmission. Thank you.

EXHIBIT E

SOUTHWEST SPORTS REALTY

OCT 20 2003

October 14, 2003

Steve Houchens
Deputy City Manager
City Hall
400 East Stewart
Las Vegas, NV 89101

VIA Facsimile: 702-388-1807

Dear Steve,

This letter shall serve as a follow-up to Mike Cramer's conversation with Mayor Goodman and Mike's phone call with you on Friday. Enclosed please find a summary of invoices for the work completed over one year ago by David M. Schwartz Architectural Services ("DMS"). As you can see, the invoices total more than $160,000, but we are only seeking reimbursement for $120,000.00, the amount agreed to by Lesa Coder, who was President of the Office of Business Development. (Mr. Schwartz has asked to be paid for the additional work, but he knew, as did we, that the agreed amount was $120,000 so we will deal with the excess.)

Mike mentioned that you asked him about the relevance of a $70,000.00 amount relative to that work done by DMS. This was the final offer from the City made by Lesa Coder in October of 2002 for reimbursement of this work. It was never agreed to by SSG. We felt then, as we do now, that the full $120,000.00 agreed to by the City of Las Vegas should be paid. But for the City's agreement, the work would not have been performed.

Please remit this money, and the $100,000.00 escrow deposit to Southwest Sports Realty Partners, L.P. by check or wire transfer at your earliest convenience. Our wiring instructions are attached, if you prefer this method. If you have any questions or would like to discuss this matter further, please fell free to call me or Mike directly.

Sincerely,

J. Richard Rees
Vice President

Encl.
JRS:dh

1000 Ballpark Way ▲ Suite 400 ▲ Arlington, Texas 76011
817.273.5222 ▲ fax 817.273.5144

WIRING INSTRUCTIONS

Bank Name:	**JPMorgan Chase Bank**
ABA#:	**113000609**
Beneficiary:	**SSG Realty Partners, L.P.**
Account Number:	**461-08161192**

Thank You.

Invoice	Date	Balance	Current	Past Due 61 - 120	121 - 180	Over 180
Project Manager: Michael Swartz						
Client Name: SOUTHWEST SPORTS						
000007986R	**Las Vegas Planning Charrette / Swartz**					
0103400	09/27/02	155.34				155.34
0103443	10/29/02	14,681.26				14,681.26
0103500	12/16/02	237.90				237.90
	Project Totals	**15,074.50**				**15,074.50**
00798601AS	**Las Vegas Planning Charrette / Swartz**					
0102847	03/28/02	5,981.25				5,981.25
0103014	05/21/02	8,896.25				8,896.25
0103244	08/07/02	11,250.00				11,250.00
	Project Totals	**26,127.50**				**26,127.50**
00798602AS	**Las Vegas Planning Charrette / Swartz**					
0103015	05/21/02	8,917.50				8,917.50
	Project Totals	**8,917.50**				**8,917.50**
00798604AS	**Las Vegas Planning Charrette / Swartz**					
0103016	05/21/02	30,800.00				30,800.00
0103067	06/03/02	16,800.00				16,800.00
0103193	07/12/02	14,400.00				14,400.00
0103245	08/07/02	19,600.00				19,600.00
0103315	08/27/02	24,000.00				24,000.00
0103401	09/27/02	4,800.00				4,800.00
	Project Totals	**110,400.00**				**110,400.00**
Totals for SOUTHWEST SPORTS		**160,519.50**				**160,519.50**
Totals for Michael Swartz		**160,519.50**				**160,519.50**

City of Las Vegas

Agenda Item No. 68

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY MANAGER
DIRECTOR: DOUGLAS A. SELBY

☐ CONSENT ☒ DISCUSSION

SUBJECT:
ADMINISTRATIVE:

Report and possible action on a presentation by Clark County Health District staff concerning the "Urban Rodent Surveillance Project"

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Clark County Health District Environmental Health Division conducted an Urban Rodent Surveillance Project in the McNeil Tract Estates and Scotch 80's communities from September 26 to October 10, 2003. The project was in response to multiple complaints submitted to the Health Division by residents in the areas. Rodents trapped during the project were tested for several diseases. All of the tests were negative except for combing for ecto-parasites. The parasites identified on the rodents were the tropical rat mites. While the mites will attach to humans, they do not transmit disease. Results of the project were provided to residents through a letter including educational information on property inspection, hygiene, safety precautions and reduction of rodent harborage areas. Additional trapping projects are planned for spring and fall of 2004.

RECOMMENDATION:
Receive the presentation from the Health District staff and direct City staff to participate in and assist, as appropriate, in the implementation of an action plan to eradicate the rodents in these areas.

BACKUP DOCUMENTATION:
1. Draft letter from Association Presidents to exterminators
2. Briefing memo from Clark County Health District staff
3. Urban Rodent Control Plan
4. Submitted after meeting: hard copy of PowerPoint

MOTION:
REESE – APPROVED as recommended – UNANIMOUS with GOODMAN abstaining because he lives in the area and this presentation might affect some monetary considerations, MONCRIEF excused, and Ward 2 seat vacant

City of Las Vegas

Agenda Item No. 68

CITY COUNCIL MEETING OF APRIL 21, 2004
Administrative
Item 68 – Report and possible action on a presentation by Clark County Health District staff concerning the "Urban Rodent Surveillance Project"

MINUTES:

COUNCILMAN REESE thanked the Health District staff for its perseverance in this problem, which emerged about six months ago. As a member of the Health Board, he felt the entire Council should be made aware of the rodent infestation. COUNCILWOMAN MONCRIEF and her staff have worked very closely with the Health District in trying to address this problem.

Using a PowerPoint presentation, a hard copy of which is made part of the minutes, DANIEL MAXSON, Clark County Health District Environmental Health Division, gave an overview of the Urban Rodent Surveillance Project. He noted that, given the sizes of the rodents that were trapped, it is evident there is a very dynamic population of rodents that will require very aggressive action in order to bring it under control. Also, even though the rodents that were captured tested negative for a variety of diseases, it does not mean that they could not develop an infection in the future and spread disease.

COUNCILMAN REESE stated that, in an attempt to inhibit the spread of this infestation to other areas, staff members from Ward 1, Neighborhood Services, and the Health District have been working closely on a plan of action to inform and educate the affected residents. LITO REYES, Ward 1 Liaison, indicated that he and TIM WHITWRIGHT, Senior Neighborhood Planner, have been working on this sustainable plan for the City to address this issue. The plan basically calls upon the cooperation of various local agencies. MR. WHITWRIGHT reviewed the community education part of the plan that will be launched through various City media outlets to educate the residents on how to eliminate the habitat that attracts roof rats and how to protect their homes. He added that the Health District would be attending neighborhood meetings that have been scheduled. Licensed pest control companies were also invited to explain their services so that the residents can make informed decisions. COUNCILMAN REESE stressed that it is imperative to eliminate the habitat where roof rats thrive.

MAYOR GOODMAN noted that he was not involved, but his neighbors have informed him that the Health District has been very helpful throughout the whole process. He thanked MR. MAXSON for the Health District's expeditious and effective response to this issue.

(9:51 – 10:09)

1-1278

April 22, 2004

Name
Western Exterminators
108 Wyoming
Las Vegas, NV 891XX

RE: Rodent control measures in the Scotch 80's and Charleston McNeil Neighborhoods

Dear XXXXXXXX,

Residents of the Scotch 80's and Charleston McNeil neighborhoods will be meeting on May 6, 2004 in the Las Vegas Valley Water District building at 6:00 pm to discuss rodent control measures. As Presidents of our respective Neighborhood Associations, we are inviting you and other local, licensed pest control companies to present your company's rodent control services with the corresponding cost per household.

Residents will use the information they receive at the presentations to determine which pest control company they wish to hire. The purpose of this process is to find the best service at the best price for both neighborhoods based on the number of homes contracting with the company.

The Scotch 80's neighborhood contains 210 residences and the Charleston McNeil neighborhood contains 588 residences (maps enclosed). A memorandum summarizing a study conducted by the Clark County Health District and meeting invitation are also enclosed for your reference. If you are interested in presenting at the meeting, please contact Mr. Piper by April 30th at XXX-XXXX.

Sincerely,

Dan Piper, President
Scotch 80's Association

Bob Apple, President
Charleston McNeil Association

Enclosures

Clark County Health District
Environmental Health Division

Memo

Date: April 5, 2004

To: Glenn D. Savage, Environmental Health Director

Via: Daniel J. Maxson, REHS, Environmental Health Supervisor

From: Vivek K. Raman, Environmental Health Specialist II

Re: Urban Rodent Surveillance Project

This memo is to review the Urban Rodent Surveillance Project conducted at McNeil Tract and Scotch 80's communities by the Environmental Health Division (the Division), September 26 through October 10, 2003.

The purpose of the trapping program was to identify the species of rodents in the area, to establish if the rodents harbor diseases communicable to man, and to provide the communities with education on how to reduce the harborage of rodents in the area.

McNeil Tract Community:

Over a span of five (5) trapping nights, a total of 22 *Rattus rattus* (Roof Rats) were captured in the McNeil Tract community. Division staff set 222 traps at 31 lots, capturing *R. rattus* at ten (10) different locations.
The following attachments detail the trap locations:

- Figure 1: McNeil Tract parcel map indicating trap locations.
- Figure 2: McNeil Tract parcel map indicating where *R. rattus* were captured.

The Division contacted residents of the community using the list of attendees compiled at a meeting held by McNeil Tract community members September 20, 2003. Additional participants were contacted first hand during field trapping. The 31 homes used for trapping were not randomized or selected based on location within the community. Any willing participant was chosen for the project.

The trapping methods used by Division staff evolved as the project unfolded. The first 3 nights of trapping resulted in only two (2) specimens for over 119 traps set. Richard Hicks, Vector

Control Supervisor, suggested adding sliced apples to the oatmeal and peanut butter mix, which was introduced on the third night. The poor response to the first three nights of trapping may have been attributed to factors including trap shyness, bait shyness, and an unstressed rodent population.

On the fourth day of the project, Division staff modified the trapping technique to allow for a "pre-baiting" period. The idea behind pre-baiting was to leave food in the traps without setting the springs, allowing the rodent to become familiar with the traps, enter to eat the food, and leave. Traps were left open overnight, then re-baited and set to spring the following afternoon. On the fourth trapping night, after pre-baiting the night before, ten (10) rodents were captured. The pre-bait strategy was applied again to a new set of homes, resulting in the capture of ten (10) additional animals.

Scotch 80's Community

Over a span of two (2) trapping nights, a total of 21 *Rattus rattus* (Roof Rats) were captured in the Scotch 80's community. Division staff set 145 traps at 16 lots, capturing rodents at ten (10) different locations.
The following attachments detail the trap locations:

- Figure 3: Scotch 80's parcel map indicating trap locations.
- Figure 4: Scotch 80's parcel map indicating where *R. rattus* were captured.

The Division contacted residents of the community using names provided by the Home Owners Association President and through first hand contact with neighbors during field trapping. The 16 lots used for trapping were not randomized or selected based on location within the community, and any willing participant was chosen for the project. Three (3) lots were not inhabited (lots 8, 9, and 12 on Fig. 1) at time of sampling.

Based on the success of pre-baiting at McNeil Tract, the same strategy was used at Scotch 80's. Traps were pre-baited for two (2) nights in a row, with traps being re-baited and set on the third night. Ten (10) *R. rattus* were captured on the first trap night, and eleven (11) captured on the second trap night.

Specimen Sampling

A total of 43 *R. rattus* were collected from the McNeil Tract and Scotch 80's communities. All of the specimens were processed at the Clark County Health District for the following:

- Species
- Weight
- Sex
- Age
- Length (body, tail, and overall lengths)
- Reproductive condition
- Blood samples
- Stool samples
- Ecto-parasites

Demographic data collected from the rodents at McNeil Tract and Scotch 80's is represented in Figures 5 and 6 respectively. Comparative graphs depicting gender, age, and reproductive condition of the rodents are detailed in Figures 7, 8, and 9 respectively.

Blood samples were sent to the Centers for Disease Control and Prevention for *Bartonella* and plague testing, and the University of New Mexico, School of Medicine for hantavirus testing.

Stool samples were sent to a diagnostic lab where they were tested for pathogenic bacteria including *Salmonella*, *Campylobacter*, and *Shigella*.

Ecto-parasites were sent to Clark County Vector Control for identification.

Resident Education

A letter to the residents of McNeil Tract and Scotch 80's has been drafted, which outlines the rationale behind the Surveillance Project, the trapping and specimen sampling details, and the results for the stool samples. Enclosed with the letter are public health education sheets on how residents can inspect their property for rodents, initiate control measures to reduce the harborage of rodents, and safety precautions to take when cleaning rodent infested areas.

Conclusion

Demographic Data

The collection of 43 *R. rattus* specimens from both communities indicates that the animals are thriving in the lush vegetation available in the area. Based on the healthy appearance of the rodents (weight, length, and reproductive condition), it is apparent that the animals are not living in a stressful environment. There is plenty of shelter in the overgrown palm and oleander trees, and an abundance of food from the pomegranate, pear and fig trees. Furthermore, the swimming pools and fish ponds in the area provide an adequate year round water supply.

The animals ranged widely in age and size, with the smallest juvenile weighing 17.8 grams and the largest adult weighing 115.3 grams. The relatively even total distribution of males and females (58% male, 42% female) indicates a high potential for breeding and population proliferation. The small distribution of gravid (pregnant) females may indicate that the rodents are slowing their reproductive cycle for the winter.

It is difficult to derive a conclusion on rodent distribution and population density from the parcel maps, as large areas of both communities are not represented. It has been observed that parcels of land with sparse vegetation and limited water supplies had little rodent activity. This further supports the rodent control measures discussed in the health education sheets provided to the residents.

Laboratory Results

A total of 42% of rodents (18 of 43) had stool specimens collected and analyzed. All of the specimens were negative for pathogenic bacteria including *Salmonella*, *Shigella*, and *Campylobacter*. Only normal gastrointestinal flora were isolated.

The ecto-parasites were identified as being tropical rat mites, *Ornithonyssus bacoti*. Tropical rat mites will feed on the blood of humans, however they are not known to transmit disease.

All 43 *R. rattus* were negative for *Yersinia pestis*, the causative agent of plague, hantavirus, and *Bartonella*.

DATE	ACTION	RESPONSIBLE PARTY
April 21, 2004	**City Council Meeting** ❖ Present history of Urban Rodent Surveillance Project ❖ Present Action Plan	Clark County Health District Ward –1 Liaison / CLV Neighborhood. Services
April 22, 2004	**Pest Control Company Invitations** ❖ Letters signed by Neighborhood Association Presidents and mailed to pest control companies	Scotch 80's & Charleston McNeil Neighborhood Association Presidents
April 26, 2004	**Neighborhood Meeting Invitation** ❖ Mail out Neighborhood Meeting invitations to Scotch 80's and Charleston McNeil neighborhood associations	CLV Neighborhood Services
April 29, 2004	**WWW.NeighborhoodsOnline** ❖ Post Health District rodent control measures & contact information ❖ Post survey to gather number or residents interested in a group pest control contract	CLV Neighborhood Services CLV Neighborhood Services
April 29, 2004	**City Website** ❖ Post Health District rodent control measures & contact information	PIO / Ward 1 Liaison
May 1, 2004	**Television Public Service Announcement** ❖ Place a PSA on KCLV Channel 2	KCLV / Ward 1 Liaison

DATE	ACTION	RESPONSIBLE PARTY
May 6, 2004	**Neighborhood Meeting** ❖ Urban Rodent Surveillance Project History ❖ Neighborhood Clean up presentation Education & Prevention information ❖ Presentations to residents for group rodent extermination contract ❖ Presentation about Tree Trimming program	Clark County Health District CLV Neighborhood Services CLV Animal Control / Clark County Health District Western Exterminators, Morgan Pest Control, American Pest Control, Phoenix Pest Control, Hometeam Pest Defense Nevada Power
May 10th – 14th, 2004	**Evaluate Public Properties** ❖ Evaluation of Rodent infestation within Public Properties and Public Right of Ways	Clark County Vector Control
May 21, 2004	**Select Pest Control Company** ❖ Select a pest control company to contract with the neighborhoods	Scotch 80's and Charleston McNeil Neighborhood Association Presidents
May 26, 2004	**Neighborhood Clean Up Notice** ❖ Mail out post cards notifying residents of clean up and list the types of materials they should remove to reduce rodent nesting sites	CLV Neighborhood Services
May 29, 2004	**Nevada Power - Tree Trimming** ❖ Trim back overgrown foliage	Nevada Power
June 5, 2004	**Neighborhood Clean Up** ❖ Conduct neighborhood Clean Up	CLV Neighborhood Services
June 12, 2004	**Neighborhood Clean Up** ❖ Conduct neighborhood Clean Up	CLV Neighborhood Services

Urban Rodent Surveillance Project

Conducted by:

Daniel Maxson, REHS

Vivek Raman, REHS

Robert Urzi

September 26 – October 10, 2003

Prepared By V. Raman

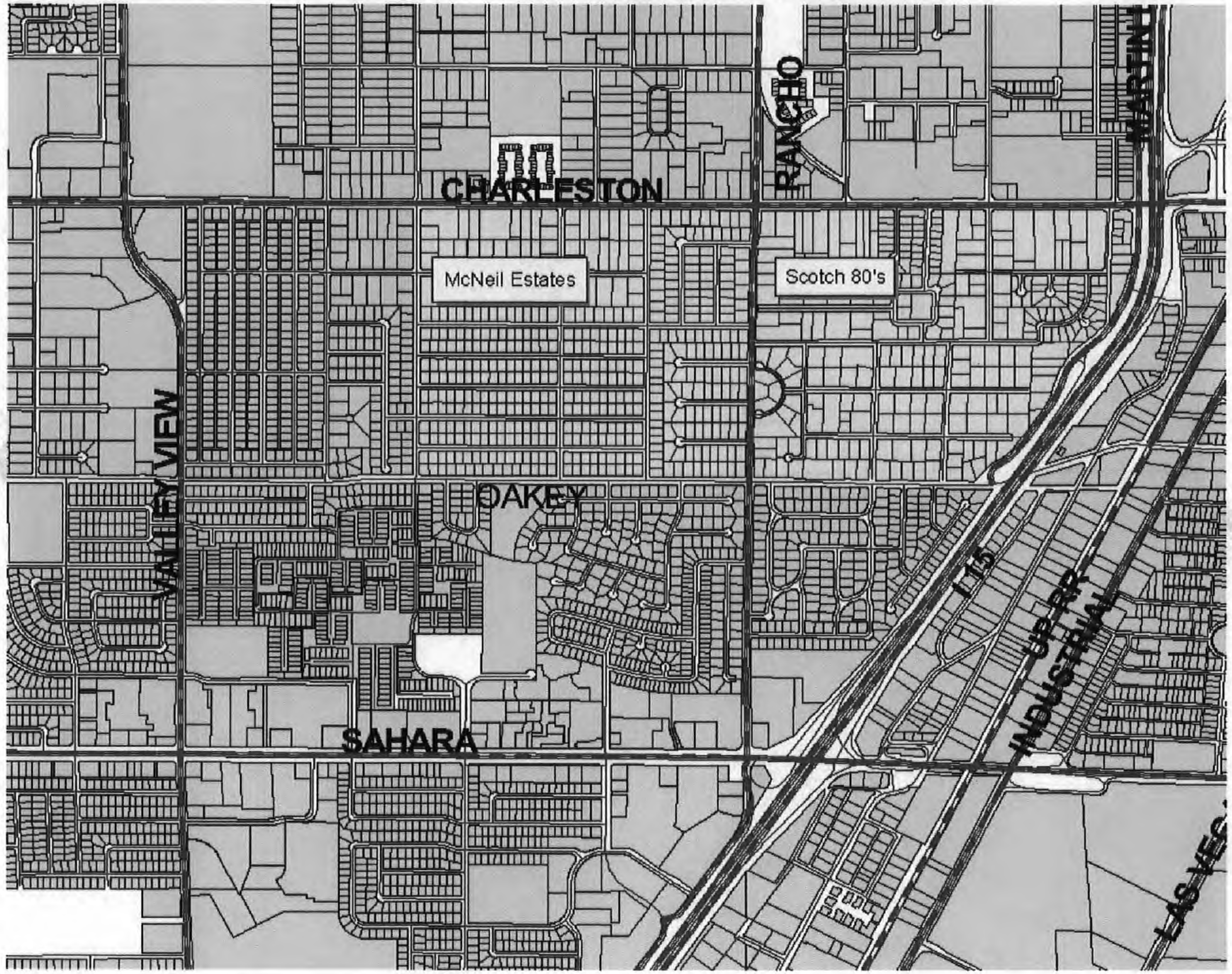
CC/Sub #4 4/21/04

#6b

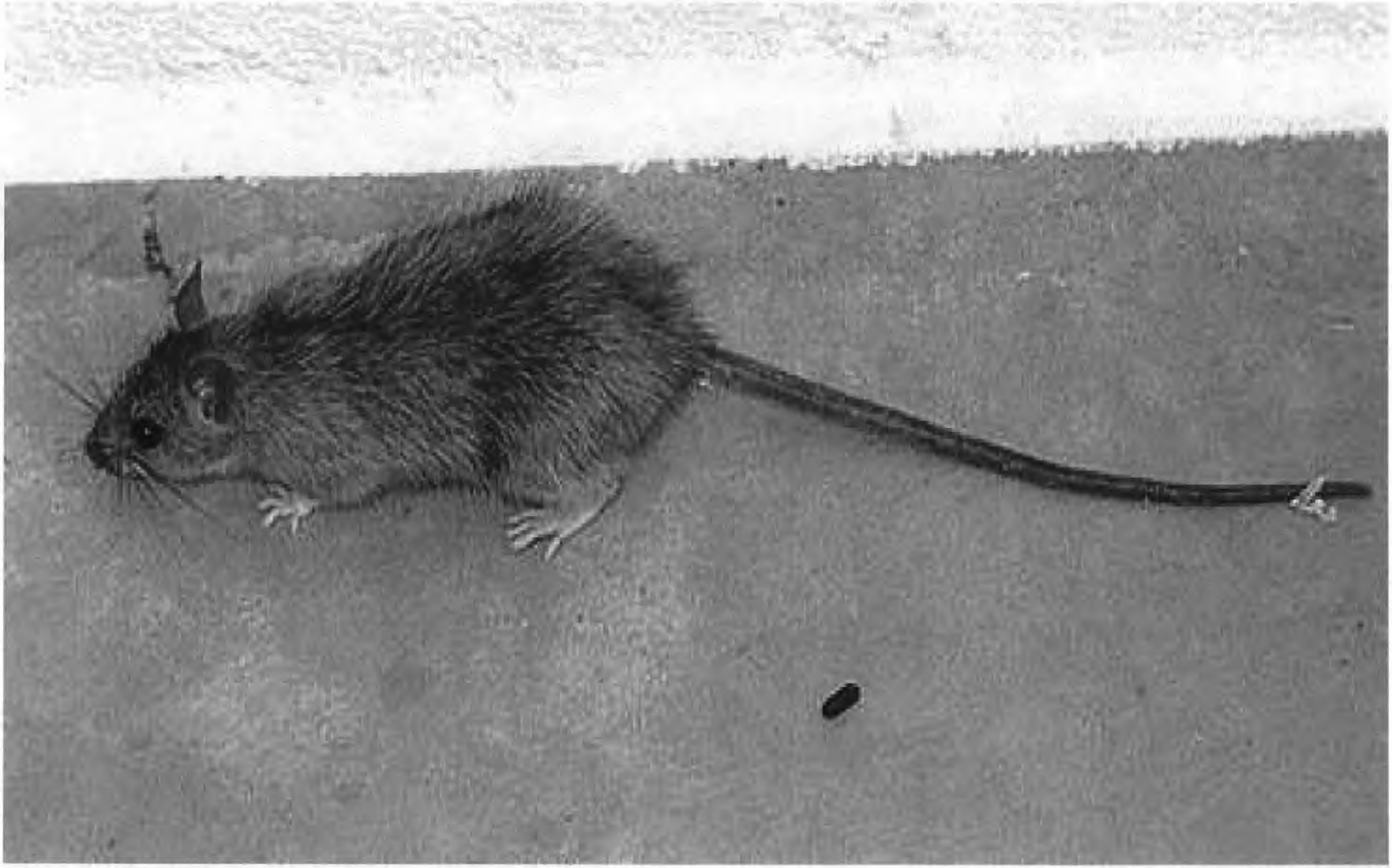
Why the Project?

- Community complaints to CCHD about roof rat sightings:
  - in swimming pools, crawling up telephone poles, scurrying in bushes, crossing electrical wires
- Not the first complaint of roof rats living in Las Vegas, however:
  - Never been verified
  - Never been analyzed for disease
- Community meeting:
  - over 100 residents attended
  - CCHD rep. on hand to answer questions

The Communities



The Roof Rat



The Roof Rat Concern

- *Rattus rattus*:
  - Have been associated with disease in nature including plague and hantavirus - plague and hantavirus are present in rural Clark County
  - *Rattus* feces, urine, hair, and gnawing can destroy food, contaminate work spaces and homes, and create unhealthy living conditions
  - Are destructive to the environment when large populations are present.

Project Overview

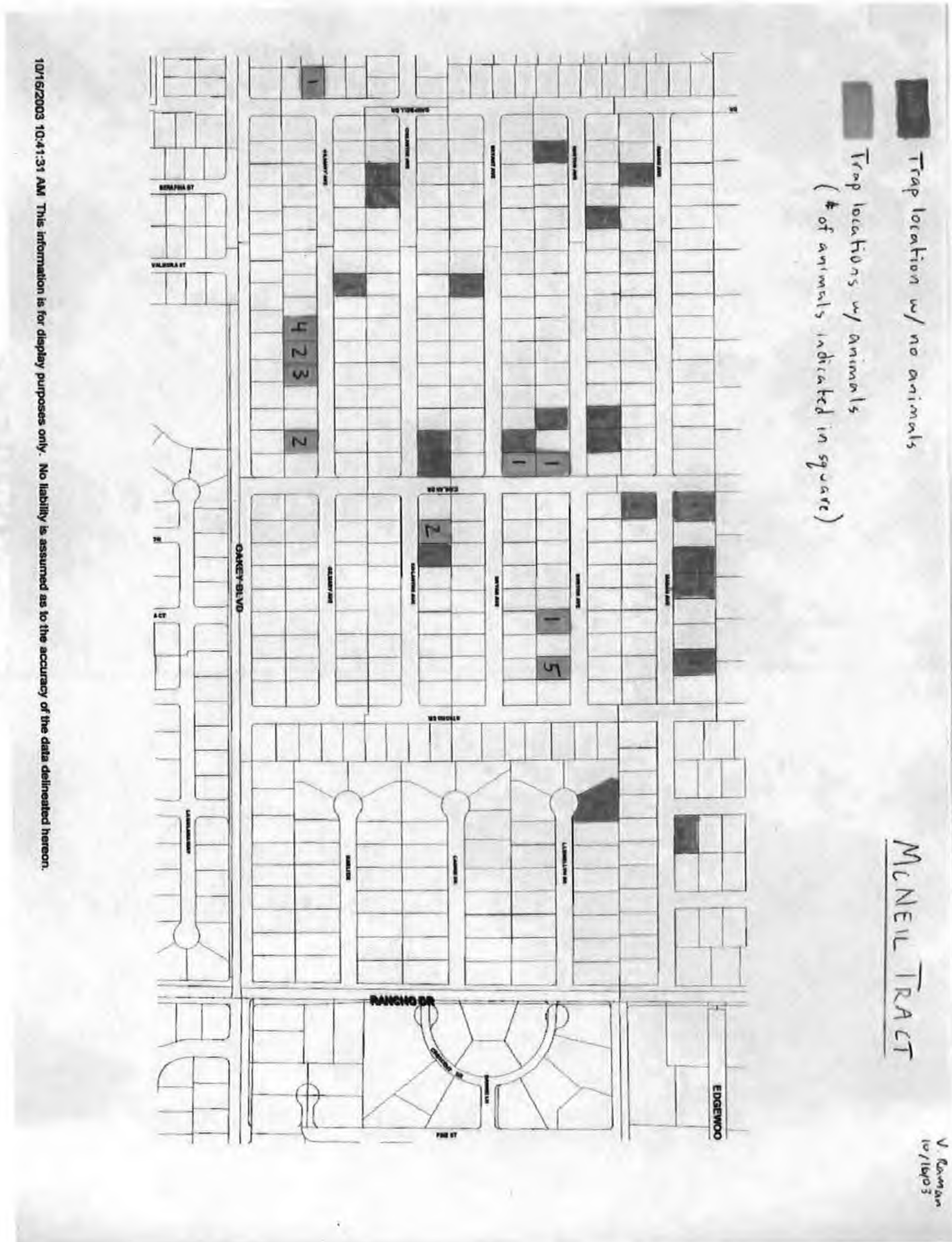
- Identify homes to set live traps using list of residents provided by community
- Collect data on type of animal, age, weight, sex, length, reproductive condition
- Collect blood specimens for plague, hantavirus, and *Bartonella*
- Collect stool samples for *Salmonella*, *Campylobacter*, and *Shigella*
- Comb rodents for ecto-parasites

Rodent Capture

- "Tomahawk" live traps set using apple, oats, peanut butter as bait
- Set traps on walls, near telephone poles, next to ivy, on roofs, and other rodent travel routes
  - Modified bait and trapping strategy due to trap shyness
  - Used a pre-bait period with success

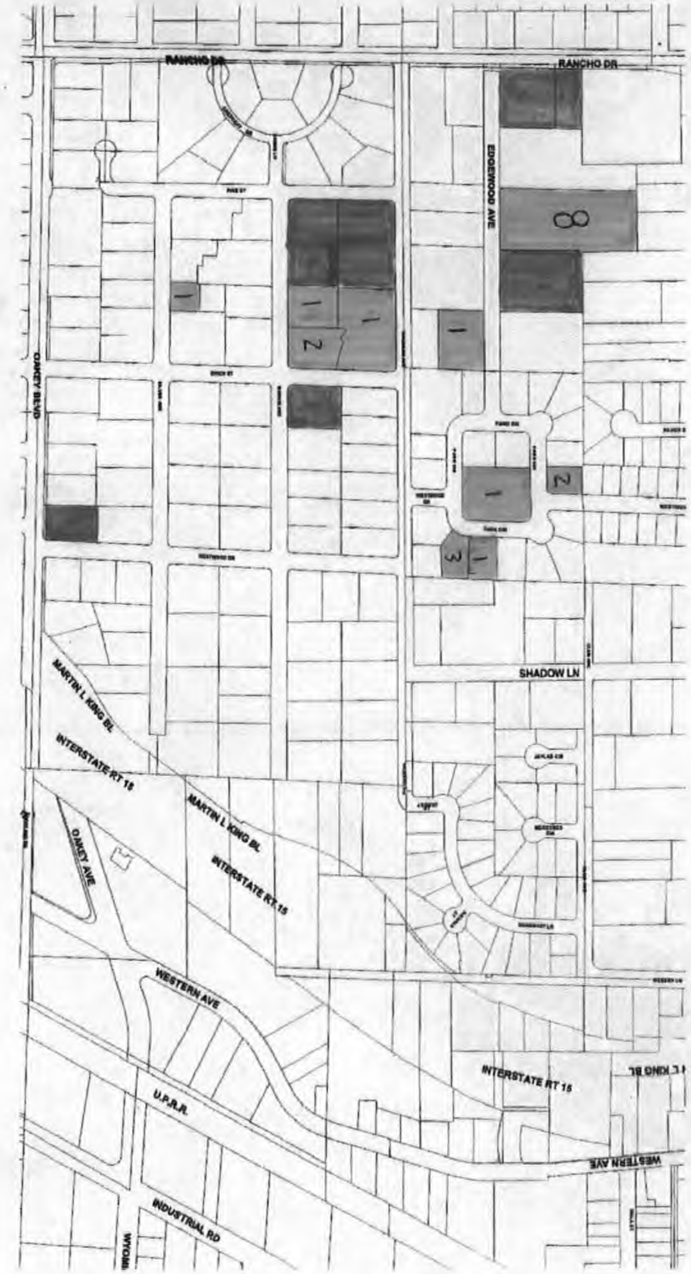
McNeil Tract – Trap Locations

- 5 trapping nights
- 200 traps set in 31 yards
- 22 roof rats trapped
- 5 rodents trapped at one location



Scotch 80's – Trap Locations

- 2 trapping nights
- 140 traps set in 16 yards
- 21 roof rats trapped
- 8 rodents trapped at one location



10/16/2003 1:01:55 PM This information is for display purposes only. No liability is assumed as to the accuracy of the data delineated hereon.

Trap locations w/ no animals

Trap locations w/ animals
(# of animals indicated in square)

Scotch 80's

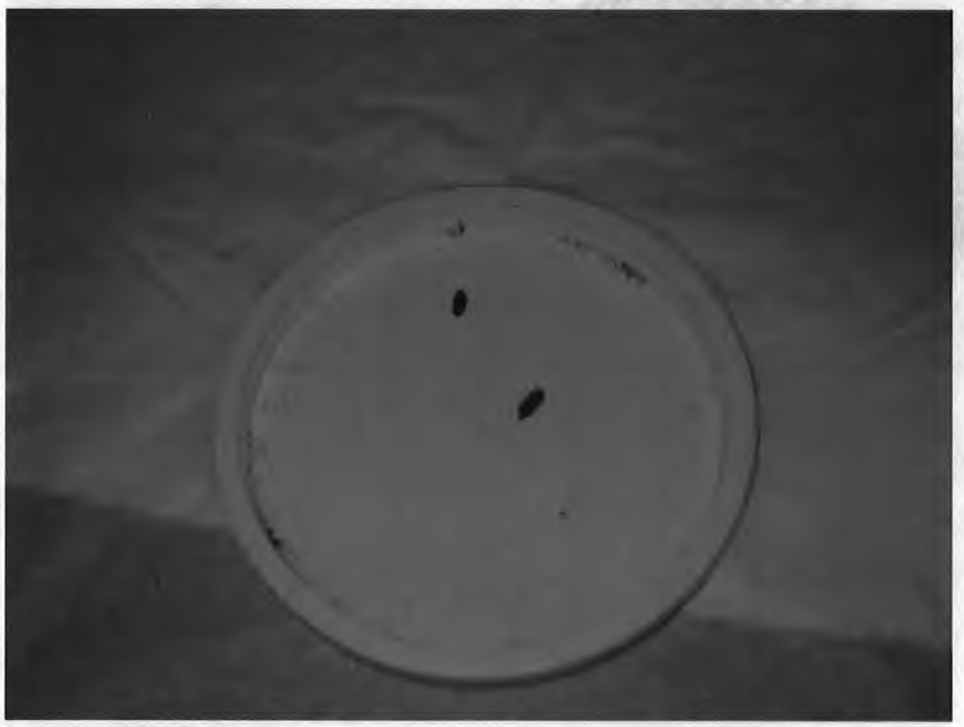
V. Cameron
10/16/03

Processing the Rodents – Suiting Up

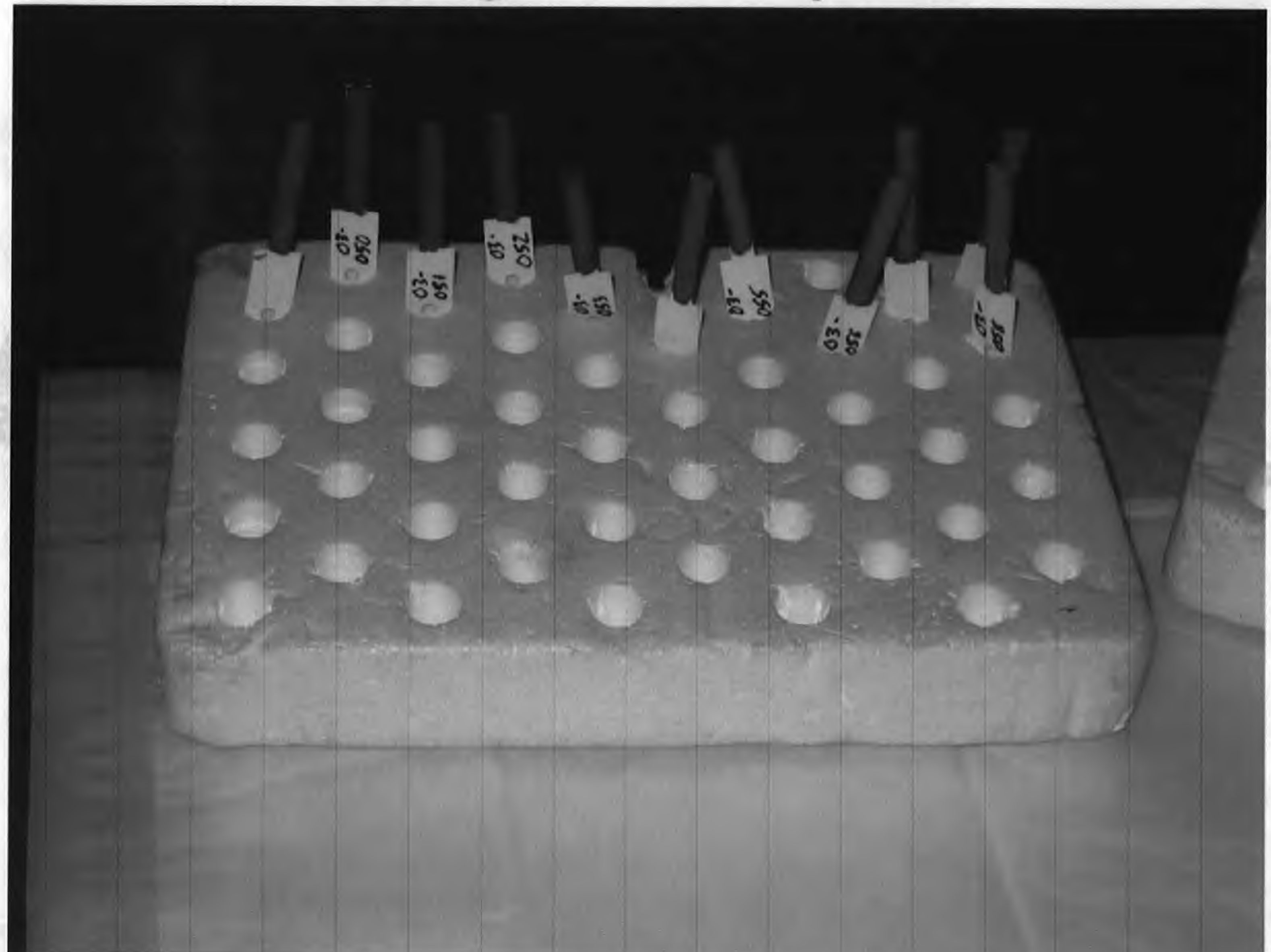
Processing the Rodents

- Rodents are:
  - Weighed
  - Measured
  - Sexed
  - Stool collected

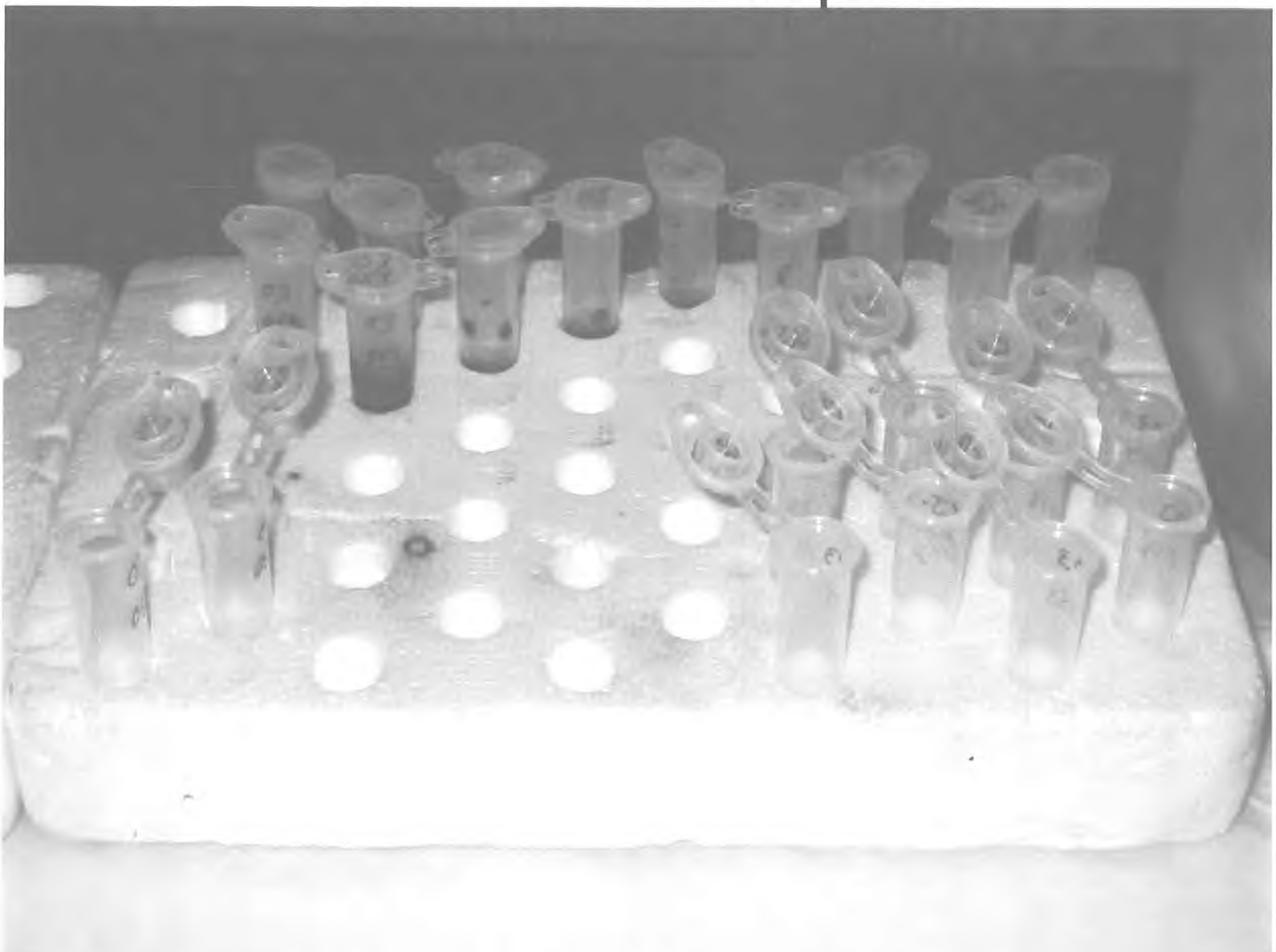
Processing the Rodents – Stool Collection



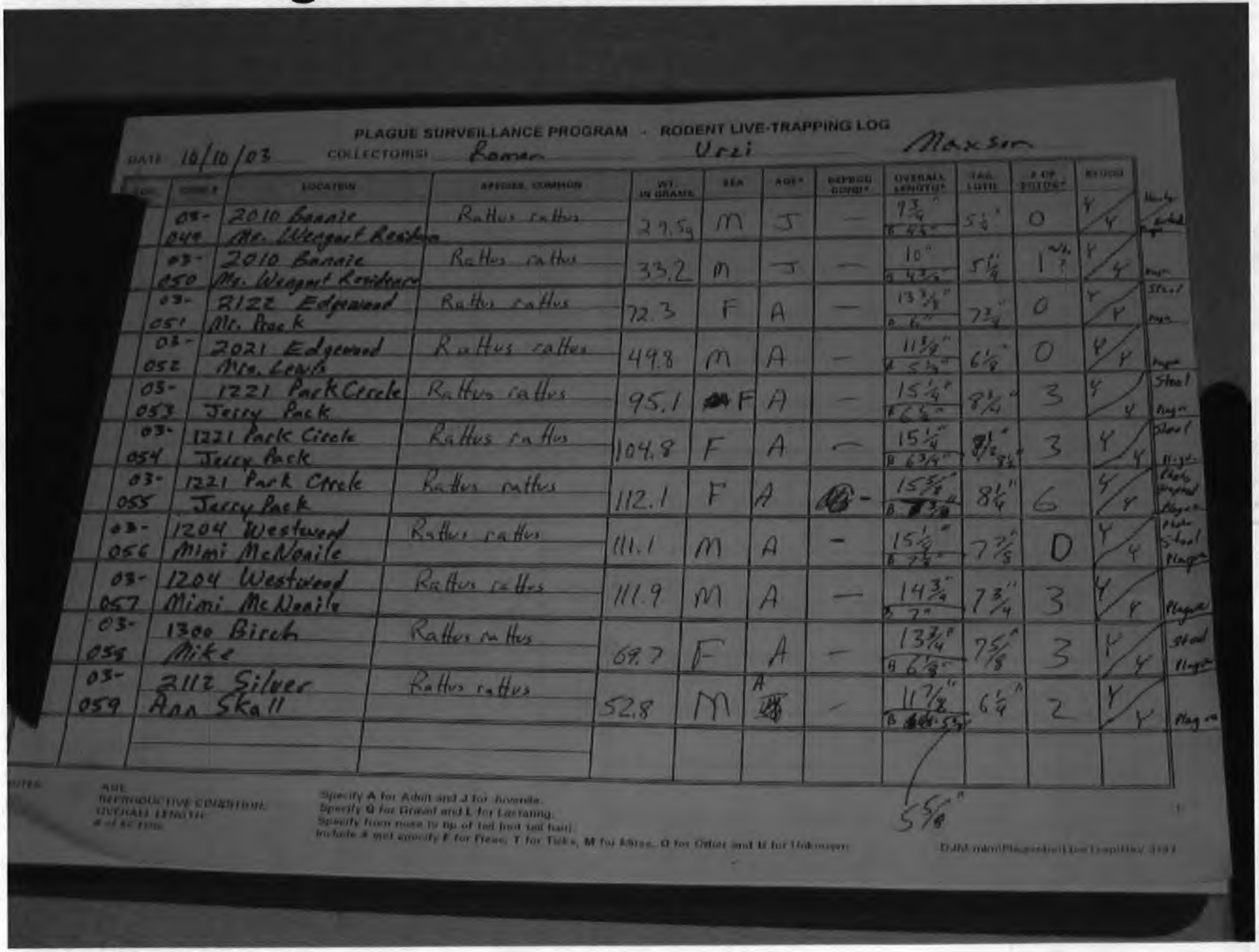
Processing the Rodents-
Plague Samples



Processing the Rodents – Hantavirus and Bartonella Samples



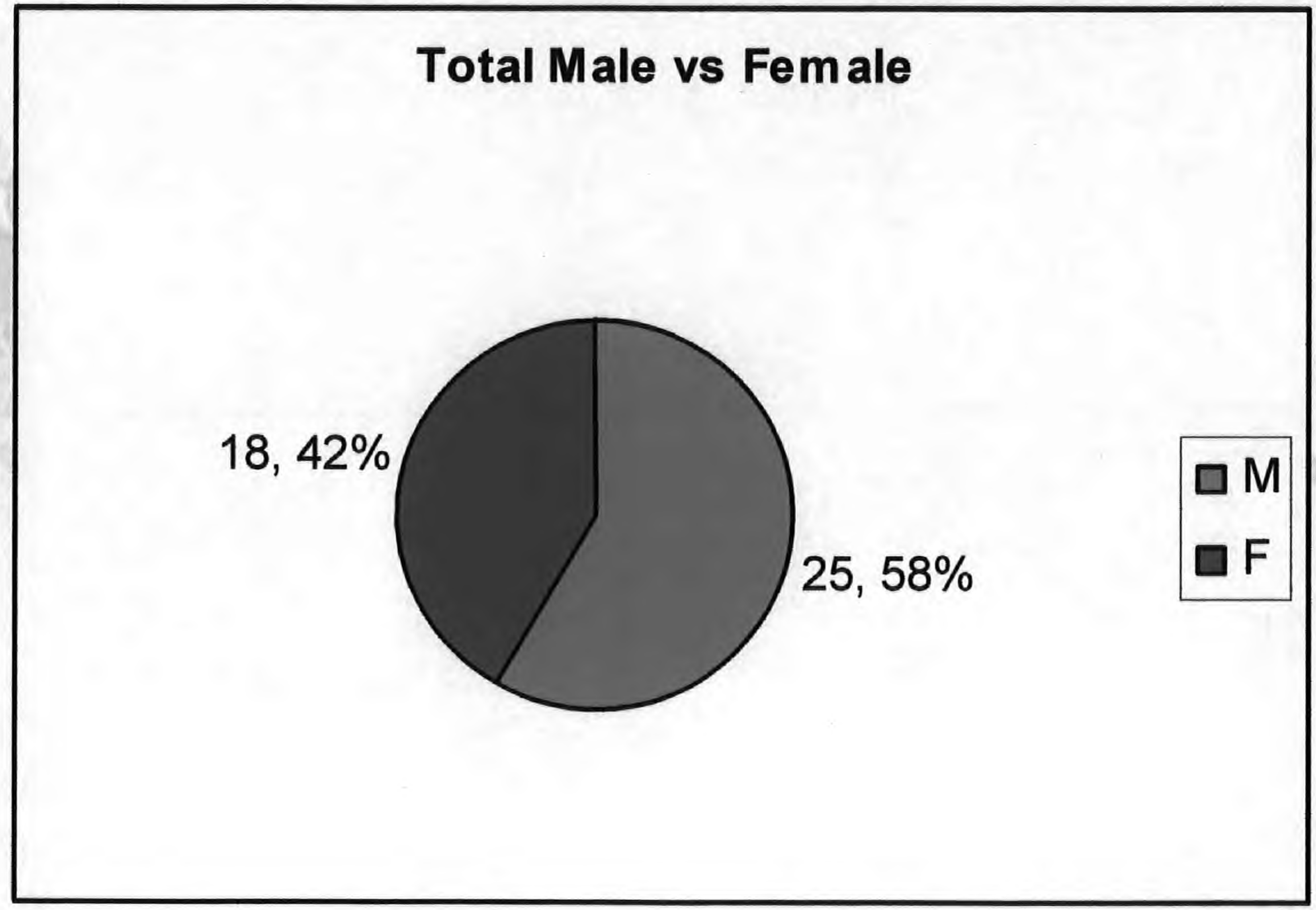
Processing the Rodents – Data Collection



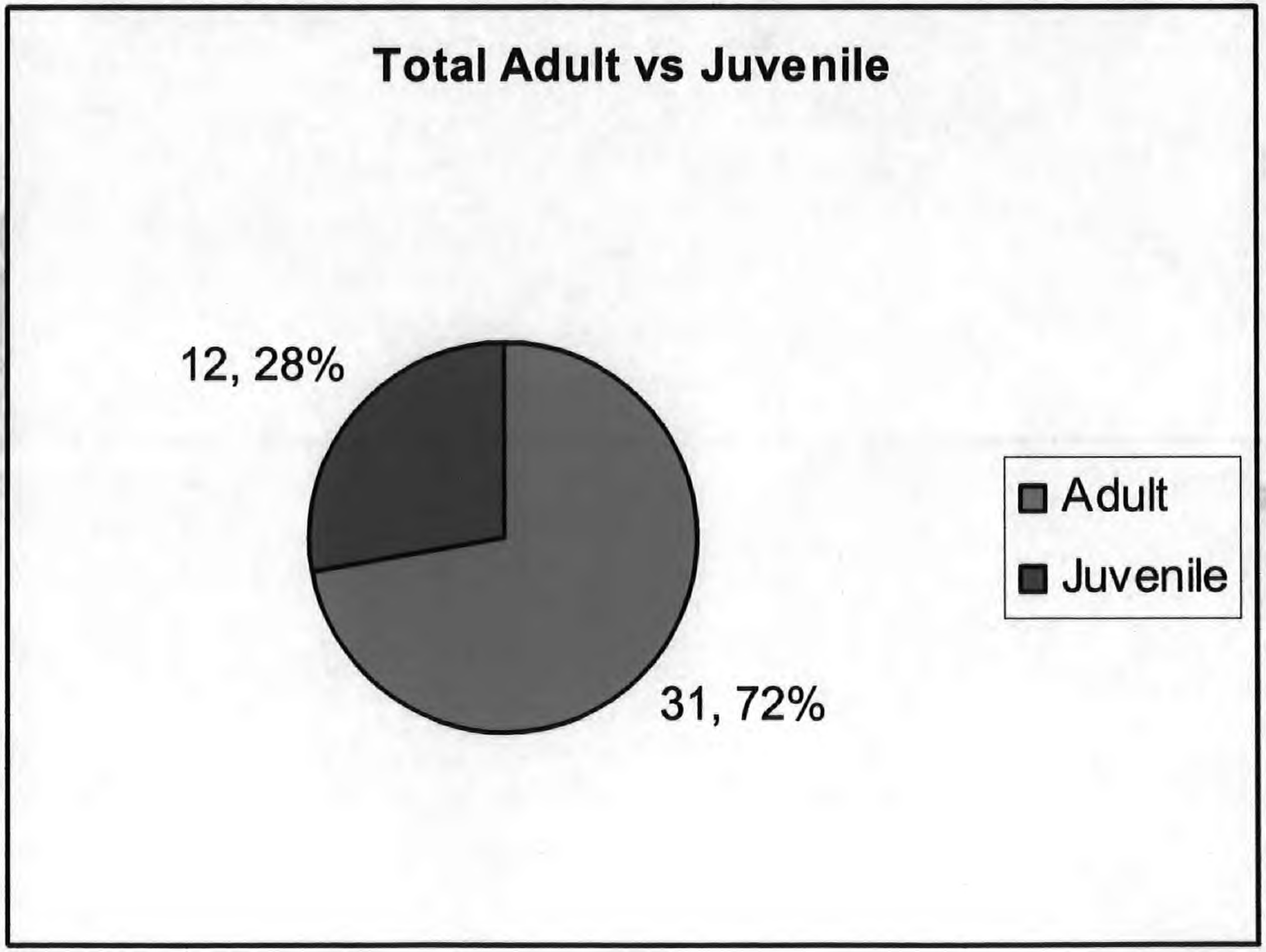
Results

- All rodents negative for Plague, Hantavirus, and *Bartonella*
- All stool negative for *Salmonella*, *Campylobacter*, and *Shigella*
- No fleas found on rodents. Ecto-parasites identified as the Tropical Rat Mite (not a disease transmitter)

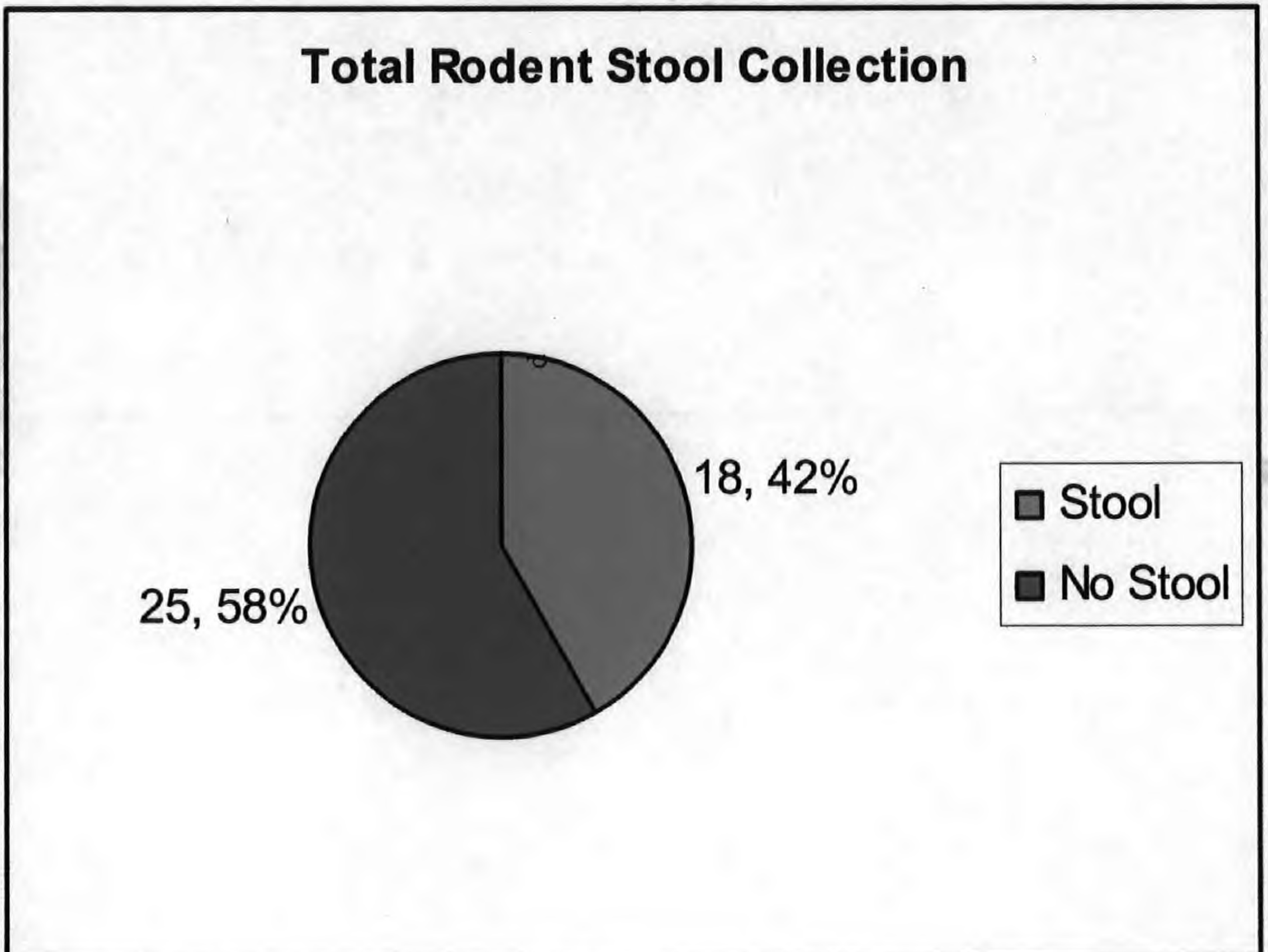
Rodent Gender Distribution



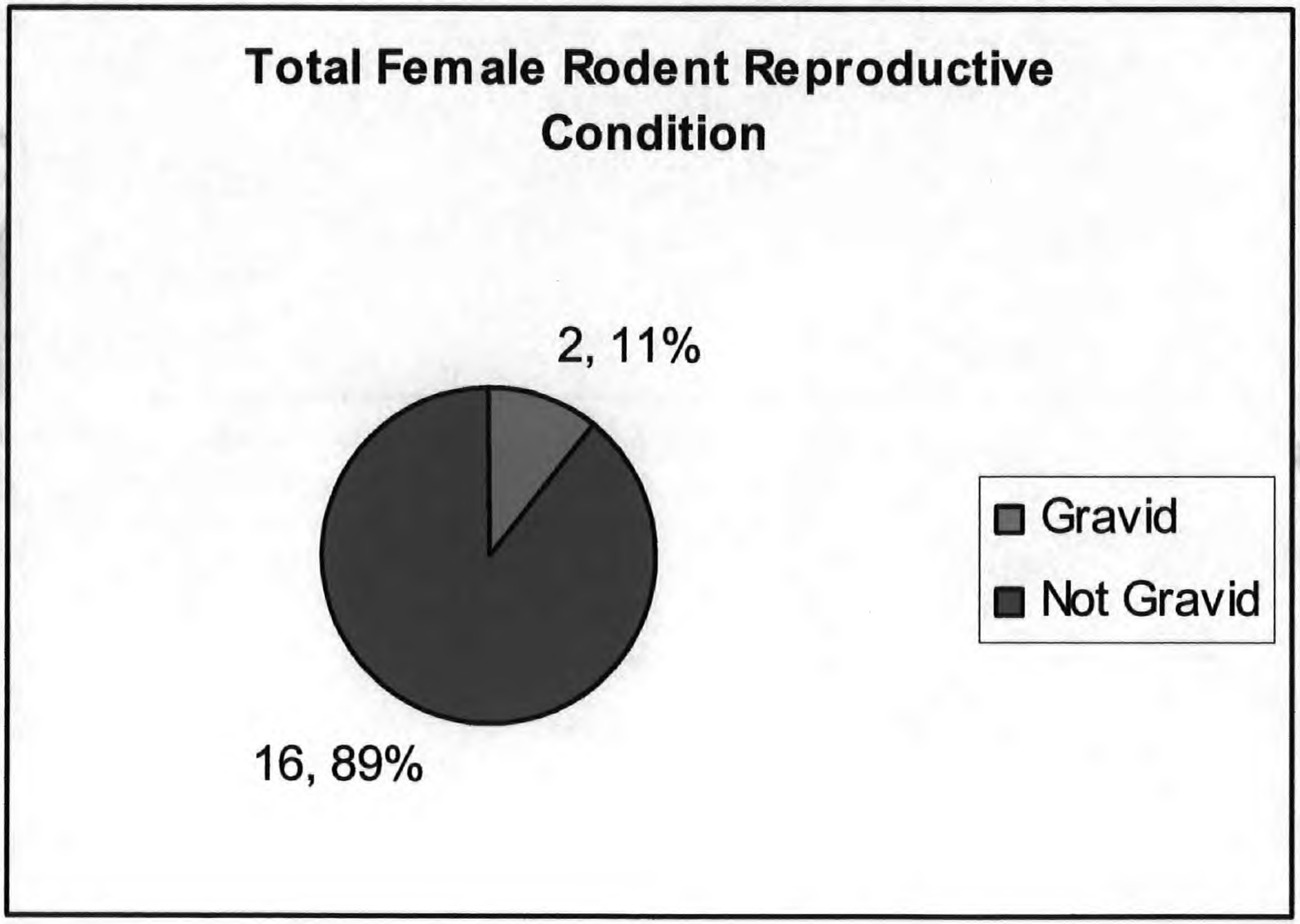
Rodent Age Distribution



Rodent Stool Distribution



Female Rodent Reproductive Condition



Interesting Rodent Info.

- Longest rodent – 46.06 cm or 18.1 inches
- Heaviest rodent – 114.5g or 4 oz

- Lightest rodent – 17.8 g or .6 oz
- Shortest rodent – 14.93 cm or 5.8 inches

- In 2 separate traps, 2 juvenile rodents were trapped together.

Conclusion

- Observed an unstressed rodent population:
  - Range in age and gender distribution
  - Captured pregnant females
  - Healthy looking animals
- Rodents are thriving:
  - lush, well established vegetation
  - Year round water sources
  - low predation
  - little competition for resources
  - No observed disease

Community Education

- Letter to residents of community / press releases with rodent control strategies
  - Control starts in the community:
  - Clean yards of overgrown foliage
  - Remove food sources from yard
  - Seal gaps and holes into homes and sheds
- CCHD public health agency not pest control agency
- CCHD to expand surveillance to identify if roof rat populations are valley wide

City of Las Vegas

Agenda Item No. 69

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from March 17, 2004. Charles H. Lloyd, 301 Orland Street #25, Las Vegas, Nevada 89108

Fiscal Impact

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:
Submitted after meeting: letter dated 4/21/2004 from Mr. Lloyd requesting withdrawal of appeal

MOTION:
REESE – ABEYANCE to 5/5/2004 – UNANIMOUS with Ward 2 seat vacant

MINUTES:
The appellant was not present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), suggested issuing MR. LLOYD a one-year, site-specific temporary work card, despite Metro's inability to obtain confirming documentation regarding MR. LLOYD'S criminal history. However, since the applicant was not present, COUNCILMAN REESE opted to hold this matter in abeyance, as he would prefer to make a decision when the appellant is present.

(10:09 – 10:10)

1-1976

FROM :HYDE PARK CHIROPRACTIC & REHAB FAX NO. :7028700474 Apr. 21 2004 03:57PM P1

4-21-04

I CHARLES LLOYD RETRACT MY REQUEST FOR APPEAL TO CITY COUNCIL.

THANK YOU

RECEIVED
CITY CLERK
2004 APR 21 P 4:57

#64
cc Mtg. of
4/21/04

City of Las Vegas

Agenda Item No. 70

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Jose Dennis Medrano-Arriola, 3756 Wynn Road #317, Las Vegas, Nevada 89103

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 – APPROVED a permanent work card – UNANIMOUS with Ward 2 seat vacant

MINUTES:
The appellant was present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), reported that he had discussions with MR. ARRIOLA'S employer, who indicated that MR. ARRIOLA is in good standing and wishes to keep him as an employee. Metro is in support of issuing a permanent work card. MR. ARRIOLA stated he would appreciate a permanent work card.

(10:10 – 10:11)

1-2032

April 7, 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,

Jose Dennis Medrano-Arriola
3756 Wynn Road #317
Las Vegas, NV 89103

April 7 2004

Jose Dennis Medrano-Arriola
3756 Wynn Road #317
Las Vegas, NV 89103

Re: **WORK CARD APPEAL**

Dear Mr. Medrano-Arriola:

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 April 21, 2004.

Your appeal is scheduled to be heard during the moming 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,

Beverly K. Bridges

BEVERLY BRIDGES
CHIEF DEPUTY CITY CLERK

/pc

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

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

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City of Las Vegas

Agenda Item No. 71

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Ms. Miaelizabeth Fenstermaker, 1400 So. Casino Center #22, Las Vegas, Nevada 89104

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 Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)
1-881

RECEIVED
CITY CLERK

2004 APR -2 P 2: 01

April 2, 2004

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

Gentlemen:

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

Sincerely,

Miaelizabeth E. Fen

Ms. Miaelizabeth Fenstermaker
1400 So. Casino Center #22
Las Vegas, Nevada 89104

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
'RENCE WEEKLY
CHAEL MACK
.NET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

April 2, 2004

Ms. Miaelizabeth Fenstermaker
1400 So. Casino Center #22
Las Vegas, Nevada 89104

Re: **WORK CARD APPEAL**

Dear Ms. Fenstermaker:

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 April 21, 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,

Deeny Araujo

DEENY ARAUJO
DEPUTY CITY CLERK

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

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

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TTY 702.386.9108
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City of Las Vegas

Agenda Item No. 72

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Desiree Dawn Gordon, 2700 Sadie Lane, Henderson, Nevada 89074

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 Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:

There was no discussion.

(9:40 – 9:42)

1-881

RECEIVED
CITY CLERK
2004 APR -6 P 1:23

April 6, 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,

Desiree Gordon

Desiree Dawn Gordon
2700 Sadie Lane
Henderson, NV 89074

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
TE B. McDONALD
RENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

April 6, 2004

Desiree Dawn Gordon
2700 Sadie Lane
Henderson, NV 89074

Re: **WORK CARD APPEAL**

Dear Ms. Gordon:

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 April 21, 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,

Angela Crolli

ANGELA CROLLI
DEPUTY CITY CLERK

/ac

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

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

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City of Las Vegas

Agenda Item No. 73

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Chanpheng Phromprakay, 5010 Indian River Drive #149, Las Vegas, Nevada 89103

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 Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)

1-881

RECEIVED
CITY CLERK
2004 APR -9 P 1:09

April 9, 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,

C Phromprakay

Chanpheng Phromprakay
5010 Indian River Drive #149
Las Vegas, NV 89103

MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN
LYNETTE B. McDONALD
'RENCE WEEKLY
/CHAEL MACK
JANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

April 9, 2004

Chanpheng Phromprakay
5010 Indian River Drive #149
Las Vegas, NV 89103

Re: **WORK CARD APPEAL**

Dear Ms. Phromprakay:

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 April 21, 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,

Arlene Coleman

ARLENE COLEMAN
DEPUTY CITY CLERK I

vwd

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

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

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City of Las Vegas

Agenda Item No. 74

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action to fund the removal and relocation of skate element equipment from Patriot Park to Mountain Ridge Park ($100,000 - Parks & Leisure Activities Capital Projects Fund) - Ward 6 (Mack)

Fiscal Impact

☐	**No Impact**	**Amount:** $100,000
☐	**Budget Funds Available**	**Dept./Division:** Finance & Business Services
X	**Augmentation Required**	**Funding Source:** Parks & Leisure Activities CPF

PURPOSE/BACKGROUND:

The residents of Ward 6 feel the skate element equipment at Patriot Park would be better utilized at Mountain Ridge Park. The Parks & Open Spaces Division of Field Operations has received a request to relocate skate element equipment from Patriot Park to Mountain Ridge Park. The cost associated with the equipment removal, relocation, installation, and related amentities (gates, fencing, etc.) would require augmentation as this project is not currently funded on the Parks Capital Improvement Plan list.

RECOMMENDATION:

If Council supports the removal and relocation, staff recommends funding from available augmentation resources.

BACKUP DOCUMENTATION:

None

MOTION:

MACK – APPROVED as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MARK VINCENT, Director, Finance and Business Services, stated that in reviewing the Patriot Park Project, he found that it is almost complete. Since there is obligated residential tax money on Patriot Park, he suggested redirecting $100,000 from Patriot Park to Mountain Ridge Park to effect the relocation of the equipment.

COUNCILMAN MACK indicated that there is about $400,000 that was allocated for Patriot Park that has not been used. He felt saddened to have to relocate the equipment. It is unfortunate that the bad actions of a few people ruined the skate element for the skaters that frequented Patriot Park. This Council has been very good to the skateboard/bike community, but if vandalism continues in the park, the City is going to be forced to make tough decisions in the future.

City of Las Vegas

Agenda Item No. 74

CITY COUNCIL MEETING OF APRIL 21, 2004
Finance and Business Services
Item 74 – Discussion and possible action to fund the removal and relocation of skate element equipment from Patriot Park to Mountain Ridge Park ($100,000 – Parks & Leisure Activities Capital Projects Fund) – Ward 6 (Mack)

MINUTES – Continued:
MAYOR GOODMAN mentioned that it is a shame that vandalism takes place after so much money and effort is put into the parks and equipment. It is unfortunate that some people had to ruin everything for the law-abiding citizens that enjoyed skateboarding at Patriot Park.

NOTE: MAYOR GOODMAN urged the City Marshals to be more than severe if they happen to witness vandalism in the parks.

(10:11 – 10:14)

1-2087

City of Las Vegas

Agenda Item No. 75

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations, From: Bells Market Partnership, Caroline Yousif, Ptnr, 50%, Jamal Jeberaeel, Ptnr, 50%, To: Sabah Shoshani, dba Bells Market, 720 West Owens Avenue, Sabah H. Shoshani, 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 for a Beer/Wine/Cooler Off-sale License

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

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Sabah Shoshani

MOTION:
WEEKLY – ABEYANCE 5/5/2004 – UNANIMOUS with Ward 2 seat vacant

MINUTES:
The applicant was present, accompanied by his attorney, DAVID CROSBY.

JIM DiFIORE, Manager, Business Services, reported that the applicant is seeking a temporary license. The primary criteria are the applicant's fitness and the appropriateness of the business location. MR. DiFIORE explained that he previously requested abeyance because staff had concerns regarding some activity occurring on the premises on 4/2/2004. On that evening the current owners were cited for not possessing health cards or work cards. Also, MR. SHOSHANI, who was behind the counter that evening, did not possess an alcohol awareness card or a health card. There was also a violation of not having signs posted at the sales counter prohibiting the consumption of alcohol within 1,000 feet of the site. MR. JEBERAEEL was issued a warning notice at that time.

MINUTES – Continued:
On the following Monday, one of the Licensing Officers visited the store to deliver the signs that were to be posted at the sales counter, and he noticed that there were several individuals standing around in the parking lot consuming alcohol. The clerk did try to disperse the people. However, while this was occurring, an individual on a bicycle approached the License Officer to sell crack cocaine.

On 4/15/2004, DETECTIVE RODD and a Senior License Officer visited the store and found that another clerk working in the store had no work card, for which the clerk was cited. MR. JEBERAEEL was called to the store and cited for employing an individual without a work card.

MR. DiFIORE conceded that most of the above concerns do not reflect MR. SHOSHANI coming in for a temporary license, and even though the preliminary investigation has not revealed any criminal record on him, he felt concerned about MR. SHOSHANI'S operation of the store if he were granted a temporary license.

ATTORNEY CROSBY commented that MR. JEBERAEEL resolved all the issues MR. DiFIORE mentioned. He has also discussed these problems with MR. SHOSHANI, who, as an operator in North Las Vegas, is used to dealing with similar problems related to these types of businesses. He assured the Council that MR. SHOSHANI is committed to running a clean operation that will upgrade the area.

Since COUNCILMAN WEEKLY could not ascertain that MR. JEBERAEEL had obtained proper licensing, he preferred to hold this matter in abeyance. He noted that he has frequented MR. SHOSHANI'S store in North Las Vegas and found that he runs a clean operation. ATTORNEY CROSBY requested the license be approved in the interim subject to obtaining proper licensing. COUNCILMAN WEEKLY insisted holding this matter, as he would prefer that all the licensing be in place first.

(10:14 – 10:19)
1-2199

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License subject to Health Dept. regulations, To: Sabah Shoshani, dba Bells Market, 720 West Owens Avenue

---

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 24, 2004 from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on March 9, 2004. Based on a review of the SCOPE printout furnished to this Department by the applicant, we have determined he 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 individual this item will be brought back before the Council for appropriate action.

From: Sabah Shoshani

To:
City of Las Vegas

Subject:
Applying for temporary beer / wine of sale license

I would like to request a condition of a temporary business license for the beer & wine of sale for 720 w. Owens (Bells Market)

Not to mention that I had been approved for a liquor license in the city of north Las Vegas (Quick Stop Market, 3407 E. Lake mead) and my investigation was done through the city of north Las Vegas in Sep, 2003 with detective Sayoko Fay

Also I want to tell you that I had been in Las Vegas since 1996 and I operated few businesses and because of the financial hardship that has to do with the sale of my previous business (car wash)
I need to invest right a way in Bells market

Thank you
Feb, 24, 2004

Sabah shoshani

City of Las Vegas

Agenda Item No. 76

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Denial of Business License for an Independent Massage Therapist License, Nicholas A. Hoover, dba Nicholas A. Hoover, 4200 East Bonanza Road, #123, Nicholas A. Hoover, 100% - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding an Appeal of Denial of Business License for an Independent Massage Therapist License

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

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Nicholas Hoover

MOTION:
REESE – Motion to bring forward and STRIKE Items 59, 60, 62, 63, 64, 65, 66, 71, 72, 73, and 76 – UNANIMOUS with MONCRIEF excused and Ward 2 seat vacant

MINUTES:
There was no discussion.

(9:40 – 9:42)
1-881

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: ABEYANCE ITEM - Discussion and possible action regarding an Appeal of Denial of Business License for an Independent Massage Therapist License, Nicholas A. Hoover, dba Nicholas A. Hoover

On June 17, 2003, Mr. Nicholas A. Hoover submitted an application for an independent massage therapist license. Mr. Hoover was referred to the Las Vegas Metropolitan Police Department for investigation pursuant to LVMC 6.52.170(A) on June 19, 2003. Based on a review of the applicant's Scope printout, this Department issued a temporary license on June 19, 2003 pending receipt of a favorable police report.

On December 12, 2003, the Special Investigations Section submitted a police report with an area of concern. The Police Report reflected that Mr. Hoover had conducted business without a license, the application was incomplete and he had been convicted of a crime that involves moral turpitude.

Based on this report, the Department denied this license on December 23, 2003, as provided in Las Vegas Municipal Code 6.02.090, which states, in pertinent part:

> "...The Director may:
> (A) Deny an applicant a license if:...
>
> (1) The application is incomplete or contains false, misleading or fraudulent statements with respect to any information that is required in the application;
> (4) The applicant or any of its principals is or has engaged in a business, trade or profession without having obtained a valid license, an approval for suitability, a permit or work card when such applicant or any of its principals knew that one was required or under such circumstances that they reasonably should have known one was required;
> (6) The applicant or any of its principals has been convicted or an act that constitutes a crime which involves moral turpitude or involves any local, State or Federal law or regulation which relates to the same or a similar business..."

Las Vegas Municipal Code provides an applicant the right to appeal a decision of the Director within thirty days to the City Council. Attached is a letter from Mr. Hoover requesting an appeal of the denial of the license.

Nicholas Hoover
3225 S. Pecos #184
Las Vegas NV. 89121
(702) 489-2994

2/18/04

Dear, Jim Difiore

I Nicholas Hoover am writing this Letter to inform you that I would like to appeal the decition that was made dening my massage business License.

It looks Like the passed of years ago has came back to haunt me. Even tho that is not the Person Who I am today.

Being Legaly blind I was able to go through the program that

Services for the blind offers
thay helped with Schooling, Getting
my massage License, and obtaining
Work. Also I have been
Voluteering as a massage
therapest working once a week
for the past year and a half
with a hospice.

Why I Should get my Busness
License.

① The hard work I have pot in
to get to where I am now.

(2) Have employment and ready to go to work

(3) Volunteer Work - Giving Back

(4) My will to help people myself and also the city of L.V.

Jim thanks any question please Call (702) 4592994

Sincerely

Neil Hoon

City of Las Vegas

Agenda Item No. 77

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE ITEM - Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Melva Boyd, dba Lucky Champ, 1420 West Bonanza Road, Melva D. Boyd, 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 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:

WEEKLY – APPROVED subject to a six-month (10/20/2004) review – UNANIMOUS with Ward 2 seat vacant

MINUTES:

The applicant was not present, as COUNCILMAN WEEKLY previously spoke with her and advised her that she did not have to be present.

JIM DiFIORE, Manager, Business Services, recommended approval with no further review. COUNCILMAN WEEKLY indicated that he met with MS. BOYD and they decided on a six-month review so that COUNCILMAN WEEKLY can ensure that the store is operating smoothly.

(10:19 – 10:21)

1-2461

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: ABEYANCE ITEM - Discussion and possible action regarding a Six Month Review of a Beer/Wine/Cooler Off-sale License, Melva Boyd, dba Lucky Champ, 1420 West Bonanza Road

On October 1, 2003 the City Council approved this license subject to a six-month review at the request of Councilman Weekly.

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. 78

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 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 Child Care Family Home License, Joyce Cathey, 1720 East Oakey Boulevard, Joyce Cathey, 100% - Ward 3 (Reese)

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 Child Care Family Home License

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – APPROVED – UNANIMOUS with Ward 2 seat vacant

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, stated that several conditions were placed on this business. He deferred to STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), for any questions. DETECTIVE RODD indicated that the only concern contained in the investigative report was resolved. Metro found no violations when the site was inspected.

(10:21 – 10:22)

1-2519

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Child Care Family Home License, Joyce Cathey, 1720 East Oakey Boulevard

On October 1, 2003 the City Council approved the above referenced license subject to the following conditions:

1. The license was granted for two years subject to a six-month review during the period
2. The outstanding warrant based on an arrest for OUIC in Lansing, Michigan and subsequent fine for this warrant be paid off before the six-month review (tentatively scheduled for April 7, 2004)
3. No alcoholic beverages would be allowed on the premises
4. Ms. Cathey would submit to a breathalyzer test if Metro or City staff had reason to believe she was consuming alcohol or had consumed alcohol based on an inspection of her home and
5. If Ms. Cathey had any Police contact during the limited time period the license was issued she must report the nature of this contact to Metro Speical Investigations Section and to Business Services Child Care Section within 48 hours in writing.

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. 79

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 7981 West Tropical Parkway, TGEI, LLC, Managing Mmbr, 52%, Ted E. Kingston, Mmbr, 100%, John G. Barton, Mgr, John G. Barton Mmbr, 42% - Ward 6 (Mack) (Note: The correct managing member percentage is 58, not 52.)

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 a new Beer/Wine/Cooler On-sale License

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes 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 Ann Pierce, KKB&R
3. Map

MOTION:

MACK – 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 Ward 2 seat vacant

MINUTES:

ATTORNEY TOM AMICK appeared representing the applicant.

JIM DiFIORE, Manager, Business Services, clarified that the managing member should be reflected as 58%, not 52%, as indicated. He recommended approval of the temporary license.

(10:22 – 10:23)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 7981 West Tropical Parkway

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 March 3, 2004, outlines the request for temporary license.

The applicants submitted all of the required documentation and paid all applicable fees for investigation on March 22, 2004. Based on a review of the applicant's Scope printouts, we have determined that the applicants are 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 these applicants this item will be brought back before the Council for appropriate action.

KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW

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

Tel: 702.792.7000
Fax: 702.796.7181
www.kkbr.com
info@kkbr.com

March 3, 2004

VIA HAND DELIVERY

Mr. Eddie Raines
City of Las Vegas
Department of Business & Finance
400 E. Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

Re: T & G Entertainment Investments, LLC d/b/a Peter Piper
560 S. Decatur Boulevard
7981 W. Tropical Parkway

Dear Eddie:

Our office represents the above-referenced. In December 2003, our client purchased the existing Peter Piper Pizza located at 560 S. Decatur Boulevard and assumed the lease for the new Peter Piper Pizza to be located at 7981 W. Tropical Parkway. Please accept on behalf of the above-referenced, the enclosed applications for a beer/wine cooler on-sale liquor, restaurant and coin operated amusement machine business license for both properties. Enclosed in conjunction with this request are the following:

1) Nevada Business Registration;
2) Organization Chart;
3) Asset Purchase Agreement for 560 S. Decatur Blvd.;
4) Limited Liability Company Charter of T & G Entertainment Investments, LLC;
5) Articles of Organization of T & G Entertainment Investments, LLC;
6) File-stamped list of member/managers of T & G Entertainment Investments, LLC;
7) Operating Agreement of T & G Entertainment Investments, LLC;
8) Limited Liability Charter of TEGI, LLC;
9) Articles of Organization of TEGI, LLC;
10) File-stamped list of members/managers of TEGI, LLC;
11) Operating Agreement of TEGI, LLC;
12) File-stamped fictitious firm name of Peter Piper Pizza;
13) Lease agreement and related assignments and assumptions for 560 S. Decatur Blvd.;

14) Approval letter extension of time for special use permit U-0074-02 for the 7981 Tropical Parkway property;
15) Lease agreement and related assignments and assumptions for 7981 W. Tropical Parkway;
16) Franchise Agreement for 560 S. Decatur Blvd.;
17) Franchise Agreement for 7981 W. Tropical Parkway;
18) Floor plan;
19) Clearance letter from the Nevada Department of Taxation;
20) Affirmation of Compliance with Mandatory Industrial Insurance;
21) Check No. 1075 in the amount of $30.00 to cover the change of ownership license fee for the liquor, restaurant and coin operated amusement machines at the Decatur property;
22) Check No. 1079 in the amount of $1,300.00 made payable to the City of Las Vegas to cover purchase of an on-sale beer/wine cooler liquor license for the Tropical Parkway property;
23) Check No. 1080 in the amount of $55.00 to cover the restaurant business license fee for the Tropical Parkway property;
24) Check No. 1081 in the amount of $1,330.00 (38 machines) made payable to the City of Las Vegas to cover the coin operated amusement machine license; and
25) Check No. 1078 in the amount of $200.00 to cover the investigation fee for T & G Entertainment Investments, LLC.

With regard to Ted E. Kingston, sole owner of TEGI, LLC and 58% owner of T & G Entertainment Investments, LLC, enclosed are the following:

1) Personal History Questionnaire;
2) Personal Financial Questionnaire;
3) Two (2) LVMPD Authorization to Release Information;
4) Child Support Supplement;
5) 2000, 2001, and 2002 US Income Tax Returns;
6) Birth Certificate;
7) Photograph; and
8) Check No. 1076 in the amount of $150.00 made payable to the Las Vegas Metropolitan Police Department.

With regard to John G. Barton, manager of TEGI, LLC and 42% percent owner of T & G Entertainment Investments, LLC, enclosed are the following:

1) Personal History Questionnaire;
2) Personal Financial Questionnaire;
3) 2000, 2001, and 2002 US Income Tax Returns;
4) Two (2) LVMPD Authorization to Release Information;

KKB&R

5) Child Support Supplement;
6) Birth Certificate;
7) Photograph; and
8) Check No. 1077 in the amount of $150.00 made payable to the Las Vegas Metropolitan Police Department.

The business located at 560 S. Decatur Blvd. is currently operating and ceased all liquor sales in December 2003; therefore, we are respectfully requesting to be placed before the Las Vegas City Council for consideration of a temporary liquor license.

The store at 7981 Tropical Parkway is scheduled to commence operations in mid-April 2004; therefore, if the investigation cannot be completed to meet the commencement date in April, we would respectfully request a temporary liquor license for the Tropical Parkway store. We have provided the scope print outs from the Las Vegas Metropolitan Police Department for Mr. Kingston and Mr. Barton.

Mr. Dennis Cuiffi is currently licensed as the general manger and will also assume the general manager duties at the Tropical store.

Thank you for your consideration and if you need anything further, please do not hesitate to contact Tom Amick or me.

Sincerely,

KUMMER KAEMPFER BONNER & RENSHAW

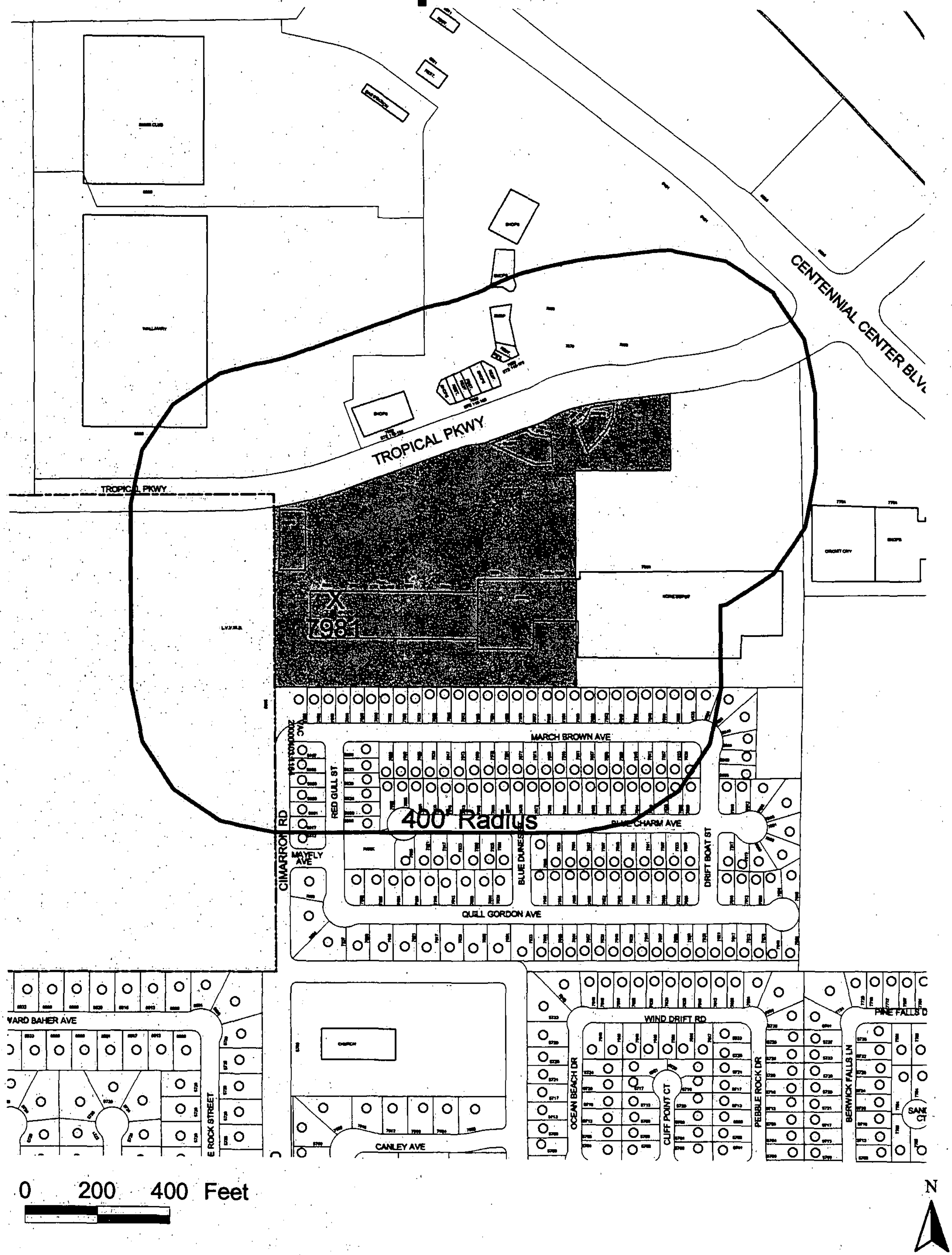
Ann

Ann M. Pierce
Licensing Coordinator

AMP/rmo
Encl.

cc: Greg Barton (via hand delivery w/encl.)

Peter Piper Pizza



City of Las Vegas

Agenda Item No. 80

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, Makino Premium Outlet LV, LLC, dba Makino Las Vegas Seafood Buffet, 775 South Grand Central Parkway, #1301, Las Vegas Kitchen, LLC, Mgr, 100%, Masako Ishitsuka, Mmbr, Mgr, 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 a new Beer/Wine/Cooler On-sale License

RECOMMENDATION:
Recommend approval subject to the provisions of the fire codes 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 Masako Ishitsuka
3. Map

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 Ward 2 seat vacant

MINUTES:
The applicant was present.

JIM DiFIORE, Manager, Business Services, stated that the applicant met the requirements for consideration of a temporary license. He suggested approval as recommended.

MAYOR GOODMAN said this restaurant is going to attract a lot of business to the mall. COUNCILMAN WEEKLY said that the restaurant is doing very well.

(10:23 – 10:24)

1-2629

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes, Makino Premium Outlet LV, LLC, dba Makino Las Vegas Seafood Buffet, 775 South Grand Central Parkway, #1301

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 from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on April 5, 2004. Based on a review of the SCOPE printout furnished to this Department, we have determined that she 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.

MAKINO PREMIUM OUTLET LV, LLC

Ms. Debbie Outland
License Officer - City of Las Vegas
Department of Finance and Business Services
Privileged License Section
3rd Floor - City Hall
Las Vegas, Nevada 89101

RE: MAKINO'S – LAS VEGAS PREMIUM OUTLET

Dear Ms. Outland:

I am requesting on behalf of Makino Premium Outlet LV, LLC ("MPOLV") a temporary beer / wine/ on-site cooler license for the Makino Las Vegas Seafood Buffet restaurant at the Las Vegas Premium Outlet Mall.

MPOLV has submitted a license application that is currently pending with the Department of Finance and Business Services. The company went through a structural change prior to opening with Las Vegas Kitchen, LLC taking all operational and ownership responsibility for the restaurant. This is reflected in the pending revised application.

The Makino restaurant opened on March 13, 2004. Although we are steadily growing our customer base it is imperative that we are able to sell wine and beer to our customers. Traditionally in most full service restaurants alcohol sales can constitute up to 35% percent of the total sales. We believe that this will be true of the Makino's restaurant. Our lack of a beer and wine license has and will continue to cause a financial hardship to the restaurant.

Thank you for considering this request and please contact me if you have any questions regarding our application.

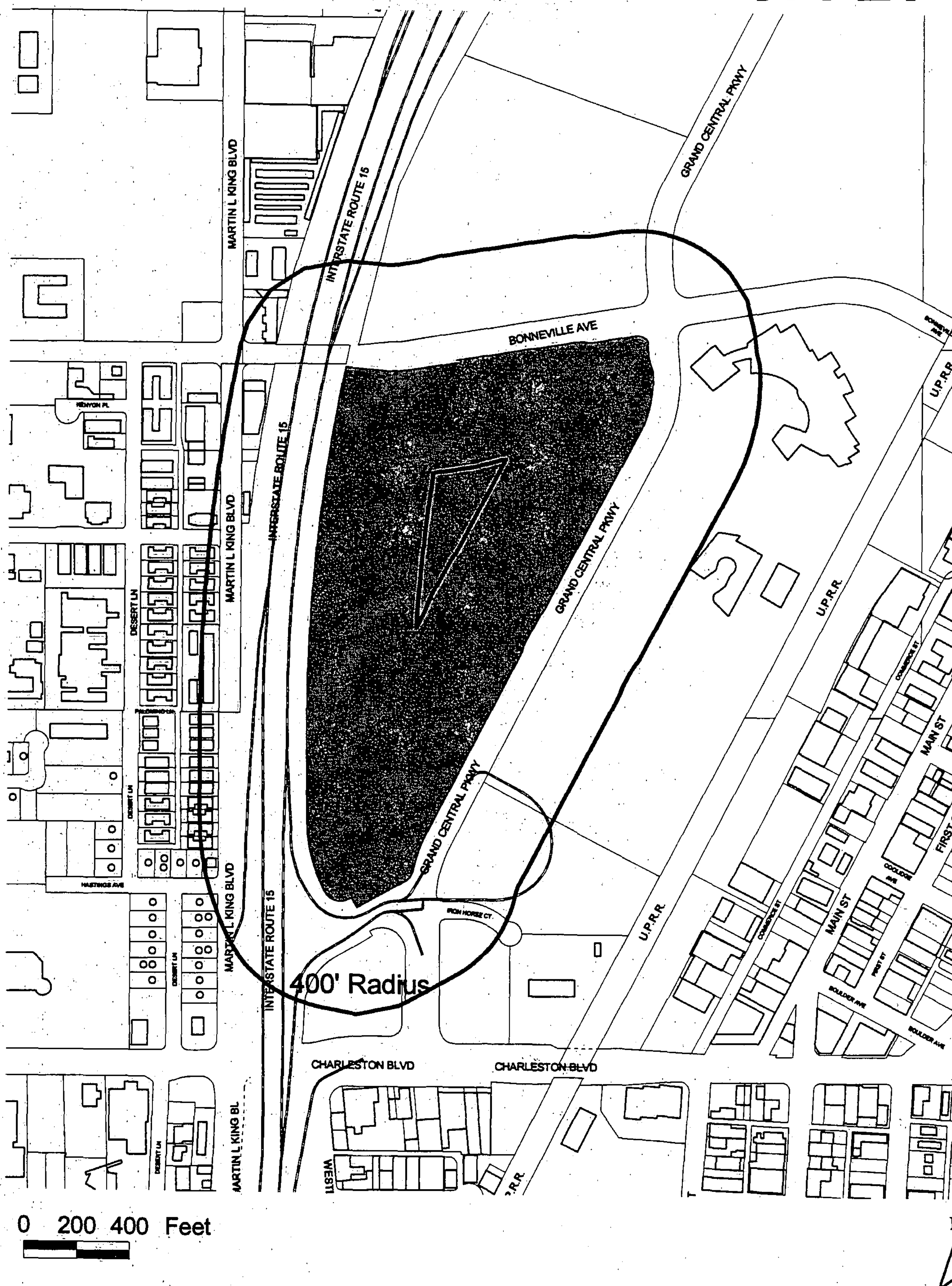
Sincerely,

Masako Ishitsuka

Manager

775 S. GRAND CENTRAL PARKWAY • LAS VEGAS, NV • 89106

MAKINO LV SEAFOOD BUFFET



City of Las Vegas

Agenda Item No. 81

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Scottsdale Beverages, LLC, dba Escole, 1451 Center Crossing Road, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr, Scottsdale Group, LLC, Mmbr, 100%, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr - 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 a new Supper Club License

RECOMMENDATION:
Recommend approval subject to the provisions of the fire codes and 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 Paul E. Larsen, Esq.
3. Map

MOTION:
REESE – 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 Ward 2 seat vacant

MINUTES:
The applicants were present, accompanied by representing attorney, JENNIFER ROBERTS of Lionel, Sawyer, and Collins.

JIM DiFIORE, Manager, Business Services, stated that the applicant met the requirements for consideration of a temporary license. He suggested approval as recommended.

MS. WHITE invited MAYOR GOODMAN to the grand opening. She then explained that the culinary college is nationally accredited and offers associate degrees in culinary arts. The restaurant project entails the restaurant that will be open to the public.

City of Las Vegas

Agenda Item No. 81

CITY COUNCIL MEETING OF APRIL 21, 2004
Finance and Business Services
Item 81 – Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Scottsdale Beverages, LLC, dba Escole, 1451 Center Crossing Road, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr, Scottsdale Group, LLC, Mmbr, 100%, John P. Graham, Mgr, Jennifer E. White, Mgr, Renee Brattin, Mgr - Ward 2 (L.B. McDonald)

MINUTES – Continued:
COUNCILMAN WEEKLY said that he was very impressed with the school.

(10:24 – 10:28)

1-2703

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Scottsdale Beverages, LLC, dba Escole, 1451 Center Crossing Road

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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 March 10, 2004 from the applicant's counsel outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on March 3, 2004. Based on a review of the SCOPE printouts furnished to this Department, we have determined they are 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.

LIONEL SAWYER & COLLINS
ATTORNEYS AT LAW
1700 BANK OF AMERICA PLAZA
300 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101
(702) 383-8888
FAX (702) 383-8845
lsc@lionelsawyer.com
www.lionelsawyer.com

March 10, 2004

WRITER'S DIRECT DIAL NUMBER:
(702)-383-8819
plarsen@lionelsawyer.com

VIA HAND DELIVERY

Debbie Outland
License Officer, Privileged License Section
City of Las Vegas, Nevada
400 Stewart Avenue, 3rd Floor City Hall
Las Vegas, Nevada 89101

Re: ***Scottsdale Beverages, LLC***

Dear Ms. Outland:

I am writing on behalf Scottsdale Beverages, LLC concerning its Supper Club liquor license application originally filed on February 18, 2004, and completed on March 2, 2004. Scottsdale Beverages, LLC is a subsidiary of Career Education Corporation ("CEC"), the holding company of Scottsdale Culinary Institute, Ltd., d/b/a LeCordon Blue College of Culinary Arts - Las Vegas ("Culinary School"). In conjunction with its academic program, the Culinary School intends to open a fully-operational restaurant located on the school campus that will be open to the public for food and beverage service.

Classes for the Culinary School are set to begin on May 17, 2004 and the restaurant is scheduled to begin operating prior to that time. In addition to being a full-service public restaurant, the restaurant will function as a hands-on learning environment for the Culinary School students. If the restaurant will not be licensed as a Supper Club, it will greatly interfere with the academic schedule of the Culinary School. Furthermore, the restaurant will be profit-based, so there will be a financial burden if the restaurant is unable to offer full beverage service to its customers. Moreover, there is a significant risk that the restaurant's reputation will be affected since customers who will anticipate such service may be inconvenienced and disappointed by its unavailability.

Accordingly, we respectfully request that Scottsdale Beverages, LLC be placed on the April 21, 2004 Las Vegas City Council agenda for approval of a temporary Supper Club liquor license. The individual applicants – John P. Graham, Jennifer White, and Renee' Brattin – are in the process of obtaining their SCOPE information. The SCOPE information will be forwarded to you under separate cover.

Please feel free to contact me should you have questions or need further information.

Sincerely,

Paul E. Larsen

Paul E. Larsen, Esq.

cc: Jim DiFiore
Manager, Business Services Division

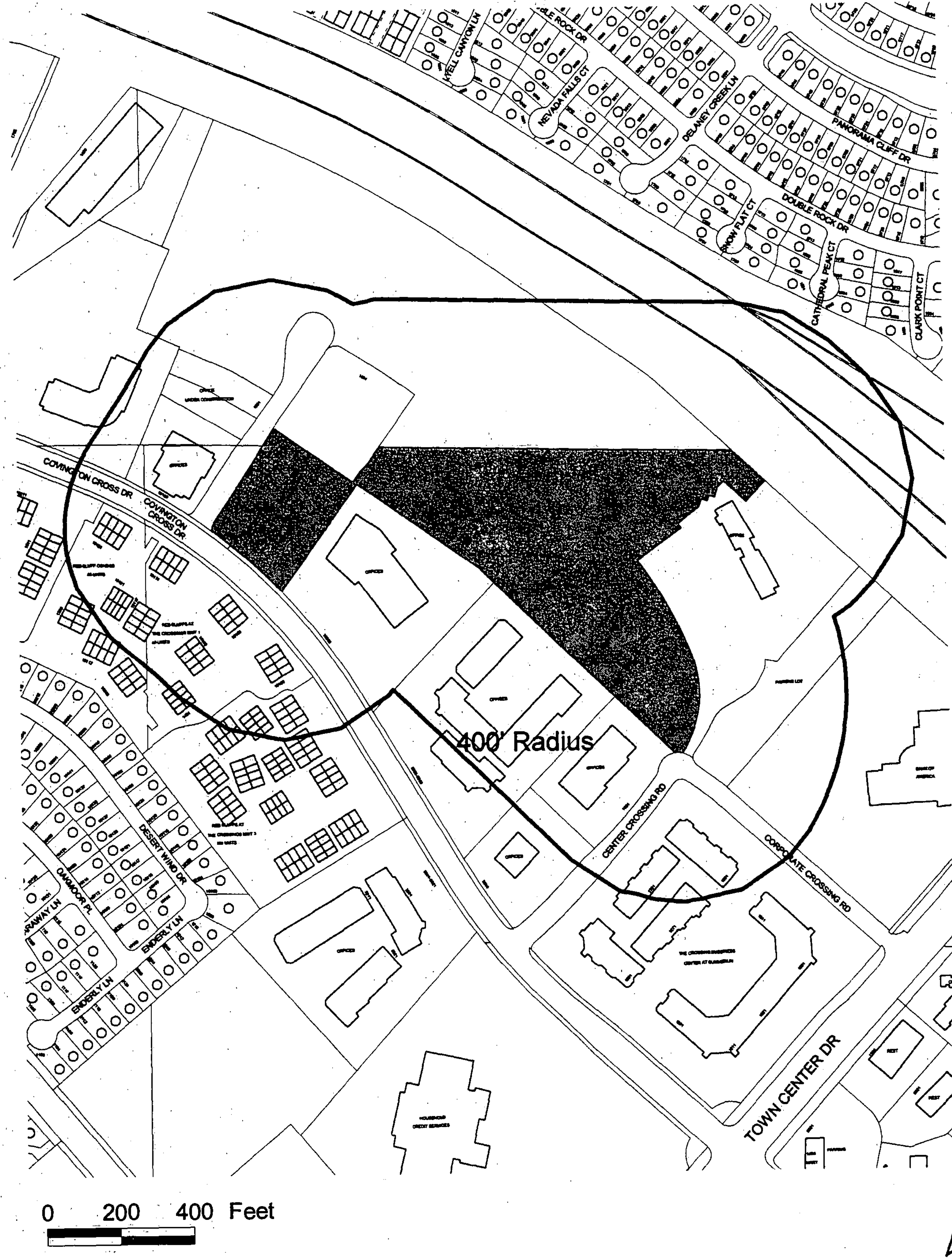
John P. Graham
Scottsdale Beverages, LLC

Jennifer White
LeCordon Blue College of Culinary Arts

Renee' Brattin
LeCordon Blue College of Culinary Arts

Jennifer Roberts
Lionel Sawyer & Collins

Escole



VEIL CANYON LN
NEVADA FALLS CT
DELANEY CREEK LN
PANORAMA CLIFF DR
DOUBLE ROCK DR
SNOW FLAT CT
CATHEDRAL PEAK CT
CLARK POINT CT
COVINGTON CROSS DR
COVINGTON CROSS DR
400' Radius
CENTER CROSSING RD
CORPORATE CROSSING RD
DESERT WIND DR
OAKMOOR PL
ENDERLY LN
ENDERLY LN
TOWN CENTER DR
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City of Las Vegas

Agenda Item No. 82

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT [ ] CONSENT [X] DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, From: Peter Piper, Inc., Daniel E. Rubin, Dir, COB, Joseph R. Pederson, Pres, CEO, John G. Jordan, VP, Don Gordon, VP, Neil R. Simon, Dir, Secy, William J. Hunckler, III, Dir, Robin P. Selati, Dir, To: T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 560 South Decatur Boulevard, TGEI, LLC, Managing Mmbr, 52%, Ted E. Kingston, Mmbr, 100%, John G. Barton, Mgr, John G. Barton, Mmbr, 42% - Ward 1 (Moncrief) (Note: The correct managing member percentage is 58, not 52.)

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 for a Beer/Wine/Cooler On-sale 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 Ann Pierce, KKB&R

MOTION:

MONCRIEF – 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 Ward 2 seat vacant

MINUTES:

ATTORNEY TOM AMICK, appeared representing the application.

JIM DiFIORE, Manager, Business Services, suggested this matter be approved as recommended. He clarified that the managing member percentage should be 58, not 52.

(10:28 – 10:29)

1-2862

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, To: T & G Entertainment Investments, LLC, dba Peter Piper Pizza, 560 South Decatur Boulevard

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 March 3, 2004, outlines the request for temporary license.

The applicants submitted all of the required documentation and paid all applicable fees for investigation on March 9, 2004. Based on a review of the applicant's Scope printouts, we have determined that the applicants are 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 these applicants this item will be brought back before the Council for appropriate action.

KUMMER KAEMPFER BONNER & RENSHAW
ATTORNEYS AT LAW

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

Tel: 702.792.7000
Fax: 702.796.7181
www.kkbr.com
info@kkbr.com

March 3, 2004

VIA HAND DELIVERY

Mr. Eddie Raines
City of Las Vegas
Department of Business & Finance
400 E. Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

Re: T & G Entertainment Investments, LLC d/b/a Peter Piper
560 S. Decatur Boulevard
7981 W. Tropical Parkway

Dear Eddie:

Our office represents the above-referenced. In December 2003, our client purchased the existing Peter Piper Pizza located at 560 S. Decatur Boulevard and assumed the lease for the new Peter Piper Pizza to be located at 7981 W. Tropical Parkway. Please accept on behalf of the above-referenced, the enclosed applications for a beer/wine cooler on-sale liquor, restaurant and coin operated amusement machine business license for both properties. Enclosed in conjunction with this request are the following:

1) Nevada Business Registration;
2) Organization Chart;
3) Asset Purchase Agreement for 560 S. Decatur Blvd.;
4) Limited Liability Company Charter of T & G Entertainment Investments, LLC;
5) Articles of Organization of T & G Entertainment Investments, LLC;
6) File-stamped list of member/managers of T & G Entertainment Investments, LLC;
7) Operating Agreement of T & G Entertainment Investments, LLC;
8) Limited Liability Charter of TEGI, LLC;
9) Articles of Organization of TEGI, LLC;
10) File-stamped list of members/managers of TEGI, LLC;
11) Operating Agreement of TEGI, LLC;
12) File-stamped fictitious firm name of Peter Piper Pizza;
13) Lease agreement and related assignments and assumptions for 560 S. Decatur Blvd.;

14) Approval letter extension of time for special use permit U-0074-02 for the 7981 Tropical Parkway property;
15) Lease agreement and related assignments and assumptions for 7981 W. Tropical Parkway;
16) Franchise Agreement for 560 S. Decatur Blvd.;
17) Franchise Agreement for 7981 W. Tropical Parkway;
18) Floor plan;
19) Clearance letter from the Nevada Department of Taxation;
20) Affirmation of Compliance with Mandatory Industrial Insurance;
21) Check No. 1075 in the amount of $30.00 to cover the change of ownership license fee for the liquor, restaurant and coin operated amusement machines at the Decatur property;
22) Check No. 1079 in the amount of $1,300.00 made payable to the City of Las Vegas to cover purchase of an on-sale beer/wine cooler liquor license for the Tropical Parkway property;
23) Check No. 1080 in the amount of $55.00 to cover the restaurant business license fee for the Tropical Parkway property;
24) Check No. 1081 in the amount of $1,330.00 (38 machines) made payable to the City of Las Vegas to cover the coin operated amusement machine license; and
25) Check No. 1078 in the amount of $200.00 to cover the investigation fee for T & G Entertainment Investments, LLC.

With regard to Ted E. Kingston, sole owner of TEGI, LLC and 58% owner of T & G Entertainment Investments, LLC, enclosed are the following:

1) Personal History Questionnaire;
2) Personal Financial Questionnaire;
3) Two (2) LVMPD Authorization to Release Information;
4) Child Support Supplement;
5) 2000, 2001, and 2002 US Income Tax Returns;
6) Birth Certificate;
7) Photograph; and
8) Check No. 1076 in the amount of $150.00 made payable to the Las Vegas Metropolitan Police Department.

With regard to John G. Barton, manager of TEGI, LLC and 42% percent owner of T & G Entertainment Investments, LLC, enclosed are the following:

1) Personal History Questionnaire;
2) Personal Financial Questionnaire;
3) 2000, 2001, and 2002 US Income Tax Returns;
4) Two (2) LVMPD Authorization to Release Information;

5) Child Support Supplement;
6) Birth Certificate;
7) Photograph; and
8) Check No. 1077 in the amount of $150.00 made payable to the Las Vegas Metropolitan Police Department.

The business located at 560 S. Decatur Blvd. is currently operating and ceased all liquor sales in December 2003; therefore, we are respectfully requesting to be placed before the Las Vegas City Council for consideration of a temporary liquor license.

The store at 7981 Tropical Parkway is scheduled to commence operations in mid-April 2004; therefore, if the investigation cannot be completed to meet the commencement date in April, we would respectfully request a temporary liquor license for the Tropical Parkway store. We have provided the scope print outs from the Las Vegas Metropolitan Police Department for Mr. Kingston and Mr. Barton.

Mr. Dennis Cuiffi is currently licensed as the general manger and will also assume the general manager duties at the Tropical store.

Thank you for your consideration and if you need anything further, please do not hesitate to contact Tom Amick or me.

Sincerely,

KUMMER KAEMPFER BONNER & RENSHAW

Ann

Ann M. Pierce
Licensing Coordinator

AMP/rmo
Encl.

cc: Greg Barton (via hand delivery w/encl.)

City of Las Vegas

Agenda Item No. 83

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of a Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Sentinel Combat Institute, LLC, dba Sentinel Combat Institute, LLC, 8450 West Sahara Avenue, Suite 112, Lance W. Burton, Mgr, Mmbr, 100% - Ward 1 (Moncrief)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a Martial Arts Instruction Business License

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes 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 Lance W. Burton
3. Map

MOTION:

MONCRIEF - 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 Ward 2 seat vacant

MINUTES:

The applicant was present.

JIM DiFIORE, Manager, Business Services, indicated that the applicant met the criteria for a temporary license. He suggested approval as recommended.

MR. BURTON stated he is looking forward to doing business in the City.

(10:29)

1-2902

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Sentinel Combat Institute, LLC, dab Sentinel Combat Institute, LLC, 8450 West Sahara Avenue, Suite 112

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 March 26, 2004 from Lance Burton outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on March 30, 2004. Based on a review of the Scope printout furnished to this Department by Mr. Burton, we have determined that he is preliminarily suitable to hold a temporary martial arts business 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.

March 26th, 2004

From: Lance W. Burton, President/Head Instructor, Sentinel Combat Institute
To: City Council of Las Vegas
Subj: REQUEST FOR TEMPORARY PRIVILEDGED LICENSE

Sir/Ma'am,

I respectfully request that the City Council of Las Vegas provide a temporary privileged-martial arts school business license for Sentinel Combat Institute, LLC for the express purposes as listed below:

1. I have already executed the lease on my building at 8450 W. Sahara Ave, Suite 112. By doing so, I am responsible for the payment and upkeep of said building and it is a major expense.
2. The martial arts training to be provided at Sentinel Combat Institute is the primary means of generating my income. Without this aspect of the school, I am extremely limited in my ability to make the necessary money to cover my expenses, both business and personal.
3. As a former Naval Officer and U.S. Naval Academy graduate, I served honorably for over 12 years in both peacetime and combat operations as well as having undergone extensive training in leadership, planning, International Affairs, and various combat skills. My service included the holding of both Secret and Top Secret levels of clearance, of which, I always executed my duties and responsibilities associated therewith with the utmost professionalism.
4. I have spent a total of 18 years and many thousands of hours in the training and development of my fighting skills and discipline. My experience as an instructor has been ongoing for 14 of those 18 years and has included everyone from housewives with no training to elite Navy SEAL Instructors and Law Enforcement Officers/SWAT Teams. I believe I am especially qualified to provide exceptional training to our city; in addition, teaching martial arts is also my passion, and I am exceptionally committed to my profession as an instructor.

I am dedicated to operating my martial arts studio with the same professionalism and honorable service as I did as a military officer. In addition, I will give 110% in providing a service to the City of Las Vegas, in particular, the various Law Enforcement, Military, and Security personnel who serve the city by providing them with World Class martial arts instruction to help them become even more efficient and effective in the execution of their duties. By doing so, I truly believe that I can help increase the safety of our city.

Thank you for taking the time to review my request. If you have any questions, please contact me at anytime via phone or email:

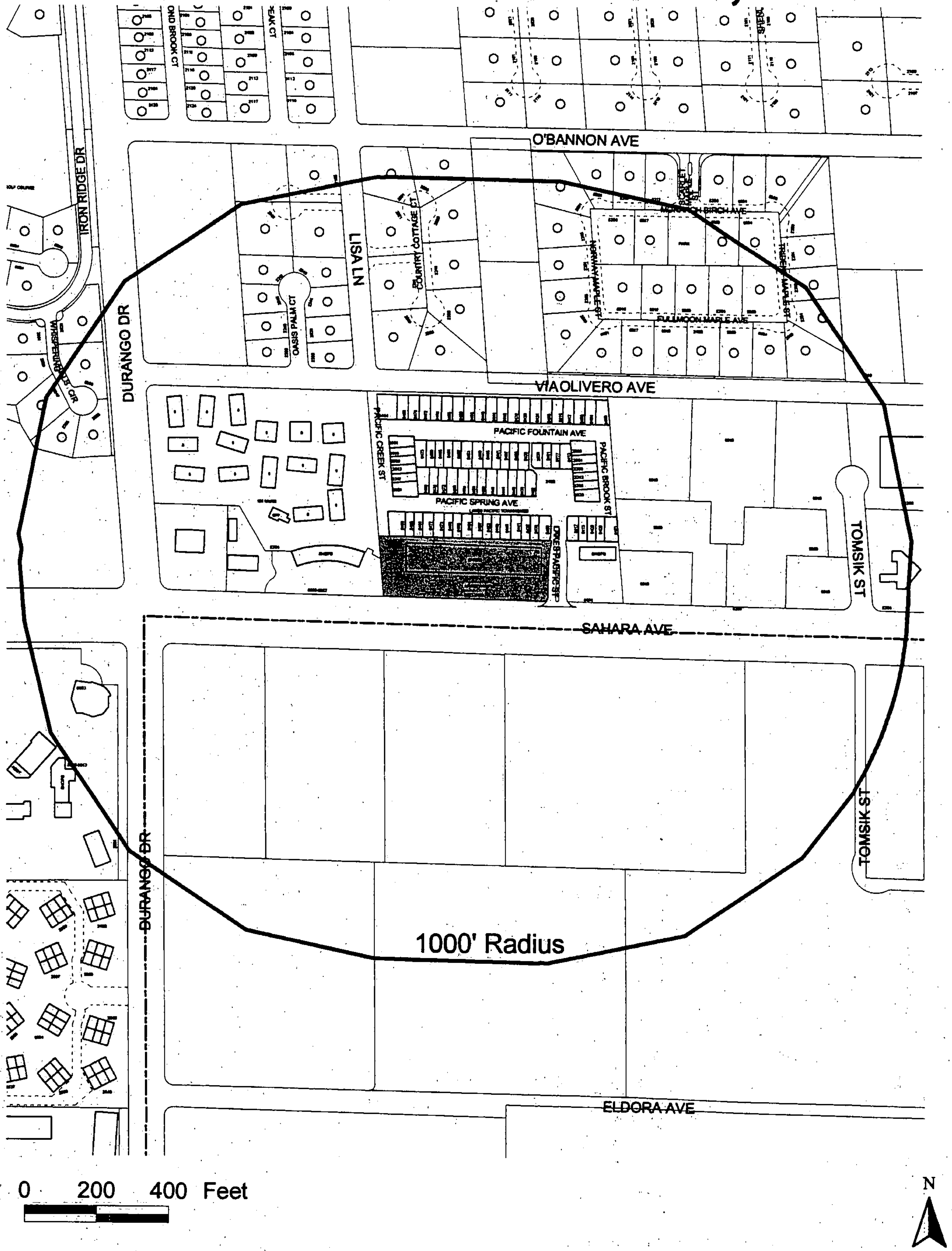
Phone: 702-580-7653 (cell/business)
702-341-6075 (home)
Email: sentinel359@aol.com

Best regards,

L. W. Burton

Lance W. Burton
President/Head Instructor, Sentinel Combat Institute

Sentinel Combat Institute, LLC



City of Las Vegas

Agenda Item No. 84

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 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 Martial Arts Instruction Business License subject to the provisions of the fire codes, From: Kicks, Inc., dba Collins Karate for Kids, David A. Riach, Jr., Dir, Pres, Secy, Treas, 66.66%, Andre Collins, VP, 33.33%, To: Karate for Kids of Green Valley and Henderson, Inc., dba Karate for Kids, 4840 East Bonanza Road, Suites 2 and 3, Leland R. Brandon, Dir, Pres, 50%, Marci D. Brandon, Secy, Treas, 50% - Ward 3 (Reese)

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 and Business Name for a Martial Arts Instruction Business License

RECOMMENDATION:
Recommend approval subject to the provisions of the fire codes 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 Leland and Marci Brandon
3. Map

MOTION:
REESE - 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 Ward 2 seat vacant

MINUTES:
The applicant was present.

JIM DiFIORE, Manager, Business Services, indicated that the applicant met the criteria for a temporary license. He suggested approval as recommended.

CITY COUNCIL MEETING OF APRIL 21, 2004
Finance and Business Services
Item 84 - Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Martial Arts Instruction Business License subject to the provisions of the fire codes, From: Kicks, Inc., dba Collins Karate for Kids, David A. Riach, Jr., Dir, Pres, Secy, Treas, 66.66%, Andre Collins, VP, 33.33%, To: Karate for Kids of Green Valley and Henderson, Inc., dba Karate for Kids, 4840 East Bonanza Road, Suites 2 and 3, Leland R. Brandon, Dir, Pres, 50%, Marci D. Brandon, Secy, Treas, 50% - Ward 3 (Reese)

MINUTES – Continued:
MR. BRANDON stated that the American Taekwondo Association is writing up the requirements for the Mayor to become honorary master of the Association. He invited the Mayor to the World Championships to be held in Little Rock, Arkansas. MAYOR GOODMAN commented that he attended the recent Taekwondo event at the Convention Authority, and it was phenomenal. He was amazed how many youngsters and parents were there. It was a very positive event that attracted people from all over the country.

(10:29 – 10:31)

1-2943

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Martial Arts Instruction Business License, To: Karate for Kids of Green Valley and Henderson, Inc., dba Karate for Kids, 4840 East Bonanza Road, Suites 2 and 3

The applicant is requesting approval of a temporary license as provided by LVMC 6.02.070(E), 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 April 1, 2004 from the applicant, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on April 2, 2004. Based on a review of the Scope printouts furnished to this Department, we have determined they are preliminarily suitable to hold a temporary martial arts instruction business 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.

Karate for Kids
2549 Wigwam Pkwy. Henderson, NV 89074
(702) 897-7225

April 1, 2004

To Whom It May Concern:

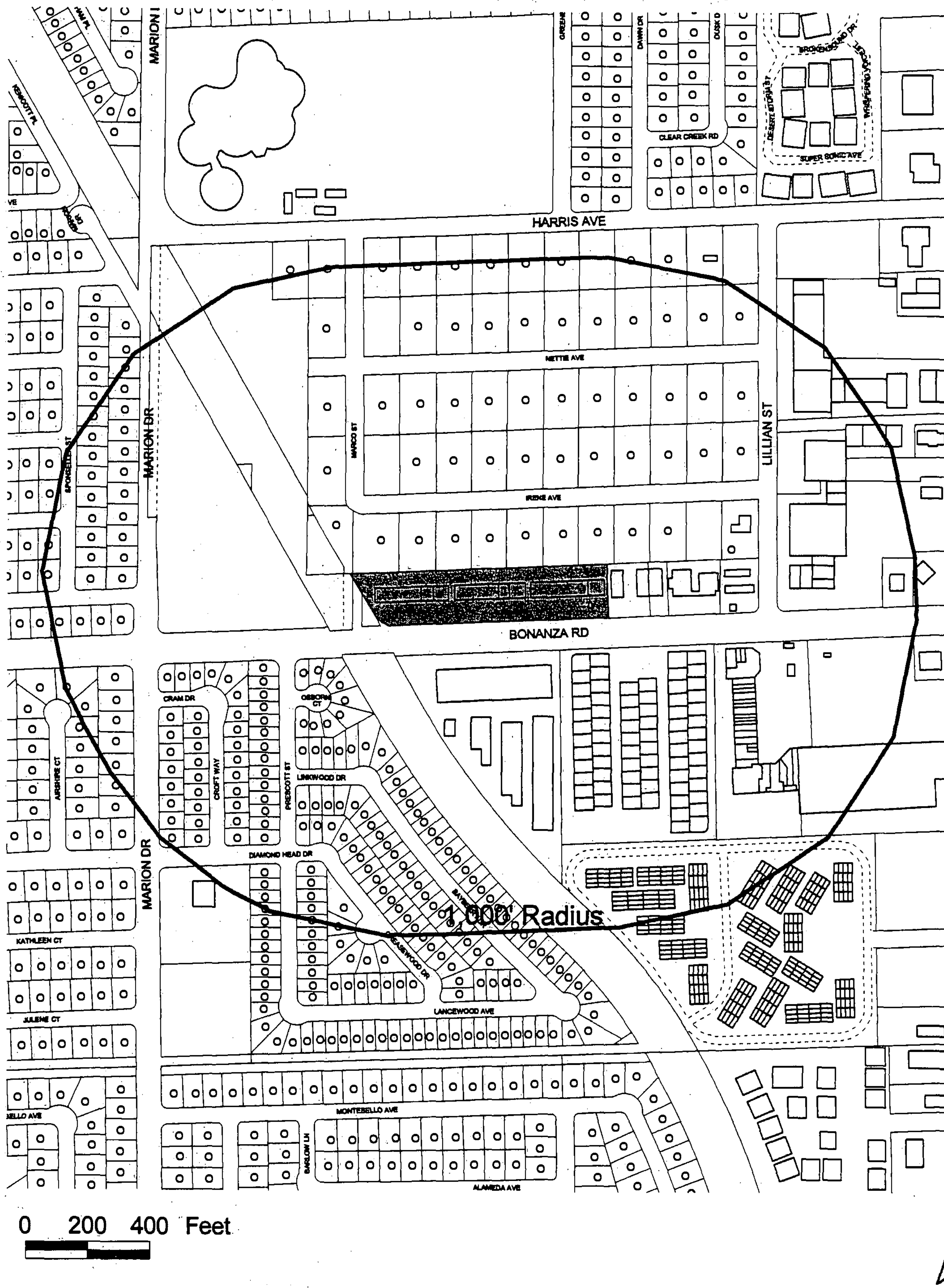
This letter is a request for consideration of a temporary business license by the City of Las Vegas for Karate for Kids located at 4840 E. Bonanza. We have purchased the school from David Riach and Andre Collins and if we were to be closed for any amount of time this would not only place a severe hardship on our business, but it would certainly do a disservice to the students who have trained so hard to get to the place where they are now. Many of these students are scheduled to be testing for their next rank in the middle of April. – some of whom will be testing for the prestigious rank of black belt. To deny them the opportunity to prepare and test would be very unfortunate. We would like to plead our case with you and ask for special consideration in this matter.

Thank you,

Leland Brandon Marci Brandon

Leland and Marci Brandon

KARATE FOR KIDS



City of Las Vegas

Agenda Item No. 85

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 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 Restricted Gaming License for 7 slots, Shoshani and Jarjees, dba Family Food II, 1602 H Street, Salar Shoshani, Ptnr, 50%, Thamer Jarjees, Ptnr, 50% - 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 a Six Month Review of a Restricted Gaming License for 7 slots

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

WEEKLY – APPROVED subject to a one-year (4/20/2005) review – UNANIMOUS with Ward 2 seat vacant

MINUTES:

The applicant was not present.

JIM DiFIORE, Manager, Business Services, recommended a permanent license, as there have been no concerns in the past six months. COUNCILMAN WEEKLY imposed a one-year review.

(10:31 – 10:32)

1-3031

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 21, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Restricted Gaming License for 7 slots, Shoshani and Jarjees, dba Family Food II, 1602 H Street

On April 16, 2003 the City Council approved this license subject to a six-month review at the request of Councilman Weekly. The review was conducted on October 29, 2003 and the license was approved subject to another six-month review.

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. 86

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding amendment to Bid No. 03.15341.08-LED, Washington Buffalo Park, Phase 1A and 1B - located at the southwest corner of Washington Avenue and Buffalo Drive for issuance of a change order to Asphalt Products Corporation for installation of artificial turf in the amount of $3,800,000 - Public Works (Parks & Leisure Activities CPF) Ward 4 (Brown)

Fiscal Impact

☐	No Impact	**Amount:** $3,800,000
☐	Budget Funds Available	**Dept./Division:** Public Works
X	Augmentation Required	**Funding Source:** Parks and Leisure Activities CPF

PURPOSE/BACKGROUND:

City Council approved the construction of the Washington Buffalo Park in the amount of $29,731,321.93 plus a conflicts and contingency reserve of $2,081,120 on December 17, 2003, agenda item 25. Continuing drought conditions and water conservation requirements support this change order for installation of artificial turf rather than sod, as originally specified in the bid.

RECOMMENDATION:

None

BACKUP DOCUMENTATION:

None

MOTION:

BROWN – APPROVED with direction to staff to bring this matter back to Council if the project exceeds the allocated amount – UNANIMOUS with Ward 2 seat vacant

NOTE: COUNCILMAN MACK disclosed that his brother, STEVEN MACK, owns a SuperPawn shop in the adjacent area. However, he would be voting, as he did not feel that his brother's business would be impacted.

MINUTES:

MARK VINCENT, Director, Finance and Business Services, mentioned that this project was discussed and given a priority one rating by the Council at the Budget Workshop. Funds are presently short of the $3.8 million the Council allocated; however, approval of this item will authorize staff to fully fund the allocated amount for the Tentative Budget meeting in May. Staff will also request that the contractor submit a written proposal, including at least three different types of products to be installed, require that the contractor comply with Public Works bid laws and bidding requirements, and allow the Purchasing and Contracts Division to review prior to awarding the bid.

CITY COUNCIL MEETING OF APRIL 21, 2004
Finance and Business Services
Item 86 - Discussion and possible action regarding amendment to Bid No. 03.15341.08-LED, Washington Buffalo Park, Phase 1A and 1B - located at the southwest corner of Washington Avenue and Buffalo Drive for issuance of a change order to Asphalt Products Corporation for installation of artificial turf in the amount of $3,800,000 - Public Works (Parks & Leisure Activities CPF) Ward 4 (Brown)

MINUTES – Continued:
COUNCILMAN MACK felt that replacing grass with artificial turf will be very beneficial in conserving water and revenue due to less maintenance.

COUNCILMAN BROWN asked if approval of this matter would require re-opening the bidding process for the seven fields. MR. VINCENT responded that the contractor would have to re-bid, with the City overseeing the process and reviewing the results to ensure compliance. The contractor will, however, be required to submit a written proposal.

COUNCILMAN REESE asked if $3.8 million is the final price. MR. VINCENT indicated that if the cost were to exceed the allocated amount, the matter would have to be brought back to the Council for consideration of an augmentation or to change the scope.

(10:32 – 10:37)

1-3082

City of Las Vegas

Agenda Item No. 87

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

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

SUBJECT:
Report and possible action on the City of Las Vegas' prototype Tenant Based Rental Assistance (TBRA) Program for Homeless and Near Homeless regarding allocating $300,000 in Fiscal Year 2004-2005 Federal HOME funds and $26,275 Fiscal Year 2004-2005 Community Development Block Grant Public Service (CDBG-PS) funds to HELP of Southern Nevada to operate the prototype TBRA Program for one additional year - All Wards

Fiscal Impact

[ ]	No Impact	**Amount:** $300,000/$26,275
[X]	Budget Funds Available	**Dept./Division:** Neigh. Svcs./Neigh. Devel.
[ ]	Augmentation Required	**Funding Source:** HOME/CDBG-PS

PURPOSE/BACKGROUND:
HELP of Southern Nevada has requested additional funds to operate the City's prototype TBRA program for homeless and near homeless for one more year. At the end of the year, following staff evaluation, if the program is determined to be successful, the City will offer funding through a Request for Proposal (RFP) process to qualified applicants to operate similar projects.

RECOMMENDATION:
Staff recommends that the City Council approve the funding and authorizes the Mayor to execute the Agreement with the subrecipient after it has been approved by the City Attorney.

BACKUP DOCUMENTATION:
1. April 7, 2004 HELP of Southern Nevada Tenant Based Rental Assistance Update Memo
2. March 19, 2004, HELP of Southern Nevada Letter

MOTION:
REESE – APPROVED as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:
ORLANDO SANCHEZ, Director, Neighborhood Services, reviewed the Purpose/Background section above and added that this prototype program will provide rental assistance to at least 40 homeless or near homeless families and individuals while they are obtaining the skills, resources, and other assets needed to acquire and maintain self-sufficiency. In exchange for assistance, participants of the program agree to work with a case manager on an individualized plan to achieve self-reliance at the end of their lease agreement. The program has been very successful, and it reflects the Council's strategy to assist the homeless to a better life through positive action. He indicated that DENNIE CONRAD, Executive Director of HELP of Southern Nevada, the agency that administers the program, was in the audience to answer any questions.

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services
Item 87 – Report and possible action on the City of Las Vegas' prototype Tenant Based Rental Assistance (TBRA) Program for Homeless and Near Homeless regarding allocating $300,000 in Fiscal Year 2004-2005 Federal HOME funds and $26,275 Fiscal Year 2004-2005 Community Development Block Grant Public Service (CDBG-PS) funds to HELP of Southern Nevada to operate the prototype TBRA Program for one additional year - All Ward

MINUTES – Continued:

MS. CONRAD added that this program provides concrete solutions to the homeless situation. About 65% of the people that entered the program are now employed.

MAYOR GOODMAN stressed that this program is certainly consistent with the Council's perspective as to how to address the homeless issue.

ISAAC HENDERSON, 7600 W. Charleston, stated that the homeless are not just those people that are on the street, but also those people that are on the verge of becoming unemployed. The City should have more funds set aside to pay its employees at least five additional paychecks should they become unemployed.

(10:37 – 10:41)

1-3336

Memorandum

City of Las Vegas
Neighborhood Services Department

To: MAYOR OSCAR B. GOODMAN
MAYOR PRO TEM GARY REESE
COUNCILMAN LARRY BROWN
COUNCILWOMAN LYNETTE B. MCDONALD
COUNCILMAN LAWRENCE WEEKLY
COUNCILMAN MICHAEL MACK
COUNCILWOMAN JANET MONCRIEF

From: ORLANDO SANCHEZ, DIRECTOR
NEIGHBORHOOD SERVICES DEPARTMENT

CC: CITY MANAGER DOUG SELBY
DEPUTY CITY MANAGER STEVE HOUCHENS
DEPUTY CITY MANAGER ELIZABETH N. FRETWELL
FAYE JOHNSON
SUE PRESCOTT
EARLIE KING

Date: April 7, 2004

Re: HELP OF SOUTHERN NEVADA TENANT BASED RENTAL ASSISTANCE UPDATE

On April 16, 2003, City Council approved the creation of a prototype Tenant Based Rental Assistance (TBRA) program to provide rental assistance and utility payments to homeless and near homeless families and individuals. Because of their excellent record in homeless assistance and their established database for tracking the services they provide, HELP of Southern Nevada was designated and awarded $300,000 in federal HOME funds to operate the model program. In addition they were awarded $5,000 of Emergency Shelter Grant (ESG) funding for bus tokens and $35,000 of Community Development Block Grant (CDBG) money to use for operating costs (specifically to fund a staff position to operate the program as well as the cost of the telephone, office supplies and other supportive cost). HELP agreed to assist homeless or near homeless individuals and families while they obtains skills, resources and other assets to maintain self-sufficiency.

HELP of Southern Nevada titled their TBRA program New Path. The program operation began July 1, 2003. As of March 18, 2004, New Path had received a total of 509 applications. They were able to assist 109 participants and currently have 76 on a waiting list. Of the total participants, 64 individuals have obtained employment. In addition, 66 children have indirectly benefited from the program due to assistance to their parents.

To date, this program has proven to be a successful piece in the complicated puzzle which must be solved to end chronic homelessness. Because of this success, on November 19, 2003, City Council approved awarding funds to Catholic Charities to administer a similar TBRA program, this one geared strictly to women with children. This program began operating this month. Additionally, other government entities have contacted HELP of Southern Nevada and the city to obtain a copy of the program.

OS

HELP
Of Southern Nevada

HELPing People HELP Themselves

March 19, 2004

Mr. Orlando Sanchez
Director
Neighborhood Services Department
City of Las Vegas
400 Stewart Ave.
Las Vegas, NV 89101

Dear Mr. Sanchez;

On behalf of HELP of Southern Nevada, I am writing to request that the City of Las Vegas continue the funding for the "New Path" homeless program. This program was an innovative creation by the Neighborhood Services Department of the City of Las Vegas that is being recognized by other government entities both local and federal. The program provides long term solutions to the question of homelessness without just putting a band-aid on by placing everyone in a shelter. The program provides permanent housing and utilities to the homeless and holds them accountable to actively seek and obtain employment, to manage their finances, to address any mental or substance abuse issues and to follow their individualized case plans. They are required to make a contribution to their rent which increases as they become employed and their income goes up.

This program has been extremely successful. Since July 1, 2003 to March 18, 2004, there have been 109 participants, 509 applicants and we currently have a waiting list of 76. Of the total participants, 64 have obtained employment. We currently have 51 active participants. Also during this time, we have exited 58 individuals. There were 28 who obtained employment and no longer need any assistance and 30 were exited for non-compliance in the program. As you can see, the numbers are tremendous and the success ratio is great. Both the City and HELP had anticipated that we would only serve 40 individuals during this pilot year.

At the inception of this program, the City of Las Vegas awarded HELP \$300,00 in Tenant Based Rental Assistance funds to pay the rent and utilities, \$35,000 of CDBG Public Service funds to pay the salary of the case manager, as this program is very labor intensive on follow-up, reporting and general case management. These funds also covered the cost of the telephone, office supplies, and other assorted costs for implementation and continuation of the

953 E. Sahara Avenue 35B208, Las Vegas, NV 89104 • 702-369-4357 • Fax 702-369-0247

program. In addition, we were awarded $5,000 to provide bus tokens to these individuals so that they could job search and upon receiving a job, get to work until their first paycheck.

For fiscal year 2004-2005, we were awarded $5,000 from the Emergency Shelter Grant Funding for bus tokens and $8,475 from CDBG Public Service to administer the program. I understand the lack of funds, but I am requesting that you and the City Council consider continuing this program by providing the necessary HOME funds to assist the homeless in our community. In addition, I am asking that you consider allocating $26,275 of your Weather Shelter Funds to allow us to continue this very successful and valuable program. Unfortunately, the $ 8,475 of CDBG funds allocated to us, does not cover the cost of one employee who is paid $21,000 plus benefits to administer this very labor intensive program and to provide the necessary supplies to do their job. I allocate no agency administrative costs to this program. All costs are direct costs of the program.

This program is a valuable solution to the growing problem of the homeless population. It provides long term solutions that break the cycle of homelessness. Your Neighborhood Service Division and the City Council should be applauded for their forward thinking. I believe it would be a shame if the program should cease to exist as of June 30, 2004.

I appreciate your consideration in this matter and look forward to hearing from you in the near future. If you have any questions, please do not hesitate to call on me at 369-4357 ex. 239.

Cordially,

Deni L. Conrad

Deni L. Conrad
Executive Director

cc: Faye Johnson

HOME INVESTMENT PARTNERSHIPS ("HOME") PROGRAM
AGREEMENT TO FUND
HELP OF SOUTHERN NEVADA
TENANT BASED RENTAL ASSISTANCE PROGRAM

THIS AGREEMENT, made and entered into this 21st day of April, 2004, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, with offices located at City Hall, 400 Stewart, Las Vegas, Nevada 89101 (hereinafter referred to as the "City"), and HELP of Southern Nevada, a non-profit corporation organized under the laws of the State of Nevada, with a mailing address of 953 E. Sahara Avenue, 35B208, Las Vegas, Nevada 89104-3013 (hereinafter referred to as "Subrecipient"), the City and Subrecipient being hereinafter sometimes referred to singly as a "Party" and collectively as the "Parties".

WITNESSETH:

WHEREAS, Clark County, Nevada (hereinafter referred to as "the County"), has entered into a Grant Agreement with the United States Department of Housing and Urban Development, (hereinafter referred to as "HUD"), for participation in the Home Investment Partnerships Program, (hereinafter referred to as the "HOME Program"), under 24 CFR Part 92 as amended; and

WHEREAS, the County has previously entered into an Interlocal Agreement with the State of Nevada whereby the County will administer certain HOME Program and Low-Income Housing Trust Fund (LIHTF) monies allocated to the County by the Housing Division, Department of Business and Industry, State of Nevada (hereinafter referred to as "NHD"); and

WHEREAS, the County, as the Entitlement Grantee for the HOME Program is responsible for planning, administration, implementation, and evaluation of the program; and

WHEREAS, the City has entered into an Interlocal Agreement with the County for the purpose of creating a HOME Program Consortium (hereinafter referred to as the "Consortium") wherein the City is entitled to participate in a pro rata share of all HOME Program and LIHTF funds allocated to and administered by the County; and

WHEREAS, the County, pursuant to the terms and conditions of the Interlocal Agreement with the City shall transfer HOME Program and LIHTF funds to the City; and

WHEREAS, Subrecipient has agreed to utilize the City's HOME Program funds to administer a Tenant Based Rental Assistance Program which will assist at least forty homeless individuals and families with rent payment assistance and utility services payments while they obtain skills, resources, and other assets to maintain self-sufficiency; and

WHEREAS, the City desires to assist Subrecipient by providing HOME Program, LIHTF and/or other funds to assist with Tenant Based Rental Assistance Program, (hereinafter referred to as the "Program" or "Project"); and

WHEREAS, the Las Vegas City Council hereby determines that the Program shall provide a substantial benefit to the inhabitants of the City.

NOW THEREFORE, for and in consideration of the premises and of the mutual promises and agreements which are hereinafter contained, the Parties do hereby agree as follows:

I. Scope of Services

A. Subject to the actual receipt of funds from the County, the City will provide up to $300,000 in HOME, LIHTF, and/or other Program funds to Subrecipient for the City of Las Vegas Tenant Based Rental Assistance Project. The Project consists of providing rent payment assistance and utility allowance payments to a minimum of forty (40) homeless or near homeless individuals and families (herein "tenants" or "participants") while they obtains skills, resources and other assets to maintain self-sufficiency. Subrecipient agrees to conduct the Program in accordance with the services delineated in Exhibit "A" Scope of Services

In exchange for assistance with rent and utility allowance payments, tenants of the Program will agree to commit to working with a case manager on individualized plans to achieve self-reliance at the end of their lease agreements. These plans may include, but are not limited to, job training opportunities, vocational rehabilitation programs, parenting classes, job search activities, credit counseling, savings plans, and other assistance specific to their needs assessment.

Subrecipient shall not commit HOME funds to a tenant until a case manager has verified that the individual or family is homeless or is imminently in danger of becoming homeless. This will be done through an established verification process which complies with HOME federal regulations 24 CFR 92.

Subrecipient agrees to verify that not less than 90 percent of the tenant families receiving such rental assistance meet the income requirements of 24 CFR 92.216, utilizing the HOME Income Guidelines (Attachment "I") and the Section 8 definition of annual gross income found at 24 CFR Part 5.

Subrecipient further agrees that lease agreements entered into for the Tenant Based Rental Assistance Program will only include rent payments (including utilities) which do not exceed the Tenant-Based Rental Assistance Program Payment Standard (Attachment "II"). If utility services are not included in the rent, utility payments may not exceed the Allowance for Tenant-Furnished Utilities and Other Services (Attachment "III")

B. Subrecipient agrees that any Project costs, unless and until otherwise specified in writing, by the Director, exceeding the $300,000.00 in HOME Program funds provided by the City pursuant to City of Las Vegas City Council action of April 21, 2004, will be the responsibility of Subrecipient. Subrecipient further agrees to pay all maintenance and operating costs of the Project, unless otherwise agreed to by the City.

C. Subrecipient will make every attempt to conduct the Program according to the Project Schedule (Exhibit "B") submitted to the City; however, the schedule may require adjustments from time to time, which the Subrecipient will submit in writing to the City for approval.

D. Subrecipient agrees to abide by the Program Eligibility Requirements stipulated in the City of Las Vegas Procedures for Tenant Based Rental Assistance Program (Exhibit "C").

E. Subrecipient must obtain and maintain the following records for each individual participant or each family benefiting from the Program for five years after the period of rental assistance terminates:

a. Project Set-Up Report;
b. Application
c. Contract between Subrecipient and Participant;
d. Copy of worksheet calculating Adjusted Income and source documentations;
e. Copy of worksheet calculating Total Tenant Payment;
f. Copy of Lease Agreement between Participant and Landlord which demonstrates compliance with the tenant and Participant protections required by the HOME Regulations (24 CFR 92);

g. Copy of passed HQS Inspection;
h. Funds Applied Worksheet showing breakdown of HOME funds for rent and/or utility assistance if applicable;
i. Copy of Request for Funds form;
j. Project Completion Report;
k. Verification of homelessness;

F. Lead Base Paint Requirements – If the unit to be rented is located in a building that was built prior to 1978, the Subrecipient must have the home tested for lead based paint by an Environmental Protection Agency (EPA) State of Nevada certified risk assessor. If it is determined that the chosen unit has lead based paint anywhere in the dwelling, the unit will be disqualified from the City's Tenant Base Rental Assistance Program.

For properties built after 1978, prior to close of escrow, a visual assessment of all painted surfaces contained in the proposed unit to be rented, must be conducted to identify deteriorated paint and/or paint stabilization of deteriorated paint surfaces.

I. Changes in the Scope of Services as outlined herein must be in accordance with HOME Program regulations, made by written amendment to this Agreement and approved by both the Subrecipient and the Mayor if funding amounts over $24,999 are involved or by the Director of Neighborhood Services or the Director's designee if funding amounts of less than $25,000 are involved. In addition, the Department Director is authorized to sign amendments which revise the Agreement language without any funding impact. Any such changes must not jeopardize HOME Program and/or LIHTF funding to the City.

II. City General Conditions

A. Subrecipient has requested the financial support of the City that is provided for in this Agreement in order to enable Subrecipient to provide rent payment assistance and utility allowance payments to a minimum of forty (40) unduplicated homeless or near homeless individuals and families while they obtain skills, resources and other assets to maintain self-sufficiency. The City shall have no relationship whatsoever with the services provided, except the provision of financial support and the receipt of such reports as are provided for herein. To the extent, if at all, that any relationship to such development on the part of the City may be claimed or found to exist, Subrecipient shall be an independent contractor only.

B. Subrecipient shall obtain any and all federal, state and local permits and licenses required to execute the Project as described in this Agreement's Scope of Services. Subrecipient further agrees to abide by all applicable federal, state, and local codes, regulations, statutes, ordinances, and laws. The City makes no representation nor commitment concerning approval of development-related permits for the Project.

C. Subrecipient will provide the Director with records for HOME-assisted Participants on a semi-annual basis during the period of this Agreement. These records will contain but are not limited to, the following data:

1. Total Participants served;
2. Political entity from which Participant(s) moved;
3. Political entity to which Participant(s) moved:
4. Racial breakdown of Participants served including White, Black or African-American, Asian, American Indian/Alaskan, Native Hawaiian/other Pacific Islander, American Indian/Alaskan Native/White, Asian & White, Black & White, American Indian/Alaskan Native & Black, Asian/Pacific Islander, Hispanic;
5. Number and percentage of Very Low-, Low- and Moderate-Income Participants as defined by HUD HOME Program Income Guidelines (Exhibit II);
6. Number of disabled Participants served;
7. Number of senior citizens served;
8. Number of female head-of-households served;
9. Name of each head of household served
10. Number of persons in each household served;
11. Number of veterans, male and female, served.

D. If the provisions of this Agreement are not complied with, Subrecipient will, upon the request of the City, repay to the City, without interest, the $300,000 in HOME Program funds or other funds that Subrecipient received from the City hereunder.

E. Subrecipient will not assist other than HOME-eligible tenants, as defined in the HOME program regulations (24 CFR 92) and LIHTF-eligible tenants, as defined in the Account for Low-Income Housing Administrative Guidelines, NRS 319 and NAC 319. If other than HOME/LIHTF-eligible households or individuals are served, Subrecipient shall return that portion of the HOME/LIHTF funds received from the City hereunder that was used to assist ineligible individuals or households.

F. Subrecipient agrees to assist only individuals or households with incomes that do not exceed 50 percent of the area median income adjusted by family size, as amended annually.

G. Subrecipient may not assign or delegate any of its rights, interests or duties under this Agreement without the written consent of the City. Any such assignment or delegation made without the required consent shall be void, and may, at the option of the City, result in the forfeiture of all financial support provided herein, for reimbursement to the City.

H. Subrecipient shall allow duly authorized representatives of the City to conduct such occasional reviews, audits and on-site monitoring of the Project as the City deems to be appropriate in order to determine:

1. Whether the objectives of the Project are being achieved;
2. Whether the Project is being conducted in an efficient and effective manner;
3. Whether management control systems and internal procedures have been established to meet the objectives of the Project;
4. Whether the financial operations of the Project are being conducted properly;
5. Whether the periodic reports to the City contain accurate and reliable information; and
6. Whether all of the activities of the Project are conducted in compliance with the provisions of Federal laws and regulations and this Agreement.

Visits by the City to the Project shall be announced to Subrecipient in advance of those visits and shall occur during normal operating hours. The representatives of the City may request, and, if such a request is made, shall be granted, access to all of the records of Subrecipient which relate to the Project. The representatives of the City may, on occasion, interview recipients of the HOME-funded tenant based rental assistance of the Project who volunteer to be interviewed.

I. At any time during normal business hours, Subrecipient's records, with respect to the Project, shall be made available for audit, examination and review by the City, contracted independent auditors, HUD, the Comptroller General of the United States, or any combination thereof.

J. Subrecipient will protect defend, indemnify and save harmless the City from and against any and all liability, damages, demands, claims, suits, liens, and judgments of whatever nature including, but not limited to, claims for contribution or indemnification for injuries to or death of any person or persons caused by, in connection with, or arising out of any activities undertaken pursuant to this Agreement. Subrecipient's obligation to protect, defend, indemnify, and save harmless as set forth in this paragraph shall include any and all reasonable attorneys' fees incurred by the City in the defense or handling of said suits, demands, judgments, liens and claims and all investigation expenses incurred by the City in enforcing or obtaining compliance with the provisions of this Agreement.

K. Subrecipient will not use any funds or resources which are supplied by the City in litigation against any person, natural or otherwise, or in its own defense in any such litigation and agrees to notify the City of any legal action which is filed by or against it with respect to the Project

L. This Agreement will commence as of the date set forth in the introductory paragraph (which shall be the date of approval by the City Council), however, the HOME Program and/or LIHTF funds will not be made available to Subrecipient until both Parties execute this Agreement.

M. In the event that Subrecipient and/or the City anticipate the total amount of funds allocated for this Agreement will not be expended in the time and manner prescribed in this Agreement, the City reserves the right to extract that portion for other projects/programs operated under the City's HOME Program.

N. Subrecipient agrees that no officer or employee of Subrecipient may seek or accept any gifts, service, favor, employment, engagement, emolument or economic opportunity which would tend improperly to influence a reasonable person in that position to depart from the faithful and impartial discharge of the duties of that position.

O. Subrecipient shall agree that no officer or employee of Subrecipient may use his or her position to secure or grant any unwarranted privilege, preference exemption or advantage for himself or herself, any member of his or her household, any business entity in which he or she has a financial interest or any other person.

P. Except as disclosed by Subrecipient and approved by the City shall agree that no officer or employee of Subrecipient may participate as an agent of Subrecipient in the negotiation or execution of any contract between Subrecipient and any private business in which he or she has financial interest. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Subrecipient warrants that it has disclosed, on the form attached hereto as Attachment IV, all principals, including, partners of Subrecipient, as well as all persons and entities holding more than 1% interest in Subrecipient or any principal of Subrecipient. Throughout the term hereof, Subrecipient shall notify City in writing of any material change in the above disclosure within 15 days of any such change.

Q. Subrecipient shall agree that no officer or employee of Subrecipient may suppress any report or other document because it might tend to affect unfavorably his private financial interests.

R. Subrecipient shall keep and maintain in effect at all times any and all licenses, permits, notices and certifications which may be required by any Clark County or City of Las Vegas ordinance or State or Federal statute.

S. Subrecipient shall be bound by all City ordinances and State and Federal statutes, conditions, regulations and assurances which are applicable to the entire HOME Program or are required by HUD, the City, or any combination thereof.

T. Right to Review and Audit – The Subrecipient agrees to maintain financial records pertaining to all matters relative to this Agreement in accordance with standard accounting principles and procedures and to retain all records and supporting documentation applicable to this Agreement for a period of five years, except those records subject to audit findings shall be retained for three years after such findings have been resolved. In the event the Subrecipient goes out of existence, the Subrecipient shall turn over to the City all of its records relating to this Agreement to be retained by the City for the required period of time.

The Subrecipient agrees to permit the City or the City's designated representatives to inspect and audit its records and books relative to this agreement at any time during normal business hours and under reasonable circumstances and to copy therefrom any information that the City desires concerning Subrecipient's operation hereunder. The Subrecipient further understands and agrees that said inspection and audit would be exercised upon written notice. If the Subrecipient or its records or books are not located within Clark County, Nevada, in the event of an inspection and audit, Subrecipient agrees to deliver the records or books or have the records or books delivered to the City or the City's designated representatives at an address within the City of Las Vegas as designated by the City. If the City or the City's designated representatives find that the records delivered by the

Subrecipient are incomplete, the Subrecipient agrees to pay the City or the City's representatives' costs to travel (including travel, lodging, meals, and other related expenses) to the Subrecipient's offices to inspect, audit, and retrieve the complete records. The representatives to inspect and audit, as deemed necessary, all records of this project relating to finances, as well as other records including performance records that may be required by relevant directives of funding sources of the City.

III. Federal General Conditions

A. Subrecipient shall comply with the following laws and directives:

1. The Hatch Act set forth in Title 5, Chapter 15, of the United States Code;

2. The National Environmental Policy Act of 1969 as set forth in P. L. 91-190 and the implementing regulations in 24 CFR, Parts 51 and 58;

3. Title VIII of the Civil Rights Act of 1968, Pub. L. 90-284;

4. Section 109 of the Housing and Community Development Act of 1974;

5. Title VI of the Civil Rights Act of 1964, P.L. 88-352, and the regulations of HUD with respect thereto, including 24 CFR, Parts 1 and 2;

6. The Fair Housing Act, as amended;

7. Section 3 of the Housing and Urban Development Act of 1968, as amended, and the regulations of HUD with respect thereto, including 24 CFR, Part 135;

8. Executive order 11063, as amended;

9. The Age Discrimination Act of 1975;

10. Section 504 of the Rehabilitation Act of 1973;

11. Executive Order 11246, as amended, and the regulations which are issued pursuant thereto;

12. The Fair Labor Standards Act;

13. The Federal Labor Standards Act;

14. Section 202(a) of the Flood Disaster Protection Act of 1973;

15. Sections 302 and 401(b) of the Lead-Based Paint Poisoning Prevention Act and implementing Regulations in 24 CFR, Part 35;

16. The Davis-Bacon Act, as amended, which requires that all laborers and mechanics who are employed to perform work on the Project, or any contractor or construction work which is financed, in whole or in part, with assistance which is received under the Housing and Community Development Act of 1974 shall be paid wages at rates which are not less than those that prevail in the locality for similar construction and shall receive overtime compensation in accordance with the Contract Work Hours and Safety Standards Act. The contractor and its subcontractors shall also comply with all applicable Federal laws and regulations which pertain to labor standards, including the minimum wage law;

17. 24 CFR, Part 576, of the Stewart B. McKinney Homeless Assistance Act;

18. 45 CFR, Part 76, Subpart F of the Drug-Free Workplace Act of 1988;

19. Section 319 of Public Law 101-121, of the Department of the Interior Appropriations Act, which prohibits SUBRECIPIENT from using appropriated Federal funds for lobbying the Executive or Legislative Branches of the Federal Government in connection with a specific contract, grant, or loan, and requires that no Federal appropriated funds have been

paid or will be paid, by or on behalf of SUBRECIPIENT, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.

20. Title I of the Housing and Community Development Act of 1974, as amended, which requires that Subrecipient shall:

    a. not discriminate against any employee or applicant for employment on the basis of religion and not limit employment or give preference in employment to persons on the basis of religion;

    b. not discriminate against any person applying for such public services on the basis of religion and not limit such services or give preference to persons on the basis of religion; and

    c. provide no religious instruction or counseling, conduct no religious worship or services, engage in no religious proselytizing and exert no other religious influence in the provision of such public services.

B. No officer, employee or agent of the City shall have any interest, direct or indirect financial or otherwise, in any contract or subcontract or the proceeds thereof for any of the work to be performed pursuant to the Project during the period of service of such officer, employee or agent, for one year thereafter.

C. None of the personnel employed in the administration of the Project shall be in any way or to any extent engaged in the conduct of political activities in contravention of Chapter 15 Title 5, U. S. Code.

D. None of the HOME Program funds to be paid under this Agreement shall be used for any partisan political activity, or to support or defeat legislation pending before Congress.

E. Subrecipient shall carry out its activities in compliance with all Federal laws and regulations described in 24 CFR Part 92, which are applicable to HOME Program except that Subrecipient will not assume the City's environmental responsibilities described in 24 CFR 92.352, nor the intergovernmental review process described in 24 CFR 92.359.

F. Subrecipient shall comply with applicable uniform administrative requirements as described in 24 CFR 92.505.

G. Subrecipient shall maintain records in accordance with 24 CFR 92.508.

H. Subrecipient shall comply with the requirements of Executive Order 11625, which provides for the utilization of minority businesses in all federally assisted contracts.

I. Program income shall be returned to the City unless the City authorizes in writing that all or a specific portion of such income will be retained by Subrecipient.

J. Any material breach of the terms of this section shall result in forfeiture of all HOME Program funds received by Subrecipient pursuant to this Agreement, or any part thereof as determined by the City.

K. Upon the expiration or revocation of this Agreement, Subrecipient shall transfer to the City any HOME Program funds on hand at the time of expiration or revocation and any accounts receivable attributable to the use of these funds.

L. Subrecipient agrees to require the Project participants reside in leased units that are in compliance with Housing Quality Standards established by HUD for the Section 8 Program, and if applicable, the cost effective energy conservation and effectiveness standards in 24 CFR part 39, and local housing code requirements, prior to entering into a lease agreement for the unit.

M. Each assisted household shall have a lease. All leases shall be for not less than 12 months, unless otherwise mutually agreed upon by tenant and landlord, and furthermore, all such leases must comply with the requirements set forth in 24 CFR 92.253.

N. Subrecipient agrees to undertake an affirmative marketing program in conformance with 24 CFR 92 351 (b)

O. Subrecipient agrees that this Agreement is in effect for a Period of one (1) year since the City grant consists mainly of HOME funds received directly from HUD, commencing from the initial date of payment of HOME funds, pursuant to 24 CFR 92.252 or 24 CFR 92.254.

IV. Financial Management

A. Subrecipient agrees to comply with the requirements of the United States Office of Management and Budget (OMB) Circular No. A-133.

B. Subrecipient agrees that all costs of the Project shall be recorded by budget line items and be supported by checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents evidencing in proper detail the nature and propriety of the respective charges, and that all checks, payrolls, time records, invoices, contracts, vouchers, orders or other accounting documents which pertain, in whole or in part, to the Project shall be thoroughly identified and readily accessible to the City.

C. Subrecipient agrees that excerpts or transcripts of all checks, payrolls, time records, invoices, contracts, vouchers, orders and other accounting documents related to or arguably related to the Project will be provided upon request to the City.

D. Subrecipient agrees that it may not request disbursement of funds under this Agreement until the funds are needed for payment of eligible costs. The amount of each request must be limited to the amount needed.

E. If Subrecipient expends an aggregate of $500,000 or more in federal funds, it is subject to the Single Audit Act and Circular A-133 and shall deliver to the City of Las Vegas Neighborhood

Services Department a copy of the complete audit report.

F. Subrecipient agrees that disbursement of funds under the agreement will be made monthly or when the total amount of eligible reimbursable expenses exceeds $1,000, excepting for the final request for payment under the Agreement. If Subrecipient requests payment in an amount less than the minimum established, payment will be made when the cumulative amount of all eligible reimbursable expenses exceeds $1,000.

V. Modification or Revocation of Agreement.

A. The City and the Subrecipient will amend or otherwise revise this Agreement should such modification be required by HUD, Nevada Housing Division, or any applicable Federal or State of Nevada statutes or regulations. The City and Subrecipient shall be bound by any such amendments or revisions.

B. In the event that any of the HOME funds for any reason are terminated or withheld from the City or otherwise not forthcoming, the City may revoke this Agreement.

C. If Subrecipient fails to fulfill, in a timely and proper manner, its obligations under this Agreement, the City may suspend or terminate this Agreement in accordance with 24 CFR 85.44

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

CITY OF LAS VEGAS

Oscar B. Goodman, Mayor

ATTEST:

Barbara Jo Ronemus, City Clerk

APPROVED AS TO FORM:

J. Ponticello 6/16/04
DATE

HELP of Southern Nevada TBRA Agreement
Approved by City Council
April 21, 2004

HELP OF SOUTHERN NEVADA

Deni L. Conrad
Deni Conrad, Executive Director

ACCEPTANCE OF GRANT AND AGREEMENT TO
COMPLY WITH GRANT CONDITIONS

I, Deni Conrad, Executive Director of HELP of Southern Nevada, a Nevada non-profit corporation, on behalf of that corporation, do hereby accept the grant made and the conditions imposed upon that grant contained in the HOME Investment Partnerships "HOME" Program Agreement to Fund approved by the City Council of the City of Las Vegas, Nevada on the 21th day of April, 2004, a copy of which is attached hereto and incorporated herein.

Executed this 6th day of July, 2004.

HELP of Southern Nevada

By: Deni L Conrad
Deni Conrad, Executive Director

State of Nevada)
} SS
County of Clark)

On this 6th day of July, 2004, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Deni Conrad, as Executive Director, known to me to be the person described in and who executed the foregoing instrument, who acknowledged to me that she executed the same freely and voluntary and for the uses and purposes therein mentioned.

Gloria Sanchez
Notary Public

GLORIA SANCHEZ
Notary Public State of Nevada
No. 98-2756-1
My appt. exp. Mar. 30, 2008

EXHIBIT "A"

SCOPE OF SERVICES

The City of Las Vegas Tenant-Based Rental Assistance Program ("Project") is a resident-based rental housing assistance program that provides rental subsidies to homeless or nearly homeless individuals and families. The program guidelines, including Tenant Selection Policy are included as Exhibit "C" and "D".

It is the intention of this program to assist those people who are homeless or about to become homeless to regain both a home to live in and become self sufficient through obtaining gainful employment.

HELP of Southern Nevada will use HOME, LIHTF and/or other funds to provide the direct financial assistance to HOME/LIHTF eligible households with annual household incomes at or below 50% of the area median income, adjusted for family size. HELP of Southern Nevada will qualify the Participants as HOME/LIHTF-eligible, will review the tenant/landlord leases and will pay the landlord directly as specified in Exhibit "C." The length of assistance will be determined by HELP of Southern Nevada as specified in Exhibit "C" for up to one year.

<u>Services Provided to the Participant:</u>

After assessing that the Participant qualifies per the Tenant Selection Policy, the following services will be offered:

- Rental assistance: for a period of up to one year
- Utility assistance: i.e. Electric, Gas, Water, Sewer, and Trash (phone service is excluded)
- Bus tokens: for job search, new jobs, doctors appointments, and appointments mandated at HELP of Southern Nevada
- Referrals for the following areas offered through Emergency Resource Services: counseling, low cost medical, clothing, food, personal hygiene items, support groups for various needs
- Utilization of the entire Displaced Homemaker Program: This program will be a pre-requisite for those Participants that require job placement. It will offer a job readiness workshop, type resumes, assist in job searches, fax job resumes for the Participants, offer educational opportunities, budgeting, financing, job etiquette, child care, and other assistance on an individual basis

All programs at HELP of Southern Nevada are designed towards self sufficiency and will be offered to each of these Participants according to their specific needs.

HELP of Southern Nevada's goal is to trace, track, coach, and case manage each individual to regain their independence and live self sufficient lives.

Other Resources

HELP of Southern Nevada will market this program to other agencies, utilizing their services whenever possible to obtain necessities such as housing, rehabilitation, clean and sober living, and other types of positive influences that will assist the Participants in making the adjustments as expeditiously as possible to successfully improve their lives.

Between 120 and 200 individuals will be processed through the initial intake and assessing procedures.

It is anticipated that between 60 and 120 participants will be assisted with housing, utilities, and job search.

These figures will vary according to the funding and the amount of rent required per individual, and also the duration of assistance time the participant requires.

For example: If the average rent is $600.00 per month per participant for one year HELP of Southern Nevada would be able to assist 41 people. Due to the individualized plan of service and the difference in rents and utilities, this number will either be higher or lower.

Following six months of operation, HELP of Southern Nevada will review the program statistics and provide the City of Las Vegas with an updated number of participants anticipated to be served for the duration of the program.

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EXHIBIT "B"

PROJECT SCHEDULE

2004-2005

MONTH	ACTIVITY
JULY	Conduct daily intakes and assessments for new participants into the program. Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills. Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program. Conduct two Orientation classes: Mail Job Search Workshop letters to participants. Conduct two Job Search Workshops: Conduct "Job Club" meeting: Conduct "Support Group" meeting: Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency. Intake 5-10 participants with initial intake process. Review all data and prepare monthly activity report.
AUGUST	Conduct daily intakes and assessments for new participants into the program. Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills. Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program. Conduct two Orientation classes Mail Job Search Workshop letters to participants. Conduct two Job Search Workshops Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency. Intake 5-10 participants with initial intake process. Review all data and prepare monthly activity report.

SEPTEMBER	Conduct daily intakes and assessments for new participants into the program. Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills. Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program. Conduct two Orientation classes. Mail Job Search Workshop letters to participants. Conduct two Job Search Workshops Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency. Intake 5-10 participants with initial intake process. Review all data and prepare monthly activity report.
OCTOBER	Conduct daily intakes and assessments for new participants into the program Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program. Conduct two Orientation classes Mail Job Search Workshop letters to participants Conduct two Job Search Workshops Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency Intake 5-10 participants with initial intake process. Review all data and prepare monthly activity report.
NOVEMBER	Conduct daily intakes and assessments for new participants into the program. Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills. Check with all residential locations/housing of participants

Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program.
Conduct two Orientation classes
Mail Job Search Workshop letters to participants.
Conduct two Job Search Workshops
Conduct "Job Club" meeting
Conduct "Support Group" meeting
Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency.
Intake 5-10 participants with initial intake process.
Review all data and prepare monthly activity report.
During November the program will assist participants with food for the Thanksgiving holiday. It is a time when the participants are given the resources to have enough food for one good meal and 10 days of additional food.

DECEMBER

Conduct daily intakes and assessments for new participants into the program.
Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills.
Check with all residential locations/housing of participants
This month is exceptionally hard to obtain employment and there aren't any workshops held with the holiday activity in the community. We will encourage all participants who have children to participate in the holiday program to enable them to obtain gifts for their children for the holidays while receiving their normal program assistance.
Mail Job Search Workshop letters to participants for January.
Conduct two Job Search Workshops
Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency.
Intake 5-10 participants with initial intake process.
Review all data and prepare monthly activity report.

2005

JANUARY

Conduct daily intakes and assessments for new participants into the program.
Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills.
Check with all residential locations/housing of participants

Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program.
Conduct two Orientation classes
Mail Job Search Workshop letters to participants.
Conduct two Job Search Workshops
Conduct "Job Club" meeting
Conduct "Support Group" meeting
Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency
Intake 5-10 participants with initial intake process.
Review all data and prepare monthly activity report.

FEBRUARY

Conduct daily intakes and assessments for new participants into the program.
Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills.
Check with all residential locations/housing of participants
Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program.
Conduct two Orientation classes
Mail Job Search Workshop letters to participants.
Conduct two Job Search Workshops
Conduct "Job Club" meeting
Conduct "Support Group" meeting
Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency.
Intake 5-10 participants with initial intake process.
Review all data and prepare monthly activity report.

MARCH

Conduct daily intakes and assessments for new participants into the program.
Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills.
Check with all residential locations/housing of participants
Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program.
Conduct two Orientation classes
Mail Job Search Workshop letters to participants
Conduct two Job Search Workshops
Conduct "Job Club" meeting

	Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency Intake 5-10 participants with initial intake process Review all data and prepare monthly activity report
APRIL	Conduct daily intakes and assessments for new participants into the program Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program Conduct three Orientation classes Mail Job Search Workshop letters to participants Conduct two Job Search Workshops Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency Intake 5-10 participants with initial intake process Review all data and prepare monthly activity report
MAY	Conduct daily intakes and assessments for new participants into the program Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program Conduct two Orientation classes Mail Job Search Workshop letters to participants Conduct two Job Search Workshops Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency Intake 5-10 participants with initial intake process Review all data and prepare monthly activity report

JUNE	Conduct daily intakes and assessments for new participants into the program Conduct monthly review of participant files and reporting of all monies expended for rent and utility bills Check with all residential locations/housing of participants Mail Orientation letters to participants regarding Job Seeking Skills workshop in the Displaced Homemaker Program Conduct two Orientation classes Mail Job Search Workshop letters to participants Conduct one Job Search Workshop Conduct "Job Club" meeting Conduct "Support Group" meeting Identify and make personal contact with at least eight (8) local businesses and/or organizations that will assist our participants towards self-sufficiency Intake 5-10 participants with initial intake process Review all data and prepare monthly activity report

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EXHIBIT "C"

PROCEDURES FOR TENANT BASED RENTAL ASSISTANCE PROGRAM

A. PURPOSE

To provide rental assistance to homeless families and individuals to assist them in obtaining skills, resources, and other assets to maintain self-sufficiency in covering living expenses for up to one year.

B. ASSISTANCE

Partial grants to cover the amount of funds needed for the following:

1) Rent payment assistance.
2) Utility allowance payments (electric, gas, and water, excluding phone).

Monthly assistance paid on behalf of the program participant may not exceed the difference between the Rent Payment Standard set for the unit (see Attachment II) and 30 percent of the family's monthly adjusted income calculated using the Section 8 definition of annual gross income found at 24 CFR Part 5.The Minimum Tenant Payment, as required by 24 CFR 92.209 (h)(2), is established at ten (10) dollars per month.

This program will be 100 percent tenant-based. The housing assistance goes with the individual/family participant and is not controlled in any way by the housing owner. The participant is free to use his/her assistance anywhere within Clark County, including the cities of Henderson, Boulder City, Mesquite, North Las Vegas and Las Vegas, where the owner is willing to participate. Participation by private sector housing owners is strictly voluntary.

C. FUNDING

City of Las Vegas federal HOME Investment Partnerships Program (HOME).

D. ELIGIBLE PERSONS

Families or individuals who are currently homeless, living in an emergency shelter, or about to become homeless (subject to evaluation and approval).

E. TENANT SELECTION POLICY

1) Participants must complete in full all application paperwork and provide identification documentation for all household members.
2) Preference will be given to the following:
   a) Single parents or families with children
   b) Veterans
   c) Seniors over the age of 62
   d) Other Homeless individuals
3) Participants must commit to working with case manager on an individualized plan to achieve self-sufficiency at the end of the lease agreement, which may include but is not limited to job training opportunities, vocational rehabilitation programs, parenting classes, job search activities, credit counseling, savings plans, and applications for other forms of assistance. Failure to follow these plans may result in a termination of the agreement, causing funding to be revoked. In addition, participants who have failed to demonstrate a commitment to following case plan recommendations in the past may not be considered for funding support.
4) Household income may not exceed 50% of the area median income adjusted for family size as determined annually by HUD.

F. TYPES OF ASSISTANCE:

Monthly Assistance: The following types of assistance will be offered to eligible households in the form of a grant without repayment required:

A) Rent Payment Assistance

1) The program will pay the reasonable monthly rental payments on selected rental unit to the owner on behalf of the participant and will pay monthly utility costs not to exceed the Utility Allowance) to the utility company. Rental assistance shall be offered as based on the policies and procedures of the subrecipient agency administering the program and determined by employing the HUD HOME Program Rents less utility allowance. Each individual will work with the Subrecipient staff

to establish a one year program of assistance.

2) The length of time rental assistance will be available will be determined by participant's completion of program goals and benchmarks.

G. LEASE PROVISIONS:

All renter households assisted under this program shall produce a written lease which has been signed for a period of no less than one year, unless by mutual agreement between the tenant and the owner.

H. ELIGIBLE UNITS:

1) Qualified transitional housing operated by a recognized transitional housing program is eligible.
2) Available rental housing.
3) Tenants must use TBRA assistance in units that meet Section 8 Housing Quality Standards (HQS). Inspections must be made at initial occupancy and annually during the length of the TBRA assistance. The Housing Quality Standards include a basic occupancy standard of two persons per living/sleeping area.
4) All units must rent for a reasonable amount, compared to rents charged for comparable, unassisted units.

I. PROCEDURES:

1) The subrecipient agency will advertise the program in a manner best suited to reach the target population to be served.
2) Potential applicants must fill out an application in person at the subrecipient agency or their designee office. If a physical disability or inability to access public transportation exists, individual visits with the case manager at an alternate location may be available on an individual basis.
3) Applicants must provide acceptable, third party verification of all sources of gross income (this should include employment, benefits, pensions, food stamps, etc), and all assets for the family for documentation of initial eligibility and interim re-examination of income as the household size, composition, and income changes.

4) Provide copies of birth certificates and /or Social Security cards and picture ID, State of Nevada Medical cards with Children's social security number, as applicable for all persons who reside in the household.
5) Provide a goals statement describing why they are viable candidates for assistance, to include how they plan to demonstrate that they will be in a position to maintain their housing expenses after the termination of assistance under this program.
6) If applicant is approved, financial assistance will be paid directly to the landlord or the utility company.
7) The subrecipient agency will conduct a needs assessment with the participant and make appropriate referrals for other forms of assistance
8) Participant must agree to provide copies of financial documentation to assist in the development and implementation of their plan to maintain their housing costs after the period of assistance.
9) Provide rental agreement with the names of all household members as stated on the application. Utility bills must be in name of at least one of the residents of the household.
10) Participant must agree to a maximum tenant payment of 30% of household adjusted monthly income as defined in 24 CFR 5.611 and a minimum tenant payment of ten (10) dollars per month.

J. SUBRECIPIENT RESPONSIBILITIES:

1) Will be responsible for screening and selecting potential program participants in accordance with the Selection Criteria set forth in Item E.

2) Will verify recipients are homeless through an established verification process which complies with HOME federal regulations 24 CFR 92.

3) Subrecipient agrees to verify that not less than 90 percent of the families receiving such rental assistance meet the income requirements of 24 CFR 92.216, utilizing the HOME Income Guidelines (Attachment "I").

4) Will review the rental lease to ensure the agreement complies with the HOME federal regulations 24 CFR 92 and will verify that lease agreements entered into for the tenant based rental assistance program will only include rents payments which do not exceed the Program Rent Payment Standard (Attachment "II").

5) Will provide monthly reports indicating the number of individuals entering the program, along with all required demographic information; the progress of existing participants; the amounts paid for each individual; and other benchmarks for the program which will be stipulated in their Subrecipient Agreement.

6) Will coordinate with other service providers to ensure the participants have access to their identified needs, training, and care.

K. TERMINATION OF ASSISTANCE

Any violation of the material provisions of the lease, income eligibility, or illegal activities will be cause for termination from the Program, in accordance with the provisions of the Program. The Subrecipient will terminate participant rental assistance for any violation so designated in the participant's TBRA agreement/plan with the Subrecipient to include participant failure to cooperate in determining eligibility or for misrepresentation.

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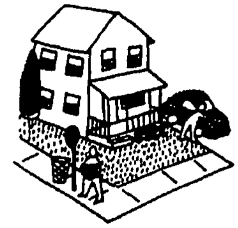
EXHIBIT "D"



CHAPTER 6: TENANT-BASED RENTAL ASSISTANCE

> HOME permits participating jurisdictions (PJs) to create flexible programs that provide assistance to individual households to enable them to rent market-rate units. These programs are known as "tenant-based rental assistance," or TBRA. This chapter highlights eligible TBRA households and units, eligible types and levels of subsidy, options for establishing a TBRA program, and key issues for design and administration of a TBRA program.

NOTES

PART I: HOME PROGRAM REQUIREMENTS

WHAT IS TENANT-BASED RENTAL ASSISTANCE?

- Tenant-based rental assistance (TBRA) is a rental subsidy that PJs can use to help individual households afford housing costs such as:
  - Rent;
  - Utility costs;
  - Security deposits; and
  - Utility deposits.
- **Types**: There are many types of TBRA programs.
  - The most common type provides payments to make up the difference between the amount a household can afford to pay for housing and local rent standards.
    - ✓ The Section 8 Voucher Program is an example of a typical TBRA program.
  - Other TBRA programs help tenants pay for costs associated with their housing, such as security and utility deposits. (However, under the HOME Program, utility deposit assistance can only be provided in conjunction with rental assistance programs or security deposit programs.)
- **How TBRA differs**: HOME TBRA programs differ from other types of HOME rental housing activities in three key ways:

NOTES

- TBRA programs help ***individual households*** (rather than subsidizing particular rental projects).
- TBRA assistance ***moves with the tenant*** -- if the household no longer wishes to rent a particular unit, the household may take its TBRA and move to another rental property.
- The ***level of TBRA subsidy varies*** -- the level of subsidy is based upon the income of the household, the particular unit the household selects, and the PJ's rent standard (rather than being tied to the PJ's high and low HOME rents).

WHY CREATE A TBRA PROGRAM?

- PJs have developed TBRA programs for a wide variety of reasons to serve a wide range of functions.
- Some of the most common advantages of establishing a TBRA program are noted below.

Flexibility for Households

- TBRA programs offer a household the opportunity to choose its neighborhood (including the school district) as well as its type of housing (such as a single-family home, large apartment building, duplex, garden-style unit, etc.).
- If the household needs to change location, the household may take the TBRA assistance along when it moves to another rental unit.
- At the discretion of the PJ, the TBRA may be used outside of the PJ's jurisdiction.

Flexibility for PJs

- TBRA programs offer jurisdictions a way to meet fluctuating demand for housing. A PJ may elect to provide TBRA assistance to as many or as few households as it chooses, subject to its HOME budget and consistent with its Consolidated Plan.
- Also, PJs may design specialized TBRA programs tailored to the distinctive housing needs of the community. This includes programs designed specifically for persons with special needs.

NOTES

Cost-Effectiveness

- In communities where large public subsidies are needed to spur the new construction or rehabilitation of units, TBRA may be less expensive than using HOME for rehabilitation or new construction.
- TBRA may be particularly effective in communities with high vacancy rates, where the PJ wants to make units affordable, but does not want to finance the development of additional units.

Risk Avoidance

- Financing the construction or rehabilitation of housing is inherently risky. Owners and developers can (and sometimes do) default on their financing, sending projects into foreclosure and putting at risk the PJ's investment.
- Since TBRA programs are tenant-based, the PJ can terminate the assistance if the tenant fails to meet program requirements.
- TBRA poses no long-term financial obligation to the PJ.

Relocation and Displacement Assistance

- PJs may use TBRA to assist households displaced by HOME projects, facilitating the rehabilitation of occupied units.

> **One Exception: Relocation Assistance**
>
> PJs are not allowed to require households who receive TBRA as ***relocation assistance*** to participate in self-sufficiency programs.

ELIGIBLE ACTIVITIES

Rental Assistance Programs

- The HOME rules are flexible regarding the types of TBRA programs that may be developed by PJs.
  - HOME TBRA programs may be designed to serve the general objective of making housing more affordable for a wide range of low-income households within the jurisdiction.
  - PJs may want to create a TBRA program that serves the entire community in response to a high level of rent burden and/or a long Section 8 waiting list.

NOTES

- Alternately, TBRA programs may focus on a special purpose or specific housing need. Options for special purpose programs are also described below.

- **Self-sufficiency programs**: PJs may require HOME TBRA recipients to participate in self-sufficiency programs as a condition of rental assistance.
  - For example, the PJ may operate a "bootstrap program" that provides TBRA to low-income persons who are attending job training.

- **Homebuyer programs**: HOME TBRA may assist a tenant who has been identified as a potential low-income homebuyer under a lease-purchase program. The PJ may provide HOME TBRA to these homebuyers until the purchase is completed.
  - The HOME TBRA payment must be used for monthly rental and/or utility expenses. This means that HOME-funded TBRA may not be used to create equity in the unit on behalf of the homebuyer. However, all or a portion of payments made ***by the homebuyer*** may be used to build such equity.
  - When the homebuyer is ready to purchase the unit, HOME funds may also be used for downpayment assistance.

- **Targeted populations programs**: The PJ may establish local preferences for special-needs groups within its broad, community-wide program, or it may design a specific program that exclusively serves one or more special needs groups.
  - Examples of such special needs groups may include:
    - ✓ Homeless persons;
    - ✓ Persons with disabilities; or
    - ✓ Persons with AIDS.
  - If TBRA is provided exclusively to persons with a particular type of special need, the need must be identified in the PJs Consolidated Plan as an unmet need and the preference must be needed to fill the gap in benefits and services available to such persons.

NOTES

Anti-displacement assistance programs: TBRA may be used to minimize displacement associated with HOME-funded activities.

Tenants Avoiding Displacement

Tenants who receive HOME TBRA to avoid displacement from a HOME-funded project may remain in the project or move to another suitable unit, taking the TBRA with them.

Security Deposit Programs

- The PJ may establish a program that limits assistance to help tenants with security deposits.
  - The term "security deposit" is defined by the local or state tenant-landlord law covering the jurisdiction.
  - The maximum amount of HOME funds that may be provided for the security deposit is the equivalent of two months' rent for the unit.
  - Only the tenant (***not*** the landlord) may apply for security deposit assistance.
  - The lease between the landlord and tenant may not contain certain prohibited lease provisions (see "Lease Requirements" later in this chapter) and must be in effect for at least one year.
  - The security deposit may be paid to the tenant or directly to the landlord.
  - The security deposit may be made as a grant or a loan. If the deposit is a loan, the terms of that loan, including provisions for repayment, should be set out in a written agreement between the PJ and the tenant.

Utility Deposit Assistance

Utility deposit assistance must be provided in conjunction with a TBRA security deposit or monthly assistance program. In addition, utility deposit assistance may be used only for utilities permitted under the Section 8 utility allowance. This includes electric, gas, water and trash, but does not include telephone and cable television.

Ineligible Program Activities

- Despite the flexibility the HOME Program provides for TBRA, there are a number of program activities that are ineligible for HOME TBRA assistance.

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- TBRA may not be used to assist a resident owner of a cooperative or mutual housing unit when that resident is recognized by state law as a homeowner.
  - ✓ However, under the provisions of ***some*** cooperative or mutual housing agreements, the units are considered rental housing under state law. The residents of this rental housing ***may*** receive TBRA.
  - ✓ Under any circumstance, a tenant who rents from an owner of a cooperative or mutual housing unit may receive HOME TBRA.
- HOME TBRA may not be used to prevent the displacement of tenants from projects assisted with Rental Rehabilitation Program funds.
- PJs may not provide HOME TBRA to homeless persons for overnight or temporary shelter.
- HOME TBRA may not duplicate existing rental assistance programs that already reduce the tenant's rent payment to 30 percent of income. For example, if the household is already receiving assistance under the Section 8 Program, the household may not also receive assistance under a HOME TBRA program.

ELIGIBLE APPLICANTS/BENEFICIARIES

Income Eligibility Requirements

- **Key rules**: There are two key rules regarding eligible income of households under a HOME TBRA program:
  - Low-income: HOME TBRA is limited to tenants who are at or below the HUD low-income limit. The low-income limit is defined as 80 percent or below of area median income. HUD establishes and periodically publishes this income limit by family size for each jurisdiction.
  - Funding allocation: For each fiscal year allocation, at least 90 percent of the families assisted through HOME TBRA and the households occupying assisted units in HOME rental developments (taken together) must be at or below 60 percent of area median income. This means that although the program permits assistance to households with incomes of up to 80 percent of median, the PJ will only be able to serve a ***limited*** number of households whose incomes are between 60 percent and 80 percent of median.

NOTES

- **Timing**: The PJ needs to assure that the applicant is income-eligible ***prior to*** signing a contract for TBRA for the household.

- **Family Income**: For initial ***eligibility*** purposes, family income under HOME-funded TBRA programs may be calculated using one of the three definitions of annual income. (See Chapter 2: General Program Rules for information on the three definitions.)

  - The Program Administrator must determine annual income by reviewing source documents evidencing annual income (for example, wage statement, interest statement, unemployment compensation) for the family.

    - ✓ Income determinations for new TBRA recipients are valid for six months.

    - ✓ Eligibility criteria must be met regardless of the type of TBRA program operated by the PJ (for example, anti-displacement, security deposit, special needs, etc.).

TENANT SELECTION REQUIREMENTS

Overview

- PJs administering HOME-funded TBRA programs must have a written tenant selection policy that clearly specifies how families will be selected for participation in their programs. There are two major components of tenant selection -- income eligibility and preferences. Both are discussed below.

  - **Income eligibility**: As discussed previously in this chapter, households who receive HOME-funded TBRA must have an annual income that does not exceed 80 percent of the area median income.

  - **Preferences**: PJs can use HOME-funded TBRA programs to support a variety of local goals and initiatives. In fact, with the repeal of the Federal preferences in the 1999 Appropriations Act, PJs have more discretion than ever concerning tenant selection in their TBRA programs. Preferences are discussed in more detail below.

Establishing Preferences

- **General community-wide program**: A community-wide program can address the general need for affordable housing by giving more "buying power" to eligible low-income households. Within a community-wide program, the PJ may elect to:

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- ➢ Select households from the public housing authority's (PHA) Section 8 waiting list, using the PHA preference criteria; or
- ➢ Establish its own preferences and waiting list (see below).

- ♦ **Community-wide programs with preferences**: Through the use of local preferences, PJs can target funds to meet specific needs or serve specific purposes.
  - ➢ Residency preference: The PJ may opt to establish a residency preference as part of its community-wide program. A residency preference requires TBRA participants to be residents of the PJ.
    - ✓ PJs may establish a residency preference as long as the application of the preference does not have the effect of discriminating on the basis of race, color, religion, sex, national origin, handicap or familial status.
    - ✓ The PJ's definition of "resident" must include persons who currently reside in the jurisdiction, and those who are currently working or have a bonafide job offer in the jurisdiction.
    - ✓ PJs may not establish a requirement for minimum length of residency.
  - ➢ Disabilities preference: PJs may establish local preferences for all persons with disabilities within a broad, community-wide TBRA program. A PJ may also target its TBRA program to persons with a particular type of disability (see below).
  - ➢ Self-sufficiency program: As discussed earlier in this chapter, PJs may require HOME TBRA recipients to participate in self-sufficiency programs as a condition of assistance. However, tenants living in a HOME-assisted project who receive TBRA as relocation assistance may not be required to participate in self-sufficiency programs.

- ♦ **Targeted programs**: As discussed previously in this chapter, PJs are permitted to design local selection criteria that meet the housing needs of specific populations. Below are several examples of targeted TBRA programs.
  - ➢ Preferences for persons with disabilities: PJs may establish a preference for individuals with mental or physical disabilities.

NOTES

- ✓ Generally, TBRA and related services should be made available to all persons with disabilities that can benefit from such services (see above).
- ✓ PJs may also provide a preference for a specific category of individuals with disabilities (for example, persons with AIDS or chronic mental illness) if the specific category is identified in the PJ's Consolidated Plan as having unmet needs, and if the preference is needed to narrow the gap in benefits and services received by such persons.
- ✓ Preferences may not be administered in a manner that limits the opportunities of persons in a protected class. For example, a person given a preference under the TBRA program may not be prohibited from applying for or participating in other available programs or forms of assistance.

➢ Preferences for persons with other special needs: PJs may establish a preference for individuals with special needs.

- ✓ TBRA may be provided exclusively to persons with a particular type of special need, if the specific category of need is identified in the PJ's Consolidated Plan as having unmet need and the preferences is necessary to bridge the gap in benefits and services received by such persons. Examples include the elderly and battered spouses.
- ✓ As with a general TBRA program, appropriate, non-mandatory social services may be provided in conjunction with the TBRA.
- ✓ As stated previously, PJs may require HOME TBRA recipients to participate in self-sufficiency programs as a condition of assistance. However, tenants living in a HOME-assisted project who receive TBRA as relocation assistance may not be required to participate in self-sufficiency programs.

ELIGIBLE TBRA UNITS

- The HOME TBRA program offers households great flexibility in selecting a housing unit. Households must be free to select the unit of their choice.

  ➢ Public or private: Units under the TBRA program may be publicly- or privately-owned.

NOTES

- Rents must be reasonable: PJs must disapprove a lease if the PJ determines the rent is not reasonable, based on rents that are charged for comparable unassisted rental units.

- HOME-funded units are OK: Households may select units developed or rehabilitated with HOME assistance. However, the PJ may not require the household to select a HOME unit as a condition of receiving TBRA.

  - ✓ In addition, PJs may not require TBRA-assisted households to remain in units developed/rehabilitated under HOME. Households must be permitted to move out at the end of the lease term, taking their TBRA assistance with them.

- Portability is an option: PJs may require eligible TBRA participants to use their TBRA assistance in units within the jurisdiction, or permit TBRA assistance to be used to rent units in other jurisdictions.

PROPERTY AND OCCUPANCY STANDARDS

Section 8 HQS

- Although the Final Rule permits flexibility with regard to the property standards used for HOME-assisted acquisition and development projects, the Section 8 Housing Quality Standards (HQS) *must* be used for HOME TBRA activities.

  - PJs may request waivers from HUD to permit HQS variations for local climatic or geologic conditions, or to create consistency with local codes.

  - Inspections to verify compliance with HQS and occupancy standards are made both at initial move-in and annually during the term of the TBRA assistance.

Occupancy Standards

- Program administrators should develop occupancy standards that specify the number of bedrooms needed by households of various sizes and composition.

- **Basic standard**: Section 8 HQS include a basic occupancy standard of two persons per living/sleeping area.

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- This basic HQS standard may be modified to take into consideration specific household composition and circumstances. Examples include:
  - ✓ Permitting persons of the opposite sex, other than spouses, to have separate bedrooms;
  - ✓ Permitting/requiring young children of the opposite sex to share a bedroom;
  - ✓ Not requiring different generations of the same sex to share a bedroom; or
  - ✓ Providing for less than two persons per living/sleeping area in the case of medical necessity.

- **PJ options**: PJs are not required to adopt the Section 8 occupancy standard and may elect to establish local standards. However, any local occupancy standard must be at least as stringent as the HQS standard.

- **Eligible unit size**: The occupancy standards are used to provide consistent criteria for determining the unit size for which the household is eligible.
  - When the household is selected for the HOME TBRA program, the PJ should counsel the household about the unit size for which the household is eligible.
    - ✓ If the household will be permitted to select a unit that is larger or smaller than the eligible unit size, the PJ should explain the impact of this choice on the tenant's payment.
    - ✓ The PJ may refer the household to appropriate units, but may not require the household to select the referral unit.

Lease Requirements

- **Term**: The term of the lease between the tenant and the owner must be ***at least*** one year, unless both agree otherwise.

- **What the lease may *not* say**: The lease ***may not*** contain the following provisions:
  - Agreement by the tenant to be sued or to admit guilt, or a judgment in favor of the owner in a lawsuit brought in connection with the lease;

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- Agreement by the tenant that the owner may take, hold or sell the personal property of household members without notice to the tenant and a court decision on the rights of the parties (this does not apply to personal property left by the tenant after move-out);
- Agreement by the tenant not to hold the owner or its agents legally responsible for any action or failure to act, whether intentional or negligent;
- Agreement by the tenant that the owner may institute a lawsuit without notice to the tenant;
- Agreement that the owner may evict the tenant (or other household members) without a civil court proceeding where the tenant has the right to present a defense, or before a court decision on the rights of the tenant and the owner;
- Agreement by the tenant to waive a trial by jury;
- Agreement by the tenant to waive the tenant's right to appeal or otherwise challenge a court decision; or
- Agreement by the tenant to pay attorney fees or other legal costs, even if the tenant wins in court.

- **Termination**: The PJ must establish standards for when a landlord may elect to terminate or refuse to renew the lease of a TBRA household. These standards must be in writing. They must also be included within the lease and/or in the contract between the PJ and the tenant.

Notice of Termination

The requirement for 30 days' notice of refusal to renew or termination of tenancy that is required of HOME-funded rental projects does not apply to TBRA.

PARAMETERS OF ASSISTANCE

- PJs are given significant flexibility in modeling the local method of providing TBRA assistance.
- However, HOME program rules do impose some basic parameters on the level of household and PJ payment, and the length of time for a single TBRA contract with a household.
- In addition, the HOME program requires that the PJ establish certain standards for the cost of the unit.

NOTES

Minimum and Maximum Payment

- The HOME program rules establish a maximum TBRA assistance payment and require the PJ to establish a minimum tenant payment.
  - Minimum tenant payment: The PJ may use its discretion in setting this minimum payment level. The minimum payment may be established at a dollar figure (such as $50) or at a percentage of income (such as 10 percent of monthly income).
  - Maximum TBRA payment: The maximum amount that the HOME TBRA program may pay to assist any given household is the difference between 30 percent of the household's ***adjusted*** monthly income (see Chapter 2: General Program Rules for more information about income definitions) and a jurisdiction-wide rent limit established by the PJ (known as the payment standard).

Length of TBRA Assistance

- HOME TBRA rental assistance contracts with individual households may not exceed two years. Contracts ***can*** be renewed, subject to availability of HOME funds.
- The two-year period begins on the first day of the lease and will end upon termination of the lease (if the TBRA payment is made directly to the landlord).
- Rental assistance contracts may be shorter than two years. For example, if TBRA is used in conjunction with a self-sufficiency program, a PJ may want to have a shorter contract term of 18 months.
- In circumstances where the payment is made directly to the tenant, the TBRA payment ends when a lease is terminated. However, payments can begin again once the household enters into a new lease.

Program Models

- Within the broad HOME Program parameters, PJs are free to design their own individual TBRA program models. Many jurisdictions have elected to model their TBRA program models on either the Section 8 Certificate or the Section 8 Voucher programs. Other PJs have developed unique program designs based upon the special needs of their communities.

NOTES

- **Section 8 Certificate Program model**: Under a TBRA program modeled after the Section 8 Certificate Program, (which was recently combined with the Section 8 Voucher program), tenants pay 30 percent of their monthly adjusted income toward rent. The TBRA assistance then makes up the gap between the tenant's payment and the actual rent plus utilities for the tenant's unit.
  - The rent and utilities of the unit selected by the household may not exceed the PJ's payment standard.
- **Section 8 Voucher Program model**: Under a TBRA program modeled after the Section 8 Voucher Program, the PJ calculates the difference between 30 percent of the household's monthly adjusted income and the payment standard. This gap is then the constant amount of the monthly TBRA assistance. The household is free to select an actual unit that costs more or less than the PJ's payment standard.
  - Unit costing more: If the household selects a unit costing more than the payment standard, the household's monthly payment will exceed 30 percent of its monthly adjusted income.
  - Unit costing less: If the household selects a unit costing less than the payment standard, the household's monthly payment will be less than 30 percent of its monthly adjusted income.
- Regardless of whether the unit costs are more or less than the payment standard, the monthly TBRA to the household remains fixed at the gap between what it can afford and the payment standard, regardless of the actual unit selected.
- **Individualized program models**: As stated, some PJs may decide to design an altogether new program. The most compelling reasons for electing to design a new program would be a PJ's desire to administer a security deposit-only program or a specialized program which addresses a special needs group. Within the general HOME TBRA rules, the PJ may decide how it wishes to establish limits for these types of programs.

Payment Standard

- As noted above, all PJs administering a TBRA program must establish a payment standard.

NOTES

- **Characteristics**: This payment standard should represent the rent plus utility cost of moderately priced units that meet HUD HQS in the jurisdiction. The payment standard is established by bedroom size.
  - The payment standard is similar to the Fair Market Rent (FMR) that is established by HUD for the Section 8 program.
  - The FMR is established by HUD for individual jurisdictions, based upon the rent for standard units within that jurisdiction.
  - The FMR is set at the 40th percentile of these rents (that is, just below the median rent for standard units within the community).
  - In certain cases, HUD has approved a Section 8 FMR community-wide exception rent for a particular municipality, county or locality within the overall jurisdiction.
  - This approval permits rents under the Section 8 Program to go as high as 120 percent of the FMR for the jurisdiction overall.
  - HUD publishes the FMR in the Federal Register by bedroom size for each jurisdiction. The FMR is updated annually.
- **Establishing the payment standard**: PJs are given several options for establishing the payment standard -- including using the FMR as a basis. The PJ may develop the payment standard using one of two methods.
  - First method: The PJ may develop a payment standard based on local market conditions.

    Example: The published Section 8 FMR for a two-bedroom unit is $500, but the PJ has analyzed the market and established that a reasonable price for a two-bedroom unit is $520, given the local market conditions and location. In this instance, the payment standard may be the $520.
  - Second method: If the PJ does not establish its own payment standard, then the HOME payment standards must be based upon the Section 8 FMRs. The payment standard must not be less than 80 percent of the published FMRs, and not more than the FMR or area-wide exception rent.

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Example: The published FMR for a two-bedroom unit is $500, and HUD has approved a six percent community-wide exception rent of $530. The payment standard established by the PJ could be anywhere between $400 (80 percent of $500) and $530.

- **Administering the payment standard**: Once established, the payment standard remains constant for all units for the PJ's entire program year. However, HUD does permit the PJ to have some flexibility in the administration of this payment standard.
  - Unit-specific: For up to 20 percent of the units under its TBRA program, the PJ may approve a unit-specific payment standard. This unit-specific payment standard may be up to 10 percent above the payment standard established for all units.

    Example: A PJ that has 200 TBRA-assisted families could approve up to 40 unit-specific payment standards. If the established payment standard for the PJ is $400, these 40 units may each have a unit-specific payment standard of anywhere between $400 and $440.
  - Although the HOME regulation does not specify the reasons for approving this unit-specific payment standard exception, a typical use of the exception authority is to:
    - ✓ Address discrepancies between the published FMR and the local market (for example, units with a large number of bedrooms rent for more than the published FMR); or
    - ✓ Obtain units adapted for handicapped residents or large families that are hard to place.
- **Deciding the payment standard amount**: To decide the amount of the payment standard, the PJ should compare the FMR to the actual cost (including utilities) of housing in the area.
  - If the FMRs are high relative to the actual cost, the PJ should consider setting the payment standard at a lower amount.
  - If the FMR seems appropriate, the PJ should set the payment standard at the FMR.

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- If the FMR is low relative to the actual cost of housing, the PJ may want to develop the documentation needed to establish its own payment standard based upon the market.

Ongoing Responsibilities

> **Flexibility for Security Deposit Only Programs**
>
> The requirements for ongoing income determinations and HQS inspections do ***not*** apply to security deposit only programs.

- PJs have significant ongoing responsibilities for managing a TBRA program.
- **Occupancy requirements**: Primary among these responsibilities is ensuring that the property standards and occupancy requirements are still met.
  - The PJ must conduct an annual inspection to ensure that the unit still meets HQS.
  - The PJ must also ensure that the unit is the appropriate size for the household in order to meet the occupancy standard.
- **Rent increases**: The PJ must also review and approve rent increases by landlords renting to tenants participating in the TBRA program. Owners may adjust rents as leases are renewed (generally annually). The PJ must disapprove a lease if the rent is not reasonable.
- **Recertifying income**: In addition, the incomes of tenants receiving rental assistance must be re-examined at least annually using source documentation. The PJ must re-evaluate family income, size and composition.
  - Rent and assistance is adjusted accordingly, based on the circumstances in effect at the time of recertification.
  - If a tenant's income goes above the Section 8 low-income limit at re-examination, assistance must be terminated after the PJ gives reasonable notice to the tenant and the owner.
- **Tenants on Section 8 waiting list**: Special provisions are needed for tenants receiving HOME TBRA who were on the Section 8 waiting list at the time of selection.
  - Households on the Section 8 waiting list when selected for HOME-funded TBRA must remain in their place on the waiting list while receiving the HOME-funded TBRA.

NOTES

LEAD-BASED PAINT

- HUD's new consolidated Federal lead-based paint regulation took affect September 15, 2000. This regulation makes several important changes in the requirements for Federal community development programs that fund housing. For more information about lead-based paint, see the summary provided in the "Other Federal Regulations" chapter of this manual. Other resources PJs may find helpful are the training manual, *Learning the Rules: A Basic Overview of the Lead-Based Paint Regulations for CPD Programs*, the training manual, *Making it Work: Implementing the Lead Safe Housing Rule in CPD-Funded Programs*, and HUD's Office of Healthy Homes and Lead Hazard Control website, http://www.hud.gov/offices/lead.

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PART II: PROGRAM DESIGN AND IMPLEMENTATION ISSUES

There are a number of issues that PJs must consider when establishing a TBRA program. Each of these issues is discussed briefly below.

DETERMINING WHO WILL ADMINISTER THE PROGRAM

- **Public housing authorities as an option**: The cost to establish and manage a TBRA program can be great. With this in mind, many jurisdictions have elected to sub-contract the administration of their HOME TBRA programs to their PHAs. There are a number of advantages to this arrangement:
  - The PHA is likely to have in place the infrastructure to run and manage this type of program. This includes staffing, check processing equipment and systems, and paperwork processes.
  - The PHA is experienced in using Section 8 income limits to screen eligibility and conduct recertifications.
  - The PHA is also experienced in conducting HQS inspections for occupancy and housing quality.
- PJs should be aware that the PHA may want to run a TBRA program that complements or parallels its normal Section 8 program, because of unmet demand in the community (as evidenced by a long or closed waiting list) and administrative ease (due to staff familiarity with the requirements and procedures of its Section 8 program).
- The PJ, on the other hand, may wish to run a specialized program that does not meet the demand for Section 8 or is not modeled after the Section 8 program, but instead focuses on particular types of households or particular types of assistance. These special programs may be confusing for PHA staff who simultaneously manage a Section 8 program.

DETERMINING THE TYPE OF PROGRAM TO OFFER

- As noted in Part I of this chapter, the PJ may use the Section 8 housing program as the model for its TBRA program, or may

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design a wholly new program. The various options are discussed in Part I of this chapter. Here are the different arguments for each model.

- **Using the Section 8 model**: There are many arguments for using the Section 8 Rental Certificate and Voucher Programs as a model.
  - The Section 8 programs have a successful track record. Using the Section 8 model could cut the amount of time it would take to thoughtfully design a new program, which some PJs could find prohibitive.
  - If the PHA will operate the PJ's program, the Section 8 Program Voucher model can be more efficient, due to the PHA's familiarity with this program.
  - The program will likely be used by the same set of landlords who participate in the Section 8 Program. However, different rules may be confusing.
  - The rental assistance payment goes directly to the landlord under the Section 8 Program. Therefore, the landlord knows that the program's share of the rent is guaranteed.
- **Designing a new program**: The most compelling reasons for electing to design a new program would be a PJ's desire to administer a security deposit only program, or a program tailored to serve special needs populations. These options are not available under Section 8 Rental Vouchers.
  - PJs may use HOME to assist families by paying for not only monthly rent and utilities, but also security deposits and utility deposits. (Remember: under HOME, utility deposit assistance may only be provided in conjunction with a TBRA security deposit or monthly assistance program). In contrast, the Section 8 Rental Voucher Program only helps with rent and utility costs, and not security deposits or security and utility deposits.
  - The Section 8 tenant-based assistance program makes payments directly to the landlord on behalf of the tenant. By paying the tenant, the PJ allows the tenant to make a full

Caution on Security and Utility Deposit Payments

Security deposit only (or security and utility deposit only) programs are attractive because limited funds can be used to serve more families. However, they may not provide enough assistance. Many families who cannot afford the security deposit also cannot afford the monthly rental payments.

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payment to the landlord each month. The payment to the tenant gives the tenant an appearance of greater financial independence in his or her dealings with the landlord.

CALCULATING THE RENTAL SUBSIDY

- One of the most important decisions PJs must make with regard to TBRA programs is how to calculate the tenant and PJ contributions to rent.
- Three important factors affect the PJ's (and the household's) payment:
  - The family's income -- the lower the family's income, the higher the PJ's payment;
  - The payment standard the PJ establishes for each bedroom size; and
  - The cost of housing and utilities for the unit the family selects.
- In addition, the subsidy depends upon the TBRA model selected by the PJ. How to determine the subsidy under the different methods is discussed below.

Using the Section 8 Certificate Model

- The Section 8 Rental Certificate Program model assumes a fixed tenant payment.
  - The tenant's share of housing costs (Total Tenant Payment, or TTP) is calculated by formula. The PJ then pays the difference between the tenant's share and the approved rent for the unit.
  - The formula for computing TTP under the Section 8 Rental Certificate Program requires a tenant to pay the greater of:
    - ✓ 30 percent of monthly adjusted income;
    - ✓ 10 percent of monthly gross income; or
    - ✓ The welfare rent in as-paid states.
  - Exhibit 6-1 demonstrates this method.

NOTES

EXHIBIT 6-1

The Cleavers have been issued a two-bedroom HOME TBRA Coupon. Their annual (gross) and adjusted incomes are $22,500 and $18,300, respectively. They find an apartment that rents for $725 (including utilities).

The Cleavers must pay the greater of:

$458 30% of adjusted monthly income ($18,300 / 12 x 0.30)

OR

$188 10% of annual (gross) monthly income ($22,500 / 12 x 0.10)

The program administrator must pay the difference between the tenant's share and the approved rent.

Approved Rent	$725
Less Total Tenant Payment	$458
PJ Share of the Rent	$267

Using the Section 8 Voucher Model

- The Rental Voucher Program model assumes a fixed PJ payment.
  - The maximum PJ subsidy is calculated, and the tenant pays the difference between the subsidy and the approved rent for the unit.
  - Using the Section 8 Rental Voucher method, the PJ first establishes a payment standard for the program as a whole.
  - The PJ generally pays the difference between its payment standard and 30 percent of the tenant's adjusted monthly income. However, a minimum tenant payment is required. Exhibit 6-2 demonstrates this method.

NOTES

EXHIBIT 6-2

The Cleavers have been issued a two-bedroom HOME TBRA Coupon. Their annual and adjusted incomes are $22,500 and $18,300 respectively. As in Exhibit 6-1, their monthly annual (gross) and adjusted income amounts are $458 and $188 respectively. They find an apartment that rents for $800 (including utilities). The PJ's rent standard is $775.

The maximum program administrator subsidy is:

$775	Rent standard
<u>$458</u>	<u>(less) 30% of adjusted monthly income</u>
$317	Maximum program administrator subsidy

The Cleaver's share of the rent is:

$800	Approved rent
<u>$317</u>	<u>(less) Maximum subsidy</u>
$483	Cleavers payment

In this example, the Cleavers will pay more than 30 percent of their adjusted income for housing because they selected a unit that rents for more than the payment standard.

Had the Cleavers found a very inexpensive unit, the requirement that the family must pay at least 10 percent of monthly gross income might apply.

$500	Approved rent
<u>$317</u>	<u>(less) Maximum program administrator subsidy</u>
$183	Calculated tenant share

However, the Cleavers must pay at least 10 percent of gross monthly income

($22,500 / 12 months x 0.10 = $188).

The program administrator's contribution would be reduced by $5.

<u>Utility Allowances</u>

- To determine the portion of the housing cost that will be paid by the PJ and the portion that will be paid by the household, the PJ must establish a utility allowance schedule that estimates the average cost of utilities for typical types of housing (single-family, row house, high-rise, etc.) and for various utilities and fuel sources (gas, oil, electricity).
  - Utilities included in the schedule generally include those required for water/sewer, electric, gas and trash.
  - Telephone and cable TV are not considered utilities for this purpose.

NOTES

- PJs may adopt the utility allowance schedule that the PHA uses for its Section 8 program, or establish their own schedule based on a survey of typical utility costs in the area. (See Exhibit 6-3(a).)

EXHIBIT 6-3(a)

USING UTILITY ALLOWANCES

(1) The Jones family selects a unit which rents for $575. They must pay electricity and gas separately.

(2) The PJ's utility allowance schedule indicates that the average cost of electricity and gas for the unit size selected is $75.

(3) 30 percent of the family's adjusted income is $300.

(4) The family makes its tenant contribution as follows:

$75	For gas and electricity
+$225	Rent to the owner
$300	

(5) The PJ pays the difference between the rent the owner is charging and the amount paid by the tenant:

$575	Rent to owner
-$225	Paid by family
$350	Subsidy

- Sometimes PHAs must make a utility reimbursement to the family ***and*** a payment to the owner. (See Exhibit 6-3(b).)

EXHIBIT 6-3(b)

Assume that 30 percent of the Smith family's monthly adjusted income is only $50, and that the Smith family rents a unit similar to the Jones family's.

The family's $50 contribution is not enough to pay utilities (much less contribute to rent). In this case, payments are made as follows:

$50	Family retains $50 to pay utility bills
+$25	PHA pays family $25 to cover remaining utility bills
$75	Entire utility allowance
$575	PHA pays entire rent to owner

PROCESSING APPLICATIONS

- Following are the key steps in processing applications for TBRA.

NOTES

Step 1: Application Intake and Waiting Lists

- As noted above, the PJ may use the PHA Section 8 waiting list or create a waiting list of its own. Whichever method is used, the PJ must follow its written tenant selection plan, which explains how local preferences will be applied.
  - If the PJ uses the PHA's waiting list, no additional application intake is needed. The PHA will already have taken applications from families seeking rental assistance.
  - If the PJ decides to set up a separate waiting list, it will have to take applications. Good record-keeping is essential to demonstrate that all eligible families had the opportunity to apply and were treated fairly in the application process. PJs should use a written application form and retain records on the disposition of all applications.

Step 2: Eligibility Determinations

- PJs, or the PHA on behalf of the PJ, must verify all factors that relate to the family's eligibility – the household composition, preference and income information provided by the family. The HOME rules require examination of source documents (for example, wage or interest statements) for TBRA households to determine the family's income.

Step 3: Coupon Issuance

- Once a household is determined eligible and selected to receive assistance, the PJ issues the family a TBRA coupon. This is the family's authorization to look for housing (or to request that the PJ approve the unit in which the family already lives.)
- The PJ should establish a deadline for the family to locate housing. As a comparison, PHAs give Certificate/Voucher holders 60 days to find a unit. In extraordinary circumstances, they may extend the search period for an additional 60 days.

Step 4: Request for Unit Approval

- When the household finds an acceptable unit and a landlord willing to participate in the program, the tenant submits a request for unit approval and for using TBRA to rent the unit.
- The PJ must inspect the unit to assure that it meets Section 8 HQS and to determine if the rent the owner is charging for the unit is reasonable, based upon the rents for comparable units in the area.

NOTES

Step 5: Lease Execution and C/MI System Project Set-Up

- Once the PJ has inspected and accepted the unit and determined that the rent the owner is charging is reasonable, two actions must occur:
  - Tenant lease: The owner and the tenant enter into a lease. To cover the special requirements of the HOME program, the PJ provides a lease addendum to be used in conjunction with the owner's lease.
  - Owner agreement: The PJ and the owner enter into an agreement in which the owner agrees to comply with the HOME rules and the PJ agrees to make the PJ's share of the payment.
- At this point, the TBRA Program must be set up in the Integrated Disbursement and Information System (IDIS). Just as a PJ might set up the construction of a multi-family building as a "project" in the C/MI System or IDIS, the PJ sets up its TBRA program as a project, with up to 99 tenants listed under a single project.

USING TBRA FOR ANTI-DISPLACEMENT AND RELOCATION ACTIVITIES

- When HOME funds are used to rehabilitate rental housing, some tenants may be adversely affected.

Displacement

- In a HOME project, if post-rehabilitation gross rent (rents and utilities) exceed the tenants' TTP (as defined for the Section 8 Certificate Program), the tenant is considered ***rent-burdened***. A tenant who moves for this reason is considered displaced.
- Rent burden may exist even when a tenant occupies a unit that carries HOME rents. For example, the Low Home Rent is designed to be affordable to households at 50 percent of median income with 30 percent of their income. This rent would not be affordable to a household whose income is 40 percent of median income.
- To avoid displacement, HOME TBRA or Section 8 assistance may be provided to make the proposed rent affordable to the tenant.

NOTES

TBRA as Relocation Assistance

> **Important:** The tenant must be made aware that HOME assistance will be terminated if, upon annual recertification, the tenant's income exceeds 80 percent of area median. However, the PJ must continue to provide assistance, either as continued rental assistance payments funded through some other source, or by providing the balance of the assistance in the form of a replacement housing payment.

- HOME TBRA may be offered to displaced low-income tenants as an alternative to the replacement housing payment required by the Uniform Relocation Act (URA) or Section 104(d). URA rules require that displaced tenants be given the choice of TBRA or a cash replacement housing payment. Section 104(d) gives the option to the PJ, but if the PJ offers TBRA and the tenant prefers a replacement housing payment, the tenant may receive the replacement housing payment at URA (rather than Section 104(d)) levels.
- In this case, the value of the monthly HOME TBRA must be equal to or greater than the monthly value of the tenant's replacement housing payment.
- Tenants who accept HOME TBRA must be assured of at least 42 months of assistance when the URA applies and 60 months of assistance when Section 104(d) applies.

ATTACHMENT "I"

HOME/LIHTF PROGRAM INCOME GUIDELINES:
U.S. Department of Housing and Urban Development (HUD) HOME/LIHTF
Program Limits (Effective February, 2004)
Median Family Income $54,700

FAMILY SIZE	INCOME NOT TO EXCEED	
1	30%	11,850
	50%	19,800 (Very Low-Income)
	80%	31,650 (Low-Income)
2	30%	13,550
	50%	22,600 (Very Low-Income)
	80%	36,150 (Low-Income)
3	30%	15,250
	50%	25,450 (Very Low-Income)
	80%	40,700 (Low-Income)
4	30%	16,950
	50%	28,250 (Very Low-Income)
	80%	45,200 (Low-Income)
5	30%	18,300
	50%	30,500 (Very Low-Income)
	80%	48,800 (Low-Income)
6	30%	19,650
	50%	32,750 (Very Low-Income)
	80%	52,450 (Low-Income)
7	30%	21,000
	50%	35,050 (Very Low-Income)
	80%	56,050 (Low-Income)
8	30%	22,350
	50%	37,300 (Very Low-Income)
	80%	59,650 (Low-Income)

ATTACHMENT "II"

Tenant-Based Rental Assistance Program Payment Standard

Based on 2004 Fair Market Rents For Existing Housing
U. S. Department of Housing and Urban Development (HUD)
10/2003

UNIT SIZE	*PAYMENT STANDARD
Efficiency	545.40
1 - Bedroom	647.10
2 - Bedroom	770.40
3 - Bedroom	1,071.90
4 - Bedroom	1,226.30

*The Program Payment Standard includes rent payment and utility allowance. The maximum rent payment is calculated by deducting the utility allowance from the Program Payment Standard.

Allowance for Tenant-Furnished Utilities and Other Services

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0169 (4/30/2001)

ATTACHMENT "III"

LOCALITY	UNIT TYPE	DATE
Housing Authority of the City of Las Vegas	Multi- Family Apartments	6-1-3 ~~2/12/03~~

UTILITY OR SERVICE	MONTHLY DOLLAR ALLOWANCE 0-BR	1-BR	2-BR	3-BR	4-BR	5-BR
HEATING						
a. Natural Gas	$16	$17	$19	$21	$23	$26
b. Electric Resistance	$13	$16	$21	$25	$30	$38
c. Electric - Heat Pump	$8	$11	$14	$16	$20	$25
COOKING						
a. Natural Gas	$3	$4	$4	$5	$5	$5
b. Electric	$7	$8	$9	$10	$11	$11
OTHER ELECTRIC electric lighting, refrigerator, fans, etc.)	$39	$41	$45	$49	$51	$58
AIR CONDITIONING	$10	$14	$18	$25	$32	$42
EVAPORATIVE COOLER	$8	$8	$8	$8	$8	$8
WATER HEATING						
a. Natural Gas	$7	$9	$10	$14	$18	$23
Electric	$11	$17	$22	$34	$47	$58
WATER (Average)	$8	$11	$13	$18	$24	$30
SEWER (Average)	$14	$14	$14	$14	$14	$14
TRASH COLLECTION	$10	$10	$10	$10	$10	$10
RANGE	$3	$3	$3	$4	$4	$4
REFRIGERATOR	$5	$5	$5	$6	$6	$6
OTHER -- specify						

ACTUAL FAMILY ALLOWANCES: To be used by family to complete allowance. Complete below for actual unit rented.

	UTILITY OR SERVICE	PER MONTH
NAME OF FAMILY	HEATING	$
	AIR CONDITIONING	$
ADDRESS OF UNIT	COOKING	$
	OTHER ELECTRIC	$
	WATER HEATING	$
	WATER	$
	SEWER	$
	TRASH COLLECTION	$
	RANGE	$
	REFRIGERATOR	$
NUMBER OF BEDROOMS	OTHER	$
		$
	TOTAL	$

DISCLOSURE OF PRINCIPALS

The principals and partners of HELP of Southern Nevada and all persons and entities holding more than 1% interest in HELP of Southern Nevada or any principal of HELP of Southern Nevada are the following:

FULL NAME **BUSINESS ADDRESS** **BUSINESS PHONE**

1 __________
2. none
3. __________
4. __________
5. __________
6. __________

Continue list until full and complete disclosure is made.

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

HELP of Southern Nevada

By: Deni L Conrad
Deni Conrad
Title: Executive Director

Subscribed and sworn to before me this
6th day of July, 2004.

Gloria Sanchez
Notary Public

GLORIA SANCHEZ
Notary Public State of Nevada
No. 98-2756-1
My appt. exp. Mar. 30, 2008

City of Las Vegas

Agenda Item No. 88

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: APRIL 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES
DIRECTOR: ORLANDO SANCHEZ ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:
Report and possible action to proceed with a plan to abate vacant and abandoned property located within the City of Las Vegas - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
On January 7, 2004, the Mayor Pro-tem requested a status report on the Neighborhood Services Department's enforcement efforts on vacant/abandoned buildings with respect to the City Attorney's Office report issued on August 4, 2003 to the City Council. In addition, the Council requested information on any new initiatives and/or recommendations to assist in handling vacant/abandoned properties. This report seeks to provide the Council with several options for abatement of vacant/abandoned buildings, as well as seek direction from the Council regarding a preferred course of action and funding arrangements.

RECOMMENDATION:
Staff requests direction to determine a course of action and source of funding to abate vacant and abandoned properties.

BACKUP DOCUMENTATION:
Submitted after meeting: hard copy of PowerPoint

MOTION:
REESE – APPROVED the course of actions presented, directing staff to proceed as outlined, including the creation of a revolving loan account in the amount of $1.5 million by redirecting $500,000 from each of the following funding sources: CLV General Funds, Redevelopment Set-Aside, and Federal HOME Funds – UNANIMOUS with BROWN not voting (NOTE: During Citizens Participation at this meeting Councilman Brown instructed the City Clerk to indicate his affirmative vote on this item [no memo submitted]) and Ward 2 seat vacant

City of Las Vegas Agenda Item No. 88

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services
Item 88 – Report and possible action to proceed with a plan to abate vacant and abandoned property located within the City of Las Vegas – All Wards

MINUTES:
ORLANDO SANCHEZ, Director, Neighborhood Services, gave a detailed overview of the plan using a PowerPoint presentation, which is made part of the final minutes. He noted that he is very excited about this plan, which is a holistic approach to dealing with this issue that was devised with the assistance of DEPUTY CITY ATTORNEY DAN STILL, SABER SMITH, DON OAKLAND, and DAVID SEMENZA and his staff. He recommended the Council adopt the course of action presented and that staff be directed to proceed as outlined, including the creation of a revolving loan account in the amount of $1.5 million by redirecting $500,000 from each of the following funding sources: CLV General Funds, Redevelopment Set-Aside, and Federal HOME Funds.

MAYOR GOODMAN asked what could be accomplished with $1.5 million. MR. SANCHEZ answered that with this money the City could acquire at least ten properties to be subsequently sold, which would keep the revolving loan fund going. The $1.5 million will help start the program and staff can then appraise its success.

MAYOR GOODMAN felt this is the right recourse for the City. It will certainly assist with ridding blight while helping those that are on the verge of homelessness. He thanked TODD FARLOW, a frequent member of the public that attends the meetings, for insisting on coming up with programs to effectively and efficiently abate vacant/abandoned properties. He also thanked DEPUTY CITY ATTORNEY STILL for putting the City in a legal posture to address this issue. DEPUTY CITY ATTORNEY STILL assured the Mayor that he would be working with DEPUTY CITY MANAGER FRETWELL on introducing language regarding the receivership issue at the legislature. However, he opined that this plan would probably have the most effective and immediate impact.

TODD FARLOW, 240 N. 19th Street, expressed his full support of this plan and commended staff for its hard work. He then questioned why the rates oscillate from $350 to $200 and then to $500. MR. SANCHEZ explained that the first fee covers the expense of making sure the job is being done. The second and third fees are to put more pressure on the owner.

COUNCILMAN WEEKLY asked if assistance would be provided to some of the elderly people that cannot afford to maintain their properties. MR. SANCHEZ replied that income-qualified residents could apply for a housing rehab loan that will be deferred, if the qualifications are met. A lien would be placed on the property, but it will be deferred after a number of years, depending on the amount of the loan.

CITY COUNCIL MEETING OF APRIL 21, 2004
Neighborhood Services
Item 88 – Report and possible action to proceed with a plan to abate vacant and abandoned property located within the City of Las Vegas – All Wards

MINUTES – Continued:
Referring to a map on the overhead showing abandoned properties in each ward, COUNCILMAN WEEKLY pointed out that his ward is saturated with abandoned properties that cause blight. Even though he fully supports this plan, he wants to ensure that people do not misunderstand and think that the City is going to take people's property.

AL GALLEGO, citizen of Las Vegas, stated that one of the biggest slumlords is the federal government.

He cautioned that he is going to stay on top of this issue, because he is aware of certain abandoned properties that he wants to see taken down. Regarding federal properties, MR. SANCHEZ explained that nine of the properties in the inventory are HUD owned, but they have been resold and should be back on the market.

BEATRICE TURNER, West Las Vegas resident, advised the Council that she would be visiting the Neighborhood Services Department to see proof of the notice that was supposed to have been sent out to owners of boarded up properties, because her godfather owns a for-sale piece of property that was boarded up because he could not trust the former tenants. In fact, her godfather owns two properties on Jackson Street.

NOTE: MAYOR GOODMAN stressed that the City would be justified in directing the lobbyists in Washington to request more funding to be used towards this program. He also directed DEPUTY CITY ATTORNEY STILL to prepare legislation for the next session.

NOTE: COUNCILMAN WEEKLY directed MR. SANCHEZ to detail this program in writing so that people clearly understand it.

(10:41 – 10:59)

1-3612/2-1

Vacant and Abandoned Buildings Initiative

Presentation to Las Vegas City Council

April 21, 2004

CC Mtg - 4/21/04
#88

Community Effect of Vacant/Abandoned Buildings

- Loss of housing opportunities
- Fiscal drain caused by disproportionate use of municipal resources with little or no tax revenue contributions
- Negative impact on public health and safety of the community, including disease transmission and fire hazards

Community Effect of Vacant/Abandoned Buildings

- Increased opportunities for criminal activity
- Reduction in the value of adjacent properties, reducing the total value of community assets
- Negative effect on the quality of life generally, including perceptions of the neighborhood by the residents

Summary of Past Efforts

- Adoption of Bill No. 2002-31 regarding abandoned buildings mitigation
- Attempted mitigation proceedings conducted on 97 properties
  - Only 8 owners (8%) complied with a mitigation plan
  - Remaining owners are non-responsive

Summary of Past Efforts

- Unresponsive owners can be referred to Finance and Business Services Department for implementation of collection process
- Owners will be billed boarding and re-inspection fees at the following rates:
  - $325 for the first year
  - $200 for the second year
  - $500 for the third year

Policy Opportunities

- Need to establish a coordinated policy to address "life cycle" of vacant/abandoned properties
- Need for an established geographic plan, such as:
  - Cluster rehabilitation for maximum impact, or
  - Scattered site rehabilitation for geographic diversity

Policy Opportunities

- Need for access to vacant/abandoned properties for purposes of rehabilitation
- Need to identify funding source for rehabilitation costs

Identification of Properties

- NS has created a comprehensive listing and map of vacant and/or abandoned buildings
  - Allows an overview of areas with a high concentration of vacant and/or abandoned buildings
  - Allows targeted assistance to areas of high vacant and/or abandoned building concentration

Identification of Properties

- Categorize properties according to physical/financial condition and create a process flow chart for each property
  - Allows individual assessment and prescribes a course of action for each property
  - Organizes pertinent information, such as pictures, findings, and case management

Enforcement of Regulations

- Aggressively enforce current city ordinances and codes by assigning a Code Enforcement Officer to focus on vacant and/or abandoned buildings

Enforcement of Regulations

- Create policies and procedures to implement Administrative Citations
  - Used as a punitive tool instead of criminal citations
  - Fee can cover CLV costs for the time spent trying to gain compliance on a property
  - Gives owners the opportunity to face a non-CLV hearings officer after fine has been paid

Enforcement of Regulations

- Request authority from the 2005 Legislature to address vacant/abandoned buildings through "receivership"
  - Receivership would allow CLV to oversee the management, repair, and rehabilitation of the property
  - Before enacting receivership, CLV would need to issue a notice to repair the property

Enforcement of Regulations

- As a last resort, the City Attorney's Office may utilize NRS 268.4126 under some circumstances to abate nuisance properties
  - Proceedings in District Court to abate a nuisance property
  - Judge may order the owner to abate the property by repairing, safeguarding, or demolishing the property
  - In some cases, owner must pay to relocate tenants and reimburse CLV for costs incurred in the attempt to abate the nuisance

Rehabilitation & Reuse of Properties

- Identify funds to address costs associated with rehabilitation and reuse, including:
  - Source of funds
  - Funding amount
  - Program structure for expenditure of funds (i.e. Nonprofit involvement, community development corporation involvement, and/or revolving fund use)

Rehabilitation & Reuse of Properties

- Possible involvement of Community Development Corporations (CDC) to rehabilitate or redevelop properties
  - Transforms boarded buildings into viable properties, impeding blight in neighborhoods
  - Provides affordable housing to low- and moderate-income families
  - May provide the catalyst for reinvestment in troubled neighborhoods

Rehabilitation & Reuse of Properties

- Possible creation of a vacant/abandoned building fund
  - Federal HOME funds can be used to structure a Homebuyer Program that encourages acquisition and rehabilitation or new construction of affordable homes
  - Program design is guided by community needs, the local housing market, and compliance with federal regulations

Next Steps

- That the Mayor and City Council adopt the course of actions presented and that staff be directed to proceed as outlined, including the creation of a revolving loan account by allocating city general funds (to be determined by the CMO), federal HOME funds, and Redevelopment Set-Aside funds to purchase, rehabilitate, and sell these distressed properties as attainable affordable housing.

Next Steps

- Recommended funding levels:

Funding Source	Amount
CLV General Funds	$500,000
Redevelopment Set-Aside	$500,000
Federal HOME Funds	$500,000