

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
TUESDAY, JUNE 1, 2004
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILMAN WEEKLY AND COUNCILWOMAN MONCRIEF

CALL TO ORDER

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

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

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 6/2/2004 CITY COUNCIL MEETING.

1. Bill No. 2004-42 – Adopts development agreement with El Capitan Associates, LLC, regarding property located at the southwest corner of Durango Drive and Dorrell Lane. Proposed by: Robert S. Genzer, Director of Planning and Development

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 6/16/2004 CITY COUNCIL MEETING.

2. Bill No. 2004-40 – Annexation No. ANX-3978 – Property location: On the west side of Calverts Street, 810 feet south of Tropical Parkway; Petitioned by: Ronny Acevedo and Gilmar Acevedo; Acreage: 1.02 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
3. Bill No. 2004-41 – Revises the City's drought conservation measures in accordance with revisions to the Southern Nevada Water Authority's Drought Plan. Sponsored by: Councilman Larry Brown

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES

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

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

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

City Hall Plaza, Special Outside Posting Bulletin Board
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

33✓

(Mailing required under the provisions of NRS Chapter 241)

 Notary Public-State Of Nevada
COUNTY OF CLARK
JO A WILLIAMS
My Appointment Expires
January 12, 2006
No 98-0389-1

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

1. City Hall Plaza, Special Outside Posting Bulletin Board, 400 Stewart Avenue (in the walkway area between Metro and Municipal Court)
2. Court Clerk's Office Bulletin Board, City Hall Plaza, 400 Stewart Avenue (near the entrance to the Court Clerk's Office);
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 S. Grand Central Parkway

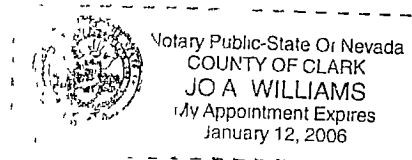
Paula Clark
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

25TH day of MAY, 2004

NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 1, 2004

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

MINUTES:

PRESENT COUNCILMAN WEEKLY and COUNCILWOMAN MONCRIEF

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, DEPUTY CITY CLERK GABRIELA S PORTILLO-BRENNER, and DEPUTY CITY CLERK YDOLEENA YTURRALDE

ANNOUNCEMENT MADE – meeting noticed and posted at the following locations:

City Hall Plaza, Special Outside Posting Bulletin Board

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E Washington Avenue

(4:01)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-42 – Adopts development agreement with El Capitan Associates, LLC, regarding property located at the southwest corner of Durango Drive and Dorrell Lane. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

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No Impact

Amount:

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Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In May 2002, the City Council approved in concept a development agreement with El Capitan Associates, LLC, regarding property located at the southwest corner of Durango Drive and Dorrell Lane. An updated version of the Agreement was presented to Council during Planning and Development's afternoon calendar on May 19, 2004. Pursuant to State law, such an agreement must be adopted by ordinance. This bill will accomplish that adoption.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2004-42
2. El Capitan Development Agreement

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-42 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that the bill is order.

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF JUNE 7, 2004

City Attorney

Item 1 – Bill No. 2004-42

MINUTES – Continued:

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:01 – 4:02)

1-5

BILL NO. 2004-42

ORDINANCE NO. _____

AN ORDINANCE TO ADOPT THAT CERTAIN DEVELOPMENT AGREEMENT ENTITLED "EL CAPITAN DEVELOPMENT AGREEMENT," ENTERED INTO BETWEEN THE CITY AND EL CAPITAN ASSOCIATES, LLC, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer
Director of Planning and Development

Summary: Adopts development agreement with El Capitan Associates, LLC, regarding property located at the southwest corner of Durango Drive and Dorrell Lane.

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

SECTION 1: That certain development agreement entitled "El Capitan Development Agreement," which was approved by the City Council on May 1, 2002, and May 19, 2004, and which is attached, is hereby adopted in conformance with the provisions of NRS Chapter 278.

SECTION 2: The development agreement adopted by Section 1 shall be recorded in the office of the County Recorder in accordance with the provisions of NRS Chapter 278.

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

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

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

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

4 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11
12 Val Steel 5-11-04
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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EL CAPITAN DEVELOPMENT AGREEMENT

SECTION 1 RECITALS AND PURPOSE

THIS EL CAPITAN DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this _____ day of _____, 2004, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, and EL CAPITAN ASSOCIATES, LLC, a Nevada limited liability company, the owner of the real property described on Exhibit "A" attached hereto and incorporated herein by reference (hereinafter the "Owner").

1.01 Owner is the owner of that certain real property described on Exhibit "A" attached hereto (hereinafter the "Property"), containing approximately 15 acres of land, which is the subject of this Agreement. ~~Owner represents that it is under contract to purchase the Property with fee title ownership.~~ *DC*

1.02 The City has authority, pursuant to NRS Section 278.0201 et seq. and the Development Agreement Chapter of the Municipal Code of the City, to enter into development agreements with persons having a legal or equitable interest in real property to establish plans for the development of such property.

1.03 The City Council, having given notice as required by law, held a public hearing on Owner's Zoning Applications seeking approval of a master plan amendment, zone change, and site development plan approval; whereby the City approved such applications. The Owner also is seeking this Agreement and the execution hereof by the City and the Owner in conformance with the Applicable Rules.

1.04 The Development Agreement Chapter grants to the City the power to enter into and perform development agreements and on _____ the City Council adopted Ordinance No _____ approving this Agreement and authorizing the execution hereof by duly constituted officers of the City. Said ordinance took effect on _____. The City agrees to record a certified copy of the ordinances required by NRS 278.0207.

1.05 The City desires to enter into this Agreement in conformity with the requirements of NRS and as otherwise permitted by law and this Agreement to provide for public services, public uses and urban infrastructure, to promote the health, safety and general welfare of the city and its inhabitants.

1.06 In exchange for these and other benefits to the City, and in accordance with the legislative intent evidenced by the state statute authorizing development agreements and

the intent of the City in adopting an ordinance allowing development agreements, Owner will receive reasonable assures that Owner may develop the Property in accordance with Applicable Rules during the Term and subject to the conditions established in this Agreement.

NOW, THEREFORE, the parties hereto, for the promises and consideration contained herein, the receipt and sufficiency of which is hereby acknowledged, mutually agree to the following:

SECTION 2 DEFINITIONS

2.01 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

- 2.01 (a) "Agreement" has the meaning assigned to it in the first paragraph hereof. "Agreement" at any given time includes all addenda and exhibits incorporated by reference and all amendments, which have become effective as of such time.
- 2.01 (b) "Applicable Rules" means and refers to the rules, regulations, ordinances, laws, general or specific plans, and official policies promulgated by the City which govern the development of the Town Center area.
- 2.01 (c) "Code" means city of Las Vegas Municipal Code, including all rules, regulations, standards, criteria, manuals and other references adopted therein.
- 2.01 (d) "City" means city of Las Vegas, together with its successors and assigns.
- 2.01 (e) "City General Plan" means the Centennial Hills Sector Plan adopted by the City Council on May 25, 1999, the Las Vegas 2020 Master Plan adopted by the City Council on September 6, 2000, and all amendments thereto.
- 2.01 (f) "Development Agreement Chapter" means Chapter 19.18.090 of the Code.
- 2.01 (g) "Effective Date" means the date, on or after the adoption by the City of an ordinance approving execution of this Agreement and execution by both parties, and following satisfaction of the other conditions set forth herein, this Agreement is recorded in the Office of the County Clerk of Clark County.

- 2.01 (h) "Term" means the term of this Agreement together with any extension agreed upon pursuant to the terms hereof.
- 2.01 (i) "Zoning Applications" means GPA-0056-01 and Z-0099-01, approved by the City Council on April 3, 2002; and Z-0099-01(1), approved by the City Council on May 1, 2002.

SECTION 3

PLANNING AND DEVELOPMENT OF THE PLANNED COMMUNITY

3.01 Permitted Uses and Development Standards. Pursuant to NRS 278.0201, this Agreement must set forth the maximum height and size of structures to be constructed on the Property, the density of uses and the permitted uses of the land.

The City agrees the Property may be developed to the density and with the land uses set forth in the Town Center Development Standards Manual, and as approved by the Site Development Plan Review [Z-0099-01 (1)] showing 274 units (18 units per acre); 12,390 square feet of commercial; maximum building height of three (3) stories; 5.36 acres of open space; and 533 parking spaces. Also indicated were the following deviations from Town Center Development Standards: Parking adjacent to Durango Drive for the commercial uses; Landscape fingers only in the commercial portion of the property; and Hitt Family Court developed as a Town Center tertiary omitting the sidewalk on the north side of the street in favor of full landscaping.

3.02 Time for Development of Property. Subject to the terms of this Agreement and the Applicable Rules and Zoning Applications, Owner shall commence construction within two (2) years. Completion of the commercial development of the Property shall occur prior to completion of 51% of residential development.

3.03 Duration of Agreement. This agreement shall run for a term of ten (10) years from the effective date.

3.04 Reliance on Zoning Applications. The City agrees that Owner will be permitted to carry out and complete the development and construction of the Property in accordance with adopted regulations at the time of building permit application.

SECTION 4

MASTER PLANNING, ZONING AND PERMITTED LAND USES

4.01 City General Plan. The City agrees to retain the existing City General Plan with respect to the entire Property to conform to the Zoning Applications.

4.02 Zoning. The City agrees to maintain existing Zoning of the Property as per Council approval by application of the Owner.

SECTION 5 WATER CONSERVATION AND RESERVATION

5.01 Water Conservation. Owner agrees to use its best efforts to encourage water conservation at the Property.

5.02 Water Reservation. The parties acknowledge that the City currently has no role in the allocation of water to customers in the Las Vegas Valley Water District.

SECTION 6 PARKS

6.01 Park Fees and Residential Construction Tax. Chapter 8.24 of the Code imposes a "residential construction tax" upon the privilege of constructing apartment houses and residential dwelling units. Owner shall comply with the residential construction tax.

SECTION 7 TRANSPORTATION

7.01 Off-site Improvements. Owner shall develop and construct those off-site street improvements in accordance to the Zoning Applications, and shall dedicate to the City such right-of-way identified by the City in the Zoning Applications. Owner agrees to participate in the Durango Drive Special Improvement District, if such district is created, which may consist of curb, gutter, sidewalk, a sanitary sewer line, streetlights, water and storm drain, dry utility crossing sleeves, irrigation sleeves, pavement, striping, traffic signals, including conduits and foundations, signage, landscape, medians and any other roadway or utility appurtenances deemed necessary.

7.02 Dedication. Owner shall dedicate 60 feet of right-of-way adjacent to this site for Durango Drive. Dedicate 40 feet of right-of-way adjacent to this site for Dorrell Lane, 30 feet for Hitt Family Court, a 54-foot radius on the southwest corner of Durango Drive and Dorrell Lane and a 25-foot radius on the northwest corner of Durango Drive and Hitt Family Court. Also, dedicate appropriate cul-de-sac radii for the terminations of Hitt Family Court and the approved stub streets at the southwest corner of this development prior to the issuance of any permits.

7.02.1 Traffic Impact Analysis. Owner shall dedicate appropriate right-of-way and construct those necessary traffic control measures in accordance with the approved Traffic Impact Analysis as required by the related Zoning Applications.

7.03 Maintenance. Owner agrees to maintain all private improvements, such as landscaping, within the public right-of-way.

SECTION 8
FLOOD CONTROL

8.01 Flood Control. Owner shall construct those necessary flood control measures in accordance to the Drainage Plan and Technical Drainage Study as required by the related Zoning Applications.

SECTION 9
SEWERS

9.01 Sewers. Owner shall construct those necessary public sewer lines in accordance with the related Zoning Applications.

IN WITNESS HEREOF, the parties execute this Agreement as of the date first written above.

CITY OF LAS VEGAS

ATTEST:

Barbara Jo Ronemus, City Clerk

BY: _____
OSCAR B. GOODMAN, Mayor

Approved as to form:
Thomas R. Green 5/11/04
Deputy City Attorney Date
_____, 2004.

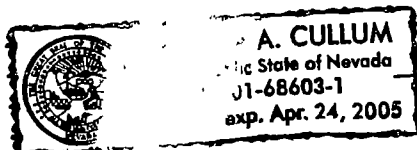
Subscribed and sworn to before me by
Oscar B. Goodman, Mayor of the City of
Las Vegas, Nevada this ____ day of
_____, 2004.

Notary Public

EL CAPITAN ASSOCIATES, LLC

BY: _____
NAME:
TITLE:

Subscribed and sworn to before me this this
10th day of May, 2004 by _____
Dan K. Shabo



Cynthia Cull
Notary Public

EXHIBIT "A"

PARCEL I:

The East Half (E 1/2) of the Northwest Quarter (NW 1/4) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 20, Township 19 South, Range 60 East, M.D.B. & M.

PARCEL II:

The West Half (W 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 20, Township 19 South, Range 60 East, M.D.B. & M.

PARCEL III:

The East Half (E 1/2) of the Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 20, Township 19 South, Range 60 East, M.D.B. & M.

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

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CONSENT

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DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-40 – Annexation No. ANX-3978 – Property location: On the west side of Calverts Street, 810 feet south of Tropical Parkway; Petitioned by: Ronny Acevedo and Gilmar Acevedo, Acreage: 1.02 acres; Zoned. R-E (County zoning), U (R) (City equivalent) Sponsored by: Councilman Michael Mack

Fiscal Impact

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No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

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Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the west side of Calverts Street, 810 feet south of Tropical Parkway. The annexation is at the request of the property owners. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 25, 2004) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-40 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-40 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is also in order

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02)

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8 **BILL NO. 2004-40**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-3978)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the west side of
Calverts Street, 810 feet south of Tropical
15 Parkway.

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

18 SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are
19 hereby extended to annex, include, and make a part of the City of Las Vegas, Nevada, the
20 following described real property:

21 That portion of the Northwest Quarter (NW 1/4) of the Southwest Quarter
22 (SW 1/4) of Section 25, Township 19 South, Range 60 East, M.D.M., in the
23 County of Clark, State of Nevada, being LOT 349 (also known as LOT 29,
ST. FRANCIS PARK, recorded June 8, 1929 in Book 1 of Plats, Page 109
24 of Clark County, Nevada Records) and adjacent west half street of
CALVERTS STREET (17.50 feet wide as measured from centerline thereof)
as shown on Record of Survey in File 52, Page 70 recorded October 18, 1989
of Clark County, Nevada Records, described as follows:

25 COMMENCING at the northwest corner of the Northwest Quarter (NW 1/4)
26 of the Southwest Quarter (SW 1/4) of said Section 25, said corner also being
the centerline intersection of TROPICAL PARKWAY and JONES
27 BOULEVARD; thence along the centerline of said TROPICAL PARKWAY
and the north line of the Northwest Quarter (NW 1/4) of the Southwest
28 Quarter (SW 1/4) of said Section 25, North 89°39'14" East, 1112.48 feet to
the centerline intersection of TROPICAL PARKWAY and CALVERTS

1 STREET; thence departing said north line, along the centerline of said
2 CALVERTS STREET, South 00°01'59" West, 853.57 feet to the POINT OF
3 BEGINNING at the easterly projection of the north line of said LOT 349;
4 thence along said easterly projection and north line of said LOT 349, South
5 89°41'00" West, 222.51 feet to the northwest corner of said LOT 349; thence
6 along the west line of said LOT 349, South 00°02'08" West, 200.15 feet to
the southwest corner of said LOT 349; thence along the south line of said
LOT 349 and the easterly projection of said south line, North 89°41'36" East,
222.51 feet to the centerline of said CALVERTS STREET; thence along the
centerline of said CALVERTS STREET, North 00°01'59" East, 200.19 feet
to the POINT OF BEGINNING.

7 Written by:
8 Brian Yu PLS
9 731 S. Fourth Street,
Public Works,
City of Las Vegas

10 SECTION 2: The City Council hereby determines that the described territory
11 meets the requirements provided by law for annexation to the City for the following reasons:

- 12 A. The area to be annexed was contiguous to the City's boundaries at the
13 time the annexation proceedings were instituted;
- 14 B. More than one-eighth (1/8) of the aggregate external boundaries of
15 the area are contiguous to the City;
- 16 C. The territory proposed to be annexed is not included within the
17 boundaries of another incorporated city or within the boundaries of
18 any unincorporated town as those boundaries existed as of July 1,
19 1983;
- 20 D. The City is eligible to annex the described territory since the
21 landowners have signed a petition constituting one hundred percent
22 (100%) of the owners of record of individual lots or parcels of land
23 within the annexation area.

24 SECTION 3: The City will provide police protection through the Las Vegas
25 Metropolitan Police Department, fire protection, street maintenance, and library services
26 immediately upon annexation. Garbage collection by the company franchised by the City
27 will also be provided immediately. The City sanitary sewer system will serve the proposed
28

1 annexation area. Any connection to or extension of this sewer line to serve the annexation
2 area shall be at the expense of the landowners. Other services, such as participation in the
3 City's recreational programs, special education classes and programs, public works planning,
4 building inspections, and other City services will also be available immediately. Utilities
5 such as gas, electricity, telephone, and water are provided by private utility companies and
6 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
7 sidewalks and street lights which are not in place at the time of annexation will be installed
8 in the presently developed areas upon the request of the property owners and at their expense
9 by means of special assessment districts. Such improvements will be extended into the
10 undeveloped areas as development takes place and the need therefor arises, and will be
11 located according to the needs of the area at that time. Such installations will also be made
12 at the expense of the property owners, either by means of special assessment districts or as
13 prerequisites to the approval of subdivision plats, building permits or other land use or
14 development applications.

15 SECTION 4: The annexation of the described territory shall become
16 effective on the 25th day of June, 2004, and on that date the City will have the funds
17 appropriated in sufficient amount to finance the extension into the described territory of
18 police protection, fire protection, street maintenance, street sweeping, and street lighting
19 maintenance.

20 SECTION 5: The described territory, together with the inhabitants and
21 property thereof, shall, from and after the 25th day of June, 2004, be subject to all debts,
22 laws, ordinances and regulations in force in the City and shall be entitled to the same
23 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
24 levied by the City.

25 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
26 an accurate map or plat of the described territory and to record the map or plat, together with
27 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
28 Nevada, which recording shall be done prior to the 25th day of June, 2004.

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof, is for any reason held to be unconstitutional, or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

PASSED, ADOPTED and APPROVED this _____ day of _____,
2004.

By OSCAR B. GOODMAN, Mayor

BARBARA JO RONEMUS, City Clerk

Val Steed 5-5-04
Date

1 The above and foregoing ordinance was first proposed and read by title to the Council on the
2 ____ day of _____, 2004, and referred to the following committee
3 composed of _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that
6 at said _____ meeting, the proposed ordinance was read by title to the City
7 Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

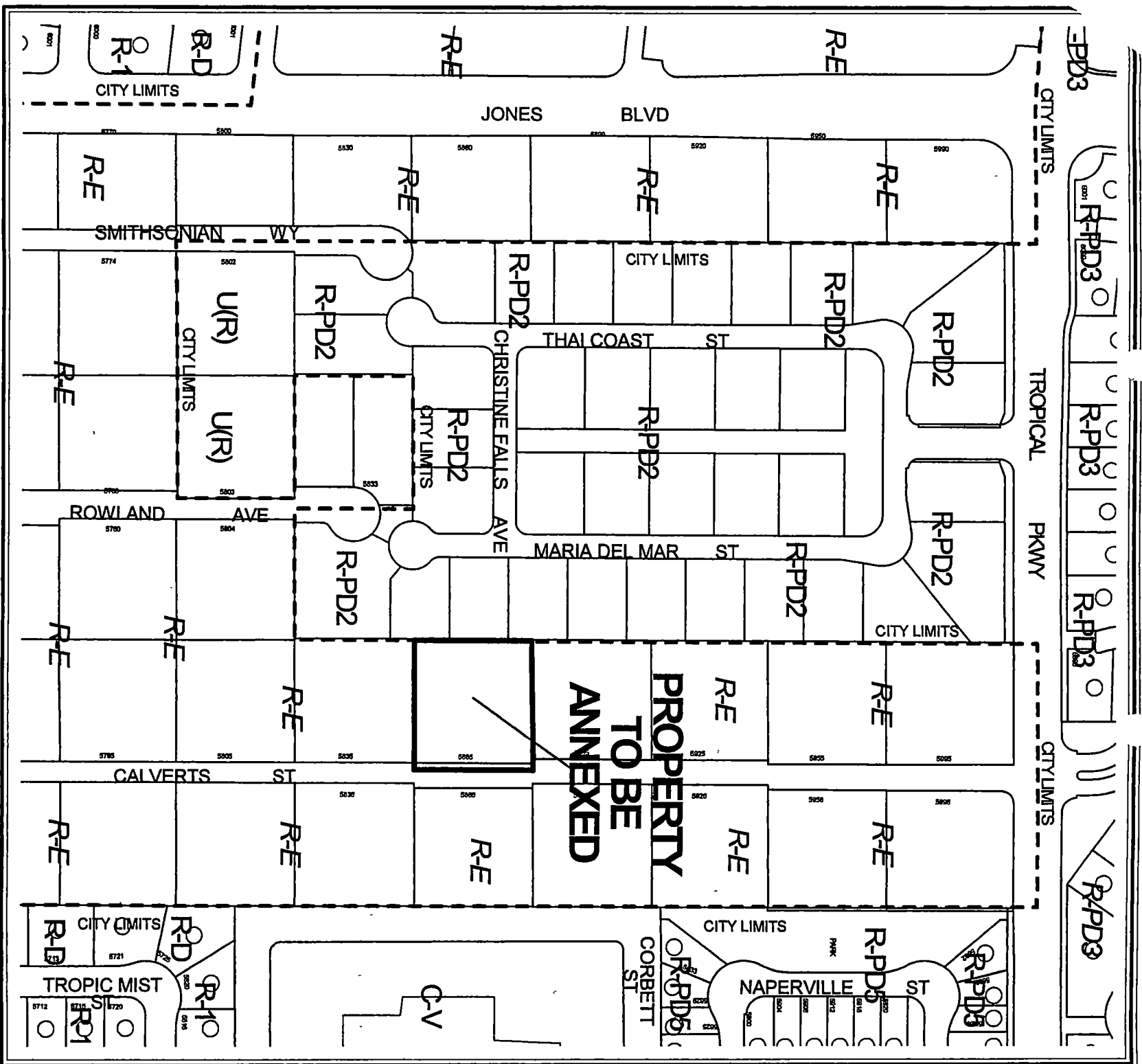
10 ABSENT: _____

11 APPROVED:

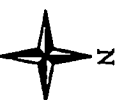
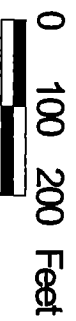
12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk
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CASE: ANX-3978



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: JUNE 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-41 – Revises the City's drought conservation measures in accordance with revisions to the Southern Nevada Water Authority's Drought Plan. Sponsored by: Councilman Larry Brown

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will revise the City's drought conservation measures to conform to recent revisions in the Southern Nevada Water Authority's Drought Plan. In particular, the bill will 1) modify the restrictions on the washing of vehicles and the use of outdoor mist cooling systems, and 2) provide more flexibility in allowing fountains and water features in circumstances where consumptive use reductions cannot be achieved on site.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-41

COMMITTEE RECOMMENDATION:

COUNCILWOMAN MONCRIEF recommended Bill 2004-41 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILMAN WEEKLY concurred.

MINUTES:

COUNCILMAN WEEKLY declared the Public Hearing open

CHIEF DEPUTY CITY ATTORNEY VAL STEED advised that this bill is also in order. It incorporates changes made to the drought plan regarding restrictions on washing of vehicles and outdoor mist cooling systems, and allows more flexibility for replacing turf, including monetary payment in cases where turf cannot completely be converted to drought tolerant landscaping. It allows for payment of an annual fee for those people wanting to maintain the exemption. Staff recommended approval.

RECOMMENDING COMMITTEE MEETING OF JUNE 7, 2004

City Attorney

Item 3 – Bill No 2004-41

MINUTES – Continued:

COUNCILWOMAN MONCRIEF stressed that Las Vegas is in a severe drought and money cannot produce more water.

No one appeared in opposition.

COUNCILMAN WEEKLY declared the Public Hearing closed.

(4:02 – 4:04)

1-30

BILL NO. 2004-41

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE CITY'S DROUGHT CONSERVATION MEASURES IN ACCORDANCE WITH REVISIONS TO THE SOUTHERN NEVADA WATER AUTHORITY'S DROUGHT PLAN, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Revises the City's drought conservation measures in accordance with revisions to the Southern Nevada Water Authority's Drought Plan.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN

AS FOLLOWS:

SECTION 1: Title 14, Chapter 11, Section 30, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, and Ordinance No. 5647, are hereby amended so that Section 14.11.030 reads as follows:

14.11.030: (A) The Drought Plan adopted by the SNWA in February 2003 and approved by the City Council in March 2003, and any amendments adopted by SNWA, shall serve as the basis for adopting this Chapter, and as a guideline in its interpretation. The Drought Plan was adopted in order to preserve, protect and encourage the conservation of water resources. The Plan describes different stages of water supply conditions as follows:

- (1) No Drought
- (2) Drought Watch
- (3) Drought Alert
- (4) Drought Emergency

(B) The provisions of this Chapter shall apply whenever a Drought Watch, Drought Alert or Drought Emergency condition has been declared by the Board of Directors of SNWA and remains in effect. Unless the context otherwise requires, whenever a provision of this Chapter does not specify whether it applies to a Drought Watch, Drought Alert or Drought Emergency condition, the provision shall apply when any of those conditions are in effect. In the event of conflict between the provisions of this Chapter and other applicable ordinances, regulations or the Service Rules, the most stringent provisions will prevail. However, with respect to any provision of the Service Rules

1 that is less stringent than the provisions of this Chapter, the District may enforce that provision
2 instead.

3 (C) In the case of a Drought Emergency, the provisions of this Chapter pertaining
4 to a Drought Alert shall continue to apply. However, based upon the recommendations of SNWA and
5 a citizens advisory committee, the City shall have the authority to adopt additional restrictions that are
6 deemed necessary in order to protect the public health, safety and welfare. Upon the adoption and
7 publication of those additional restrictions, they shall become binding on water users within the City.

8 SECTION 2: Title 14, Chapter 11, Section 40, of the Municipal Code of the City of
9 Las Vegas, Nevada, 1982 Edition, is hereby amended to read as follows:

10 14.11.040: Except as otherwise provided, [The] the provisions of this Chapter shall apply to the
11 use of water that is delivered by a purveyor or provider of water from or through a public water supply
12 system, including recycled, reclaimed, raw, non-potable and potable water.

13 SECTION 3: Title 14, Chapter 11, Section 160, of the Municipal Code of the City of
14 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

15 14.11.160: [(A)] During Drought Watch and Drought Alert conditions, outdoor mist cooling
16 systems are not restricted within residential development. In commercial operations, outdoor mist
17 cooling systems relating to animal safety are permitted, but those relating to human comfort are
18 permitted only during the months of June, July and August, and only between the hours of 12:00 noon
19 and 10 p.m.

20 [(B) During Drought Alert conditions, all outdoor mist cooling systems relating to
21 human comfort are prohibited.]

22 SECTION 4: Title 14, Chapter 11, Section 180, of the Municipal Code of the City of
23 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

24 14.11.180: [(A)] Under Drought Watch and Drought Alert conditions, the washing of personal
25 vehicles upon residential properties is limited to once per week per vehicle and requires a positive
26 shut-off nozzle. Commercial vehicles may be washed without limitation as to frequency, but only:

27 (1) At a commercial facility in accordance with applicable laws and
28 regulations, or;

(2) By means of a high-pressure, low volume sprayer using less than ten gallons per vehicle.

[(B) Under Drought Alert conditions, no vehicles of any kind may be washed except:

(1) At a commercial facility in accordance with applicable laws and regulations; or

(2) By means of a high-pressure, low volume sprayer using less than ten gallons per vehicle.]

SECTION 5: Title 14, Chapter 11, Section 190, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, and Ordinance No. 5647, are hereby amended so that Section 14.11.190 reads as follows:

14.11.190: (A) Fountains and water features [that utilize potable or non-potable water provided by the District, or water that has been reprocessed by the customer,] are prohibited[.] upon property that is serviced by the District. The following features, however, are exempt from this prohibition:

(1) Swimming pools;

(2) Fountains and water features that are supplied by privately-owned water rights or by water rights obtained by means of a State-issued permit;

[(2)] (3) Not more than one fountain or other water feature at any single-family residence, provided that the surface area of the fountain or other water feature does not exceed two hundred square feet during a Drought Watch condition, or twenty-five square feet during a Drought Alert condition;

[(3)] (4) Not more than one fountain or other water feature within the common areas of a single-family or multi-family development, provided that the fountain or other water feature is not an entryway or streetscape feature and its surface area does not exceed two hundred square feet during a Drought Watch condition, or twenty-five square feet during a Drought Alert condition;

[(4)] (5) Fountains or water features that are necessary and functional components serving other allowable uses, such as storage ponds on a golf course or aeration devices;

[(5)] (6) Fountains or water features within public parks and public or private recreational water parks, provided that the fountains or water features have a recreational function and

1 are not merely decorative;

2 ~~[(6)]~~ (7) Indoor water features, or features with the majority of the total water
3 volume contained indoors or underground. If practical alternatives exist for separating indoor and
4 outdoor components, they shall be separated and managed accordingly. (Example: timers on shut-off
5 valves);

6 ~~[(7)]~~ (8) Fountains or water features necessary to sustain aquatic animals,
7 provided that the animals have been actively managed within the water feature prior to the declaration
8 of drought.

9 (B) The following fountains or water features may be exempted from the
10 prohibition contained in Subsection (A) in accordance with the remaining provisions of this Section:

11 (1) Fountains or water features that are integral to the operation of a resort
12 hotel or a coalition of resort hotels; or

13 (2) Other fountains or water features that are proposed to be allowed in
14 exchange for water use reduction activities in accordance with Subsection (D) of this Section.

15 (C) In order to be eligible for an exemption pursuant to Subsection (B), an applicant
16 must submit a request for exemption and a water use reduction plan. The request for exemption must
17 be submitted in writing to the City Manager, to be forwarded to the City Council for consideration.
18 The water use reduction plan must be submitted to the District, with a copy to the City, and must
19 contain such information, and be in a format, that is satisfactory to the District. Any exemption shall
20 be conditioned upon the posting of one or more signs in proximity to the exempted fountain or water
21 feature stating that the fountain or water feature is operating in compliance with this Chapter and that
22 a water use reduction plan is on file with the District and the City.

23 (D) The granting of any exemption pursuant to Subsection (B)(2) of this Section
24 shall be subject to the following conditions:

25 (1) The fountains or water features for which an exemption is sought must
26 not be operational at the time the exemption is applied for, except as permitted in Subsection (F) of
27 this Section;

28 (2) The submitted water use reduction plan must provide for a minimum

1 total water savings of greater than fifty times the consumptive use of the operation of the fountain or
2 water feature;

3 (3) The water use reduction plan must have been [approved by] submitted
4 to the District and implemented by the applicant; [and]

5 (4) In the event that the required consumptive use savings cannot be
6 achieved on the property that has the fountain or water feature, the applicant [may submit for approval
7 a plan to achieve the necessary savings through consumptive water use reduction on other property
8 within the City that is available for the applicant to implement water use reduction] must pay to the
9 City a fee of ten dollars for every square foot of surface area of the fountain beyond that which is
10 accounted for in the removal of turf on the property to achieve the required consumptive use savings.
11 If there is no turf on the subject property, the ten dollar per square foot fee must be paid for the entire
12 square footage of the water feature; and

13 (5) In order to maintain an exemption beyond the calendar year in which
14 the exemption was granted, during any portion of a calendar year in which either a Drought Watch or
15 Drought Alert condition is declared, an annual fee of two hundred fifty dollars must be paid to the
16 City. The first annual fee is payable:

17 (a) For exemptions granted during the first six months of a calendar
18 year, at the beginning of the next succeeding calendar year.

19 (b) For exemptions granted during the last six months of a calendar
20 year, at the beginning of the second succeeding calendar year.

21 (E) In order to continue to operate any fountain or water feature that is integral to
22 the operation of a resort hotel or a coalition of resort hotels, that is prohibited by Subsection (A) of
23 this Section, and that is in operation on the effective date of this Ordinance, a request for exemption
24 and water use reduction plan must be submitted within ninety days after the effective date of this
25 Ordinance. If the exemption is not approved, the fountain or water feature may not be operated except
26 as permitted in Subsection (F) of this Section.

27 (F) Nothing in this Section that prohibits or limits the operation of fountains or
28 water features shall be deemed to:

- 1 (1) Prohibit the construction of fountains or water features; or
2 (2) Require a fountain or water feature to be drained if maintaining a
3 recirculating water pool is necessary in order to maintain pumps, pond liners, and ancillary equipment,
4 but in such a case the recirculating water pool may only be operated between the hours of 1:00 am and
5 4:00 am.

6 SECTION 6: If any section, subsection, subdivision, paragraph, sentence, clause or
7 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
8 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
9 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
10 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
11 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
12 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
13 invalid or ineffective.

14 SECTION 7: Whenever in this ordinance any act is prohibited or is made or declared
15 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
16 required or the failure to do any act is made or declared to be unlawful or an offense or a
17 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
18 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
19 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
20 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

21 SECTION 8: All ordinances or parts of ordinances or sections, subsections, phrases,

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

4 APPROVED:

5
6 By _____
OSCAR B. GOODMAN, Mayor

7 ATTEST:

8
9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steep 5-6-04
12 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2004, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: JUNE 1, 2004

CITIZENS PARTICIPATION: ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET. IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

MINUTES:

None

(4 04)

1-97

THE MEETING ADJOURNED AT 4:04 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

June 7, 2004