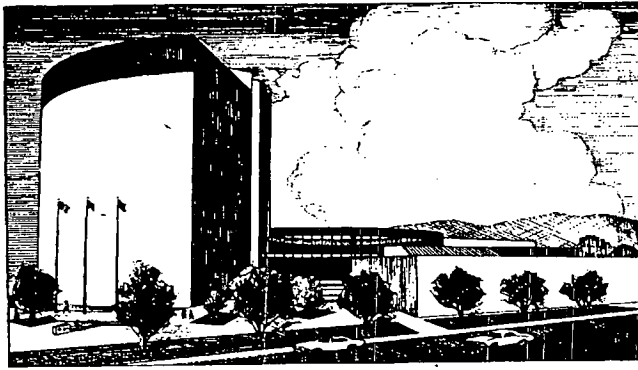




MINUTES

City of Las Vegas

CITY COUNCIL

COUNCIL CHAMBERS • 400 STEWART AVENUE • 229-6011 (VOICE) • 386-9108 (TDD)

CITY COUNCIL Meeting of

JUNE 2, 2004

INVOCATION PLEDGE OF ALLEGIANCE

CITY COUNCIL

MAYOR OSCAR B. GOODMAN

COUNCILMAN GARY REESE
MAYOR PRO-TEM

COUNCILMAN LARRY BROWN

WARD 2 SEAT VACANT

COUNCILMAN LAWRENCE WEEKLY
(Excused from AM session until 9:08 AM)

COUNCILMAN MICHAEL MACK

COUNCILWOMAN JANET MONCRIEF

PRESENT

ABSENT

EXCUSED

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DOUG SELBY, CITY MANAGER
BRAD JERBIC, CITY ATTORNEY
BRYAN SCOTT, DEPUTY CITY ATTORNEY (PM session)
TOM GREEN, DEPUTY CITY ATTORNEY (PM session)
BARBARA JO RONEMUS, CITY CLERK

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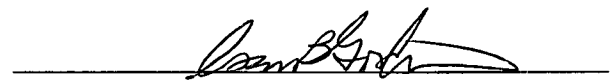
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APPROVED BY REFERENCE: September 15, 2004

ATTEST:


CITY CLERK


MAYOR

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **26th** day of **May, 2004**, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **City of Las Vegas, City Council Meeting** to be held on the **2nd day of June, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Certified Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.



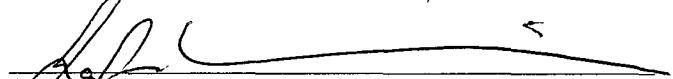
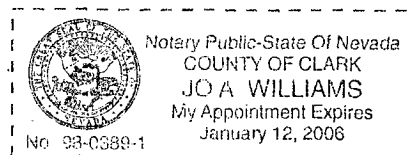
SIGNATURE

City Clerk

DEPARTMENT

Subscribed and sworn to before me this

27th day of MAY, 2004


NOTARY PUBLIC in and for said County and State

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

CITY COUNCIL AGENDA

JUNE 2, 2004

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CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), VACANT (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

JUNE 2, 2004

**Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.**

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

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

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN MUSLIM PUBLIC AFFAIRS COUNCIL
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF SENIOR OF THE QUARTER
- RECOGNITION OF PARAMEDIC RANDY FARR
- RECOGNITION OF PORCELAIN ART MONTH
- RECOGNITION OF ASSOCIATED GENERAL CONTRACTORS, NEVADA CHAPTER
- RECOGNITION OF RITES OF PASSAGE PROGRAM GRADUATES

BUSINESS ITEMS

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Discussion and possible action to adjust the City Manager's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
3. Discussion and possible action to adjust the City Attorney's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
4. Discussion and possible action to adjust the City Auditor's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Danmark, Inc., dba Golden Eagle Bar & Grill, 2202 Paradise Road (Non-operational), Joseph S. Kludjian, Dir, Pres, Secy, Treas, 100%, Judy F. Lindblad, Mgr, Charles W. Lum, Mgr, To: B-W Investments, LLC, dba Buffalo Wild Wings Grill and Bar, 6640 North Durango Drive, Suite 110, William M. Welter, Mmbr, Mgr, 50%, Dennis J. Kozlowski, Mmbr, Mgr, 25%, JSB Investments, LLC, Mmbr, Mgr, 25%, John S. Beuchat, Mgr, John Beuchat Living Trust 1992, Mmbr, 100%, John S. Beuchat, Trustee - Ward 6 (Mack)
7. Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Sam E. Hamika, Sam E. Hamika, 100%, To: Thamer Jarjees, dba Vegas Market #3, 6711 West Alexander Road, #103-104, Thamer Jarjees, 100% - Ward 6 (Mack)
8. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Cavalier, Inc., dba Junkyard Lounge, 2327 South Eastern Avenue, Adam B. Corrigan, Dir, Pres, Secy, Treas, 100%, To: Canyon Pointe Investments, Inc., dba Agave Mexican Restaurant, 10820 West Charleston Boulevard, Michael F. Corrigan, Dir, Pres, Secy, 50%, Sean P. Corrigan, Treas, 50% - Ward 2 (Vacant)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots, Corwin & Corwin, dba From: Lakes Texaco, To: Lakes Market, 7790 West Sahara Avenue, Steven C. Corwin and Barbara L. Corwin, 100% jointly as husband and wife - Ward 1 (Moncrief)
10. Approval of a new Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, Saman Enterprises LLC, dba Hot Spot, 4708 West Charleston Boulevard, Raida M. Shieban, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to confirmation of approval by the Nevada Gaming Commission, Green Valley Gaming, db at Lucky Mart, 823 East Ogden Avenue - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

12. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Lucky Champ, 4030 West Charleston Boulevard - Ward 1 (Moncrief)
13. Approval of award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO. (Estimated annual amount \$1,200,000 - Automotive Services Internal Service Fund)
14. Approval to use the Las Vegas Valley Water District Bid No. 1044-03, for an annual requirements contract for Biodiesel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO (Estimated annual amount of \$350,000 - Automotive Services Internal Service Fund)
15. Approval of award of Contract No. 040338, State Legislative Consulting Services (2 year contract) - Office of Administrative Services - Award recommended to: OSTROVSKY AND ASSOCIATES (\$330,000 - General Fund)
16. Approval of issuance of a purchase order for 15 auto-pulse resuscitation systems - Department of Fire and Rescue - Award recommended to: REVIVANT CORPORATION (\$192,096.78 - Fire Services Public Education Special Revenue Fund)
17. Approval of revision to purchase order 215417 for inmate linen and uniform service - Department of Detention and Enforcement - Award to: NEVADA LINEN SUPPLY (\$100,000 - General Fund)
18. Approval of revision to purchase order 214815 for Emergency Medical Services (EMS) Transport Claims Processing, Filing and Management - Department of Fire and Rescue - Award to: MEDICLAIMS, INC. (\$60,000 - General Fund)
19. Approval of award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases - Various Departments - Award recommended to: NEVADA COMPRESSED GAS (Estimated annual amount of \$50,000 - Various Funds)
20. Approval of Contract No. 040285 for GIS Software Development and Application Services Agreement - Department of Planning and Development - Award recommended to: GIS PLANNING (\$43,000 - General Fund and Industrial Development Special Revenue Fund)
21. Approval of revision to purchase order 219246 for mounting hardware and installation for pen-based computers - Department of Fire and Rescue - Award to: MOBILE MOUNTING SOLUTIONS, INC. (\$10,290 - Fire Services Capital Projects Fund)

PUBLIC WORKS DEPARTMENT - CONSENT

22. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Gowan Road, west of the Clark County Beltway, APN 137-12-301-007 - Ward 4 (Brown)
23. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 18, Township 19 South, Range 60 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Solar Lane and the north side of Elkhorn Road, east of Chieftain Street, APN 125-18-801-015 - Ward 6 (Mack)
24. Approval of a Professional Services Agreement with Parsons Transportation Group, Inc. for Construction Management Services on the I-15 Freeway Channel - Charleston Lateral Extension project (\$350,000 - Clark County Regional Flood Control District) - Wards 1 and 5 (Moncrief and Weekly)
25. Approval of Interlocal Agreement No. 110059 between the City of Las Vegas and Las Vegas Valley Water District for the Grand Montecito Parkway Improvements (Centennial Parkway to Elkhorn Road) Special Improvement District No. 1502 - Ward 6 (Mack)

PUBLIC WORKS DEPARTMENT - CONSENT

26. Approval of Interlocal Agreement No. 110058 between the City of Las Vegas and Las Vegas Valley Water District for construction and funding of water facilities as part of the Vegas Drive Storm Drain Improvements Project (Rancho Road to I-15) - Ward 5 (Weekly)
27. Approval of an Encroachment Request from Paul Wagner on behalf of Nevada Homes Group, Incorporated, owner (southeast corner of Durango Drive and Ackerman Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from CVL Consultants, Incorporated, on behalf of R & S El Capitan, LLC, owner (southeast corner of Racel Street and Durango Drive) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Taney Engineering on behalf of Distinctive Homes Taos Estates III, owner (Rio Vista Street between Azure Drive and Regena Avenue) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Chad and Crystal P. Hirschi, owners (southwest corner of Deer Springs Way and Tioga Way, APN 125-22-301-002) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner on behalf of Quencia Inc., owner (northeast corner of Jensen Street and Dorrell Lane, APN 125-19-102-011 and 125-19-102-012) - County (near Ward 6 - Mack)
32. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Miller, owner (north of Florine Avenue on Cimarron Road, APN 138-04-404-004) - County (near Ward 4 - Brown)
33. Approval of a Third Amendment to a Professional Services Agreement with Stantec Consulting Inc. for additional design services for Deer Springs Park located at Elkhorn Road and Buffalo Drive (\$10,200 - Parks Capital Improvement Project Fund) - Ward 6 (Mack)
34. Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the State of Nevada, Clark County, the Cities of Henderson, Las Vegas, North Las Vegas, and the Regional Transportation Commission of Southern Nevada, transferring the Role of Central Administrator from the City of Las Vegas to the Regional Transportation Commission of Southern Nevada - All Wards

RESOLUTIONS - CONSENT

35. R-91-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
36. R-92-2004 - Approval of a Resolution approving the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
37. R-93-2004 - Approval of a Resolution directing the City Treasurer to prepare the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
38. R-94-2004 - Approval of a Resolution approving the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
39. R-95-2004 - Approval of a Resolution Disposing of the Protests made at the Hearing on the Provisional Order for Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) - Ward 6 (Mack)

REAL ESTATE COMMITTEE – CONSENT

40. ABEYANCE ITEM - Approval to negotiate purchase and/or initiate condemnation of APNs 139-34-512-002 and - 003 located at 321 and 329 North Las Vegas Boulevard, APN 139-34-512-015 located at 512 East Mesquite Avenue and APNs 139-34-512-016 and -017 located at 409 North 6th Street and 405 North 6th Street for right-of-way and City Hall Expansion purposes - Ward 5 (Weekly)
41. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purposes of providing a fire hydrant to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
42. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
43. Approval of a Letter of Agreement between the City of Las Vegas and Jim Marsh for the City's purchase of 16,700 square feet of land near the northwest corner of Tropical Parkway and Durango Drive - (\$196,881.21 plus closing costs - Parks) - Ward 6 (Mack)
44. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)
45. Approval of an Agreement for the Purchase and Sale of Real property between Priority One Commercial (on behalf of the City of Las Vegas) and Robert Piccininni for real property commonly known as APN 139-34-512-015 located at 512 East Mesquite Avenue (\$650,000 + closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

46. Discussion and possible action regarding a campaign and employment policy for state legislators

CITY ATTORNEY - DISCUSSION

47. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Tamara Lynn Carrera, 555 E. Silverado Ranch, Apt. #1062, Las Vegas, Nevada 89123
48. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Don L. Hampton, 893, W. Balzar, Las Vegas, Nevada 89106
49. Discussion and possible action on Appeal of Work Card Denial: Approved June 4, 2003 subject to one year review: Sherry Dina Rosen, 3550 Paradise Road #351, Las Vegas, Nevada 89109
50. Discussion and possible action on Appeal of Work Card Denial: Ryan P. Goida, 1518 Silver Sunset Drive, Henderson, Nevada 89052

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

51. Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

52. R-96-2004 – Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) - Ward 6 (Mack)
53. R-97-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement Districts No.1474 (Rainbow Boulevard: Silverstream Avenue to Smoke Ranch Road) and No.1486 (Rainbow Boulevard Phase II: Rancho Drive to Ann Road) - Ward 6 (Mack)
54. R-98-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 1481 El Capitan Way (Centennial Parkway to US 95) - Ward 6 (Mack)
55. R-99-2004 - Discussion and possible action regarding a resolution to augment and amend the City of Las Vegas Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000
56. R-100-2004 - Discussion and possible action regarding a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Las Vegas Convention and Visitors Authority (LVCVA) Special Revenue Fund Budget in the amount of \$239,866

BOARDS & COMMISSIONS - DISCUSSION

57. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Ricki Y. Barlow, Term Expiration 3-6-2007 (Resigned)
58. Discussion and possible action on the appointment of a member of Council to the Debt Management Commission (Expires June 2005)
59. Discussion and possible action on the appointment of a member of Council to the Metropolitan Police Committee on Fiscal Affairs

REAL ESTATE COMMITTEE - DISCUSSION

60. ABEYANCE ITEM - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

61. Bill No. 2004-37 – Prohibits the sale of new vehicles (cars and trucks) on Sundays. Sponsored by: Councilman Michael Mack

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

62. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

63. 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
64. 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

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

65. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement
66. Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
67. Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 241.030 to discuss the following items:

- A. City Manager's Annual Performance Review
- B. City Attorney's Annual Performance Review
- C. City Auditor's Annual Performance Review

1:00 P.M. - AFTERNOON SESSION

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

HEARINGS - DISCUSSION

69. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & D DEL CORP. - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

70. EXTENSION OF TIME - VARIANCE - EOT-4349 - APPLICANT/OWNER: A B F, INC. - Request for an Extension of Time of an approved Variance (V-0027-02) TO ALLOW A PROPOSED PARKING GARAGE TO BE CONSTRUCTED ZERO FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; AND TO ALLOW A 12-FOOT TALL WALL ALONG THE WEST AND NORTH PROPERTY LINES WHERE SIX FEET IS THE MAXIMUM HEIGHT PERMITTED at 200 West Sahara Avenue (APN: 162-04-811-027 and 162-04-812-001), R-3 (Medium Density Residential) and R-4 (High Density Residential) Zones under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

71. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL), P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
72. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING - VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW BUILDING HEIGHTS TO EXCEED THE RESIDENTIAL ADJACENCY STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
73. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING - SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR TWO OFFICE BUILDINGS WITH ATTACHED PARKING GARAGES AND TWO RESTAURANT BUILDINGS WITHIN AN EXISTING OFFICE COMPLEX AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

74. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING - SUP-4089 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
75. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251, SDR-4086 AND SUP-4089 - PUBLIC HEARING - SUP-4090 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
76. APPEAL OF DIRECTOR'S BUSINESS - DIR-4421 - APPLICANT/OWNER: BAR-K REALTY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 2007 Paradise Road (APN: 162-03-413-005) for failure to comply with Title 19.14.100, Ward 3 (Reese). Staff recommends DENIAL
77. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 acres located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief). Staff recommends APPROVAL
78. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 25 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.46 acres on the northwest corner of Maggie Avenue and Coke Street (APN: 125-09-501-002), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL
79. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
80. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

Items raised under this portion of the City Council 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 step up to the podium and 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

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

CITY COUNCIL AGENDA
CITY COUNCIL MEETING OF: JUNE 2, 2004

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

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN MUSLIM PUBLIC AFFAIRS COUNCIL
- PLEDGE OF ALLEGIANCE

MINUTES:

PRESENT: MAYOR GOODMAN and COUNCILMEMBERS REESE, BROWN, WEEKLY (excused from the morning session until 9:08 a.m.), MACK, and MONCRIEF and Ward 2 seat vacant

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHENS, DEPUTY CITY MANAGER BETSY FRETWELL, CITY ATTORNEY BRAD JERBIC, DEPUTY CITY ATTORNEY TOM GREEN, DEPUTY CITY ATTORNEY BRYAN SCOTT (P.M. Session), and CITY CLERK BARBARA JO RONEMUS

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

(9:04 – 9:05)

1-1

CHAIRMAN AZIZ EDDEBBARH, Muslim Public Affairs Council, gave the invocation.

(9:05 – 9:07)

1-21

MAYOR GOODMAN led the audience in the Pledge.

(9:07 – 9:08)

1-86

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC AFFAIRS

DIRECTOR: DAVID RIGGLEMAN

☐

CONSENT

☐

DISCUSSION

SUBJECT:

CEREMONIAL:

RECOGNITION OF SENIOR OF THE QUARTER

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Submitted at meeting: copy of Betty Clark Senior of the Quarter certificate

MOTION:

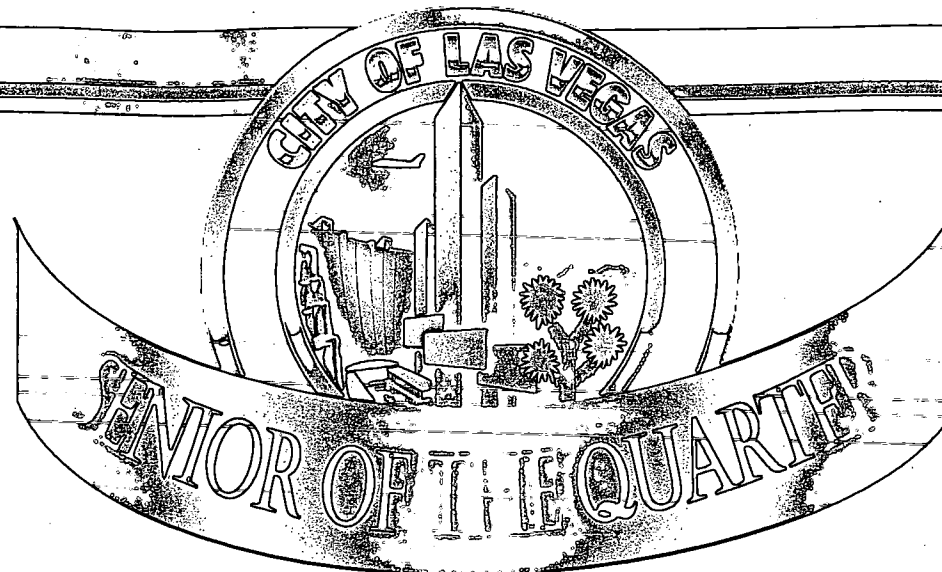
None required. A presentation was made.

MINUTES:

MAYOR GOODMAN called forward HAZEL GERAN, a member of the Senior Citizens Advisory Board, who recognized BETTY CLARK as June's Senior of the Quarter. MS. CLARK was nominated by the Economic Opportunity Board Senior Center, where she has been volunteering since 1984, for her outstanding commitment to helping others. She works countless hours each month decorating the center with different themes for various occasions and activities. She congratulated MS. CLARK for enhancing the lives of the seniors at this center and for making Las Vegas a better place to live.

MS. CLARK thanked the Council and the members of the Senior Citizens Advisory Board for this recognition, which was a big surprise to her. She said that when she retired from teaching, she had to keep busy.

(9:08 – 9:11)



The Mayor and City Council in recognition of your outstanding community service
hereby present this award to

Betty Clark

This the 2nd day of June Two thousand and four
with their sincere thanks and appreciation.

Mayor Oscar B. Goodman

Councilman Gary Reese

Councilman Larry Brown

Councilman Lawrence Weekly

Councilman Michael Mack

Councilwoman Janet Moncrief

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC AFFAIRS

DIRECTOR: DAVID RIGGLEMAN

☐

CONSENT

☐

DISCUSSION

SUBJECT:

CEREMONIAL:

RECOGNITION OF PARAMEDIC RANDY FARR

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Submitted at meeting: copy of Proclamation declaring 6/2/2004 as Randy Farr Day

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILWOMAN MONCRIEF called forward CHIEF DAVID WASHINGTON, DEPUTY CHIEF GREG GAMMON, BATTALION CHIEF LAWRENCE WITCLIFF, and CAPTAIN JOHN LESTER of Las Vegas Fire and Rescue to partake in the recognition of PARAMEDIC RANDY FARR for his heroic actions. She also acknowledged the paramedics and firefighters of Station #10 in the audience.

COUNCILWOMAN MONCRIEF then explained that MR. FARR went above and beyond the call of duty when at a recent incident he took control of a situation by grabbing a gun in the hands of a victim shooting wildly at the rescue personnel and others in the vicinity. MR. FARR placed the safety of his crew and the community above his own. As a result of his actions, no one was seriously injured. With honor, COUNCILWOMAN MONCRIEF presented MR. FARR with the City's Medal of Honor, and then proclaimed 6/2/2004 as Randy Farr Day.

MR. FARR gave thanks to the Council, his chiefs, and his crew. He indicated that any member of the Fire and Rescue Department would have done the same thing if put in the same position. He felt greatly honored for this recognition.

City of Las Vegas

CITY COUNCIL MEETING OF JUNE 2, 2004

Ceremonial

Recognition of Paramedic Randy Farr

MINUTES – Continued:

CHIEF WASHINGTON expressed his gratitude to the Council for recognizing a member of his staff, because they put their lives at risk everyday. He thanked MR. FARR for his service to the City.

(9:11 – 9:16)

1-230

City of Las Vegas Proclamation

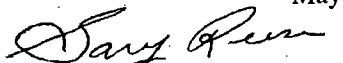
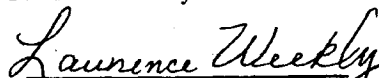
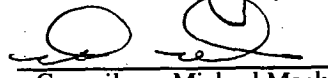
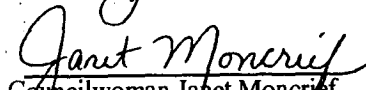
- Whereas;** Today, we recognize Firefighter/Paramedic Randy Farr for his quick thinking and heroic actions.
- Whereas;** On Tuesday, March 2, 2004, Engine 210 was dispatched to a vehicle accident on Paratore Way between West Charleston Boulevard and Valley View Boulevard. Upon arrival, Randy Farr found a Sport Utility Vehicle (SUV) upside down on the shoulder of the road with a male victim inside needing treatment.
- Whereas;** When the crew approached the victim to render aid, they heard gunshots. The victim was shooting at the Medics and anybody else in the immediate area. The danger of the situation was immense. At any given time, one of the crew members or civilians could have been killed.
- Whereas;** Randy Farr instinctively took control of the situation and pulled the gun from the victim/assailant to ensure his fellow crew members and civilians safety.
- Whereas;** Firefighter/Paramedic Randy Farr performed a selfless act of valor, one above and beyond the call of duty. He realized the severity of the situation and decided to put his crew and community above himself.
- Therefore;** WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF LAS VEGAS, ARE PLEASED TO RECOGNIZE RANDY FARR ON THIS DAY, WEDNESDAY, JUNE 2, 2004, AS:

RANDY FARR DAY

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO
COMMEND AND APPLAUD THIS MAN FOR HIS EXEMPLARY
INSTINCTIVENESS AND HEROIC ACTIONS.



Mayor Oscar B. Goodman


Councilman Gary Reese
Councilman Larry Brown
Councilman Lawrence Weekly
Councilman Michael Mack
Councilwoman Janet Moncrief

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC AFFAIRS
DIRECTOR: DAVID RIGGLEMAN

☐

CONSENT

☐

DISCUSSION

SUBJECT:
CEREMONIAL:

RECOGNITION OF PORCELAIN ART MONTH

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Submitted at meeting: copy of Proclamation declaring June 2004 as Porcelain Art Recognition Month

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN called forward CHRISTINE FILPI, President; NINA BRADY, Past President; and PAT HAACK, Secretary; to recognize June as Porcelain Art Month. Porcelain is an art form that requires great skill and training and is practiced by thousands of talented Americans. On a local level, the Las Vegas Porcelain Art Guild is dedicated to developing a better understanding and appreciation of porcelain art. This group has had great success and recently held its second annual exhibit at the Rainbow Library.

MS. FILPI and MS. BRADY thanked the Mayor for supporting the arts. MS. FILPI invited him to the upcoming exhibition at the Rainbow Library. MS. BRADY presented the Mayor with a gift box, which included a porcelain Menorah. MAYOR GOODMAN noted that, given the increasing number of people that attend the First Friday gatherings at the Arts District, Las Vegas is changing in its appreciation for the arts.

(9:16 – 9:20)

1-359

From the office of the Mayor **Proclamation**

- Whereas;** the second annual exhibit, "The Art of Porcelain," will be presented by the Las Vegas Porcelain Art Guild at the Rainbow Library from June 8 through August 15, 2004; and
- Whereas;** the mission of the Las Vegas Porcelain Art Guild is to develop a better understanding and appreciation of porcelain art; and
- Whereas;** the Las Vegas Porcelain Art Guild tries to enhance the awareness of this art and make known the opportunities that exist for new artists to enter this field and develop their skills; and
- Whereas;** on January 3, 1980, a "Declaration of China Painting as a Fine Art" was issued by President Jimmy Carter; and
- Whereas;** this art form requires great skill, training and talent and is practiced by thousands of talented Americans. Hand-painted porcelain pieces have been displayed in numerous prominent places throughout the world; now
- Therefore;** I, THE MAYOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, HEREBY PROUDLY PROCLAIM JUNE, 2004, TO BE:

Porcelain Art Recognition Month

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO ACKNOWLEDGE THE LAS VEGAS PORCELAIN ART GUILD AND THEIR MISSION TO PROMOTE THE BEAUTY OF PORCELAIN ART.



*In Witness Whereof:
BY THE POWERS GRANTED TO ME,
I HAVE HEREUNTO SET MY HAND
AND CAUSED THE SEAL OF THE
CITY OF LAS VEGAS TO BE AFFIXED
THIS 1ST DAY OF JUNE, 2004.*

HONORABLE OSCAR B. GOODMAN
MAYOR, CITY OF LAS VEGAS

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC AFFAIRS

DIRECTOR: DAVID RIGGLEMAN

☐

CONSENT

☐

DISCUSSION

SUBJECT:

CEREMONIAL:

RECOGNITION OF ASSOCIATED GENERAL CONTRACTORS, NEVADA CHAPTER

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Submitted at meeting: Proclamation recognizing the Associated General Contractors Las Vegas Chapter

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILMAN MACK called forward LEO DURANT, President, Associated General Contractors, who was very instrumental in the recent major cleanup, which is the second cleanup held in Ward 6. COUNCILMAN MACK expressed his appreciation to the Associated General Contractors for their civic-mindedness. MR. DURANT said that he is looking forward to the next cleanup.

(9:20 – 9:22)

1-494

City of Las Vegas

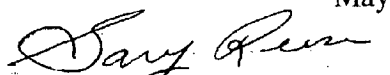
Proclamation

- Whereas;** The Associated General Contractors (AGC), Las Vegas Chapter, founded in 1979, is a non-profit organization and the largest contractor association in the state representing the southern Nevada construction industry; and
- Whereas;** AGC is committed to safety and environmental issues as demonstrated by their creation and sponsorship of the annual "Operation Desert Clean-Up" campaign, bringing public awareness of the problem of illegal dumping on public lands; and
- Whereas;** AGC members donate time and equipment to clean parcels of land destined to become home to parks, schools, police, fire stations and other areas that benefit the citizens of Southern Nevada; and
- Whereas;** AGC chose the southeastern portion of Centennial Hills Park at 7101 N. Buffalo in Ward 6 as the site for their 2004 Operation Desert Clean-Up; and
- Whereas;** The City of Las Vegas recognizes and commends the Associated General Contractors for their sponsorship of this worthwhile program saving residents a significant amount of money in potential reclamation costs, as well as initiating a sense of community pride; and
- Therefore;** WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF LAS VEGAS DO HEREBY HONOR AND RECOGNIZE

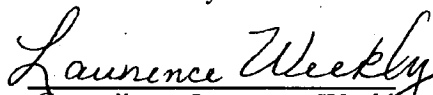
ASSOCIATED GENERAL CONTRACTORS LAS VEGAS CHAPTER

AND ASK ALL CITIZENS TO JOIN US IN EXPRESSING OUR GRATITUDE AND APPRECIATION FOR THEIR COMMITMENT AND DEDICATION TO IMPROVING THE QUALITY OF LIFE IN LAS VEGAS NEIGHBORHOODS.

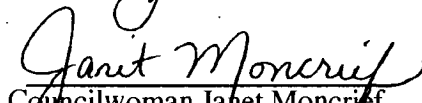

Mayor Oscar B. Goodman


Councilman Gary Reese


Councilman Larry Brown


Councilman Laurence Weekly


Councilman Michael Mack


Councilwoman Janet Moncrief

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC AFFAIRS

DIRECTOR: DAVID RIGGLEMAN

☐

CONSENT

☐

DISCUSSION

SUBJECT:

CEREMONIAL:

RECOGNITION OF RITES OF PASSAGE PROGRAM GRADUATES

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILMAN WEEKLY called forward DR. MARCIA ROBINSON of the West Las Vegas Cultural Arts Center, and JANI JEPPE for this presentation. DR. BARBARA JACKSON also came forward. COUNCILMAN WEEKLY was pleased to recognize the Rites of Passage Program Graduates. These young men attended this program for about six weeks.

At the request of MR. JEPPE, the youth recited their responsibilities, obligations, and knowledge of selves. MR. JEPPE then invited the Council to attend the 2004 graduation ceremony, on Saturday, June 5, 2004, at 2:00 p.m., at the West Las Vegas Theatre. He expressed how honored he felt to tutor this group of young men.

COUNCILMEN WEEKLY congratulated each of the young men and presented them with a Certificate of Appreciation. Lastly, he noted that it really does take an entire village to raise a child.

(9:22 – 9:27)

1-560

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

BUSINESS ITEMS:

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

MOTION:

REESE – Motion to bring forward and STRIKE Items 48 and 54 and accept WITHDRAWAL of Item 50 – UNANIMOUS with Ward 2 seat vacant

MINUTES:

COUNCILMAN MACK asked RICHARD GOECKE, Director of Public Works, why staff was requesting Item 54 to be stricken. CITY ATTORNEY JERBIC responded that the item is regarding a Special Improvement District that involves a lawsuit that was filed at the last minute. As a result of disclosure requirements, staff is removing it from the agenda until the matter is resolved.

(9:27 – 9:29)

1-927

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BUSINESS ITEMS:

Discussion and possible action to adjust the City Manager's compensation (**NOTE: To be trailed until the Afternoon Session, following the Closed Session**)

Fiscal Impact

☐	No Impact	Amount: To be determined
☒	Budget Funds Available	Dept./Division: City Manager
☐	Augmentation Required	Funding Source: General Fund

PURPOSE/BACKGROUND:

Yearly performance and compensation review of the City Manager

RECOMMENDATION:

BACKUP DOCUMENTATION:

Notice of closed personnel session which has been scheduled to precede the action item

MOTION:

GOODMAN – APPROVED a 5% merit increase – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN stated that during the noon recess, the Council had an executive session to consider a compensation adjustment for CITY MANAGER SELBY. The City Management Team achievements for Fiscal Year 2003-2004 and CITY MANAGER SELBY'S vision for the City were discussed during that session. MAYOR GOODMAN thanked CITY MANAGER SELBY for his leadership, commitment, honesty and integrity.

CITY MANAGER SELBY thanked the Council for its support.

(1:08 – 1:10)



May 20, 2004

Dr. Douglas A. Selby
City Manager
400 Stewart
Las Vegas, Nevada 89101

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

RE: Notice of meeting of the City Council to discuss the City Manager's
Annual Performance Review

Dear Dr. Selby:

Nevada's Open Meeting Law, NRS 241.030(1), makes it possible for the City Council to conduct a session, which excludes the public when that portion of a meeting has been scheduled, among other things, for the purpose of discussing the character or professional competence of a person. No action by the Council may be taken in a closed session. Such a session has been scheduled for the purposes of your annual performance review.

If the Council makes any decisions regarding your salary or employment, they may act only on the public agenda item, which follows the closed portion of the meeting. The closed session has been designed to provide a private atmosphere more conducive to a full and frank discussion with Council members regarding your professional performance.

This closed personnel session has been scheduled for you on Wednesday, June 2, 2004 immediately following the Morning Session of the City Council Meeting, in the City Council Chambers Conference Room at 400 Stewart Ave. in Las Vegas. You are invited to attend.

This notice is provided to you under NRS 241.033.

Sincerely,

Barbara Jo (Roni) Ronemus, CMC
City Clerk

Received:

Douglas A. Selby

5-20-04
Date

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BUSINESS ITEMS:

Discussion and possible action to adjust the City Attorney's compensation (**NOTE: To be trailed until the Afternoon Session, following the Closed Session**)

Fiscal Impact

☐	No Impact	Amount: To be determined
☒	Budget Funds Available	Dept./Division: City Attorney
☐	Augmentation Required	Funding Source: General Fund

PURPOSE/BACKGROUND:

Yearly performance and compensation review of the City Attorney

RECOMMENDATION:

BACKUP DOCUMENTATION:

Notice of closed personnel session which has been scheduled to precede the action item

MOTION:

GOODMAN – APPROVED a 5% merit increase – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN explained that CITY ATTORNEY JERBIC has been an exceptional City Attorney. He is available twenty-four hours a day, seven days a week and his advice has been prudent. He has represented the City well, and his staff works very hard. MAYOR GOODMAN acknowledged CITY ATTORNEY JERBIC could be better compensated in the private sector; however, he chooses to work at the City of Las Vegas because he loves it.

(1:10 – 1:11)

3-137



May 20, 2004

Mr. Bradford Jerbic
City Attorney
400 Stewart
Las Vegas, Nevada 89101

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

RE: Notice of meeting of the City Council to discuss the City Attorney's
Annual Performance Review

Dear Mr. Jerbic:

Nevada's Open Meeting Law, NRS 241.030(1), makes it possible for the City Council to conduct a session, which excludes the public when that portion of a meeting has been scheduled, among other things, for the purpose of discussing the character or professional competence of a person. No action by the Council may be taken in a closed session. Such a session has been scheduled for the purposes of your annual performance review.

If the Council makes any decisions regarding your salary or employment, they may act only on the public agenda item, which follows the closed portion of the meeting. The closed session has been designed to provide a private atmosphere more conducive to a full and frank discussion with Council members regarding your professional performance.

This closed personnel session has been scheduled for you on Wednesday, June 2, 2004 immediately following the Morning Session of the City Council Meeting, in the City Council Chambers Conference Room at 400 Stewart Ave. in Las Vegas. You are invited to attend.

This notice is provided to you under NRS 241.033.

Sincerely,

Barbara Jo (Roni) Ronemus, CMC
City Clerk

Received:

Bradford Jerbic

5/20/04
Date

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BUSINESS ITEMS:

Discussion and possible action to adjust the City Auditor's compensation (**NOTE: To be trailed until the Afternoon Session, following the Closed Session**)

Fiscal Impact

☐	No Impact	Amount: To be determined
☒	Budget Funds Available	Dept./Division: City Audit
☐	Augmentation Required	Funding Source: General Fund

PURPOSE/BACKGROUND:

Yearly performance and compensation review of the City Auditor

RECOMMENDATION:

BACKUP DOCUMENTATION:

Notice of closed personnel session which has been scheduled to precede the action item

MOTION:

GOODMAN – APPROVED a 5% merit increase – UNANIMOUS with Ward 2 seat vacant

MINUTES:

MAYOR GOODMAN explained CITY AUDITOR RADFORD SNELDING has been a welcome addition to the City of Las Vegas, making a real difference in how the City looks at itself. As the internal auditor, his responsibility is to go into departments to review policies and procedures and then make sure changes are implemented. He is responsible for establishing the City's no tolerance fraud policy and for making sure the taxpayers get the most value for their dollars.

(1:11 – 1:14)

3-188



May 20, 2004

Mr. Radford Snelding
City Auditor
400 Stewart
Las Vegas, Nevada 89101

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK
NET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

RE: Notice of meeting of the City Council to discuss the City Auditor's
Annual Performance Review

Dear Mr. Snelding:

Nevada's Open Meeting Law, NRS 241.030(1), makes it possible for the City Council to conduct a session, which excludes the public when that portion of a meeting has been scheduled, among other things, for the purpose of discussing the character or professional competence of a person. No action by the Council may be taken in a closed session. Such a session has been scheduled for the purposes of your annual performance review.

If the Council makes any decisions regarding your salary or employment, they may act only on the public agenda item, which follows the closed portion of the meeting. The closed session has been designed to provide a private atmosphere more conducive to a full and frank discussion with Council members regarding your professional performance.

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This notice is provided to you under NRS 241.033.

Sincerely,

Barbara Jo (Roni) Ronemus, CMC
City Clerk

Received:

Radford Snelding

20 MAY 04
Date

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments

Fiscal Impact

☐

No Impact

Amount: \$46,863,720.85

☒

Budget Funds Available

Dept./Division: Accounting Operations

☐

Augmentation Required

Funding Source: All Funds

PURPOSE/BACKGROUND:

In compliance with the City's Municipal Code, Chapter 4.12, this is an informational item that provides the dollar amount of disbursements processed by the Finance and Business Services Department.

RECOMMENDATION:

BACKUP DOCUMENTATION:

Summary of cash expenditures for the period 05/01/04 - 05/15/04

Total Services and Materials Checks	\$	13,119,043.32
Total Payroll Checks	\$	5,417,179.42
Total Wire Transfers	\$	28,327,498.11

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

NOTE: COUNCILMAN MACK disclosed for Items 40 and 45, which involve the expansion of City Hall, that his brother-in-law, ANDREW DONNER, has a contract with the Lady Luck Casino related to its non-restricted gaming license. Also, a SuperPawn shop owned by his brother, STEVEN MACK, for whom he does consulting, is near the location involved in Item 44. Since COUNCILMAN MACK did not believe that his relatives would be impacted by the actions taken on the aforementioned items, and they have not approached him on these items, he felt comfortable voting on them.

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 each item.

(9:29 – 9:30)

1-972

City of Las Vegas

Summary of Cash Expenditures

For period of 05/01/04 - 05/15/04

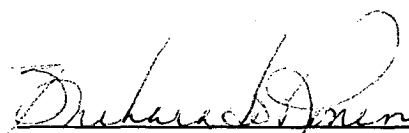
Total Services & Materials Checks :	\$13,119,043.32
Total Payroll Checks:	\$5,417,179.42
Total Wire Transfers:	\$28,327,498.11

Grand Total:	\$46,863,720.85

I hereby certify that I have reviewed the above amounts and approved them for payment as being in compliance with all applicable laws to the best of my knowledge and belief.

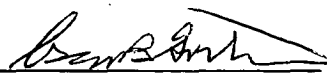


Mark R Vincent
Director of Finance



Barbara Ronemus
City Clerk

On June 2, 2004, the City Council approved the above cash expenditures.



Oscar Goodman
Mayor

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Danmark, Inc., dba Golden Eagle Bar & Grill, 2202 Paradise Road (Non-operational), Joseph S. Kludjian, Dir, Pres, Secy, Treas, 100%, Judy F. Lindblad, Mgr, Charles W. Lum, Mgr, To: B-W Investments, LLC, dba Buffalo Wild Wings Grill and Bar, 6640 North Durango Drive, Suite 110, William M. Welter, Mmbr, Mgr, 50%, Dennis J. Kozlowski, Mmbr, Mgr, 25%, JSB Investments, LLC, Mmbr, Mgr, 25%, John S. Beuchat, Mgr, John Beuchat Living Trust 1992, Mmbr, 100%, John S. Beuchat, Trustee - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

Map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

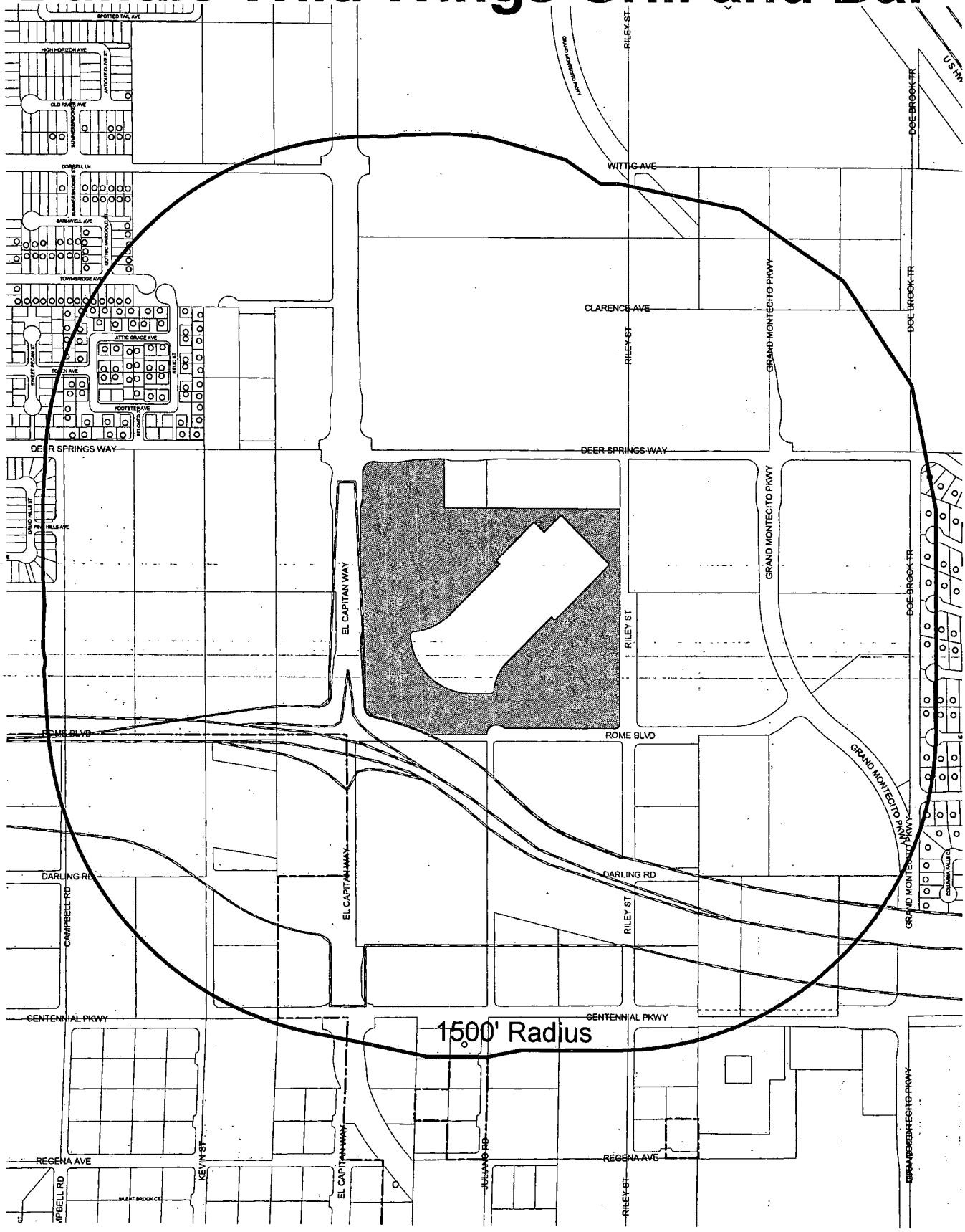
MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

Buffalo Wild Wings Grill and Bar



0 300 600 Feet

6

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Sam E. Hamika, Sam E. Hamika, 100%, To: Thamer Jarjees, dba Vegas Market #3, 6711 West Alexander Road, #103-104, Thamer Jarjees, 100% - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Cavalier, Inc., dba Junkyard Lounge, 2327 South Eastern Avenue, Adam B. Corrigan, Dir, Pres, Secy, Treas, 100%, To: Canyon Pointe Investments, Inc., dba Agave Mexican Restaurant, 10820 West Charleston Boulevard, Michael F. Corrigan, Dir, Pres, Secy, 50%, Sean P. Corrigan, Treas, 50% - Ward 2 (Vacant)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

Map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

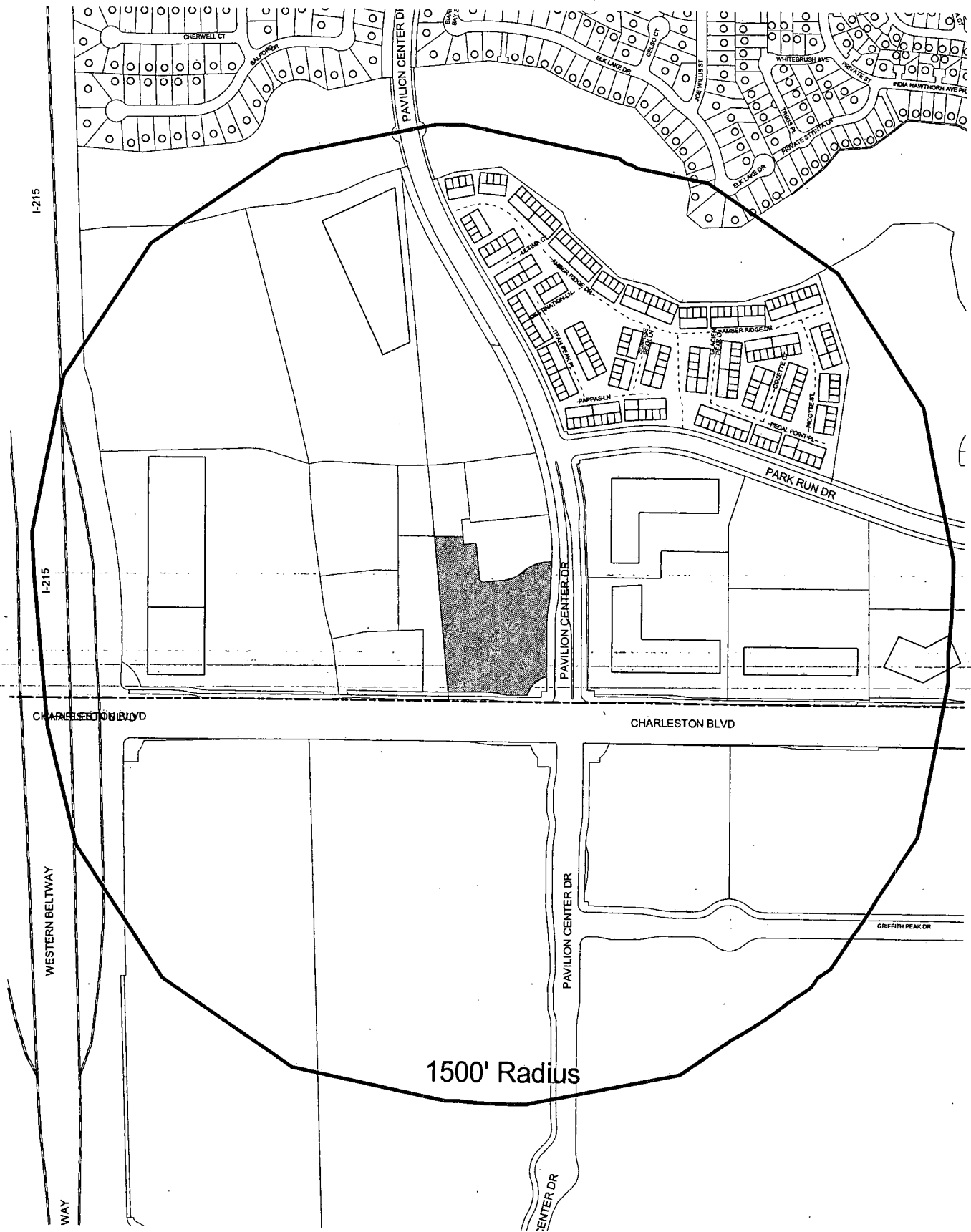
MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

Agave Mexican Restaurant



0 300 600 Feet

8



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots, Corwin & Corwin, dba From: Lakes Texaco, To: Lakes Market, 7790 West Sahara Avenue, Steven C. Corwin and Barbara L. Corwin, 100% jointly as husband and wife - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots

RECOMMENDATION:

Recommend approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a new Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, Saman Enterprises LLC, dba Hot Spot, 4708 West Charleston Boulevard, Raida M. Shieban, Mgr, 100% - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Restricted Gaming License for 7 slots

RECOMMENDATION:

Recommend approval subject to confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

Map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

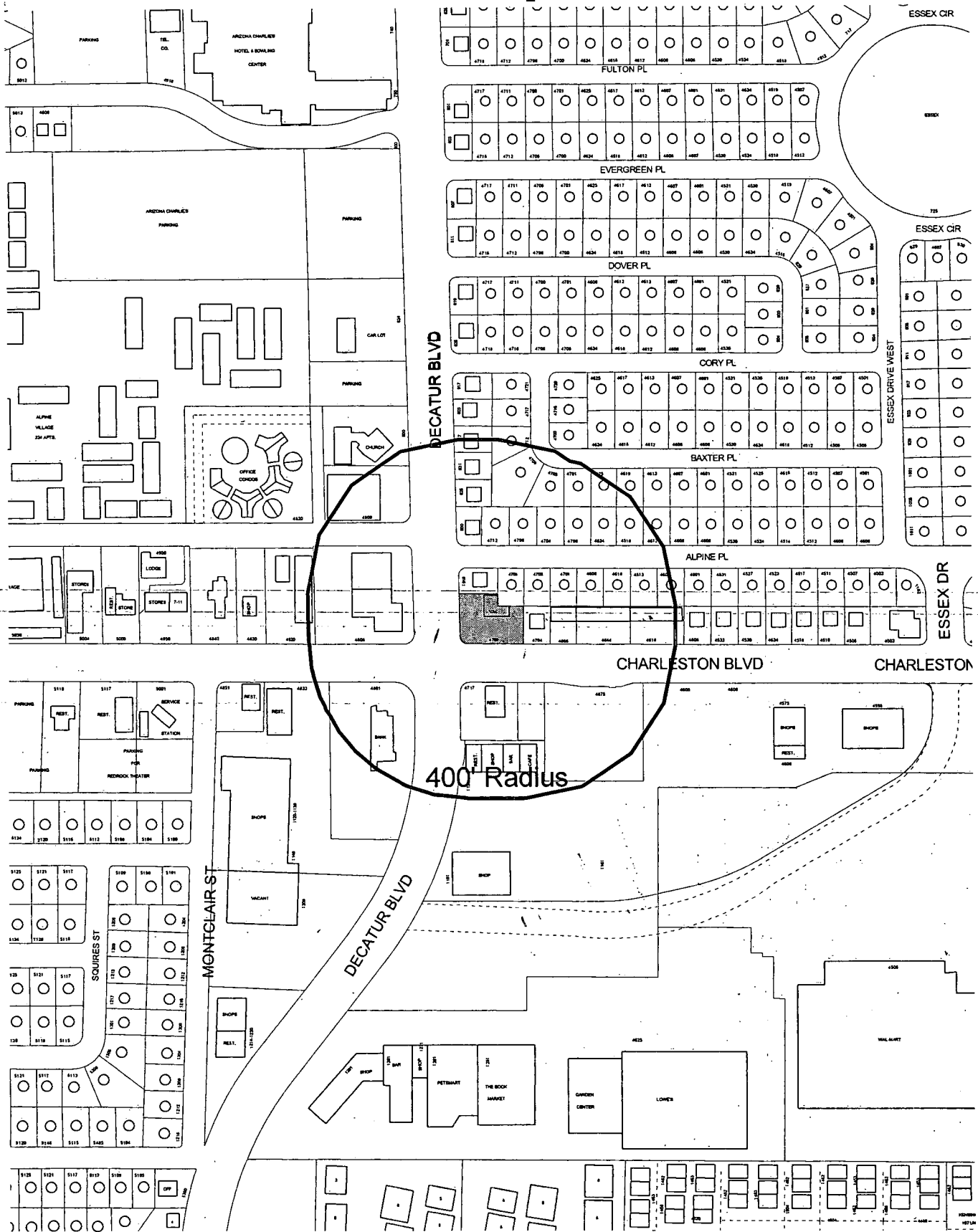
MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

Hot Spot



0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to confirmation of approval by the Nevada Gaming Commission, Green Valley Gaming, db at Lucky Mart, 823 East Ogden Avenue - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots

RECOMMENDATION:

Recommend approval subject to confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

Map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

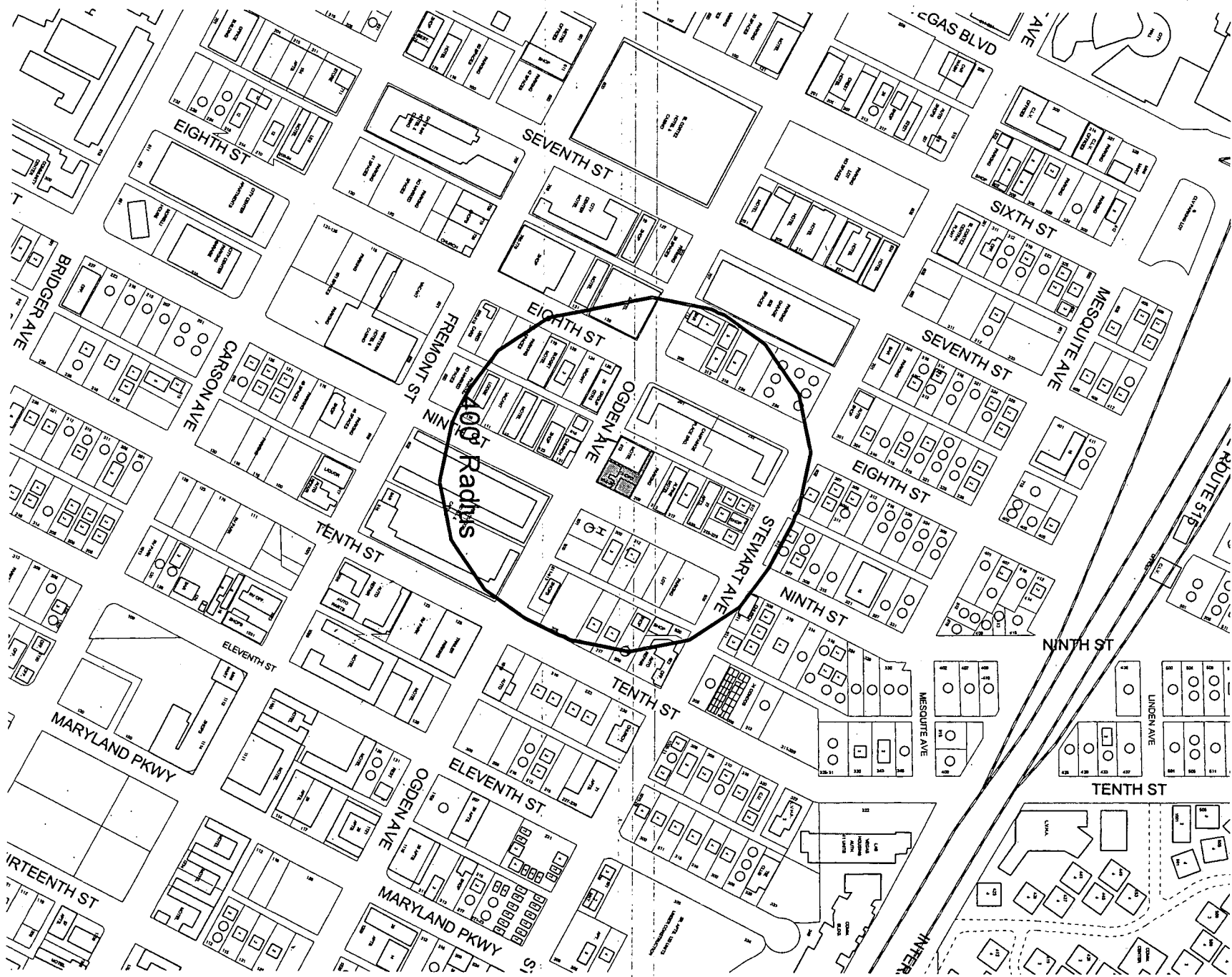
(9:29 – 9:30)

1-972

Lucky Mart

0 200 400 Feet

11



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Lucky Champ, 4030 West Charleston Boulevard - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots

RECOMMENDATION:

Recommend approval subject to confirmation of approval by the Nevada Gaming Commission

BACKUP DOCUMENTATION:

Map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

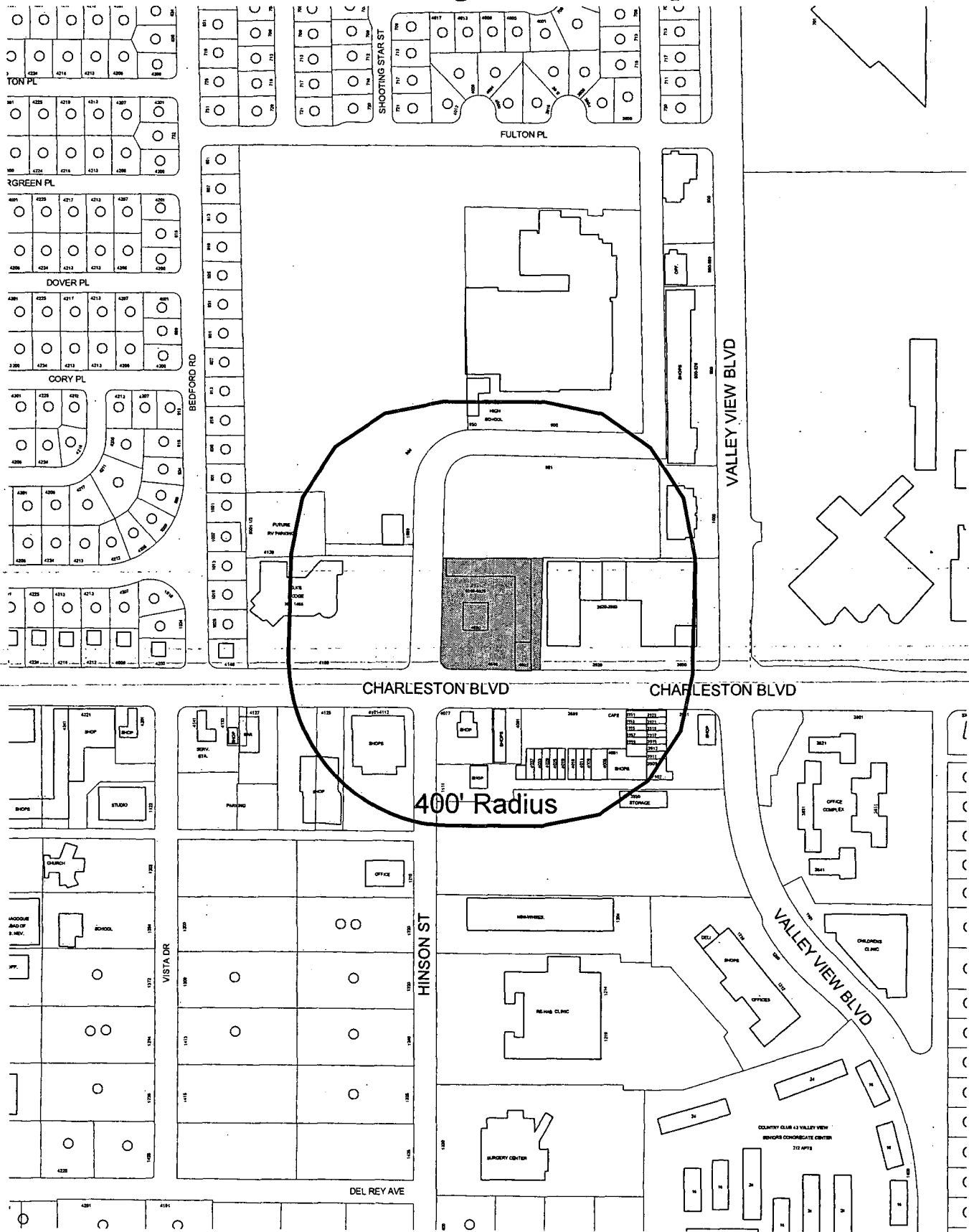
MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

Lucky Champ



0 200 400 Feet

12

N

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO. (Estimated annual amount \$1,200,000 - Automotive Services Internal Service Fund)

Fiscal Impact

☐

No Impact

Amount: \$1,200,000

☒

Budget Funds Available

Dept./Division: Field Operations

☐

Augmentation Required

Funding Source: Automotive Services ISF

PURPOSE/BACKGROUND:

This is an annual requirements contract for the delivery of gasoline and diesel fuel to various City of Las Vegas fuel sites.

PCC: D. Rawski

POC: John Saxon - (702) 382-1620

RECOMMENDATION:

That the City Council approve the award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel to Haycock Petroleum Co. in the estimated annual amount of \$1,200,000 from July 1, 2004 through June 30, 2005, with four (4) one-year renewal options.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval to use the Las Vegas Valley Water District Bid No. 1044-03, for an annual requirements contract for Biodiesel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO (Estimated annual amount of \$350,000 - Automotive Services Internal Service Fund)

Fiscal Impact

☐

No Impact

Amount: \$350,000

☒

Budget Funds Available

Dept./Division: Field Operations

☐

Augmentation Required

Funding Source: Automotive Services ISF

PURPOSE/BACKGROUND:

On February 17, 2004, the Las Vegas Valley Water District approved the award of Bid No. 1004-03 for an annual requirements contract for biodiesel blend fuel.

This purchase is exempt from the competitive bidding process pursuant to NRS 332.195, which allows local governments to use the contracts of other local governments.

PCC: D. Rawski

POC: Gary Weinberg - (702) 382-8559

CFN: 040286-DAR

RECOMMENDATION:

That the City Council approve the use of Las Vegas Valley Water District Bid No. 1044-03 for an annual requirements contract for biodiesel blend fuel to Haycock Petroleum Co. in the estimated annual amount of \$350,000 from July 1, 2004 through June 30, 2005, with four (4) one-year renewal options.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

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

Approval of award of Contract No. 040338, State Legislative Consulting Services (2 year contract) - Office of Administrative Services - Award recommended to: OSTROVSKY AND ASSOCIATES (\$330,000 - General Fund)

Fiscal Impact☐**No Impact****Amount: \$330,000**☒**Budget Funds Available****Dept./Division: Administrative Services**☐**Augmentation Required****Funding Source: General Fund****PURPOSE/BACKGROUND:**

Ostrovsky & Associates, with subcontractor Knight Consulting, has been providing expert advice, analysis, strategic planning and legislative advocacy for the last two years. This contract provides for two additional years of service, an intern/technician to assist with research/support, and optional support (in lieu of full City staff). Amount includes \$225,000 - basic services, \$60,000 - optional services, and \$45,000 - reimbursable expenses including intern/technician.

This item is exempt from competitive bidding pursuant to 332.115.1(b).

PCC: L. Russell

POC: Bob Ostrovsky - (702) 951-2158

RECOMMENDATION:

That the City Council approve the award of Contract No. 040338 for State Legislative Consulting Services to Ostrovsky and Associates for the period July 1, 2004 through June 30, 2006 for \$330,000. Authority to execute the Contract is given to Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1	Contracting Entity
Name	
COTROVSKY & ASSOCIATES	
Address	
2328 DELINA DR. LAS VEGAS, NV 89134	
Telephone	
702-255-7183	
EIN or DUNS	
86-0849080	

Block 2	Description
Subject Matter of Contract/Agreement	
State Legislative Consulting Services	
Contract No.	
040338	

Block 3	Type of Business
☐ Individual ☐ Partnership ☐ Limited Liability Company ☒ Corporation ☐ Trust ☐ Other:	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Robert Ostrovsky	2328 DELINA DR. LAS VEGAS, NV	702-255-7183
2.	LINDA Ostrovsky	2328 DELINA DR. LAS VEGAS NV	702-255-7183
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

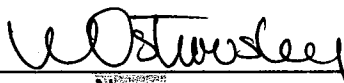
Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

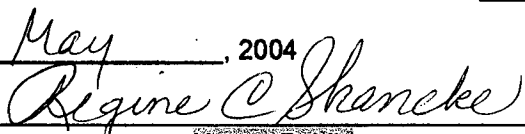
I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity



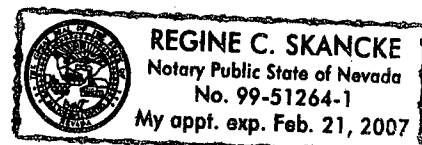
 Name
 5/18/04

 Date

Subscribed and sworn to before me this 18th day of

May, 2004


 Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of issuance of a purchase order for 15 auto-pulse resuscitation systems - Department of Fire and Rescue - Award recommended to: REVIVANT CORPORATION (\$192,096.78 - Fire Services Public Education Special Revenue Fund)

Fiscal Impact

☐ **No Impact**
☒ **Budget Funds Available**
☐ **Augmentation Required**

Amount: \$192,096.78

Dept./Division: Fire and Rescue

Funding Source: Fire Services Public Education
SRF

PURPOSE/BACKGROUND:

This request provides for the purchase of 15 auto-pulse resuscitation systems. These devices are able to maintain constant cardio-pulmonary chest compressions without the aid of human intervention. These devices will also allow the transport of patients without one or more paramedics attempting to perform chest compressions.

This purchase is exempt from the competitive bidding process pursuant to NRS 332.115.1(d).

PCC: K. Falline

POC: Susan Gagnier - (408) 524-3500, ext. 354

CFN: 040287-KF

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for 15 auto-pulse resuscitation systems to Revivant Corporation in the amount of \$192,096.78.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of revision to purchase order 215417 for inmate linen and uniform service -
Department of Detention and Enforcement - Award to: NEVADA LINEN SUPPLY (\$100,000 -
General Fund)

Fiscal Impact

☐

No Impact

Amount: \$100,000

☒

Budget Funds Available

Dept./Division: Detention and Enforcement

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

City Council approved an annual requirements contract for inmate linen and uniform service through September 30, 2002, with three annual options to renew in the estimated annual amount of \$325,000. Due to increased inmate population, this revision will add an additional \$100,000 to the purchase order, for a revised total annual amount of \$425,000 to cover expenditures through the expiration of the purchase order. The increased cost is offset by the increased revenue from bed rentals to accommodate Clark County and Federal inmates.

PCC: G. Leaf

POC: Steve Stith - (702) 454-1444

RECOMMENDATION:

That the City Council approve the issuance of revision to purchase order 215417 for inmate linen and uniform service to Nevada Linen Supply to add an additional \$100,000, for a total revised estimated annual amount of \$425,000, effective through September 30, 2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of revision to purchase order 214815 for Emergency Medical Services (EMS)
Transport Claims Processing, Filing and Management - Department of Fire and Rescue - Award
to: MEDICLAIMS, INC. (\$60,000 - General Fund)

Fiscal Impact

☐

No Impact

Amount: \$60,000

☒

Budget Funds Available

Dept./Division: Fire and Rescue

☐

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

This revision will add an additional \$60,000, for a revised total amount of \$235,000, to the
purchase order to allow sufficient funds to complete closeout of the current contract and the
transition to the new service provider.

PCC: K. Falline

POC: Leslea J. Adams - (580) 762-2299

RECOMMENDATION:

That the City Council approve revision to purchase order 214815 for EMS Transport Claims
Processing, Filing and Management to Mediacclaims, Inc. in the amount of \$60,000 for a revised
total amount of \$235,000.

BACKUP DOCUMENTATION:

None

MOTION:

**REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2
seat vacant**

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases - Various Departments - Award recommended to: NEVADA COMPRESSED GAS (Estimated annual amount of \$50,000 - Various Funds)

Fiscal Impact

☐

No Impact

Amount: \$50,000

☒

Budget Funds Available

Dept./Division: Various

☐

Augmentation Required

Funding Source: Various

PURPOSE/BACKGROUND:

This is an annual requirements contract for welding supplies and gases for use by various departments and divisions within the City.

PCC: D. Rawski

POC: Robert J. Guidotti - (702) 382-2334

RECOMMENDATION:

That the City Council approve the award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases to Nevada Compressed Gas in the estimated annual amount of \$50,000 from July 1, 2004 through June 30, 2005, with four (4) one-year renewal options.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Contract No. 040285 for GIS Software Development and Application Services Agreement - Department of Planning and Development - Award recommended to: GIS PLANNING (\$43,000 - General Fund and Industrial Development Special Revenue Fund)

Fiscal Impact

☐

No Impact

Amount: \$43,000

☒

Budget Funds Available

Dept./Division: Planning and Development

☐

Augmentation Required

Funding Source: General Fund and Industrial Development SRF

PURPOSE/BACKGROUND:

The software and application services will provide for online public access to an internet-based commercial property database system with GIS mapping and demographic features, including property queries and reports, demographic and drive-time analysis, and dynamic mapping.

This purchase is exempt from the competitive bidding process pursuant to NRS 332.115.1(h), software for computers.

PCC: L. Wheeler

POC: Mario Ubalde - (415) 294-4772

RECOMMENDATION:

That the City Council approve Contract No. 040285 for GIS Software Development and Application Services to GIS Planning in the estimated amount of \$43,000 with annual renewals as long as the bidding exception applies. Authority to execute contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of revision to purchase order 219246 for mounting hardware and installation for pen-based computers - Department of Fire and Rescue - Award to: MOBILE MOUNTING SOLUTIONS, INC. (\$10,290 - Fire Services Capital Projects Fund)

Fiscal Impact

☐

No Impact

Amount: \$10,290

☒

Budget Funds Available

Dept./Division: Fire and Rescue

☐

Augmentation Required

Funding Source: Fire Services CPF

PURPOSE/BACKGROUND:

On November 13, 2003 a purchase order was issued for 23 mounting hardware and installation kits. This revision is being written to add funding for an additional 30 mounting hardware and installation kits as well as the actual installation of the hardware. These units are used for pen-based computers utilized for patient reporting.

This purchase is exempt from the competitive bidding process pursuant to NRS 332.115.1(g), hardware and associated peripheral equipment and devices for computers.

PCC: K. Falline

POC: Larry Alexander - (972) 529-6032

RECOMMENDATION:

That the City Council approve the issuance of revision to purchase order 219246 for mounting hardware and installation for pen-based computers to Mobile Mounting Solutions, Inc. to add an additional \$10,290, for a revised total of \$27,257.50..

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Gowan Road, west of the Clark County Beltway, APN 137-12-301-007 – Ward 4 (Brown)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 18, Township 19 South, Range 60 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Solar Lane and the north side of Elkhorn Road, east of Chieftain Street, APN 125-18-801-015 – Ward 6 (Mack)

Fiscal Impact

☒ **No Impact**
☐ **Budget Funds Available**
☐ **Augmentation Required**

Amount:

Dept./Division: Public Works/City Engineer

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Professional Services Agreement with Parsons Transportation Group, Inc. for Construction Management Services on the I-15 Freeway Channel - Charleston Lateral Extension project (\$350,000 - Clark County Regional Flood Control District) - Wards 1 and 5 (Moncrief and Weekly)

Fiscal Impact

☐

No Impact

Amount: \$350,000

☒

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source: Clark County Regional Flood Control District

PURPOSE/BACKGROUND:

This project is for construction of an extension to the flood control facilities for the I-15 Freeway Channel, consisting of the Charleston Lateral Extension which includes the construction of lateral systems at Charleston Boulevard and Rancho Lane. The improvements will primarily consist of, but are not limited to, the following major items of work: single pre-cast box culvert, lateral storm piping, drop inlets, sanitary sewer piping, and de-watering for the construction of the improvements.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Professional Services Agreement

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

**PROFESSIONAL SERVICES AGREEMENT
FOR CONSTRUCTION ADMINISTRATION**

THIS AGREEMENT is made and entered into this 2 day of June, 2004, by and between the CITY OF LAS VEGAS, a municipal corporation within the State of Nevada (herein the "City"), and Parsons Transportation Group, Inc., (herein the "Consultant").

WITNESSETH:

WHEREAS, the City intends to construct the I-15 Freeway Channel – Charleston Lateral Extension (herein the "Project"); and

WHEREAS, the City desires to retain a qualified engineer who will be responsible for providing the construction administration services hereinafter set forth below; and

WHEREAS, the Consultant is properly licensed and qualified in accordance with the Nevada Revised Statutes as an engineer and has the personnel and facilities necessary to perform the services hereinafter set forth within the time required under this Agreement.

NOW, THEREFORE, in consideration of the above premises, the parties hereto agree to the following terms, conditions and covenants set forth in Sections One through Ten hereof:

**SECTION ONE
CONSULTANT RESPONSIBILITIES**

1.01 Consultant Services. The Consultant hereby agrees to provide the basic services and the additional services set forth in Exhibit "A" (Scope of Services) and Exhibit "B" (Additional Services) attached hereto.

1.02 Performance Standards. In performing the services set forth in this Agreement, the Consultant shall follow practices consistent with generally accepted within the engineering profession.

1.03 Document Review. The Engineer shall be responsible for reviewing each document prepared by the Consultant and its subconsultants including, without limitation, all tasks as described in Exhibit "A" and Exhibit "B" for the purpose of ensuring that such documents are technically sound, in conformance with applicable federal, state and local statutes, codes, ordinances and other regulations, and do not violate or infringe upon any patent rights.

1.04 Waiver. The City's approval of any documents or services furnished by the Consultant shall not in any way relieve the Consultant of responsibility for the professional and technical accuracy of its documents, engineering or other services. The City's review, approval, acceptance or payment for any of the Consultant's services shall not be construed to operate as a waiver of any rights enjoyed by the City under this Agreement or of any cause of action arising out of the performance of this Agreement. The Consultant shall remain liable in accordance with

the terms of this Agreement and applicable law for the damages to the City caused by the Consultant's negligent act or omission committed in the performance of this Agreement.

1.05 Consultant Representative. The Consultant's Representative is hereby designated as Ed Kahn P.E., Construction Manager, who shall be responsible for the services required under this Agreement. All of the services specified by this Agreement shall be performed by the Consultant's Representative, or by the associates and employees identified in the Consultant's proposal provided that such associates and employees perform under the personal supervision of the Consultant's Representative. All employees identified in the Consultant's cost proposal shall be subject to approval by the City's Representative. Should the Consultant's Representative, or any associate or employee, be unable to complete his or her responsibility for any reason, the Consultant will replace the employee with a qualified person approved by the City. If the Consultant fails to make a required replacement within thirty (30) days, the City may terminate this Agreement for default as provided in Section 10.03 of this Agreement.

1.06 Correspondence Review. The Consultant shall furnish the City's Representative copies of each correspondence, if any, sent to the Contractor and to any regulatory agencies for approval and review prior to the mailing such correspondence.

1.08 Cooperation with the City. The Consultant agrees that its officers, associates, employees and subconsultants will cooperate with the City in providing services under this Agreement and will be, with advance notice, available for consultation with the City at such reasonable times as to not conflict with the City's other responsibilities.

SECTION TWO CITY RESPONSIBILITIES

2.01 City Representative. The City Engineer or his authorized representative is hereby designated as the City's Representative with respect to this Agreement. The City's Representative shall have complete authority to transmit instructions, receive information, interpret and define the City's policies and decisions with respect to the services of the Consultant.

2.02 Review of Services and Documents. The services to be performed by the Consultant shall be subject to periodic review by the City's Representative. The City's Representative will endeavor to examine and comment in writing on any documents including, without limitation, monthly reports, correspondence sent, and construction inspection and material testing reports.

2.03 Access to Records. The City shall, without charge, furnish a copy to, or make available for examination or use by, the Consultant, as it may request, any documents and data which the City has available including, without limitation, reports, maps, plans, specifications, surveys, records, ordinances, codes, regulations, other documents related to the services required under this Agreement. The City shall assist the Consultant in obtaining data and documents from

public agencies and from private citizens and business firms whenever the City determines that such material is necessary for the completion of the services required by this Agreement.

2.04 Cooperation with Consultant. The City agrees that its officers and employees will cooperate with the Consultant in the performance of this Agreement and will be, with advance notice, available for consultation with the Consultant at such reasonable times as to not conflict with the Consultant's other responsibilities.

SECTION THREE CHANGES TO CONSULTANT'S SERVICES

3.01 Requested Changes. The City Engineer or his authorized representative may at any time, by written order, make changes which may result in an increase or decrease in the services to be performed by the Consultant under this Agreement.

3.02 Adjustment of Compensation. If the changes requested by the City cause an increase or decrease in the cost or time required to perform any of the services required hereunder, an equitable adjustment shall be made in the compensation to be paid to the Consultant under Section Seven. The Agreement shall be modified in writing accordingly. Any claim for adjustment under this Section must be asserted in writing within thirty (30) days from the date of receipt by the Consultant of written notification of the changes to the services to be provided by the Consultant unless the City grants in writing a further period of time. Failure to assert such claim within the time limit provided herein shall constitute a waiver of any right to seek any equitable adjustment in compensation with respect to that change.

SECTION FOUR ADDITIONAL SERVICES OF CONSULTANT

4.01 Additional Services. The Consultant shall provide the additional services described in Exhibit "B" attached hereto if, and only if, so requested in writing by the City. Payment for the additional services will be made to the Consultant in accordance with Section Seven of this Agreement.

4.02 Attendance at Meetings or Public Hearings. The Consultant shall notify the City in advance of any additional costs which may be incurred prior to attending any meetings or public hearings as may be necessary to clarify the interpretation of the services performed by the Consultant under this Agreement.

SECTION FIVE SUB-CONSULTANT AGREEMENT

5.01 Sub-consultant Provisions. In the event that the Consultant with the approval of the City as required under Section 10.07 enters into an agreement with a sub-consultant for the performance of any of its obligations hereunder, the following provisions shall be included in each sub-consultant agreement:

(i) The Consultant agrees to pay the sub-consultant when paid by the City for that portion of the services provided to the City and no liability shall arise on the part of the Consultant to the sub-consultant for payment of the sub-consultant services until the City has made payment to the Consultant. If the City has paid the Consultant for said sub-consultant services, the subconsultant's only recourse is against the Consultant and not against the City, either through the institution of legal or equitable action or the attachment of any lien,

(ii) The sub-consultant shall have no more rights against the City than that of the Consultant,

(iii) The sub-consultant agrees to be bound by all the terms, conditions and obligation of this Agreement unless the City has approved any deviation, change or modification in writing, and

(iv) Unless otherwise approved by the City's Representative, the subconsultant will obtain and maintain professional liability insurance (Errors and Omissions coverage) in connection with the subconsultant services in an amount equal to that required of the Consultant as provided in subsection C of Section 10.05 of this Agreement.

SECTION SIX TERM OF AGREEMENT

6.01 Term. This Agreement shall commence on the day it is approved by the City Council or other person duly authorized to execute this Agreement (which shall be inserted in the first paragraph set forth above) and shall remain in force and effect until the Project is completed unless the City serves upon the Consultant a thirty (30) day written Notice of Termination pursuant to Section 10.02. The termination of this Agreement shall not release either party from any of its continuing obligations hereunder.

6.02 Disputes. This Section shall not be construed to preclude the filing of any dispute arising out of the performance of this Agreement or in connection with the subject matter hereof, nor shall this Section be construed to change the date or the time on which a cause of action arising out of the performance of this Agreement or in connection with the subject matter hereof, would otherwise accrue under the statutes of limitation or doctrines of law.

SECTION SEVEN COMPENSATION AND TERMS OF PAYMENT

7.01 General. At the time of approval of this Agreement by the City Council, the City agrees to set aside Three Hundred Fifty Thousand dollars (\$350,000.00) as the total appropriation for the performance of this Agreement. In no event shall the total payments to the Consultant for the services (basic and additional services) provided under this Agreement exceed the aforementioned amount appropriated without prior approval of the City.

7.02 Compensation: Basic Services. For the services set forth in Exhibit "A", the City shall compensate the Consultant based upon the hourly fee and unit test rates set forth in Exhibit "D" which compensation shall be paid pursuant to monthly invoices. The amount of the aforementioned costs to be paid to the Consultant shall be based upon the actual number of man-hours expended, and the actual tests conducted, by the Consultant and/or subconsultant. The estimated number of man-hours and number of tests per month are to be set forth in Exhibits "C" for all Project Task Orders executed.

7.03 Compensation: Additional Services. For the additional services set forth in Exhibit "B," the City shall pay to the Consultant either a lump sum or an hourly fee based upon the hourly rates set forth in Exhibit "D" attached hereto, whichever is approved in writing by the City's Representative. Such payment shall not exceed Twenty Seven Thousand Four Hundred Eighty Five dollars (\$27,485.00) without the prior written approval of the City.

7.04 Invoice. An invoice shall be submitted to the City each month for the services provided during the previous month. An original invoice and one copy shall be provided to the City's Representative in the format of Exhibit "E" (Invoice Format) attached hereto. Payment shall be due within 45 days after the date of receipt and approval by the City's Representative of the monthly invoice. Failure to pay the Consultant within the 45 day period shall result in a one-half of one percent (1/2%) charge on the unpaid balance unless the City has notified the Consultant within the aforementioned period that it is disputing the amount due and owing under the invoice. Such disputes shall be handled as provided in Section 10.20A of this Agreement.

7.05 Retention. The City will not hold retention on Professional Service Agreements.

7.06 Right of Set-Off. The City's Representative may subtract or offset the unpaid invoice from the Consultant any damages, costs and expenses caused by reason of, or as a consequence of, the negligent, or reckless act or omission of the Consultant in the performance of the services under this Agreement including, without limitation, project delays as a result of the consultant actions, failure to perform a task in Exhibit "A", damages as a result of the consultant's employees. The City's Representative shall provide a written statement to the Consultant of the damages, costs and expenses which have been subtracted from any payment to the Consultant along with appropriate documentation and receipts, if any, and a description of the damages and cost attributed to the Consultant. If the Consultant disputes the right or amount of the deduction made by the City, the Consultant may file a claim pursuant to Section 10.20 of this Agreement.

7.07 Completion of Project Upon completion by the Consultant of the basic services required under this Agreement, acceptance of such services by the City (which acceptance will not be unreasonably withheld), and issuance of the Notice to Completion for construction of the Project, the Consultant will, within forty-five (45) days, be paid the balance of any money due for such services.

7.08 Final Payment. Within thirty (30) days after the completion of construction and close-out of the Project, the City shall make the final

payment for any additional services which might have been provided by the Consultant.

SECTION EIGHT PERFORMANCE STANDARDS

8.01 *Performance Standards.* The parties hereto have agreed to a industry Performance Standards for construction administration, which is set forth in Exhibit "A" attached hereto. The Performance Standards identifies all the tasks the consultant are required to performed.

SECTION NINE AUDIT: ACCESS TO RECORDS

9.01 *Records.* The Consultant shall maintain books, records and other documents directly pertinent to performance of this Agreement in accordance with generally accepted accounting principles and practices for a period of three (3) years after completion of this Agreement except that books, records or other documents which are subject of a pending audit shall be mentioned for three (3) years after the completion of the audit. The Consultant shall also maintain the financial information and data used by the Consultant in the preparation or support of the invoices submitted to the City. Audits conducted pursuant to this provision shall be in accordance with generally accepted auditing standards, procedures and guidelines of the City, or its designated representative. The City, or its duly authorized representatives, shall have access to such books, records, and documents during normal business hours for the purpose of inspection, audit and copying. The Consultant will provide proper facilities for such access and inspection.

If the books, records or other documents are not located within Clark County, Nevada, then in the event of an audit, Consultant agrees to deliver the same to the address designated by the City. If the books, records or other documents are incomplete, Consultant agrees to pay for the City's designated representative's cost to travel to Consultant's office to retrieve the omitted information needed for purposes of the audit.

9.02 *Disclosure.* The Consultant agrees to the disclosure of the information and reports resulting from access to records pursuant to Section 9.01 of this Agreement above provided that the Consultant is afforded the opportunity for an audit entrance and exit conference and an opportunity to comment and submit any supporting documentation on the pertinent portions of the draft audit report, and that the final audit report will include written comments, if any, of the Consultant.

9.03 *Period of Maintenance.* The books, records and other documents under Sections 9.01 and 9.02 of this Agreement shall be maintained for three (3) years after the date of the final payment for the services under this Agreement. In addition, those records and other documents which relate to any arbitration, litigation or the settlement of any claim arising out of this Agreement, or to which an audit exception has been taken, shall be maintained and made

available until three (3) years after the date that the arbitration, litigation or exception has been resolved.

9.04 Subcontract Provisions. The Consultant agrees to include Sections 9.01 through 9.03 of this Agreement in all its subcontracts directly related to performance of services specified in this Agreement, which are in excess of \$10,000.

SECTION TEN MISCELLANEOUS PROVISIONS

10.01 Suspension. The City may suspend performance by the Consultant under this Agreement for such period of time as the City, in its sole discretion, may prescribe by providing written notice to the Consultant at least ten (10) days prior to the effective date of the suspension. With such suspension, the City shall pay to the Consultant the amount of compensation, based on percentage of completion of the Project, earned until the effective date of suspension less all previous payments. The Consultant shall not provide any further services under this Agreement after the effective date of suspension until otherwise notified in writing by the City. In the event the City suspends performance by the Consultant for any cause other than the error or omission of the Consultant for an aggregate period in excess of thirty (30) days, the Consultant shall be entitled to an equitable adjustment of the compensation payable to the Consultant under this Agreement, including reimbursement to Consultant for additional costs occasioned as a result of such suspension of performance. In no event shall the City be liable to the Consultant for more than the percentage completed at the time of suspension.

10.02 Termination for Convenience. The City reserves the right to terminate this Agreement without cause or default on the part of the Consultant with the service of ten (10) days' prior written notification to the Consultant as provided in Section 10.18. In the event of termination, without cause or default, the City agrees to pay to the Consultant the reasonable value for the services performed as of the date that notification of termination is received by the Consultant.

10.03 Termination for Default. The occurrence of any of the following events shall constitute a default by the Consultant hereunder (herein "Event of Default"):

(i) If the Consultant shall default in the due observance and performance of any term, condition or covenant contained in this Agreement,

(ii) If the Consultant shall (a) voluntarily terminate operations or consent to the appointment of a receiver, trustee or liquidator of the Consultant for all or a substantial portion of its assets, (b) be adjudicated bankrupt or insolvent or file a voluntary petition in bankruptcy, or admit in writing to the inability to pay its debts as they become due, (c) make a general assignment for the benefit of creditors, (d) file a petition or answer seeking reorganization or an arrangement with creditors or take advantage of any insolvency law, or (e) if action shall be taken by the Consultant for the purpose of effecting any of the foregoing,

(iii) If any warrant, execution or other writ shall be issued or levied upon any property or assets of the Consultant and shall continue unvacated and in effect for a period of thirty (30) days, or

(iv) If the Consultant, in the judgment of the City, fails to provide the services hereunder properly and with proper dispatch in accordance with the time schedule set forth in Section Eight of this Agreement, and

(v) If such Event of Default continues for five (5) days after written notice to the Consultant, then the City may, without prejudice to any other remedy it may have at law or in equity, (a) terminate this Agreement, suspend payment of all pending invoices otherwise due to the Consultant hereunder, and finish this Agreement by such means as the City may see fit, reserving the right to deduct from any invoice balance due the Consultant for services rendered, the reasonable and necessary cost of completing the performance of this Agreement with the remaining funds originally set aside and budgeted therefor and paying the excess, if any, to the Consultant and in the event the cost of finishing the Consultant's work exceeds the invoice balance due the Consultant, such deficiency shall be paid by the Consultant to the City within five (5) days of receipt of an invoice from the City, or (b) terminate this Agreement and all the obligations imposed hereunder, including the obligation of any further payment for the services of the Consultant except for the reasonable value for the services performed as of the date of receipt of the notice of termination. The cost and expense of completing this Agreement shall be computed and audited by the City's Representative. The audit shall be made in accordance with generally accepted accounting principles and the Consultant shall pay the costs of such audit.

It is expressly agreed that the City reserves the right to offset any and all claims made by the Consultant for payment of its fees or the reimbursement of additional costs incurred hereunder, with any claims that the City might have against the Consultant for failure to comply with any of the terms, conditions or covenants of this Agreement.

10.04 Ownership of Documents. Any and all documents, schedules, plans, drawings, specifications and other records (including electronic media) prepared or assembled by the Consultant, or any of its subconsultants, which are related to the performance of this Agreement are deemed to be the property of the City. In the event of the completion or termination of this Agreement, the City shall be entitled to the original documents, schedules, plans, drawings, specifications and other records related to this Agreement not in its possession. The above items may be utilized by the City for its own use for which they were prepared, and for use on other projects.

10.05 Insurance.

A. **Coverages.** The Consultant shall procure and maintain, at its own expense, during the entire term of the Agreement, the following policies of insurance:

(i) Workman's Compensation Insurance protecting the Consultant and the City from employee claims based on job-related sickness, disease, or accident.

(ii) Comprehensive General Liability Insurance protecting the Consultant, its agents and vehicles used to provide the services required under this Agreement from claims of personal injury (including death) and property damage. Such coverage shall be in a minimum amount of \$1,000,000 for the period of time covered by this Agreement. The policy shall be endorsed to include the City as an additional insured party thereunder.

(iii) Professional Liability Insurance (Errors and Omissions Coverage) protecting the Consultant from claims arising out of performance of professional services caused by a negligent act or omission for which the insured is legally liable. Such coverage shall be in a minimum amount of \$1,000,000 for the period of time covered by this Agreement.

B. Cancellation or Modification of Coverage. The Consultant's Comprehensive General Liability and Professional Liability Insurance Policies shall automatically include or be endorsed to cover the Consultant's contractual liability to the City under this Agreement, to waive subrogation against the City, its officers, agents, servants and employees and to provide that the City will be given thirty (30) days' notice in writing of any cancellation of, or material change in, the policies.

C. Certificates and Endorsements. The certificates and endorsements for each insurance policy are to be signed by a person authorized by that insurer and licensed by the State of Nevada. All deductibles and self-insured retentions shall be fully disclosed in the Certificate of Insurance. No deductible or self-insured retention may exceed \$25,000 without the written approval of the City. Certificates indicating that such insurance is in effect shall be delivered to the City before any services are provided under this Agreement.

D. Period of Coverage. If the insurance coverage is underwritten on a "claims made" basis, the retroactive date shall be prior to or coincident with the date of this Agreement and the Certificate of Insurance shall state such coverage and the retroactive date. Upon availability, the Consultant shall maintain coverage for the duration of this Agreement and for two years following completion of this Agreement. The Consultant shall provide the City annually a Certificate of Insurance as evidence of such insurance.

E. Self-Depletion Policies Prohibited. Each policy of insurance required herein shall not be self-depleting in its coverage.

10.06 Indemnity. Notwithstanding any of the insurance requirements set forth in Section 10.05, and not in lieu thereof, the Consultant shall protect, indemnify and hold the City, its officers, employees, and agents (herein the "Indemnitees") harmless from any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, arbitration awards, attorney fees and court costs (herein the "Claims") which the Indemnitees, or any of them, may suffer as a result of, by reason of, or as a consequence of, the negligent or reckless act or omission of the Consultant, its subcontractors, agents or anyone employed by the Consultant, its subcontractors or agents, in the performance of this Agreement.

As part of its obligation hereunder, the Consultant shall, at its own expense, defend the Indemnitees against the Claims which may be brought against them, or any of them, as a

result of, by reason of, or as a consequence of, the negligent, reckless act or omission of the Consultant, its subcontractors or agents, for and against which the Consultant is obligated to indemnify the Indemnitees unless the Indemnitees, or any of them, elect to conduct their own defense which, in such case, shall not cause a waiver of the obligation of indemnification set forth herein. If the Consultant shall fail to do so, the Indemnitees, and each of them, shall have the right, but not the obligation, to defend the same and charge all direct and incidental costs of such defense (including attorney fees and court costs) against the Consultant.

10.07 Assignment. The City and the Consultant each bind itself and its partners, successors, administrators and assigns to the other party of this Agreement and to the partners, successors, executors, administrators and assigns of such other party in respect to all covenants of this Agreement, except the Consultant shall not assign, sublet or transfer any obligation or benefit under this Agreement without the written consent of the City. Nothing contained herein shall be construed as creating any personal liability on the part of any officer or agent of the City.

10.08 Waiver. No consent or waiver, express or implied, by either party to this Agreement, or of any breach or default by the other in the performance of any obligations hereunder, shall be deemed or construed to be a consent or waiver of any other breach or default by such party hereunder. Failure on the part of any party hereto to complain of any act, or failure to act of the other party, or to declare that other party in default hereunder, irrespective of how long such failure continues, shall not constitute a waiver of the rights of such party hereunder. Inspection, payment, or tentative approval or acceptance by the City or the failure of the City to perform any inspection hereunder, shall not constitute a final acceptance of the work or any part thereof and shall not release the Consultant of any of its obligations hereunder.

10.09 Consultant Warranties. The Consultant hereby represents and warrants:

(i) That it is financially solvent, able to pay its debts as they mature, and is possessed of sufficient working capital to complete this Agreement; that it is experienced, qualified and is able to furnish the plant, tools, materials, supplies, equipment, facilities and personnel, and is experienced in and competent to perform the services contemplated by this Agreement, and that it is qualified to provide such services and is authorized to do business in the State of Nevada,

(ii) That it holds a license, permit or other special license to perform the services included in this Agreement, as required by law, or employs or works under the general supervision of the holder of such license, permit or special license, and

(iii) That it has, pursuant to the requirements of Resolution 79-99 adopted by the City Council on August 4, 1999 (effective October 1, 1999) as amended by Resolution 105-99 (adopted by the City Council on November 17, 1999), disclosed on the form attached hereto as Exhibit "G", all of the principals, including partners, of the Consultant, as well as all persons and entities holding more than a one percent (1%) interest in the Consultant or any principals of the Consultant. If the Consultant, or its principals or partners, are required to provide disclosure under federal law (such as Securities and Exchange Commission or the Employee Retirement Income Act) and current copies of such federal disclosures are attached to Exhibit "G", the

requirements of this Section shall be deemed satisfied. During the term of this Agreement, the Consultant shall notify the City in writing of any material change in the above disclosure on Exhibit "G" within 15 days of such change.

10.10 Consultant's Employees. The Consultant shall be responsible for maintaining satisfactory standards of employee competency, conduct and integrity, and shall be responsible for taking such disciplinary action with respect to its employees as may be necessary. In the event the Consultant fails to remove any employee from the contract work whom the City deems incompetent, careless or insubordinate, or whose continued employment on the work is deemed by the City to be contrary to the public interest, the City reserves the right to require such removal as a condition for the continuation of this Agreement.

10.11 Independent Contractor. It is hereby expressly agreed and understood that in the performance of the services required herein, the Consultant and any other person employed by him hereunder shall be deemed to be an independent contractor and not an agent or employee of the City.

10.12 Applicable Law. This Agreement shall be construed and interpreted in accordance with the laws of the State of Nevada.

10.13 Compliance with Laws. The Consultant shall in the performance of its obligations hereunder comply with all applicable laws, rules and regulations of all governmental authorities having jurisdiction over the performance of this Agreement including, without limitation, the Federal Occupational Health and Safety Act and all state and federal laws prohibiting and/or related to discrimination by reason of race, sex, age, religion or national origin.

10.14 Severability. In the event that any provisions of this Agreement shall be held to be invalid or unenforceable, the remaining provisions of this Agreement shall remain valid and binding on the parties hereto.

10.15 Confidentiality. The Consultant shall treat the information relating to the Project, which has been produced by the Consultant or provided by the City as confidential and proprietary information of the City and shall not permit its release to other parties or make any public announcement or publicity release without the City's written authorization. The Consultant shall also require subcontractors to comply with this requirement.

10.16 Site Inspection. The Consultant represents that it has visited the location of the Project and has satisfied itself as to the general condition thereof and that the Consultant's compensation as provided for in the Agreement is just and reasonable compensation for performance hereunder including reasonably foreseen and foreseeable risks, hazards and difficulties in connection therewith based on such above-ground observations.

10.17 Modification. All modification or amendments to this Agreement are null and void unless reduced in writing and signed by the parties hereto.

10.18 Notice. Any notice required to be given hereunder shall be deemed to have been given when the notice is (i) received by the party to whom it is directed by personal service, (ii) telephonically faxed to the telephone number below provided confirmation of transmission is received thereof, or (iii) deposited as registered or certified mail, return receipt requested with the United States Postal Service, addressed as follows:

TO CITY:

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

Fax: (702) 382-3232

TO CONSULTANT:

Parsons Transportation Group, Inc.
840 Grier Drive, Suite 140
Las Vegas, Nevada 89119

Fax: (702) 435-8412

10.19 Prohibition Against Contingent Fees. The Consultant represents and warrants that no person or entity has been employed or retained to solicit or secure this Agreement with the Agreement or understanding that a commission, percentage, brokerage or contingent fee would be paid to that person. For breach or violation of this provision, the City shall have the right to annul this Agreement without liability or, in its discretion, to deduct from the compensation to be paid to the Consultant, or otherwise recover, the full amount of such commission, percentage, brokerage or contingent fee.

10.20 Dispute Resolution.

A. Fee Disputes. Any fee dispute arising under this Agreement which is not disposed of by mutual agreement between the parties shall be decided by the City Manager, whose decision shall be reduced to writing and mailed or otherwise furnish a copy thereof, to the Consultant. The decision of the City Manager shall be final and conclusive unless, within thirty (30) days after the date on which the Consultant receives its copy of such decision, the Consultant mails or otherwise furnishes to the City Manager a written appeal from the decision, addressed to the City Council in care of the City Engineer. The decision of the City Council, or its duly authorized representative for the determination of any such appeal, shall be final and conclusive. The Consultant shall be afforded an opportunity to be heard and to offer evidence in support of its appeal. Pending the final decision of a dispute by the City Council, or its duly authorized representative, the Consultant shall proceed diligently with the work to be performed under this Agreement and in accordance with the City Manager's decision.

If, during the performance of this Agreement, a dispute arises between the parties as to whether the services provided by the Consultant are basic services, or services entitled to additional compensation, the Consultant agrees to notify the City prior to providing such services of the Consultant's intent to seek additional compensation as provided in this Section. Such

notice shall be for the purpose of affording the City the opportunity to monitor and verify the performance of the additional services and failure to provide the City with such notice prior to providing the services shall constitute forever a bar and a waiver of such claim.

B. *Non-Fee Disputes.* All non-fee claims, disputes and other matters in question between the parties to this Agreement arising out of or relating to the performance of this Agreement, or the breach thereof, shall be decided by arbitration or litigation, whichever manner of resolution is designated by the City. As a prerequisite to the exercise of such right, the party seeking to arbitrate or litigate a claim, dispute or other matter shall notify the other party as required under subsection D of this Section. For each claim asserted by the Consultant, the City shall notify the Consultant within thirty (30) days of receipt of such notice as to the designated forum for resolving the claim, dispute or other matter. Failure of the City to notify the Consultant within the aforementioned thirty (30) days shall be deemed to be an election on the part of the City to arbitrate the claim, dispute or other matter in question between the parties. For each claim asserted by the City, the notice provided to the Consultant under subsection D of this Section shall also state the forum selected by the City for resolving the claim, dispute or other matter in question between the parties.

If the claim, dispute or other matter is to be decided by arbitration, then such determination shall be made according to the current arbitration rules of the American Arbitration Association or the Nevada Arbitration Association, whichever is selected by the City. Any arbitration arising out of or relating to this Agreement may include, by consolidation, joinder or in any other manner, any additional person not a party to this Agreement if so requested by either party to this Agreement. Any consent to arbitration involving an additional person or persons shall not constitute consent to arbitration of any dispute not described therein. This agreement to arbitrate with an additional person or persons, and any decision resulting therefrom, shall be binding and enforceable under the prevailing arbitration laws of the State of Nevada.

C. *Right of Joinder.* In the event the City is named as a party to any arbitration action, or commences an arbitration action against a party other than the Consultant, which action arises out of, results from or is connected with the construction of the Project or the performance of the Consultant's services hereunder (such as, without limitation, any arbitration action between the City and the contractor awarded the contract to construct the Project), the Consultant agrees and hereby irrevocably consents to be joined as a party in the arbitration proceeding and to be bound by any decision resulting therefrom. Any joinder of the Consultant hereunder is conditioned upon the handling of such arbitration in accordance with the arbitration rules of the Nevada Arbitration Association or the American Arbitration Association or as otherwise agreed to by the parties. None of the time provisions imposed under Subsection D and E of this Section apply to the joinder rights provided herein in such a way as to preclude the City from joining the Consultant as a party to any arbitration proceeding which the City commences or is named as a party and which arises out of, results from or is connected with the construction of the Project.

If the Consultant is named as an additional party by the City, the Consultant shall not be entitled to any additional compensation from the City as a result of preparing for, and participating in, the arbitration.

D. **Notice of Claim.** In order to be able to arbitrate or litigate any claim, dispute or other matter in question between the parties under Subsection B of this Section, written notice thereof must be given by the party requesting the arbitration or litigation to the other party within thirty (30) days, in the case of notice to the City, or within sixty (60) days, in the case of notice to the Consultant, after the claim, dispute or other matter arises. The purpose of such notification is to place the notified party on notice so that proper measures can be taken to properly defend against such claim, dispute or other matter, and the failure to give such notice shall preclude the party desiring arbitration or litigation from subsequently arbitrating or litigating that particular claim, dispute or other matter.

E. **Notice of Arbitration.** The filing of the aforementioned notice of claim shall preserve that party's right to arbitration, but shall not obligate the party to proceed with arbitration. In the event that the party requesting arbitration desires to proceed with the arbitration, a written demand for arbitration shall be filed in writing with the other party and with the American Arbitration Association or the Nevada Arbitration Association within sixty (60) days after the filing of the Certificate of Substantial Completion with respect to the Project or final payment to the Consultant, whichever is the first to occur, and the failure to make such demand shall forever bar such claim, dispute or other matter from being arbitrated or litigated.

F. **Discovery.** In the event of arbitration, it is agreed by the parties hereto that all means of discovery including, but not limited to, depositions and interrogatories will be afforded to the parties involved in the arbitration, and the appointed arbitrator shall have all authority to impose sanctions against either party for failing to comply with the rules of discovery provided under the Nevada Rules of Civil Procedure.

G. **Award Final.** The award rendered by the arbitrator shall be final, and judgment may be entered upon its accordance with applicable law in any court having jurisdiction thereof.

H. **Mediation.** By mutual written consent, in addition to the remedy of arbitration, the parties may endeavor to settle the claim, dispute or other matter in question between the parties by mediation in accordance with the current mediation rules of the Nevada Arbitration Association, the American Arbitration Association or other mediation service agreed to by the parties. Such mediation may occur at any time, including prior to the date that a hearing may have been scheduled for the arbitration. If a written request for mediation arises prior to the expiration of the sixty (60) day notice requirement set forth in Subsection E of this Section, then such time period shall be tolled (i) for a period of ten (10) days while the request is agreed to or denied, or (ii) if the request for mediation is agreed to, then until completion of the mediation.

10.21 Attorney Fees. The prevailing party in any litigation or arbitration brought to enforce the provisions of this Agreement shall be entitled to reasonable attorney fees and costs.

10.22 Calendar Day. All references in this Agreement to days are to calendar days unless otherwise indicated.

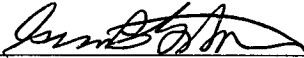
10.23 Exhibits. All exhibits referenced in this Agreement are hereby incorporated as a part of this Agreement.

10.24 Agreements Version. This Agreement utilizes the City's standard form updated as of August 27, 2003.

...
...
...

IN WITNESS WHEREOF, the parties have caused this Agreement for the (project) to be executed the day and year first above written.

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

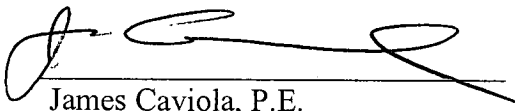
"City"

ATTEST:


BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

Robert S. Sylvain 5-12-04
Deputy City Attorney Date

By: 
James Caviola, P.E.
Its: Vice President

"Consultant"

EXHIBITS

Exhibit "A"	Scope of Services (Sections 1.01, 7.02, 8.01)
Exhibit "B"	Additional Services (Sections 1.01, 4.01, 7.03)
Exhibit "C"	Manhour Estimates (Section 7.02)
Exhibit "D"	Cost Derivative and Hourly Fee Schedule (Sections 7.02, 7.03)
Exhibit "E"	Invoice Format (Section 7.04)
Exhibit "G"	Disclosure of Principals (Section 10.09D)

Exhibit A

Scope of Work

The services covered in this agreement are for the purpose of providing full contract administration, construction inspection and quality control testing during the construction phase of this project. Parsons will be responsible for providing staff and documentation to ensure compliance with the contract documents.

TASK 1 – PRE-CONSTRUCTION SERVICES

TASK 2 – CONSTRUCTION MANAGEMENT/CONTRACT ADMINISTRATION

TASK 3 – QUALITY CONTROL TESTING

TASK 4 – PROJECT CLOSEOUT

TASK 5 – SUPPLEMENTAL SERVICES

TASK 1 To provide a review of all contract documents, attend bid-opening, assist in reviewing bid tabulations, assist in the recommendation of award, and hold the pre-construction conference.

SUB-TASK 1.1 – PLAN AND SPECIFICATION REVIEW

- A. Parsons will perform a plan and specification review
- B. Parsons will perform a review of the geotechnical report
- C. Parsons will perform a review of the environmental report
- D. Parsons will research standard industry methods and procedures
- E. Parsons will forward any comments to the City

SUB-TASK 1.2 – CONTRACT PRE-BID AND PRE-CONSTRUCTION MEETINGS

- A. Parsons will attend the bid opening
- B. Assist City in reviewing bid tabulations and in recommendation of award
- C. Parsons will attend the pre-construction conference
- D. Video existing road way conditions

TASK 2 To provide full service contract administration, construction inspection, and material testing during the construct phase of this project. Parsons will provide staff and documentation to ensure compliance with the contract documents.

SUB-TASK 2.1 – PROJECT FIELD OFFICE

- A. Establish project telephone service
- B. Provide computer system to manage project
- C. Insure Public information is provided in field office

SUB-TASK 2.2 – COORDINATE PROJECT PROGRESS MEETINGS

- A. Coordinate meetings with Agencies and Utility Companies

SUB-TASK 2.3 – PUBLIC INFORMATION

- A. Contact general public prior to construction
- B. Assist in preparation and distribution of any notices
- C. Document all phone calls received from general public, Memo to property owners that Parsons should be contacted regarding construction issues

SUB-TASK 2.4 – PROJECT DOCUMENT CONTROL

- A. Establish expedition software for project documentation
- B. Document per Parsons quality control procedures to be approved by the City of Las Vegas
- C. Prepare and distribute action logs at progress meetings
- D. Track and process Contractor provided submittals
- E. Communications: Letters, Notes, Telephone Records and E-mails

SUB-TASK 2.5 – PROJECT MEETINGS

- A. Hold weekly project progress meetings
- B. Prepare agenda and meeting minutes and distribute to attendees

SUB-TASK 2.6 – MONITOR PROJECT CONSTRUCTION SCHEDULE

- A. Hold baseline schedule meeting prior to construction
- B. Review baseline schedule for project conformance
- C. Monitor and review updated construction schedules
- D. Maintain as-built schedule as project progresses

SUB-TASK 2.7 – ISSUE MANAGEMENT

- A. Identify potential cost and time impacts to the project
- B. Provide issue log to the City as required

SUB-TASK 2.8 – QUALITY CONTROL INSPECTION

- A. Provide full quality control inspections at project site
- B. Monitor testing and processing of materials
- C. Prepare daily reports of project progress
- D. Document all materials testing and sampling

SUB-TASK 2.9 – REPORTING

- A. Prepare monthly summary report and submit with payment request
- B. Prepare monthly progress report and future construction schedule
- C. Review change orders and make recommendations to the City
- D. Process all requests for information

SUB-TASK 2.10 – TRAFFIC CONTROL

- A. Perform daily traffic zone review and documentation
- B. Review traffic zone control plan with recommendations
- C. Review traffic control payment requests

TASK 3

Provide quality control testing, during construction, to meet City's standards. Provide staff and documentation to ensure compliance with the contract documents.

SUB-TASK 3.1 – FIELD TESTING

- A. Provide field testing and sampling of materials
- B. Maintain laboratory test results and log

SUB-TASK 3.2 – LABORATORY TESTING

- A. Provide material testing and documentation
- B. Maintain material testing log and provide report

SUB-TASK 3.3 – SOURCE TESTING

- A. Provide material source testing, when required, with daily reports
- B. Maintain source testing log and provide report

TASK 4 Provide a complete record of project documentation to the City for project closeout.

SUB-TASK 4.1 – PROJECT CLOSEOUT

- A. Prepare project closeout documentation
- B. Determine final pay quantities
- C. Issue notice of substantial completion
- D. Develop and ensure completion of punch list items
- E. File notice of completion to the City
- F. Review and Submit Contractor provided As-Builts

SUB-TASK 4.2 – FINAL REPORT AND DELIVERY OF PROJECT DOCUMENTATION

- A. Prepare final engineers report for project
- B. Place and label project files in boxes for delivery to the City
- C. Provide file index and listing of project documentation

TASK 5 Perform and provide any additional service or task as directed and approved by the City, not contained in TASK 1 thru 4 above.

Exhibit B

Additional Services

The CONSULTANT shall provide the following additional services with the prior written authorization of the CITY.

TASK	1000	Additional Services:
	1001	Provide extended construction management services (Task 100 through task 900) beyond the specified construction duration (180 working days) should the PROJECT schedule be extended.
	1002	Provide for the extension of geotechnical and/or materials testing services beyond the specified construction duration (180 working days) should the PROJECT schedule be extended, or because of unexpected site conditions.
	1003	Provide additional public relations assistance to the City. Assist with the organization of, attend and conduct public relations meetings. Provide subsequent notification of persons impacted by the PROJECT should this be required by the City.
	1004	Provide additional construction management services as needed on an overtime compensation basis.
	1005	Provide design services on a time and material basis as directed by the City.
	1006	Provide surveying services on a time and material basis as directed by the City.
	1007	Provide CADD services on a time and material basis as directed by the City.
	1008	Provide Environmental Engineering services, in the event hazardous materials are encountered, on a time and material basis as directed by the City.
	1009	Assist Owner in preparation and litigation of any claims related to development and construction of the project including, without limitation, providing testimony in any arbitration, administration or court proceedings related to such claims. This service may be billed separately and will not be included in the base fee.
	1010	Overtime: Any overtime work beyond 40 hours/week required to inspect Contractors work, shall become the responsibility of the City to pay after contribution of funds from the CONTRACTOR.

Exhibit "C"

Construction Management Manpower and Laboratory Tests for I-15 Freeway Channel Charleston Lateral Extension

	Construction Phase									Total
	May-04	Jun-04	Jul-04	Aug-04	Sep-04	Oct-04	Nov-04	Dec-04	Jan-05	Hour
Construction Engineering Inspection										
Project Manager / Principal	8	8	8	8	8	8	8	8	8	72
Construction Manager	168	168	168	176	168	168	160	168	144	1488
Inspector	80	168	168	176	168	168	160	168	0	1256
Material Testing										
Project Engineer										10
Sieve Analysis										45
Atterberg Limits										45
Fracture Faces										45
Sieve Analysis / Bitumen Ratio										22
Theoretical Max Density (Rice)										15
Marshall										15
Trench Backfill - Sieve Analysis										12
Trench Backfill - Moisture Density Curves										12
Trench Backfill - Moisture Density Curves										10
Concrete Compressive Strength										10
Final Testing Report										1

Exhibit "D"

Construction Management Monthly Cost Breakdown for I-15 Freeway Channel Charleston Lateral Extension

	Construction Phase									Total Amount
	1 May-04	2 Jun-04	3 Jul-04	4 Aug-04	5 Sep-04	6 Oct-04	7 Nov-04	8 Dec-04	9 Jan-05	
Construction Engineering Inspection										
Project Manager / Principal..... Shawn Meagher	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$9,000
Construction Manager..... Edward Khan	\$21,000	\$21,000	\$21,000	\$22,000	\$21,000	\$21,000	\$20,000	\$21,000	\$18,000	\$186,000
Inspector..... David Buck	\$6,400	\$13,440	\$13,440	\$14,080	\$13,440	\$13,440	\$12,800	\$13,440		\$100,480
Material Labortory Testing										
	3000	3000	3000	3000	3000	3000	3000	3000	3035	27035
Total										
	\$31,400	\$38,440	\$38,440	\$40,080	\$38,440	\$38,440	\$36,800	\$38,440	\$22,035	\$322,515
		\$69,840	\$108,280	\$148,360	\$186,800	\$225,240	\$262,040	\$300,480	\$322,515	\$322,515

Exhibit "D" Continued

Construction Management Rates and Material Testing Costs for I-15 Freeway Channel Charleston Lateral Extension

Description	Rate			
Construction Engineering Inspection				
Project Manager / Principal	\$	125.00	72	\$ 9,000.00
Construction Manager	\$	125.00	1488	\$ 186,000.00
Inspector	\$	80.00	1256	\$ 100,480.00
Material Testing				
Project Engineer	\$	80.00	25	\$ 2,000.00
Sieve Analysis	\$	80.00	45	\$ 3,600.00
Atterberg Limits	\$	70.00	45	\$ 3,150.00
Fracture Faces	\$	95.00	45	\$ 4,275.00
Sieve Analysis / Bitumen Ratio	\$	130.00	22	\$ 2,860.00
Theoretical Max Density (Rice)	\$	70.00	15	\$ 1,050.00
Marshall	\$	300.00	15	\$ 4,500.00
Trench Backfill - Sieve Analysis	\$	80.00	12	\$ 960.00
Trench Backfill - Moisture Density Curves	\$	70.00	12	\$ 840.00
Trench Backfill - Moisture Density Curves	\$	120.00	10	\$ 1,200.00
Concrete Compressive Strength	\$	60.00	10	\$ 600.00
Final Testing Report	\$	2,000.00	1	\$ 2,000.00
				\$ 322,515.00

EXHIBIT E
INVOICE FORMAT

Invoice

City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101
ATTN: John O'Connell

Date
Project No.
Invoice No.

Project No.: XXXX.00

Name of Project:

Construction Engineering Services (date through date)

Task 100

Subtask 105	Hours	Rate	Amount
Project Manager Name	XXX	\$XXX	\$XXX
Construction Manager Subtask 110	XXX	XXX	XXX
Totals xxx			xxx
Project Manager Name	XXX	\$XXX	\$XXX
Construction Manager Subtask 110	XXX	XXX	XXX
Totals xxx			xxx

(Tasking continued as needed)

Billing limits

Task 100

Limit
Remaining

Task 105

Limit
Remaining
Adjustment

Total this Invoice: \$xxx.xx

**Exhibit G
CERTIFICATE
DISCLOSURE OF OWNERSHIP/PRINCIPALS**

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity	
Name	Parsons Transportation Group, Inc.
Address	840 Grier Drive, Ste. 140 Las Vegas, NV 89119
Telephone	702-435-2116
EIN or DUNS	EIN-36-098-2270

Block 2 Description
Subject Matter of Contract/Agreement: I-15 Freeway Channel Charleston Lateral Extension Construction Administration
RFP#

Block 3 Type of Business				
☐ Individual	☐ Partnership	☐ Limited Liability Company	☒ Corporation	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS **(CONTINUED)**

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	James R. Shappell, President See Below		202-775-3300
2.	Thomas E. Barron, Ex. Vice President See Below		202-775-3300
3.	Lynn L. Schrier-Behler Vice President See Below		202-775-3300
4.	Richard L. Reddy, Senior Counsel See Below		202-775-3300
5.		1133 15 th Street, NW, 8 th Floor	
6.		Washington, DC 2005	
7.			
8.	"Parsons Transportation Group, Inc. is a wholly owned subsidiary		
9.	of Parsons Corporation (Pasadena, CA). Which is a 100% employee-owned		
10.	company. No employee owns more than 1% of the company."		

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

Block 5 Disclosure of Ownership and Principals - Alternate

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

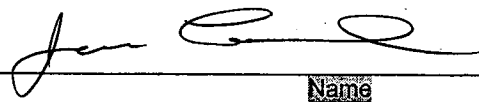
Name of Attached Document: _____

Date of Attached Document: _____

Number of Pages: _____

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





 Name
 3/17/04

 Date

Subscribed and sworn to before me this 17th day of

March, 2004

Lori A. Halton

Notary Public

Engineers Estimate for Probable Cost for Construction

99% Cost Estimate

Date: 4/13/2004
 Estimate By: RCW/SCH
 Checked By: SCH/JM

Charleston Lateral Extension (From Shadow Lane to Rancho Drive)

Item #	Description	Pay Unit	Quantity	Unit Cost	Subtotal
109.00.01	Construction Conflicts	LS	1.0	15000.0	\$ 15,000.00
200.00.01	Mobilization	LS	1.0	30000.0	\$ 30,000.00
202.00.01	Remove Drop Inlet	EA	2.0	550.0	\$ 1,100.00
202.00.02	Remove Sidewalk Underdrain	EA	1.0	350.0	\$ 350.00
208.00.01	Trench Over Excavation	CM	500.0	30.0	\$ 15,000.00
307.00.01	Groundwater De-Watering System	LS	1.0	30000.0	\$ 30,000.00
502.00.01	3.0m W x 2.1m H RCB "XmL" 2+465.000 to 2+535.000	LM	70.0	3850.0	\$ 269,500.00
502.00.02	2.7m W x 2.1m H RCB "XmL" 2+340.307 to 2+465.000	LM	125.0	3450.0	\$ 431,250.00
502.00.03	Junction Structure "XmL" 2+334.307 to 2+340.307	LS	1.0	20000.0	\$ 20,000.00
502.00.04	2.7m W x 2.1m H RCB "XmL" 2+290.000 to 2+334.307	LM	45.0	3450.0	\$ 155,250.00
502.00.05	2.1m W x 1.5m H RCB "XmL" 2+074.943 to 2+290.000	LM	216.0	2450.0	\$ 529,200.00
502.00.06	1.5m W x 1.2m H RCB "XmL" 1+960.000 to 2+074.943	LM	115.0	1950.0	\$ 224,250.00
502.00.07	1.8m W x 1.5m H RCB "TP" 5+440.000 to 5+538.081	LM	99.0	2150.0	\$ 212,850.00
502.00.08	1.5m W x 1.5m H RCB "TP" 5+313.745 to 5+440.000	LM	127.0	1750.0	\$ 222,250.00
502.00.09	1.5m W x 1.2m H RCB "TP" 5+140.000 to 5+313.745	LM	174.0	1950.0	\$ 339,300.00
502.00.10	1.2m W x 0.9m H RCB "TP" 5+132.500 to 5+140.000	LM	7.5	1450.0	\$ 10,875.00
605.00.01	600mm PVC pipe	LM	238.0	600.0	\$ 142,800.00
605.00.02	450mm PVC pipe	LM	89.0	550.0	\$ 48,950.00
605.00.03	300mm PVC pipe	LM	18.0	450.0	\$ 8,100.00
609.00.01	3.0m Type 2 Modified Drop Inlet	EA	7.0	8000.0	\$ 56,000.00
609.00.02	6.0m Type 2 Modified Drop Inlet	EA	22.0	10000.0	\$ 220,000.00
609.00.03	Type I Manhole	EA	1.0	3500.0	\$ 3,500.00
609.00.04	RCB Access Manhole	EA	8.0	4000.0	\$ 32,000.00
622.00.01	Construction Surveying	LS	1.0	15000.0	\$ 15,000.00
624.00.01	Traffic Control	LS	1.0	30000.0	\$ 30,000.00
628.00.01	Permanent Striping, Marking and Curb Painting	LS	1.0	35000.0	\$ 35,000.00
629.00.01	6" Water Line Relocation	EA	1.0	6000.0	\$ 6,000.00
629.00.02	8" Water Line Relocation	EA	2.0	8000.0	\$ 16,000.00
629.00.03	3/4" Water Line Relocation	EA	2.0	500.0	\$ 1,000.00
629.00.04	Adjust Water Valve Box and Cover	LS	1.0	10000.0	\$ 10,000.00
630.00.01	250mm Sanitary Sewer Pipe	LM	223.0	436.0	\$ 97,228.00
630.00.02	Type I Sanitary Sewer Manhole	EA	3.0	3000.0	\$ 9,000.00
630.00.03	Adjust Sanitary Sewer Manhole Frame and Cover	LS	1.0	10000.0	\$ 10,000.00
630.00.04	12" Canal Gate	EA	1.0	6000.0	\$ 6,000.00
630.00.05	15" Canal Gate	EA	1.0	8000.0	\$ 8,000.00
Subtotal					\$ 3,260,753.00
5% contingency					\$ 163,037.65
Total					\$ 3,423,790.65

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of Interlocal Agreement No. 110059 between the City of Las Vegas and Las Vegas Valley Water District for the Grand Montecito Parkway Improvements (Centennial Parkway to Elkhorn Road) Special Improvement District No. 1502 - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Interlocal Agreement No. 110059 allows the City of Las Vegas to modify existing water facilities, install new water facilities, and remove obsolete water facilities as necessary to complete construction of the subject project.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Interlocal Agreement No. 110059

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

**INTERLOCAL AGREEMENT FOR
CITY OF LAS VEGAS
SPECIAL IMPROVEMENT DISTRICT NO. 1502
GRAND MONTECITO PARKWAY IMPROVEMENTS**

THIS AGREEMENT made and entered into by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter called "CITY", and the LAS VEGAS VALLEY WATER DISTRICT, a quasi-municipal corporation of the State of Nevada, hereinafter called "DISTRICT".

RECITALS

WHEREAS, the DISTRICT is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the City of Las Vegas plans to construct Special Improvement District (SID) No. 1502, generally located in Grand Montecito Parkway (formerly Durango Drive), between Centennial Parkway and Elkhorn Road, which is designated as a public works improvement project; and

WHEREAS, the CITY desires to design and construct modifications to existing water facilities, new water facilities, and other appurtenant work as part of said project within the DISTRICT'S service area; and

WHEREAS, the DISTRICT is willing to permit the installation of new water facilities prior to the installation of pavement with the understanding that there is no commitment for future water service, nor is any property right in water granted under this Agreement or as a result of the creation of the SID to those properties without a prior water commitment; and

WHEREAS, the CITY and DISTRICT desire to coordinate construction of the improvements in a cost-effective manner pursuant to NRS 277.180.

NOW, this Agreement WITNESSETH:

THE PARTIES AGREE:

The modification of existing water facilities, installation of new water facilities, or removal of obsolete DISTRICT water facilities made necessary by the public works project of the CITY will be in accordance with the following:

ARTICLE I

CITY AGREES:

- A. To provide engineering services for the design and construction of modifications to existing water facilities, new water facilities, and other appurtenant work or removal of obsolete water facilities and associated appurtenances, hereinafter called "WATER FACILITIES", within the DISTRICT'S service area, at its sole cost and expense, as shown on the plans entitled:

**SPECIAL IMPROVEMENT DISTRICT NO. 1502
GRAND MONTECITO PARKWAY IMPROVEMENTS**

Waterline Plan & Profile

- B. That installation of new WATER FACILITIES as shown on construction drawings described in Article I, paragraph A, to property without a water commitment requires that an AFFIDAVIT OF WAIVER AND CONSENT agreement be executed and recorded prior to the approval of construction drawings showing construction of the new WATER FACILITIES. A copy of the recorded document shall be furnished by the CITY to the DISTRICT.

- C. To abide by Nevada Revised Statutes, Nevada Administrative Code and the policies and directives of the State of Nevada-Bureau of Health, in all respects governing potable water systems pertinent to work performed by CITY as it relates to construction of WATER FACILITIES.
- D. To comply with the DISTRICT'S Service Rules, standards, and specifications as they pertain to the construction of WATER FACILITIES.
- E. To design, survey and construct said WATER FACILITIES in conformance with DISTRICT specifications and DISTRICT approved plans at its sole cost and expense.
- F. To provide three copies of the DISTRICT approved plans plus reproducible mylars and AutoCAD Version 10 or later .DWG file, for those sheets with WATER FACILITIES to be installed, modified, or removed, to the DISTRICT two weeks prior to the preconstruction conference.
- G. To provide engineering services to review and process shop drawings and cut sheets, when specified on the approved drawings. The DISTRICT will have a minimum seven (7) calendar day review period prior to the shop drawings being returned to the contractor. The CITY at its sole cost and expense will provide to the DISTRICT three complete bound sets of final approved shop drawings for items incorporated into the work within seven (7) calendar days of receipt from the contractor.
- H. That no construction of WATER FACILITIES will commence until improvement plans are approved for construction in writing by the DISTRICT. DISTRICT approval shall be indicated by an authorized DISTRICT signature on each sheet of the improvement plans which show construction of WATER FACILITIES. Any subsequent revisions or modifications to the WATER FACILITIES will require additional written authorization of the revision or modification by the DISTRICT prior to construction.
- I. To allow the DISTRICT to review and take appropriate action on all subsequent revisions or modifications to the approved plans which involve the WATER FACILITIES prior to the construction of WATER FACILITIES. No construction based on such revised or modified plans shall be commenced on WATER FACILITIES until the DISTRICT has approved the revisions.
- J. That all work shall be subject to inspection and approval by an authorized representative of the DISTRICT and the DISTRICT shall be notified a minimum of 48 hours in advance of actual construction start and 24 hours prior to an inspection of any part of the work, in order that necessary inspection can be arranged.
- K. To disinfect and pressure test the WATER FACILITIES to the satisfaction of the DISTRICT and the health authorities having jurisdiction.
- L. That connections to existing mains shall be made only in the presence of an authorized representative of the DISTRICT. Any connection to an existing main which may cause interruption of service shall be at the times specified by the DISTRICT on the approved drawings.
- M. Any interruption of service must be approved in writing prior to the start of construction. Interruption of service will generally be authorized to occur between the hours of 10:00 p.m. and 6:00 a.m., Sunday through Thursday, with 24 hours advance notice given to affected customers by the CITY'S contractor in the presence of a DISTRICT representative. The CITY shall require the contractor to provide a schedule for service interruptions. Temporary feeds may be required depending on the customer's water needs.
- N. Should any defective material or workmanship affecting the WATER FACILITIES installed by CITY be disclosed within one (1) year of the date of completion and acceptance of the WATER FACILITIES by the DISTRICT, CITY shall immediately cause the defect to be corrected, or shall reimburse DISTRICT for its cost to correct said defect. For the purpose of this Agreement, failures including, but not limited to, any leak or break in the WATER FACILITIES, or any pavement settlement, shall be considered conclusive evidence of defective materials and/or workmanship.

- O. That upon completion of construction of the work and acceptance of the work by the DISTRICT, the CITY will provide final acceptance of all work associated with the project and the final acceptance shall include providing the DISTRICT with all its right, title, and interest, in and to the WATER FACILITIES. The CITY will warrant at the time of said final acceptance that there are no encumbrances for material and labor claims.
- P. To provide all contract administration for the WATER FACILITIES at no expense to the DISTRICT.
- Q. That any of the WATER FACILITIES installed under this Agreement, once disinfected and tested to the satisfaction of the DISTRICT and once connected to existing DISTRICT facilities, may be used by the DISTRICT to deliver water to other real property as determined by the DISTRICT.
- R. That installation of said WATER FACILITIES does not assure or guarantee that a complete water service will be available in the future. Until such time as a complete service connection is approved by the DISTRICT and a water commitment is obtained from the DISTRICT, no water may be taken from the new WATER FACILITIES installed under this Agreement.
- S. To require its contractor to protect all existing WATER FACILITIES during construction and to promptly undertake the repair of damaged facilities upon authorization of the DISTRICT.
- T. That the DISTRICT, CITY, and their officers and employees shall be immune for any breach of this Agreement caused by an incorrect date being produced, calculated or generated by a computer or other information system that is owned or operated by the DISTRICT, CITY, or their officers or employees, regardless of the cause of the error (reference NRS 41.0321).

ARTICLE II

DISTRICT AGREES:

- A. To review and take appropriate action in a timely manner on improvement plan submittals and contract modifications affecting the WATER FACILITIES for the project designed in accordance with the provisions of this Agreement.
- B. To not unreasonably delay or withhold written approval of construction plans or subsequent revisions or modifications to approved plans.
- C. To provide inspection services in a timely manner for all DISTRICT approved WATER FACILITIES work completed and materials incorporated into the work to insure the requirements and intention of the plans and specifications are met, and report directly to the CITY'S designated representative.
- D. That upon completion of construction of the WATER FACILITIES, acceptance of same by the DISTRICT, and fulfillment by the CITY of all requirements of this Agreement, to thereafter operate and maintain WATER FACILITIES installed pursuant to this Agreement in accordance with the DISTRICT'S Service Rules as the same are established and amended.

ARTICLE III

IT IS MUTUALLY AGREED:

- A. That this Agreement will pertain to the CITY'S SID No. 1502 project, which involves construction of modifications to existing WATER FACILITIES, installation of new WATER FACILITIES, and removal of obsolete WATER FACILITIES. Plans will be approved for construction by an authorized DISTRICT signature on each sheet of improvement plans which show construction of WATER FACILITIES. Any subsequent revisions or modifications to WATER FACILITIES will require additional written authorization of the revision or modification by the DISTRICT prior to construction.

- B. That this project shall have no water commitment by virtue of the installation of the new WATER FACILITIES. Future use of said WATER FACILITIES requires that a water commitment be obtained from the DISTRICT before the WATER FACILITIES can be utilized.
- C. That all WATER FACILITIES installed under this Agreement shall be and remain the exclusive property of the DISTRICT, and shall become a part of the DISTRICT'S general water distribution system after acceptance by the DISTRICT.
- D. That construction water shall only be provided through metered fire hydrants and/or metered service connections in accordance with the DISTRICT'S Service Rules.
- E. That the DISTRICT and the CITY will coordinate project design, construction, and construction inspection in a joint effort to insure timely completion of all work.
- F. The CITY agrees to advise each owner that if, when their property is developed, the location of any new WATER FACILITIES installed hereunder to serve such property is, for any reason, incompatible with such development, including without limitation being located under a driveway or at any other improper location, the DISTRICT will require that such new WATER FACILITIES be abandoned, at owner's sole cost and expense, at its connection to the water main in accordance with the DISTRICT'S standards and that the cost of installing any new WATER FACILITIES will be owner's sole responsibility.
- G. That CITY will provide the DISTRICT a minimum of 48 hours for review and response to special designs for changes to DISTRICT facilities required during construction. In the event of an emergency situation the DISTRICT will review changes on a priority basis. Said special designs must be submitted to the DISTRICT'S Engineering Services Division and approved prior to commencing construction of the work.
- H. That the CITY'S contract documents will require that all liability insurance be obtained by the contractors and identify both the CITY and the DISTRICT as additional insureds.
- I. That the DISTRICT will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees or agents arising under this Agreement and any action taken pursuant to this Agreement.
- J. That the CITY will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement. The CITY shall protect, indemnify, and hold the DISTRICT, its officers, employees, and agents harmless from and against any and all claims, damages, losses, expenses, suits, actions, judgements, and awards including attorney's fees and court costs which may be brought against it or them as a result of or by reason of or arising out of or as a consequence of the construction of the WATER FACILITIES contemplated in the Agreement.
- K. That this Agreement shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and is not a commitment for water service, and neither this Agreement, nor any interest therein, may be assigned without the prior written consent of the non-assigning party.
- L. That this Agreement represents the entire understanding of the CITY and the DISTRICT relative to the modification of existing WATER FACILITIES, installation of new WATER FACILITIES, or removal of obsolete WATER FACILITIES in conjunction with the CITY'S SID No. 1502 project.
- M. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid, or unenforceable, any other part of this Agreement.
- N. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.

- O. That each party shall not discriminate against employees or applicants based on race, color, religion, sex, age, or national origin, and shall take affirmative action to ensure that applicants are employed and employees are treated without regard to the above-mentioned factors and agrees to post in conspicuous places for employees and applicants' notices provided by the Federal Civil Rights Commission setting forth these provisions. Each party further agrees that solicitation for employees shall state that qualified applicants will receive consideration without regard to the above-mentioned factors and will send to labor unions or collectives with which he/it has an agreement a notice of the commitments required herein and each party will comply with all local, state and federal laws prohibiting discrimination in hiring or employment opportunities.

IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement on the _____ day of June 2, 2004.

APPROVED AS TO FORM:

Thomas R. Green 5/7/04

City Attorney - DEPUTY

ATTEST:

CITY OF LAS VEGAS

Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

BY: Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

ATTEST:

LAS VEGAS VALLEY WATER DISTRICT

Patricia Mulroy
PATRICIA MULROY, Secretary
Las Vegas Valley Water District

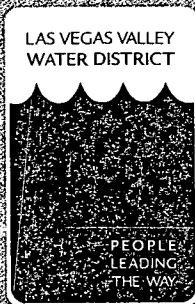
BY: Myrna Williams
MYRNA WILLIAMS, President
Board of Directors

APPROVED:

Charles K. Hauser
CHARLES K. HAUSER, General Counsel

September 22, 2004

City of Las Vegas Department of Public Works
Mr. Marvin D. Stine, P.E., Project Manager
400 Stewart Avenue
Las Vegas, NV 89101



1001 SOUTH VALLEY VIEW BLVD
LAS VEGAS, NV 89153
TELEPHONE, 702/870-2011

Board of Directors
Myrna Williams
PRESIDENT

Yvonne Atkinson Gates
VICE-PRESIDENT

Mary Kincaid-Chauncey

Chip Maxfield

Lynette Boggs McDonald

Rory Reid

Bruce Woodbury

Patricia Mulroy
GENERAL MANAGER

SUBJECT: S.I.D. 1502 - GRAND MONTECITO PARKWAY
IMPROVEMENTS (#110059)

Enclosed is a fully executed duplicate original of the subject Interlocal Agreement for your retention. This agreement was approved by the District Board of Directors and subsequently executed by the board president on June 2, 2004.

If you have any questions concerning this agreement, please contact me at 258-3865.

Sincerely,

Leslie A. Miller, Administrative Secretary
Development Services

/lam
Enclosure

RECEIVED
SEP 27 2004

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Interlocal Agreement No. 110058 between the City of Las Vegas and Las Vegas Valley Water District for construction and funding of water facilities as part of the Vegas Drive Storm Drain Improvements Project (Rancho Road to I-15) - Ward 5 (Weekly)

Fiscal Impact

☒ **No Impact**

☐ **Budget Funds Available**

☐ **Augmentation Required**

Amount:

Dept./Division: Public Works/City Engineer

Funding Source:

PURPOSE/BACKGROUND:

Interlocal Agreement #110058 allows the City of Las Vegas to modify existing water facilities, install new water facilities, and remove obsolete water facilities as necessary to complete construction of the subject project.

RECOMMENDATION:

Approval.

BACKUP DOCUMENTATION:

Interlocal Agreement No. 110058

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

**INTERLOCAL AGREEMENT
CONSTRUCTION AND FUNDING OF WATER FACILITIES
AS PART OF THE VEGAS DRIVE STORM DRAIN
IMPROVEMENT PROJECT**

THIS AGREEMENT is made and entered into this 2 day of June, 2004, by and between the City of Las Vegas, a municipal corporation of the State of Nevada, hereinafter called "CITY," and the Las Vegas Valley Water District, a quasi-municipal corporation of the State of Nevada, hereinafter called "DISTRICT":

RECITALS

WHEREAS, the District is engaged in the business of distributing potable water in the City of Las Vegas, Nevada, and portions of the County of Clark, Nevada; and

WHEREAS, the City is constructing the Vegas Drive Storm Drain Improvement Project (hereinafter called "Project") Rancho Road to I-15; and

WHEREAS, the District desires the City to include water facilities (hereinafter called "water facilities") at the intersection of Vegas Drive and Simmons Street as part of the Project, as shown on Exhibit I attached hereto and incorporated herein as a part of this Agreement; and

WHEREAS, the District desires the City to construct and perform contract administration for the construction of the water facilities; and

WHEREAS, both the City and the District are authorized to enter into interlocal agreements pursuant to NRS 277.180.

NOW, THEREFORE, the parties agree to the following:

ARTICLE I

CITY AGREES:

1. To construct the water facilities in accordance with design drawings approved by the District.
2. To provide contract administration for the construction of the water facilities.
3. To prepare and process, when appropriate and after communication with the District, construction change orders for the water facilities.

4. To provide an invoice to the District on a monthly basis for the water facilities based upon actual construction completed.

ARTICLE II

DISTRICT AGREES:

1. To provide to the City a Purchase Order number, valid for an amount not to exceed the estimated construction cost, plus the contract administration fee identified in Article II, paragraph 4.
2. To pay the City for each properly submitted invoice against the Purchase Order within 30 calendar days of receipt thereof.
3. To fund at its sole cost and expense the actual cost of constructing the water facilities that will be based upon the actual in-place quantities and unit prices.
4. To fund at its sole cost and expense the cost of contract administration fees attributable to the water facilities at 10 percent of the actual water facilities construction cost.
5. To assist the City in obtaining any permits necessary for the construction of the water facilities.
6. To respond to all requests for clarification, shop drawings and change orders requests necessary for the construction of the water facilities within five (5) working days of receipt thereof.
7. To pay the full cost of change orders initiated by the District or caused by errors or omissions in the water facilities design, including the contract administration fee identified in Article II, paragraph 4.
8. To inspect the construction of the water facilities and coordinate the results of the inspection with the City's representative.

ARTICLE III

IT IS MUTUALLY AGREED:

1. That this Agreement shall inure to the benefit of, and be binding upon, the City and the District. Nothing in this Agreement shall be construed to give any rights or benefits to any member of the general public or any other individual or entity. This agreement is intended to benefit only the parties hereto.

2. That this Agreement represents the entire understanding of the City and the District relative to the construction of the water facilities in conjunction with the Project.

3. That this Agreement shall remain in effect for a period commencing with the date of execution by both the City and the District and will terminate when construction of all improvements contemplated herein have been completed and the City has received the required reimbursement from the District in accordance with this Agreement for all costs related to the construction of the water facilities, or by written agreement between the City and the District.

4. That this Agreement may be executed in any number of counterparts and when so executed each such counterpart shall be deemed to be an original hereof.

5. That this Agreement, or parts hereof, shall be subject to amendment as may be proposed by the City or the District; provided, however, that all amendments to this Agreement must be in proper form and be properly executed by the City and the District.

6. That without waiving the limitations of NRS Chapter 41, the City will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement. That without waiving the limitations of NRS Chapter 41, the District will be responsible for any loss, damage, liability, cost or expense, except those exempted by law, caused by the actions or inactions of its employees, consultants, contractors, or agents arising under this Agreement.

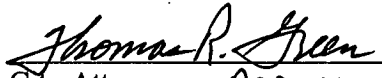
7. That the City and the District, their respective officers and employees shall be immune for any breach of this Agreement caused by the incorrect date being produced, calculated or generated by a computer or other information system that is owned or operated by the City or the District, their respective officers or employees, regardless of the cause of error (reference NRS 41.0321).

8. That should any part of this Agreement be rendered void, invalid, or unenforceable by any court of law, for any reason, such determination shall not render void, invalid or unenforceable any other part of this Agreement.

9. That the laws of the State of Nevada will govern as to the interpretation, validity, and effect of this Agreement.

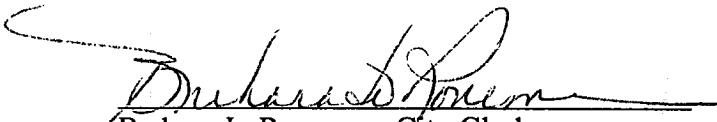
IN WITNESS WHEREOF, the parties hereto have entered into this Interlocal Agreement as of the date set forth above.

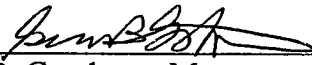
APPROVED AS TO FORM:

 5/7/04
City Attorney - DEPUTY
City of Las Vegas

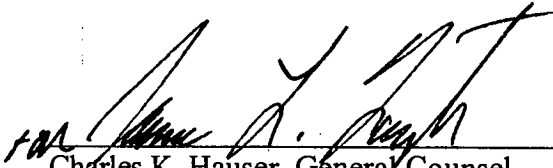
ATTEST:

CITY OF LAS VEGAS


Barbara Jo Ronemus, City Clerk


Oscar B. Goodman, Mayor

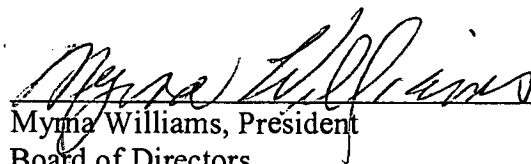
APPROVED AS TO FORM:


Charles K. Hauser, General Counsel
Las Vegas Valley Water District

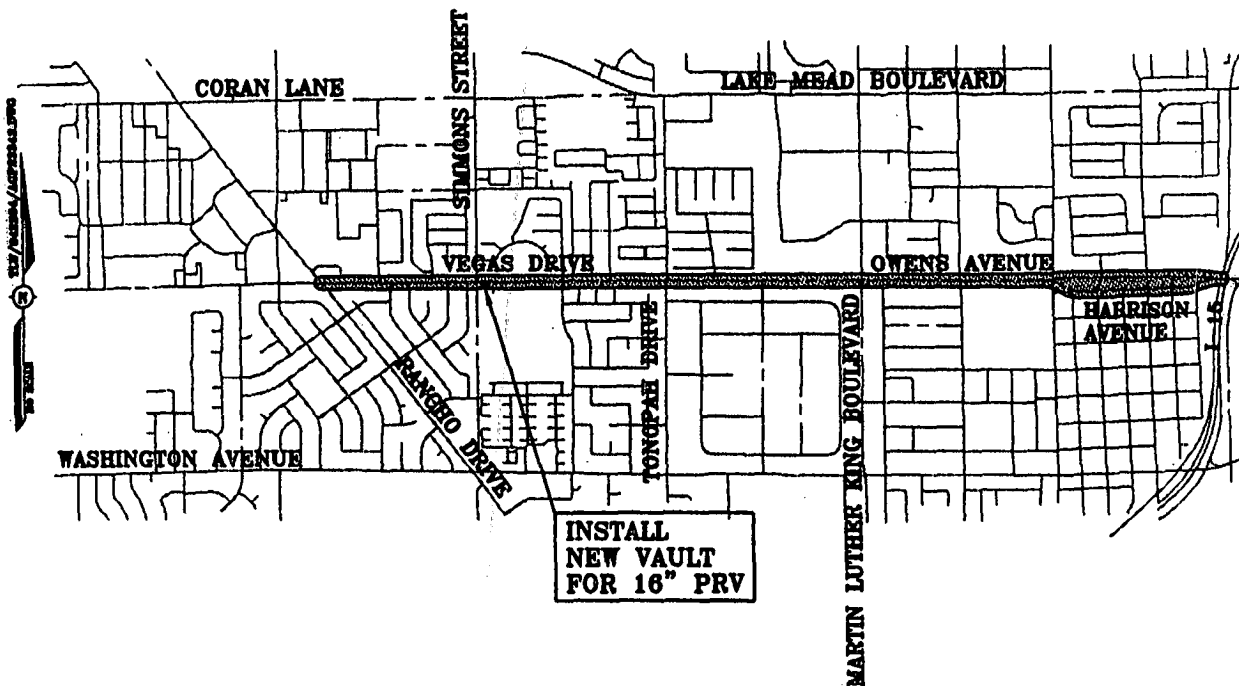
ATTEST:

LAS VEGAS VALLEY WATER DISTRICT


Patricia Mulroy, Secretary


Myma Williams, President
Board of Directors

**CITY OF LAS VEGAS
VEGAS DRIVE STORM DRAIN
IMPROVEMENT PROJECT
PROJECT NO. 23342**



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from Paul Wagner on behalf of Nevada Homes Group, Incorporated, owner (southeast corner of Durango Drive and Ackerman Avenue) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed encroachment shall consist of an approximate 5' wide area of landscaping on the east side of Durango Drive south of Ackerman Avenue extending approximately 70' along the property line consisting of trees, shrubs, ground cover, and an irrigation for the proposed Day Dawn Crossing subdivision. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability, and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (southeast corner of Durango Drive and Ackerman Avenue)
2. Copy of Encroachment Exhibit "B" (Durango Drive typical section)

MOTION:

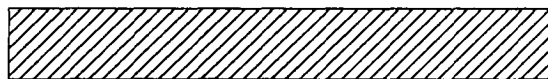
REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972



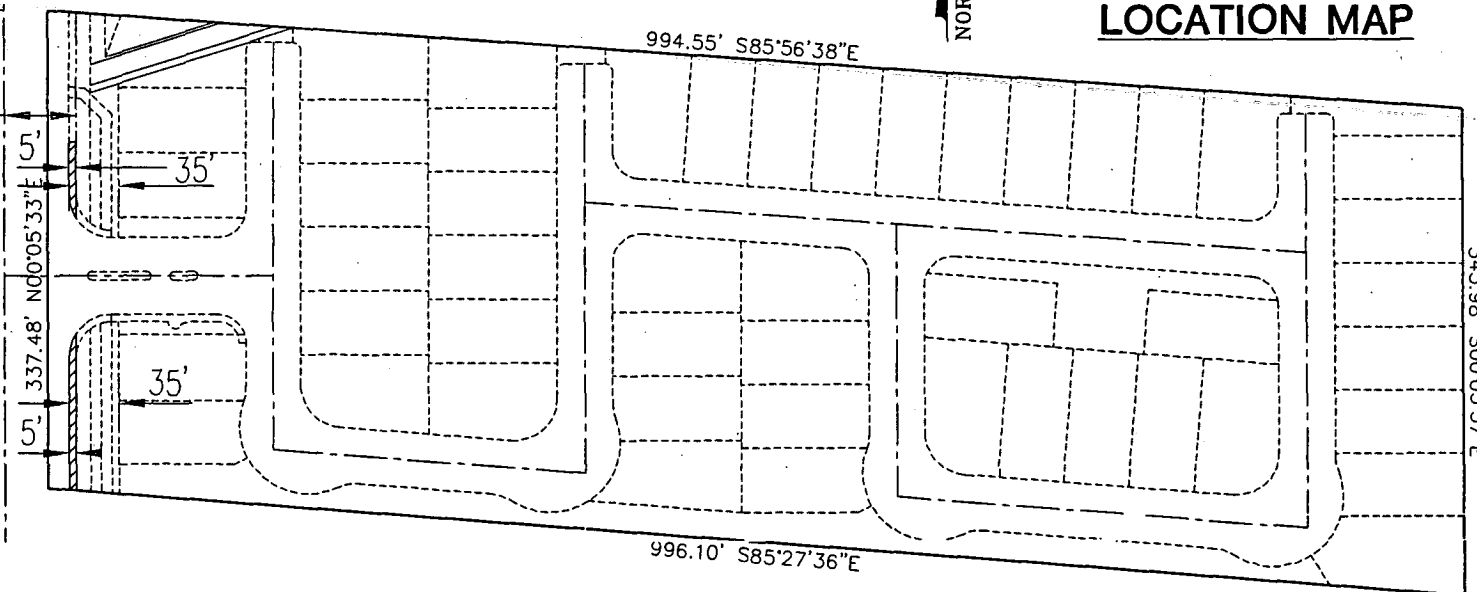
AREA OF ENCROACHMENT

EXHIBIT "A"

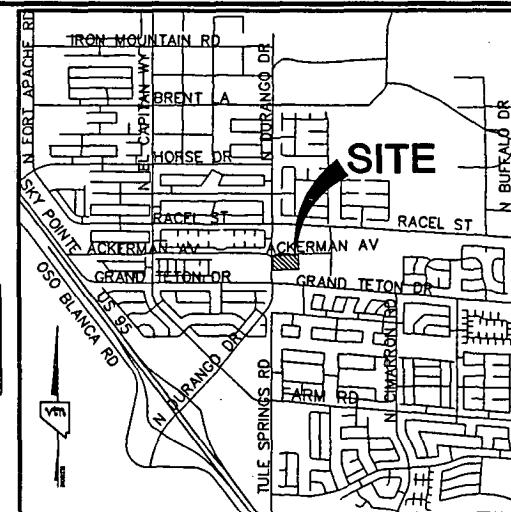
ACKERMAN
AVENUE

50'
R/W

DURANGO DRIVE



NORTH



LOCATION MAP



ENCHROACHMENT EXHIBIT
DAY DAWN CROSSING
DURANGO DRIVE

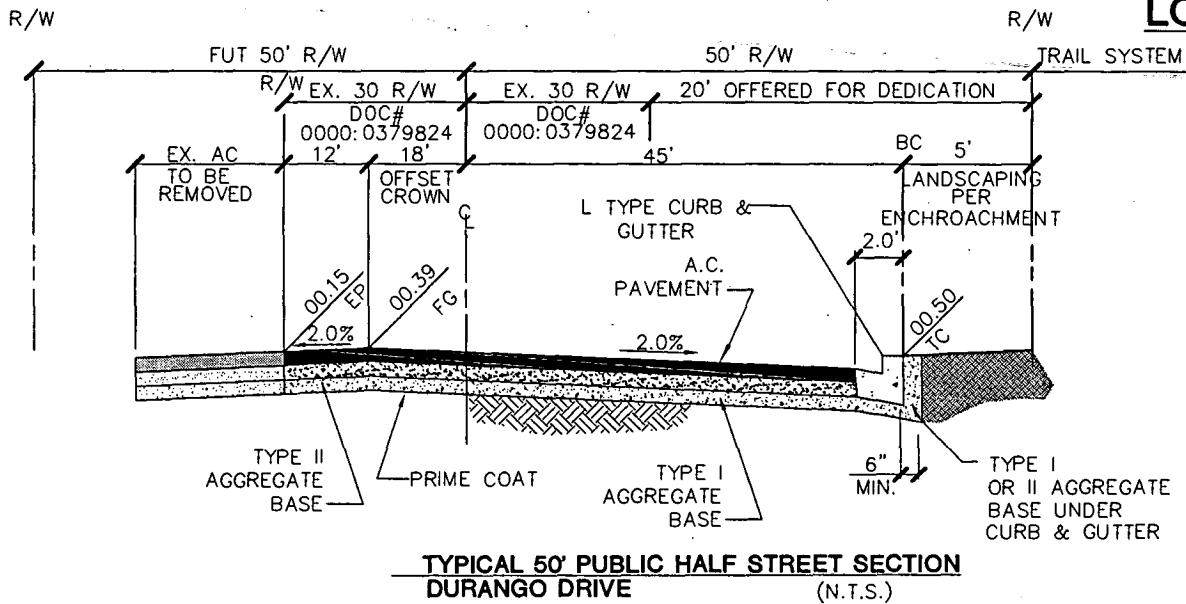
H:\6180\EXHIBIT\6180ENC-EX.DWG
W.O.#: 6180
DATE: 4/16/04
BY: ECR
SCALE: 1"=120'
SHEET 1 OF 2

1111
27

EXHIBIT "B"



LOCATION MAP



H: \6180\EXHIBIT\6180ENC-EX.DWG



ENCHROACHMENT EXHIBIT
DAY DAWN CROSSING
DURANGO DRIVE

W.O.#: 6180
DATE: 4/16/04
BY: ECR
SCALE: 1"=120'
SHEET 2 OF 2

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from CVL Consultants, Incorporated, on behalf of R & S El Capitan, LLC, owner (southeast corner of Racel Street and Durango Drive) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed encroachment shall consist of an approximate 10' wide area of landscaping on the south side of Racel Street and Durango Drive extending approximately 915' eastward from Durango Drive and an approximate 5' wide area of landscaping on the east side of Durango Drive extending approximately 477' southward from Racel Street consisting of trees, shrubs, ground cover, and an irrigation system for the proposed Santa Bella 4 subdivision. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability, and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

AGENDA MEMO

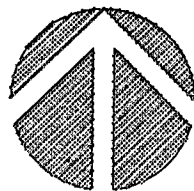
CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

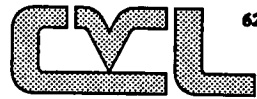
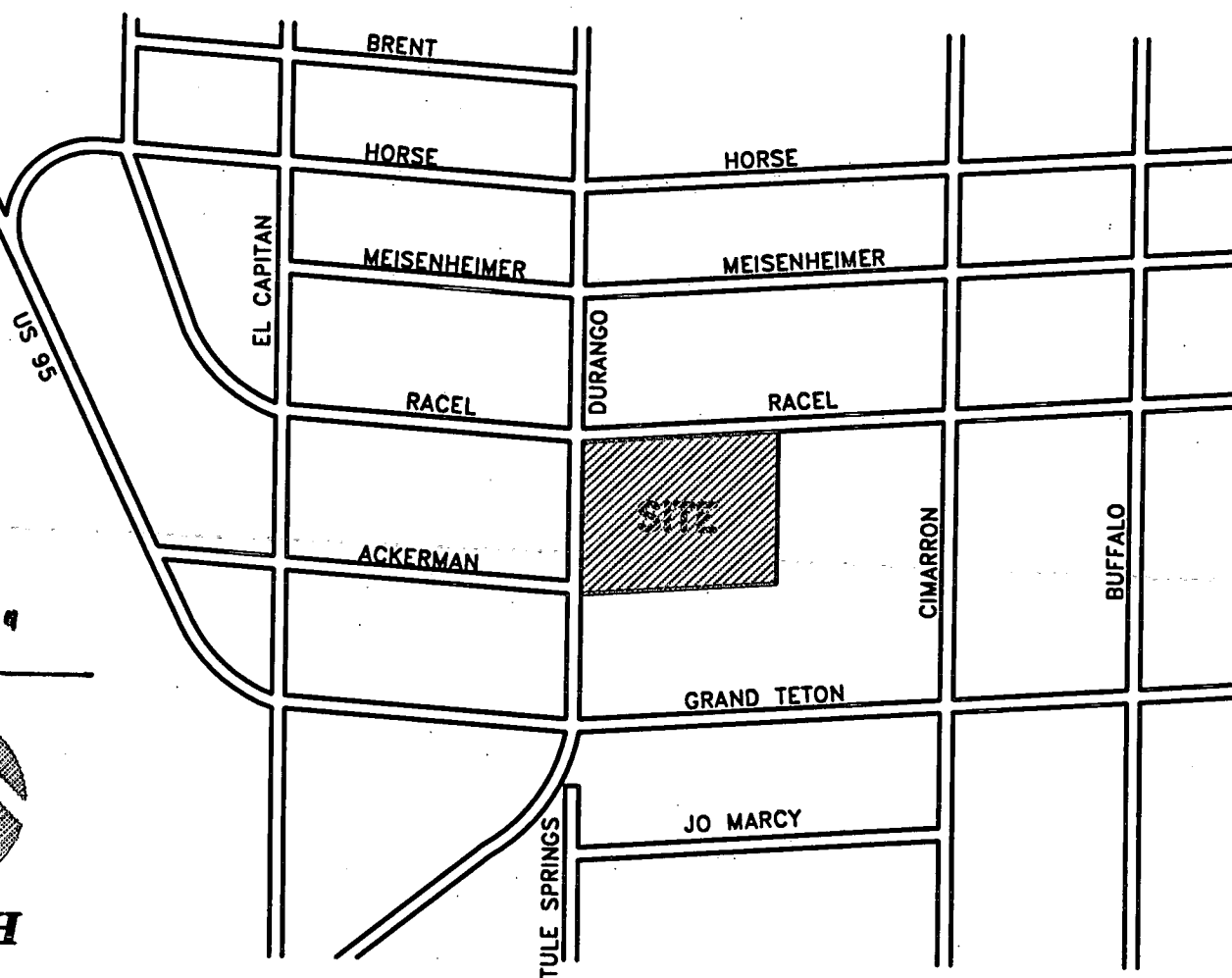
ITEM DESCRIPTION: APPROVAL OF AN ENCROACHMENT REQUEST FROM CVL CONSULTANTS, INCORPORATED, ON BEHALF OF R & S EL CAPITAN, LLC, OWNER

1. Copy of Encroachment Exhibit "A" (vicinity map)
2. Copy of Encroachment Exhibit "B" (southeast corner of Racel Street and Durango Drive)
3. Copy of Encroachment Exhibit "C" (Racel Street)
4. Copy of Encroachment Exhibit "D" (southeast corner of Durango Drive and Racel Street)
5. Copy of Encroachment Exhibit "E" (Durango Drive)
6. Copy of Encroachment Exhibit "F" (Racel Street typical section)
7. Copy of Encroachment Exhibit "G" (Durango Drive typical section)

EXHIBIT "A"



NORTH



6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

CONSULTANTS, INC.
ENGINEERING · PLANNING · LAND SURVEYING

SANTA
BELLA 4

**ENCROACHMENT
EXHIBIT**

Drawn by: **AFD**
Checked by: **AZ**
Date: **11/11/03**

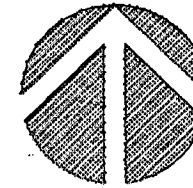
JOB No.
037901
SHEET
1

N:\145\037901\03DESIGN\EXHIBITS\SMEXHIBITS.dwg, 5/3/2004 11:25:22 AM, alana

GRAPHIC SCALE



(IN FEET)
1 inch = 60 ft.



NORTH

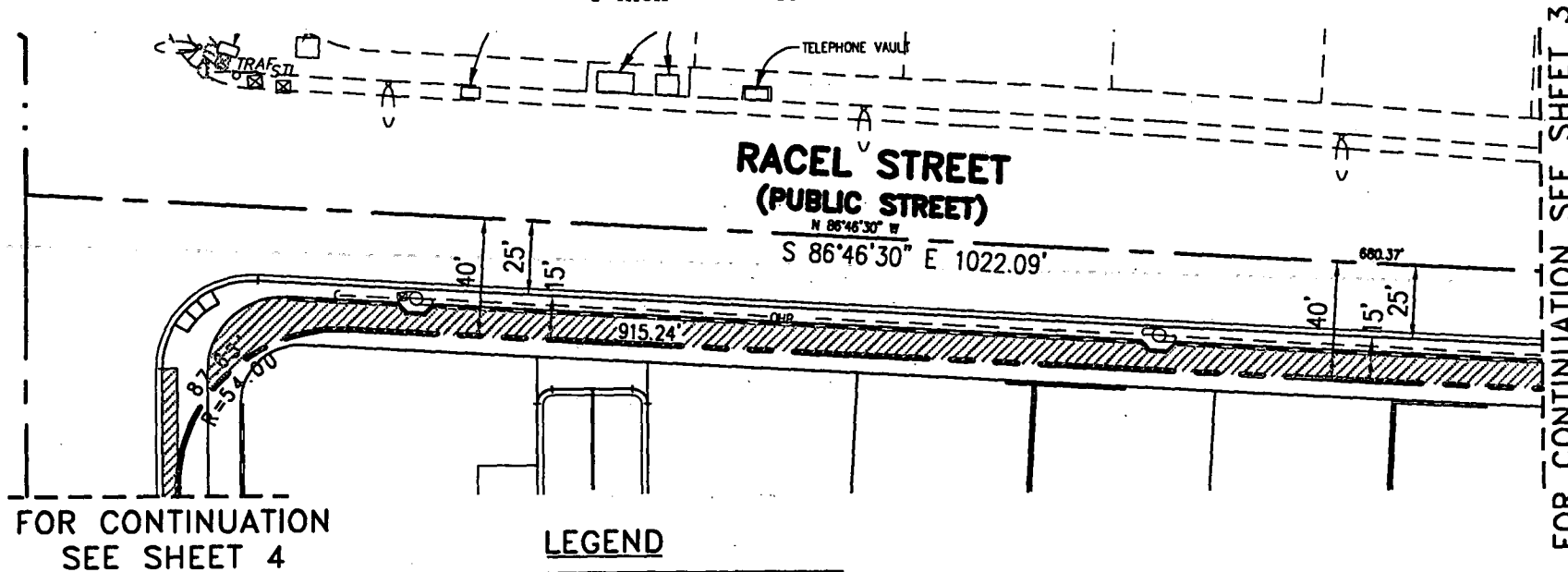
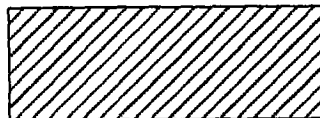
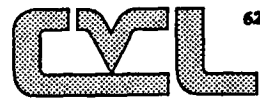


EXHIBIT "B"

LEGEND



ENCROACHMENT AREA



CONSULTANTS, INC.
ENGINEERING • PLANNING • LAND SURVEYING

6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

SANTA
BELLA 4

**ENCROACHMENT
EXHIBIT**

Drawn by: **AFD**
Checked by: **AZ**
Date: **11/11/03**

JOB No.
037901
SHEET
2

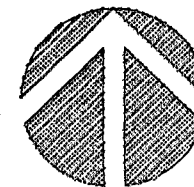
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FOR CONTINUATION SEE SHEET 2

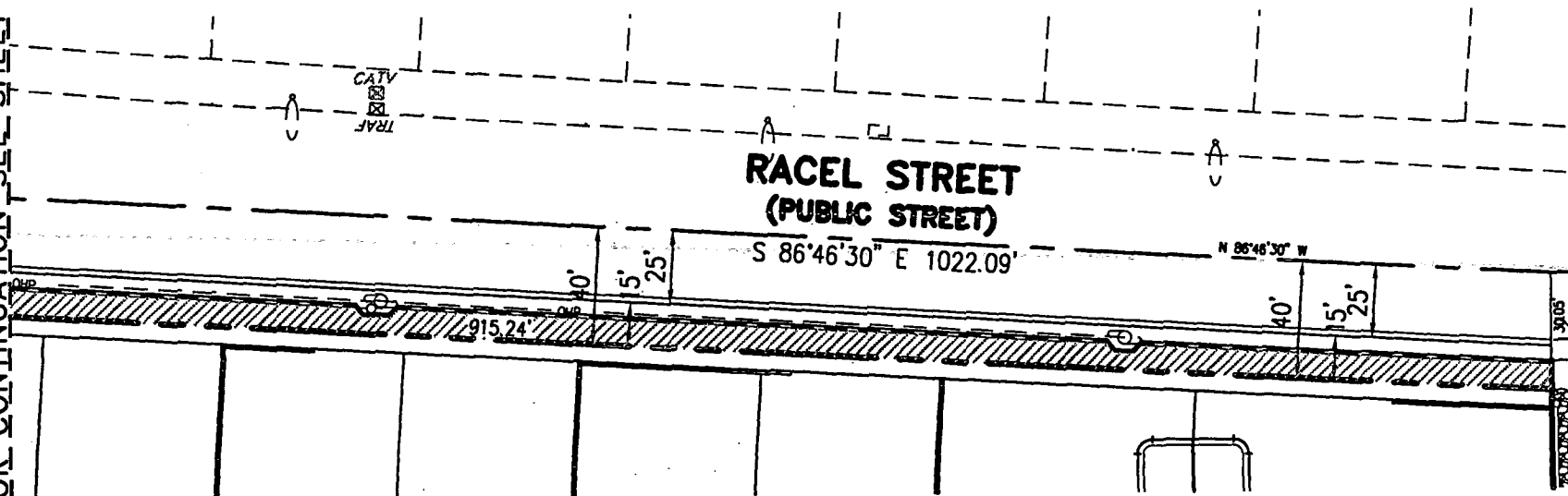
GRAPHIC SCALE



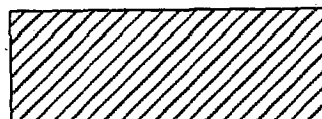
(IN FEET)
1 inch = 60 ft.



NORTH

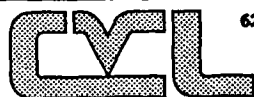


LEGEND



ENCROACHMENT AREA

EXHIBIT "C"



CONSULTANTS, INC.
ENGINEERING • PLANNING • LAND SURVEYING

6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

**SANTA
BELLA 4**

**ENCROACHMENT
EXHIBIT**

Drawn by: **AFD**
Checked by: **AZ**
Date: **11/11/03**

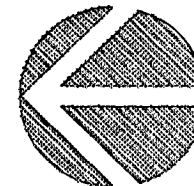
JOB No.
037901
SHEET
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GRAPHIC SCALE

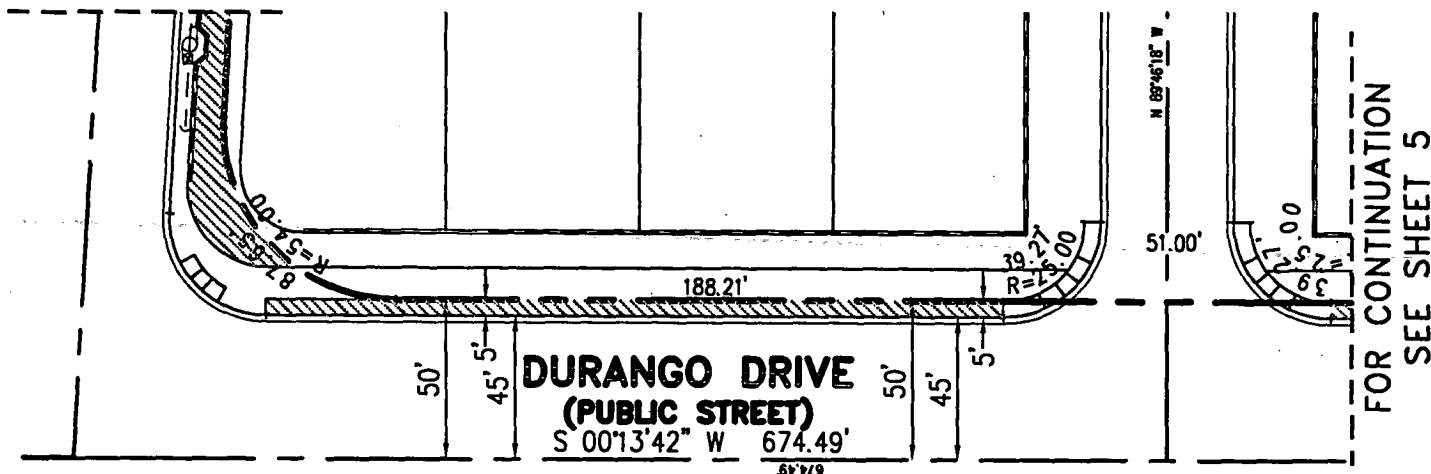


(IN FEET)
1 inch = 60 ft.



NORTH

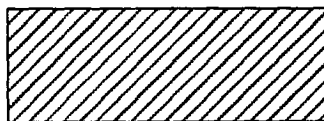
FOR CONTINUATION
SEE SHEET 2



FOR CONTINUATION
SEE SHEET 5

LEGEND

EXHIBIT "D"



ENCROACHMENT AREA



CONSULTANTS, INC.
ENGINEERING • PLANNING • LAND SURVEYING

6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

**SANTA
BELLA 4**

**ENCROACHMENT
EXHIBIT**

Drawn by:

AFD

Checked by:

AZ

Date:

11/11/03

JOB No.

037901

SHEET

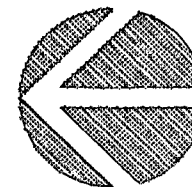
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GRAPHIC SCALE

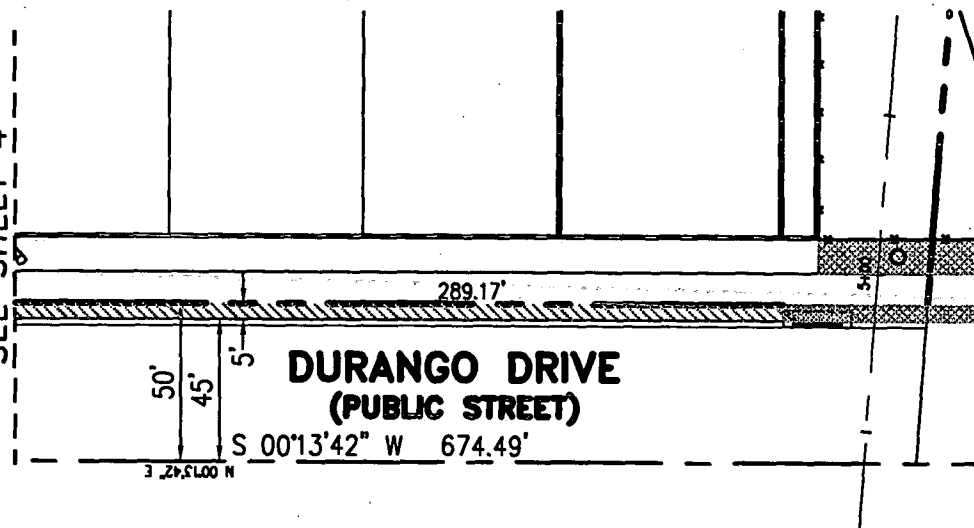


(IN FEET)
1 inch = 60 ft.



NORTH

FOR CONTINUATION
SEE SHEET 4

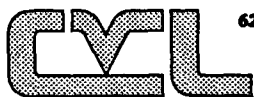


LEGEND



ENCROACHMENT AREA

EXHIBIT "E"



CONSULTANTS, INC.
ENGINEERING • PLANNING • LAND SURVEYING

6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

SANTA
BELLA 4

**ENCROACHMENT
EXHIBIT**

Drawn by:

AFD

Checked by:

AZ

Date:

11/11/03

JOB No.

037901

SHEET

5

N:\JDS\037901\03DESIGN\EXHIBITS\5WEXHIBITS.dwg, 5/3/2004 11:25:38 AM, alana

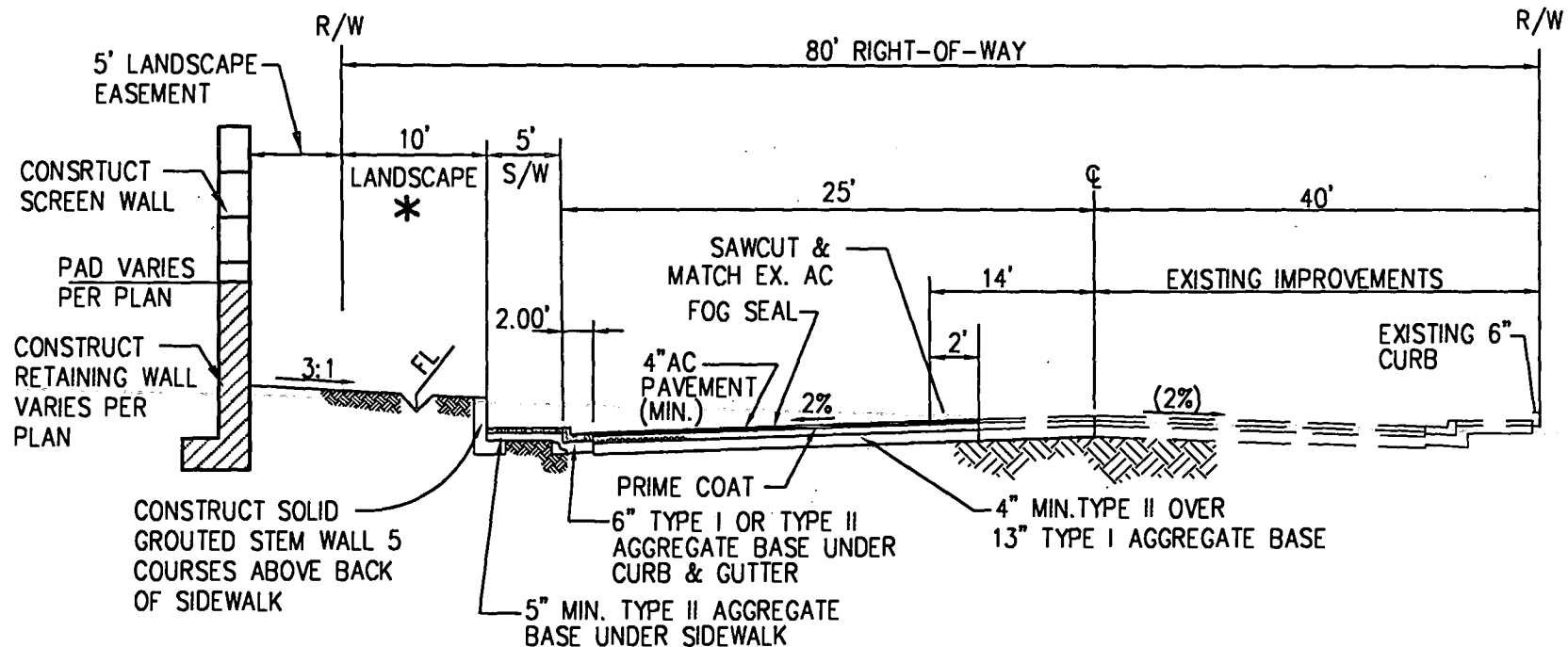


EXHIBIT "F"

* ENCROACHMENT AREA

RACEL STREET

NTS (PER USDOCA DWG. 205)

1



6280 S. Valley View Blvd.
Suite 200
Las Vegas, NV 89118
Tel: (702) 368-3008
Fax: (702) 368-0047

CONSULTANTS, INC.
ENGINEERING · PLANNING · LAND SURVEYING

SANTA
BELLA 4

ENCROACHMENT
EXHIBIT

Drawn by:

AFD

Checked by:

AZ

Date:

11/11/03

JOB No.

037901

SHEET

6

N:\J3\03790\03DESIGN\EXHIBITS\SMEXHIBITS.dwg, 5/3/2004 11:25:41 AM, data



SANTA
BELLA 4

ENCROACHMENT EXHIBIT

AFD

AZ

11/11/03

7

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of an Encroachment Request from Taney Engineering on behalf of Distinctive Homes Taos Estates III, owner (Rio Vista Street between Azure Drive and Regena Avenue) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed encroachment shall consist of an approximate 5' wide area of landscaping on the west side of Rio Vista Street between Azure Drive and Regena Avenue consisting of trees, shrubs, ground cover, and an irrigation system for the proposed Taos Estates III subdivision. If approved, the applicant will be required to sign an Encroachment Agreement which has conditions of maintenance, liability, and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (Rio Vista Street between Azure Drive and Regena Avenue)

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

ENCROACHMENT EXHIBIT

N"1"=50'

EXHIBIT "A"

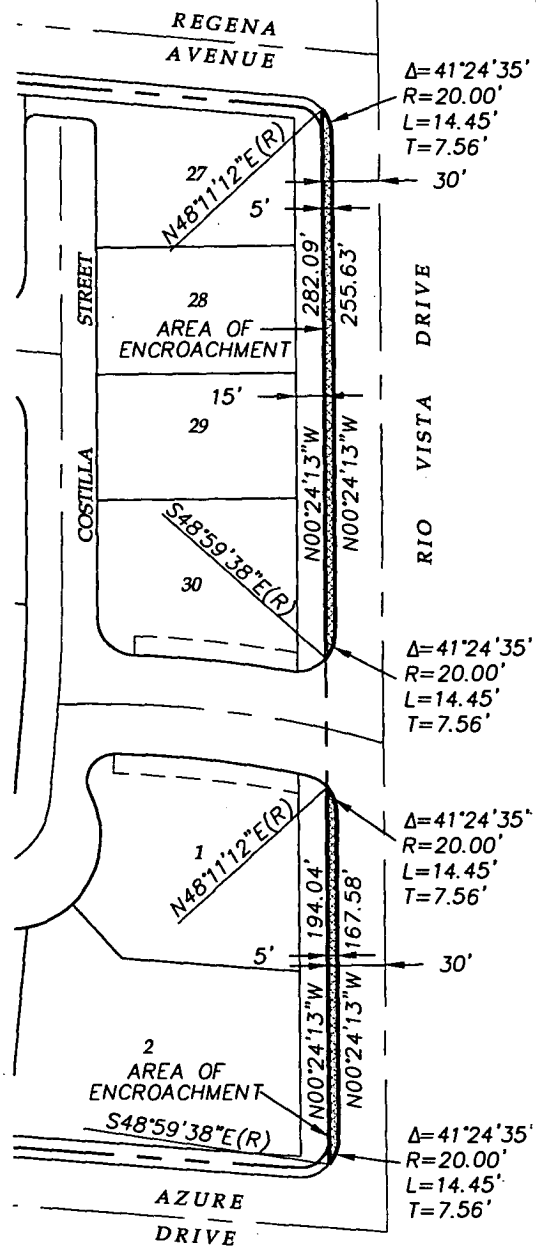
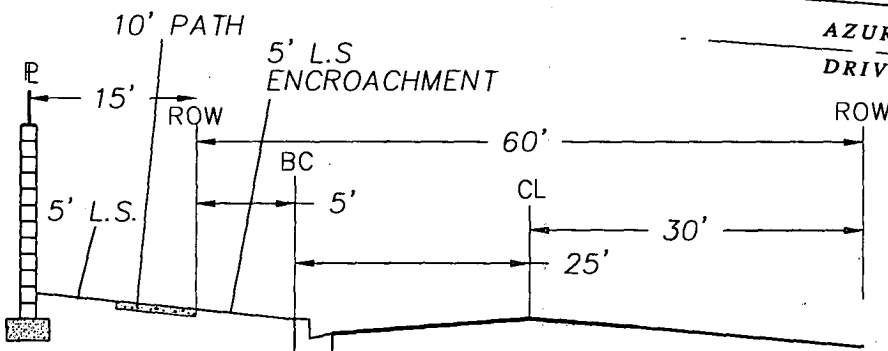
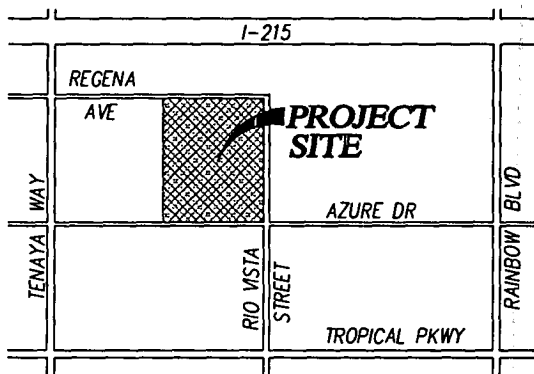
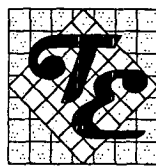


FIGURE: NA
CHECK BY: SD
DATE: 05.04.04
DRAWN BY: SD

EXHIBIT TO
ACCOMPANY
LEGAL
DESCRIPTION



TANEY ENGINEERING
4445 S. JONES BLVD. SUITE #1
LAS VEGAS, NV 89103
(702) 362-8844 FAX: (702) 362-5233

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Chad and Crystal P. Hirschi, owners (southwest corner of Deer Springs Way and Tioga Way, APN 125-22-301-002) - County (near Ward 6 - Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect a single family dwelling located at the southwest corner of Deer Springs Way and Tioga Way. The owners propose to connect to the 8" sewer line located in Deer Springs Way. The Planning Department has determined the project does conform to the City's General Plan for the area; there is sufficient capacity in the City Sanitary Sewer. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

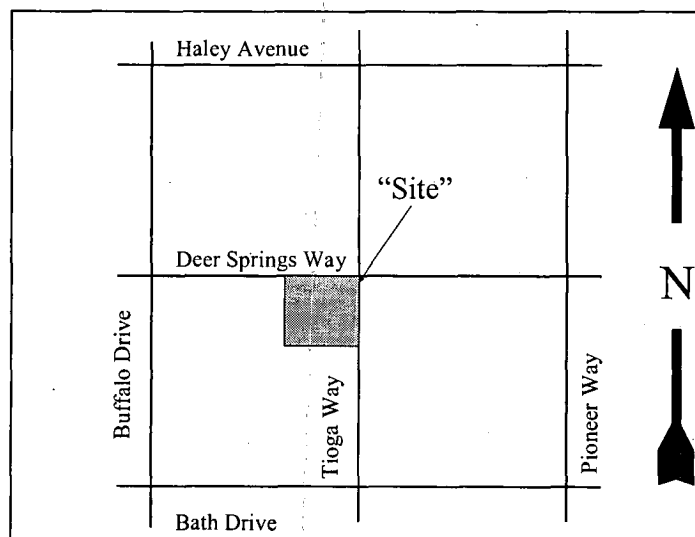
AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF INTERLOCAL CONTRACT WITH
CLARK COUNTY WATER RECLAMATION DISTRICT – CHAD AND
CRYSTAL P. HIRSCHI, OWNERS (SOUTHWEST CORNER OF DEER
SPRINGS WAY AND TIOGA WAY, APN 125-22-301-002)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 6th day of May, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Chad P. and Crystal R. Hirschi (approximately 0.5 acres -- existing single residence : Parcel No. 125-22-301-002 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

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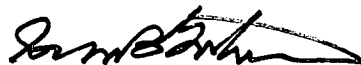
6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

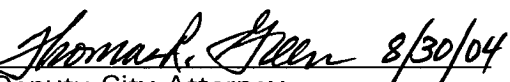
CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

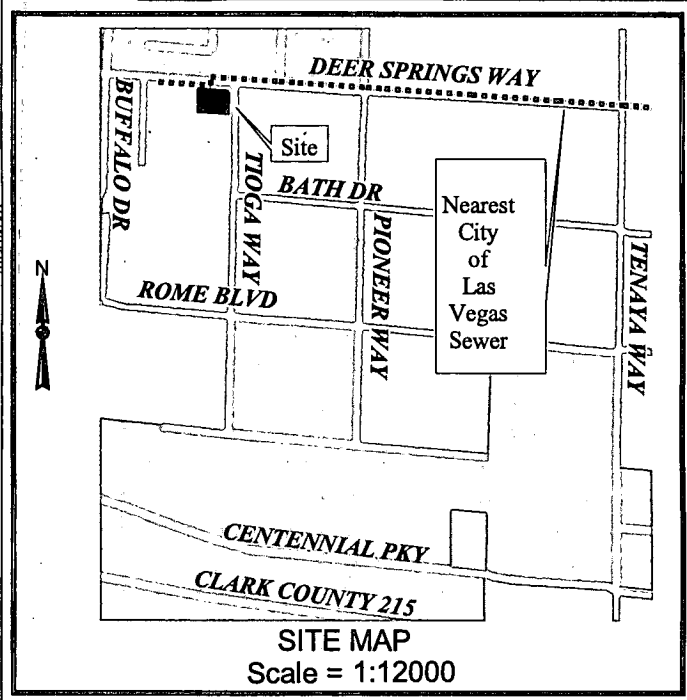
By  8/30/04
Deputy City Attorney

6785 N TIOGA WAY
 PARCEL NO. 125-22-301-002
 TOTAL PARCEL ACREAGE= .5 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 11.9 MILES FROM SITE.

Nearest City of
 Las Vegas Sewer

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY



Nearest C.C.W.R.D.
 sewer

Scale = 1:96000



Clark County
 Water Reclamation
 DISTRICT

ILA #286- EXHIBIT A

7090604

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner on behalf of Quencia Inc., owner (northeast corner of Jensen Street and Dorrell Lane, APN 125-19-102-011 and 125-19-102-012) - County (near Ward 6 - Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect 16 single family dwellings located on the northeast corner of Jensen Street and Dorrell Lane. The owner proposes to extend and connect to the public sewer line in Deer Springs Way from Haley Avenue. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

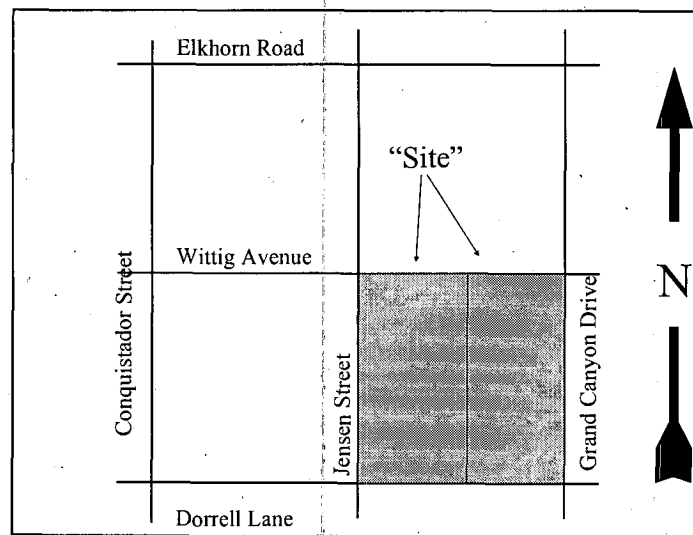
AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

ITEM DESCRIPTION: APPROVAL OF INTERLOCAL CONTRACT WITH CLARK COUNTY WATER RECLAMATION DISTRICT – BAUGHMAN AND TURNER ON BEHALF OF QUENCIA INC., OWNER (NORTHEAST CORNER OF JENSEN STREET AND DORRELL LANE, APN 125-19-102-011 AND 125-19-102-012)

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 26th day of April, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Quencia Inc. c/o M. Casey (approximately 10.0 acres -- vacant land; Parcel No. 125-19-102-011 & 012 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

QUENCIA RIDGE SUBDIVISION
 PARCEL NO. 125-19-102-011 & 012
 TOTAL PARCEL ACREAGE= 10.0 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 11.8 MILES FROM SITE.

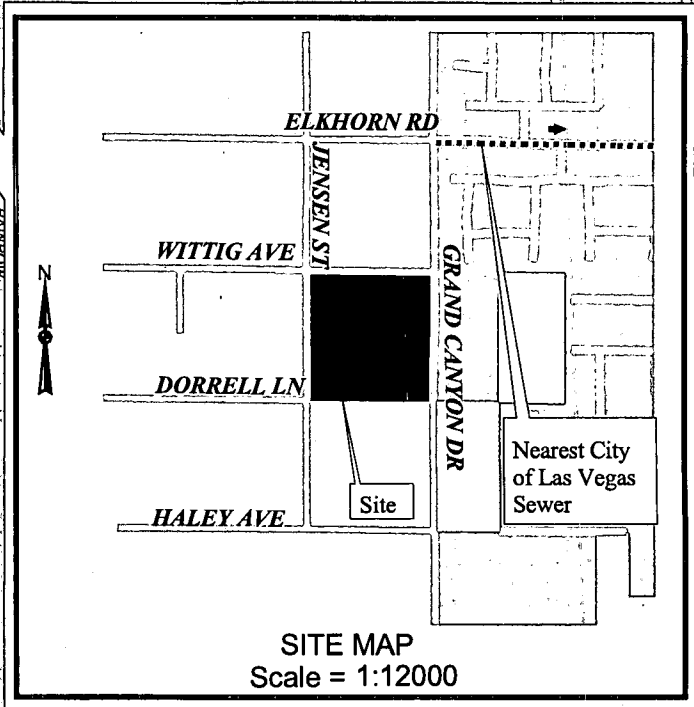
Nearest City of
 Las Vegas sewer

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY

CITY
 OF
 LAS VEGAS

Nearest C.C.W.R.D.
 sewer



Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Miller, owner (north of Florine Avenue on Cimarron Road, APN 138-04-404-004) - County (near Ward 4 - Brown)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/City Engineer

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This request is to connect a single family dwelling located north of Florene Avenue on Cimarron Road. The owner proposes to connect to the 8" City sewer line located in Cimarron Road. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area and cannot be annexed to the City.

RECOMMENDATION:

Public Works recommends approval subject to conformance with all City codes and departmental standards and off-site improvements.

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

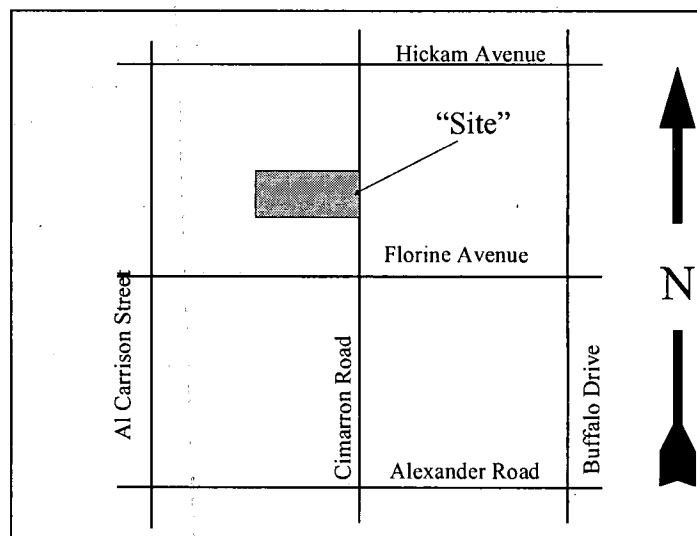
AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

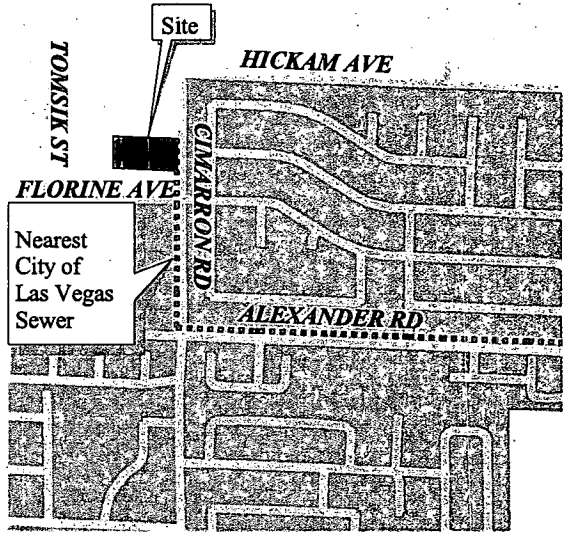
ITEM DESCRIPTION: APPROVAL OF INTERLOCAL CONTRACT WITH CLARK COUNTY WATER RECLAMATION DISTRICT – RICHARD MILLER, OWNER (NORTH OF FLORINE AVENUE ON CIMARRON ROAD, APN 138-04-404-004)

VICINITY MAP



RICHARD MILLER PARCEL
PARCEL NO. 138-04-404-004
TOTAL PARCEL ACREAGE= 1.3 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 7.8 MILES FROM SITE.

Nearest City of
 Las Vegas sewer



SITE MAP
 Scale = 1:12000

Nearest C.C.W.R.D.
 sewer

Scale = 1:96000



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 26th day of April, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

WHEREAS, NRS 277.180 provides that one or more public agencies may enter into contracts for the performance of sewer service activity or any undertaking which the agency is authorized by law to perform; and

WHEREAS, the CITY provides sewage treatment at its own facilities; and

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Richard D. Miller (approximately 1.30 acres -- vacant land; Parcel No. 138-04-404-004 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

WHEREAS, DISTRICT and CITY are willing to enter into a CONTRACT whereby CITY will provide sewer service to that area as shown on the attached Exhibit "A."

NOW THEREFORE, in consideration of the mutual covenants and conditions hereinafter set forth, the parties agree as follows:

1. CITY, at its established rates and in accordance with all CITY resolutions and policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

3. This agreement shall be for a term of fifty (50) years or when DISTRICT sewer service becomes available, whichever should first occur. "Available" is defined to mean a sewer service line within 400 feet of the Customer's location with capacity to handle the Customer's discharge.

4. No joint venture is contemplated or established hereby, and neither of the parties shall be deemed to be the agent of the other for any purpose by virtue of this CONTRACT.

5. This CONTRACT shall not be deemed to be for the benefit of any entity or person who is not a party hereto, and neither this CONTRACT, nor any interest therein, may be assigned without the prior written consent of the nonassigning party.

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6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

By  6/10/04
Deputy City Attorney

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

Approval of a Third Amendment to a Professional Services Agreement with Stantec Consulting Inc. for additional design services for Deer Springs Park located at Elkhorn Road and Buffalo Drive (\$10,200 - Parks Capital Improvement Project Fund) - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

☒

Budget Funds Available

☐

Augmentation Required

Amount: \$10,200

Dept./Division: Public Works/Eng. Integration

Funding Source: Parks Capital Improvement Project Fund

PURPOSE/BACKGROUND:

Since entering into the original Agreement of April 18, 2001, the City of Las Vegas desires to modify the services of Stantec Consulting Inc. to complete the Contractor's Phase One submittal of construction Record Drawings.

RECOMMENDATION:

That the City Council approve the Third Amendment to a Professional Services Agreement with Stantec Consulting Inc., for additional design services to complete the Contractors Phase One Record Drawings in the amount of \$ 10,200.

BACKUP DOCUMENTATION:

Third Amendment

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

THIRD AMENDMENT

THIS THIRD AMENDMENT is made and entered into this 2 day of June, 2004, by and between the City of Las Vegas, a municipal corporation of the State of Nevada (herein the "City"), and STANTEC, a Civil Engineering and Landscape Design Firm (herein the "Consultant").

WHEREAS, the City and the Consultant have entered into an Agreement dated April 18, 2001, (herein the "Agreement"), retaining the services of the Consultant for the Design and preparation of Bid Documents for the Construction Phase One of Deer Springs Park more fully described therein in connection with the improvements to be constructed at Elkhorn and Buffalo, within the City of Las Vegas and,

WHEREAS, since entering into the Agreement, the City desires to modify the services of the Consultant to complete the Contractor's Phase One submittal of construction Record Drawings..

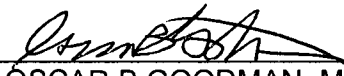
NOW, THEREFORE, in consideration of the above premises, the parties hereto agree that the following changes shall be made to the Agreement:

1. Transcribe and complete the Contractors Phase One construction notations; verify all construction conditions and provide completed, plotted mylars for the project records.
2. The Contract is hereby as hereby amended to increase the total amount of the entire Agreement referenced herein by a fixed sum of \$ 10,200.00, which includes all anticipated costs for reimbursables and related printing, from \$ 417,960.00 to \$ 428,160.00. The Consultant shall submit on a monthly basis to City's representative in writing a complete statement of costs, which includes the actual work completed.

4. All other provisions of the Agreement remain in force and effect.

IN WITNESS WHEREOF, the parties hereto have caused this Third Amendment to be executed the day and year first above written.

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor
"CITY"

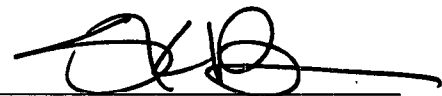
ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 5-17-04
Deputy City Attorney Date

STANTEC

By: 
Cary Baird ASLA
"CONSULTANT"

ATTACHMENT TO EXHIBIT "G"

DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-79-99 adopted by the City Council, Contracting Entities seeking to enter into certain contracts or agreements with the City of Las Vegas must disclose information regarding ownership interests and principals. Stantec Consulting Inc. warrants that it has disclosed as part of Exhibit "G" all principals, including, partners of Stantec Consulting Inc., as well as all persons and entities holding more than 1% interest in Stantec Consulting Inc. or any principal of Stantec Consulting Inc. Throughout the term hereof, Stantec Consulting Inc. shall notify City in writing of any material change in the above disclosure within 15 days of any such change.

Stantec Consulting Inc., an Arizona Corporation, is a subsidiary of Stantec Technology International Inc., a wholly owned and publicly traded company on the Toronto Stock Exchange; body corporate holding 100%.

Directors: Anthony P. Franceschini
Jeffrey S. Lloyd

Officers: Anthony P. Franceschini, President and CEO
Orville L. Shaw, Senior Vice President
Richard G. Dorwart, Vice President
Timothy L. Terrill, Vice President
Victor R. Neufeld, Vice President
Dan Tomie, Vice President
Donald W. Wilson, Vice President and CFO
Jeffrey S. Lloyd, Vice President
Paul J.D. Alpern, Corporate Counsel
Michael J. Slocombe, Secretary

8211 S. 48th Street; Phoenix, AZ 85044 (602) 438-2200

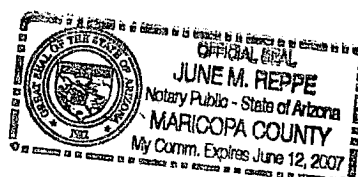
I hereby certify under penalty of perjury that the foregoing information is full and complete.

By: Orville L. Shaw
Its: Senior V.P.

Subscribed and sworn to before me this

19th day of May, 2004.

June M. Reppe
Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD D. GOECKE**☒**CONSENT**☐**DISCUSSION****SUBJECT:**

Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the State of Nevada, Clark County, the Cities of Henderson, Las Vegas, North Las Vegas, and the Regional Transportation Commission of Southern Nevada, transferring the Role of Central Administrator from the City of Las Vegas to the Regional Transportation Commission of Southern Nevada - All Wards.

Fiscal Impact☒**No Impact****Amount:**☐**Budget Funds Available****Dept./Division:** Public Works/Traffic Eng☐**Augmentation Required****Funding Source:****PURPOSE/BACKGROUND:**

On April 15, 2003 the City Council approved an amendment to the Cooperative Agreement incorporating the Las Vegas Area Traffic System (LVACTS) and the NDOT Freeway Management System into the Freeway Arterial System of Transporations (FAST). This proposed amendment will transfer Central Administrator and funding responsibilities to the Regional Transportation Commission (RTC). The FAST staff will now become RTC employees. The Operations Management Committee (OMC), consisting of the Director of Public Works for each member agency, will continue to have operations oversight over FAST.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

Highway Agreement No. _____

**Cooperative Agreement for the
Las Vegas Freeway and Arterial System of Transportation**

This Agreement, made and entered into on the 2 day of June, 2004, by and between the STATE OF NEVADA, acting by and through its DEPARTMENT OF TRANSPORTATION (NDOT); CLARK COUNTY, the CITY OF HENDERSON, CITY OF LAS VEGAS, CITY OF NORTH LAS VEGAS, and the REGIONAL TRANSPORTATION COMMISSION OF SOUTHERN NEVADA (RTC), hereinafter referred to as the MEMBER AGENCIES.

WITNESSETH:

WHEREAS, a Cooperative Agreement is defined as an agreement between two or more public agencies for the "joint exercise of powers, privileges and authority"; and

WHEREAS, pursuant to the provisions contained in Chapter 408 of the Nevada Revised Statutes, the Director of the Nevada Department of Transportation (NDOT) may enter into agreements necessary to carry out the provisions of the Chapter; and

WHEREAS, NRS 277.110 authorizes any two or more public agencies to enter into agreements for joint or cooperative action; and

WHEREAS, the voters of Clark County approved Ballot Question No. 10 on November 5, 2002, which provides the RTC with the financial capability to administer and operate the FAST System; and

WHEREAS, the purpose of the Agreement is to supplant the existing FAST Agreement No. NM176 03 016; and

WHEREAS, Clark County, the City of Henderson, City of Las Vegas, City of North Las Vegas, Regional Transportation Commission (RTC) of Southern Nevada, and NDOT each own and operate transportation infrastructures within the boundaries of Clark County, Nevada, and the NDOT District I; and

WHEREAS, the Agreement to combine the Las Vegas metropolitan area arterial traffic management system, referred to as the "Las Vegas Area Computer Traffic System" (LVACTS), and the NDOT freeway management system (FMS) into a single integrated organization, hereinafter referred to as the "Freeway and Arterial System of Transportation" (FAST) was entered into on April 15, 2003; and

WHEREAS, continuance of the FAST System will be of benefit to the Member Agencies and to the people of the State of Nevada: and

WHEREAS, the Member Agencies are each willing and able to perform the requirements described herein; and

NOW, THEREFORE, in consideration of the premises of the mutual covenants herein contained, it is agreed as follows:

SECTION I: DEFINITIONS

Administrator - The Administrator is responsible for the Human Resource, administrative, and financial functions necessary for the operation and management of FAST, as more specifically described in Section III D below, and is the Regional Transportation Commission of Southern Nevada.

Appeals Board - A three-member board whose function is to hear and rule on Operation decisions or actions contested by Member Agencies, as more specifically described in Section II C below.

Arterial Management System (AMS) - The AMS manages the movement of traffic on the local street network. An AMS includes a combination of ITS Field Devices, communication networks, computer hardware and software platforms to manage and control traffic.

FAST System Manager- The System Manager reports to the General Manager of the RTC, and is responsible for the daily operation of FAST, the Traffic Management Center, and implementation of the Transportation Management Strategies.

FAST - FAST is a division of the RTC consisting of the management structure, the OMC, the Appeals Board and the freeway and arterial system managers, and other professional, technical, and administrative staff.

FAST System - Components consist of a Traffic Management Center, Transportation Management Infrastructure, and the Transportation Management Strategies that are combined to provide a system to safely and efficiently manage the transportation infrastructure. The System includes the operational functions and features of the freeway and arterial management systems. This would include the central system software and hardware platform, operator work stations, video wall, the communication system including the fiber optic and microwave network, and the ITS Field Devices and traffic signals.

Freeway Management System (FMS) - The FMS manages the movement of traffic onto and on the controlled access roadway facilities owned or maintained by NDOT. An FMS includes a combination of ITS Field Devices, communications networks, computer hardware and software platforms to manage and control traffic.

Incidents - An incident is an unscheduled event generally characterized as non-recurrent congestion or a traffic accident.

Intelligent Transportation System (ITS) - ITS is the collective term for using technology to implement measures targeting the efficient operations and management of transportation facilities and services.

ITS Field Devices - Field equipment located along existing roadways, such as, but not limited to traffic signals, Closed Circuit Television (CCTV), Dynamic Message Signs (DMS), trailblazer signs, communications infrastructure, ramp meters, detection stations, and Highway Advisory Radio (HAR).

Jurisdictional Boundary - For the Member Agencies, other than NDOT, the jurisdictional boundary shall be the legal boundary of the entity, as established by statute or charter. NDOT's jurisdictional boundary shall be right-of-way it either owns or maintains which is covered by the FMS.

Jurisdictional Management Centers (JMCs) - The site(s) or location(s) designated by agencies controlling and monitoring those freeway and arterial FAST ITS Field Devices authorized through this Agreement.

Member Agency - Is a public agency as defined by Nevada Revised Statutes and a party to this Agreement.

Operations and Maintenance (O & M) - The Operating and Maintenance activities associated with the Transportation Management Infrastructure. O & M costs may include, but are not limited to, such items as staff salaries and benefits, utility costs, purchase of equipment and supplies, rental and leasing of equipment or facilities, purchase and repair of vehicles, consultant/contractors costs, and the upgrade and repair costs of equipment.

Operations Management Committee (OMC) - The OMC shall recommend policy and oversee the day-to-day operations and operational parameters of FAST, as more specifically described in Section II A below.

Policy Board - The Regional Transportation Commission of Southern Nevada (RTC), whose function is to establish policy, as the governing body, as recommended by the OMC, RTC General Manager, or FAST System Manager.

Policy Issue - A statement or plan which guides present or future decisions. FAST policy issues placed on the RTC agenda shall be considered Metropolitan Planning Organization issues. The director of NDOT will be entitled to vote on these issues as provided in the Interlocal Contract for Regional Transportation Planning. A Policy Issue cannot be employed to countermand or establish Transportation Management Strategies, nor can a Policy Issue be used to determine signal timing, phasing, or transit priority during periods that are not Priority Times.

Priority Times - The period of time, as recommended by the OMC, during which all Transportation Management Infrastructure is operated and controlled according to the OMC approved Transportation Management Strategies. Typically, this would include the time of day during peak periods of traffic, such as morning and afternoon rush hours, the time before, during and after special events, scheduled construction and maintenance activities, and incidents. Determination of Priority Time shall be considered a policy issue.

Traffic Management Center (TMC) - Site at which the FAST operational staff and equipment capable of controlling and coordinating the arterial, freeway and other FAST System elements are located.

Transportation Management Infrastructure - The various telecommunications and field components, such as, but not limited to, conduit, fiber optic cable, traffic signals, closed circuit television, ramp meters, dynamic message signs and trailblazer signs that are part of the FAST System.

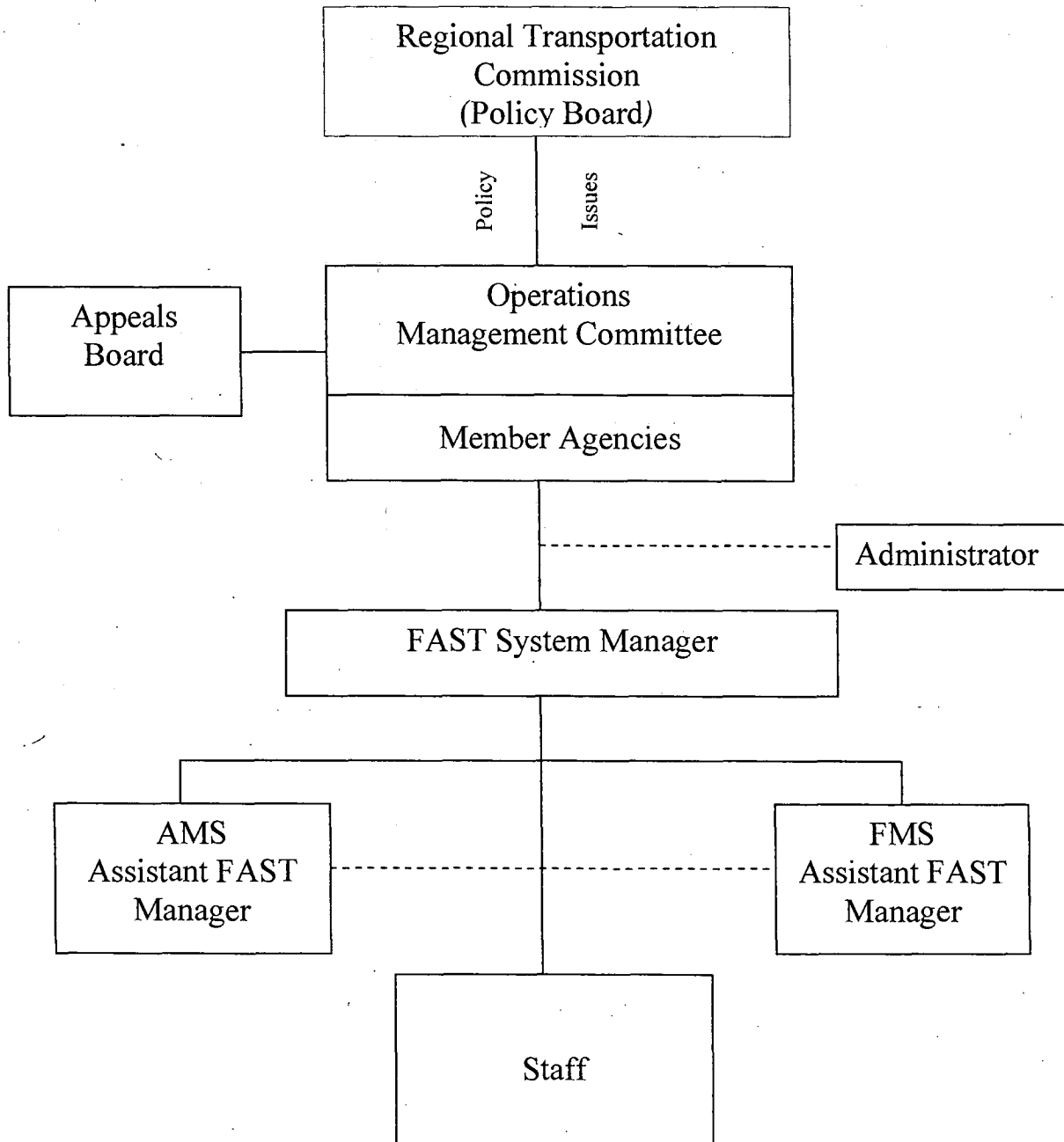
Transportation Management Strategies - Traffic control and other transportation measures that are approved by the OMC and used to manage the transportation infrastructure, including but not limited to freeways, arterials and transit for maximum safety and efficiency during priority times.

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SECTION II: FAST ORGANIZATION

FAST is organized as shown below.

FAST ORGANIZATIONAL STRUCTURE



A. Operations Management Committee (OMC)

1) Committee Structure

The OMC membership shall consist of one (1) representative from each Member Agency, represented by the Director, Assistant Director, or Assistant Deputy Director(s) of Public Works, the Deputy Director(s), Assistant Director for Operations or District I Engineer of NDOT, and the General Manager of the RTC. Each representative shall have a designated first and second alternate at a minimum with full authority to act in absence of the representative.

Designation of the OMC Chairperson and Vice-Chairperson shall rotate alphabetically by Member Agency. The Chairperson shall serve a one-year term starting with the July OMC meeting. Upon completion of the term, the Vice-Chairperson shall become the Chairperson and the new Vice-Chairperson shall assume his/her office.

A majority of the Member Agencies of OMC shall constitute a quorum necessary to convene the meeting of the Committee. Unless stated elsewhere in this Agreement, all decisions of the OMC shall be determined by a majority vote of the quorum present.

The OMC shall meet on a monthly basis. Additional meetings may be held at the discretion of the Chairperson should such a need arise. All meetings shall comply with the notice requirements of the Open Meeting Law (NRS 241).

The OMC may be expanded to include additional Member Agencies. Additional Member Agencies must be approved by a unanimous vote of the OMC and become signatories to this Agreement and any subsequent amendment then in effect. The OMC may place conditions on new Member Agencies.

2) Roles and Responsibilities

The primary role of the OMC is to provide instructions and direction to the FAST System Manager to formulate policy, establish operational procedures and principles, (Transportation Management Strategies), and monitor the various aspects of the FAST System, so long as such instructions and directions are within the policies, procedures and budget established for FAST by the RTC acting as the Policy Board.

The OMC shall develop and recommend to the Policy Board a funding policy that achieves the funding requirements for the Operation and Maintenance of FAST. The OMC shall be responsible for providing recommendations to the FAST System Manager for the development, review and concurrence of the annual budget that achieves the funding requirements for the Operation and Maintenance of FAST. The OMC shall provide its recommendation at or prior to the scheduled OMC meeting in January of each year.

The OMC shall have the authority to appoint working groups to carry out the purpose and duties of this Agreement. These working groups shall make recommendations to the OMC for action.

The OMC shall assist with development, review and concurrence with the Transportation Management Strategies prior to their implementation in the FAST System. Exempted are non-regional special events and non-priority times. Transportation Management Strategies selected by the OMC may be implemented during Priority Times.

If a Member Agency desires to remove any portion of the Transportation Management Infrastructure or ITS Field Devices within its jurisdiction from control of FAST, notice of such intent shall be conveyed in writing to the OMC at a minimum of seven (7) months prior to the close

of the current fiscal year and in no event shall the proposed number of transportation management or ITS Field Devices exceed ten percent (10%) of the total number of transportation management or ITS devices within the member's jurisdiction. The OMC shall have the authority to approve or disapprove the recommended removal of any Transportation Management Infrastructure or ITS Field Devices from FAST.

The OMC shall participate in the selection of the FAST System Manager as further described in Section II D of this agreement, from a list of qualified applicants provided by the Administrator. The list of candidates shall be selected in accordance with the guidelines provided by the OMC and the policy and procedures of the Administrator.

The OMC shall recommend the salary and job responsibilities of the FAST System Manager which shall be referred to the Administrator for placement into the appropriate job classification of the Administrator's personnel classification system.

The Chairperson of the OMC shall prepare an annual review of the FAST System Manager's job performance. The evaluation will be forwarded to the General Manager of the Administrator.

The OMC shall recommend the job classifications, job descriptions, job status (appointive or classified), salaries and other related matters to the FAST System Manager and the Administrator. Such job classifications shall be filled in accordance with the personnel policies and procedures of the Administrator.

The OMC shall review monthly the budgetary needs and expenditures of the FAST System.

B. Members

1) Member Agency

Each Member Agency shall have one (1) vote on actions taken by the OMC.

The Member Agencies, in alphabetical order, are Clark County, City of Henderson, City of Las Vegas, NDOT, City of North Las Vegas, and the RTC.

2) Roles and Responsibilities

Member Agencies have identical roles and responsibilities as to the Operations and Maintenance of FAST except as may be defined within this Agreement.

The Member Agencies participating in the funding of FAST shall incorporate the proposed budget and funding share within each agency's budget approval process. If a Member Agency participating in the funding of FAST disapproves the proposed budget, then the basis of the disapproval shall be stated in writing to the FAST System Manager for consideration by the OMC. The budget, if revised, shall be resubmitted to the Member Agencies participating in the funding of FAST for incorporation into their respective budgets.

Through the OMC the Member Agencies shall make the final determination regarding which traffic control and/or ITS Field Devices will be operated and/or maintained by FAST.

Member Agencies are responsible for upgrades and expansions to the FAST infrastructure that are within their jurisdictional responsibility. Funding of FAST infrastructure may be funded by FAST as shown in the approved budget, by the RTC or NDOT through their Capital Improvement Program processes, or by the Member Agencies. FAST system upgrades including, but not limited to, central system equipment, and software that are of a mutual benefit to the Member Agencies

may be funded jointly or individually through FAST. Member Agencies shall pay for any upgrades not recommended by FAST.

Member Agencies may have a Jurisdictional Management Center(s) located within their jurisdiction that will allow them to operate and obtain information from or through the FAST system.

Member Agencies may elect to implement Transportation Management Strategies within their jurisdictional responsibility during special events of non-regional significance and during non-priority times. Each Member Entity and other agencies having jurisdiction over roadways or public safety shall retain the right for street closures or lane restrictions in situations pertaining to incident management, non-regional special events, or construction.

C. Appeals Board

1) Organization Structure

The three-member Appeals Board shall be made up of the Director of NDOT, General Manager of the Regional Transportation Commission of Southern Nevada and the Public Works Director for the Member Agency represented by the current OMC Chairperson. IF a representative of NDOT or the RTC is the current OMC Chairperson, then the OMC Chairperson membership on the Appeals Board will be replaced by the Public Works Director for the Member Agency of the current Vice-Chairperson. Representatives to the Board may appoint a designee, the designee may not have been involved in the decision under appeal.

2) Roles and Responsibilities

The Appeals Board shall meet when requested by a Member Agency to resolve a member's disagreement with a majority action of the OMC. The Member Agency shall submit to the FAST System Manager within sixty days of the action taken by the OMC their request for a hearing by the Appeals Board. The submittal by the Member Agency shall present the disagreement with the OMC action. The Appeals Board shall hear the matter and make a determination. The determination will be submitted to the OMC for action. The decision by the Appeals Board requires a majority vote, which is final.

The Appeals Board shall participate in the selection of the FAST System Manager as further described in Section II.D of this agreement.

3) Open Meeting Law

The Appeals Board shall conform to the Open Meeting Law (NRS 241).

D. Administrator

1) Designated Administrator

The Regional Transportation Commission shall serve as the FAST Administrator.

An Administrator shall have the right to withdraw as the FAST System Administrator provided notice of its intent is given in writing 24 months prior to the requested termination date pursuant to Section IX. Such withdrawal shall not affect its membership in FAST as a Member Agency.

2) Administrator Roles and Responsibilities

The Administrator is responsible for collecting the share of the operating funds from other member agencies as determined by the approved budget.

At the beginning of each quarter of the fiscal year the Administrator shall invoice the Member Agencies for the amount of their quarterly funding share in the cost of Operations and Maintenance of the FAST System.

The Administrator shall deposit funds received from Member Agencies into an account established solely for the purpose of paying the Operations and Maintenance expenses of the FAST System. The Administrator shall pay FAST expenses. Any interest which may accrue to the funds shall be credited by the Administrator to said account for the benefit of the FAST System.

The Administrator shall maintain detailed expenditure records for the Operation and Maintenance of the FAST System. These records will be used to establish the annual FAST budget, providing the OMC with adequate information to determine the cost for each type of equipment, function and location (freeway or arterials).

The Administrator shall notify other Member Agencies participating in the funding of the approved annual FAST budget and their proportionate share within thirty (30) days of OMC approval.

The Administrator shall maintain under generally acceptable accounting principles full, true and complete records and documents pertaining to this Agreement and present, at any reasonable time, such information for inspection, examination, review, audit and copying at any office where such records and documentation is maintained.

The Administrator shall maintain a record of all adopted policies according to the Public Records Law, NRS Chapter 239. All OMC records shall be maintained in accordance with NRS 239.010 on public records and retained at the location designated by the Administrator.

The Administrator shall implement the FAST organizational structure, job classifications, job descriptions, job status, and salary scale as determined by the OMC unless the determined organizational structure, job classifications, job descriptions, job status, and salary scale does not conform to existing Human Resource policies and procedures. Any actions must be approved by the Administrator before they become effective.

The Administrator agrees to hire the FAST System Manager. The OMC shall be requested to develop a short list of qualified candidates. The Member Agencies represented on the Appeals Board shall be requested to participate in the interview of the final candidates. The Administrator shall make the final hiring decision.

The Administrator shall be responsible for implementing the hiring, reassignment, demotion and termination decisions of the FAST System Manager.

The Administrator agrees to consider discipline or termination of the FAST System Manager, if so requested by the OMC provided; however, the Administrator reserves the right to separately and independently discipline or terminate the FAST System Manager for violations of the policies and procedures of the Administrator. Prior to termination by the Administrator, the Administrator shall suspend the FAST System Manager and shall meet with the OMC for the purpose of receiving input on the termination action; the Administrator retains the final decision.

The Administrator agrees to discipline or terminate administrative staff in accordance with existing Human Resource policies and procedures.

E. FAST System Manager

1) FAST System Manager Position

The FAST System Manager shall be an appointive employee of the Administrator assigned to FAST.

2) Roles and Responsibilities

The FAST System Manager is responsible for the daily operations of FAST, including, without limitation, the day to day supervision of the FAST staff, system Operation and Maintenance activities, approval of additions to the Transportation Management Infrastructure or ITS Field Devices, development of the Transportation Management Strategies, and preparation of the annual budget.

The FAST System Manager shall meet annually, or more frequently as required, with the Director of Public Works of each agency, the General Manager of the RTC and Director of the NDOT to discuss the operation of FAST.

The FAST System Manager shall prepare a FAST Strategic Plan and submit for recommendation of approval to the OMC. The Strategic Plan shall be revised at minimum of every five (5) years or as required. The Strategic Plan shall be considered a policy issue.

The FAST System Manager shall prepare an annual report detailing the performance of the freeway and arterial management systems and recommending any improvements to FAST.

The FAST System Manager shall recommend to the OMC the number of employees needed to carry out the day to day operations of FAST including without limitation, the job classifications, job descriptions, job status (appointive or classified), salaries and other related matters, based upon the Administrator's personnel classification system.

The OMC shall be informed of the termination of FAST employees.

The FAST System Manager shall provide those administrative functions required by the Appeals Board.

F. FAST Staff

1) Staff Positions

The professional, technical and administrative staff shall be employees of the Administrator assigned to the operations of FAST with all of the same rights and benefits of other employees of the Administrator (including the benefits and rights under any collective bargaining agreement, which may cover the employee's job classification).

SECTION III: FUNDING

RTC agrees to provide the necessary capital funding for the AMS established by the approved capital improvements budget. RTC also agrees to provide funding for the operations and maintenance of the AMS, which includes a proportionate share of the operations and maintenance of the TMC, as further described in Section III A.

On the effective date of this Agreement at which time the RTC assumes responsibility for contributing to the operations and maintenance of the AMS, all funding in the FAST Fund which had been contributed by the Member Agencies shall remain in the FAST Fund for its operation and maintenance.

NDOT agrees to provide the necessary capital funding for the FMS and administrative building. Capital funding for the FMS may also be funded by the RTC. NDOT also agrees to provide funding for the Operation and Maintenance of the FMS which includes a proportionate share of the operations and maintenance of the TMC.

The Member Entities shall within thirty (30) days from receipt of the notice from the Administrator remit their funding share in the cost of operating and maintaining FAST for the quarter.

The entering into and implementation of this Agreement by the Member Agencies is subject to the receipt of federal, state, and/or local funds, as applicable, adequate to carry out the provisions of this Agreement in full. The RTC, as Administrator, may reduce the budget if it determines that there will be a lack of adequate funding available for the continued operation of the FAST System. In such event, the RTC shall notify the Member Agencies in writing thirty (30) days in advance of the date that such reduction is to be effective. If the budget reductions by the RTC cannot solve the financial shortfall, then any Member Agency failing to receive adequate funding to satisfy their financial obligations, pursuant to this Agreement, may terminate or reduce its participation in the FAST System upon giving one hundred eighty (180) days written notice to all the Member Agencies.

If the Member Agency experiencing the financial deficiency is NDOT, then NDOT will enter into an agreement with FAST for its continued use of the TMC.

A. Operation and Maintenance Funding

Starting with the effective date of the Agreement, the Operation and Maintenance of the Freeway Management System component shall be funded by NDOT. NDOT's contribution to the FMS Operations and Maintenance budget shall be negotiated and stated in a Cooperative Agreement between the RTC and NDOT. All agreements and memorandums of understanding pertaining to NDOT's contributions to the FMS that are in effect on the effective date of this agreement shall remain in force.

RTC agrees to provide funding for the operations and maintenance of the AMS which includes a proportionate share of the operations and maintenance of the TMC in an equivalent amount not to exceed \$3,518,606 in FY 2004-05 and increasing at a maximum amount of seven percent (7%) annually. Funding for the operations and maintenance of the AMS in excess of the RTC's contribution shall be funded by the other Member Agencies, excluding NDOT, subject to the other Member Agencies entering into an interlocal contract establishing the levels of contribution. The OMC shall determine the contributions of each Member Agency, if any, excluding NDOT and the RTC, based on the fair share formula as approved by the OMC, considering the number of its traffic signals and/or ITS Field Devices within each member's jurisdiction.

B. Funding Formula

The OMC shall determine the contributions of each Member Agency (excluding NDOT and the RTC) based on a fair share formula as approved by the OMC, considering the number of traffic signals and/or ITS Field Devices within each member's jurisdiction, the budget for the Arterial Management System component of FAST, and the contribution of the RTC.

C. Jurisdictional Management Center

Funding associated with the Operation and Maintenance of the JMC shall be the responsibility of the jurisdiction in which the JMC is located. Such costs may include, but are not limited to, computer and communication equipment, staffing, utilities, capital improvements, and consultant/contractor. Funding for the implementation of software and hardware changes at each JMC caused by the central operations of FAST shall be the responsibility of FAST.

SECTION IV: INDEMNITY

A. Each Member Agency agrees to be responsible for any and all liability (including, without limitation, all claims, demands, actions, damage, decrees, judgments, attorney fees, costs, and expenses) resulting from injury or damage to any person or property, which occurs within the Member Agency's jurisdictional boundary and which arises out of, or in connection with, the Operation and/or Maintenance of FAST, including the cost of any litigation, arbitration or other proceeding in defense thereof.

B. The Member Agencies agree to be responsible for any and all liability (including, without limitation, all claims, demands, actions, damages, decrees, judgments, attorney fees, costs and expenses) arising out of the hiring, firing or termination of the FAST System Manager, or the administrative staff, if such action has been performed at the request of the OMC, including the cost of any litigation, arbitration or other proceeding in defense thereof.

C. The Member Agencies, except NDOT, agree to be responsible to the same extent that the Administrator is responsible under NRS 41.0349 for any and all liability (including, without limitation, all claims, demands, actions, damages, decrees, judgments, attorney fees, costs and expenses) arising out of the acts or omissions, negligent or otherwise, of the FAST System Manager, or the administrative staff, committed during the course and scope of performing their duties for FAST, including the cost of any litigation, arbitration or other proceeding in defense thereof.

D. The Administrator agrees to be responsible for any and all liability (including, without limitation, all claims, demands, actions, damages, decrees, judgments, attorney fees, costs and expenses) arising out of the hiring, firing, or termination of the FAST System Manager, or the administrative staff, if such action was taken solely by the Administrator, and not at the request of the OMC, including the cost of any litigation, arbitration or other proceeding in defense thereof.

E. In cases of liability under Sections C or D, the cost thereof shall be considered an expense of FAST to be paid in accordance with the funding formula approved by the OMC.

F. Notwithstanding any other provision in this Agreement, this Agreement shall not be construed as a waiver of the immunities, limitations of damages and other restrictions of governmental liabilities contained in Nevada law and NRS Chapter 41.

SECTION V: DURATION OF AGREEMENT

This Agreement shall commence July 1, 2004 or the first day of the quarter following approval by the last Member Entity, whichever is later, and terminate on June 30, 2009 unless by a vote of 2/3 majority of the Member Agencies agree to an earlier date of termination. After June 30, 2009 the Agreement shall automatically be extended annually for one year intervals unless any Member Agency submits a request in writing a minimum of one hundred eighty (180) days prior to the current Agreement expiration date to both the OMC and the Administrator that the Agreement be renegotiated or terminated.

SECTION VI: TITLE TO FAST SYSTEM PROPERTY

A. Acquisition of Property other than with Funds Appropriated by NDOT

Title ownership of all property, which is acquired with funds appropriated by the Member Agencies other than NDOT under this Agreement, shall be determined in the following manner.

- (1) Any and all property installed at the site of a traffic signal or ITS Field Device shall vest in title and ownership in the name of the Member Agency in whose jurisdiction the property is located;
- (2) Any and all property installed at a JMC shall vest in title and ownership in the name of the jurisdictional operator;
- (3) A Member Agency shall not take any action with regard to its property which will have an adverse impact on the FAST System, as determined by the FAST System Manager.
- (4) The FAST System Manager shall not take any action with regard to a Member Agency property which will have an adverse impact on the Member Agency, as determined by the Member Agency Traffic Engineer.

B. Acquisition of Property with Funds Appropriated by NDOT

Title and ownership of all property which is acquired with funds appropriated by NDOT shall vest in the name of NDOT.

C. Traffic Management Center

NDOT agrees to provide the building in which the FAST Organization and System will be located.

SECTION VII: SEVERABILITY

It is understood and agreed by the Member Agencies hereto that if any part, term or provision of this Agreement is declined by a court of competent jurisdiction to be illegal or in conflict with any laws of this State, the validity of the remaining portions or provisions shall not be affected, and the rights and obligations of the Member Agencies shall be construed and enforced as if the Agreement did not contain the particular part, term or provision held to be invalid.

SECTION VIII: AMENDMENTS

This Agreement may be amended from time to time as required and approved by all of the Member Agencies.

SECTION IX: NOTIFICATION

All notices or other communications required or permitted to be given under this Agreement shall be in writing and shall be deemed to have been duly given if delivered by hand, telephonic facsimile transmission with simultaneous regular mail or mailed certified return receipt required, postage prepaid on the date postmarked and addressed to the Member Agencies at the following addresses:

FOR CLARK COUNTY:

Public Works Director
500 S. Grand Central Parkway
Las Vegas, NV 89155
(702) 455-6020

FOR CITY OF HENDERSON:

Public Works Director
240 Water Street
P.O. Box 95050
Henderson, NV 89009-5050
(702) 267-3030

FOR CITY OF LAS VEGAS:

Public Works Director
400 Stewart Ave
Las Vegas NV 89101
(702) 229-6276

FOR DEPARTMENT OF TRANSPORTATION STATE OF NEVADA:

Attn: Chief, Safety & Traffic Division
Nevada Department of Transportation
1263 S Stewart St
Carson City NV 89712
(775) 888-7440

FOR CITY OF NORTH LAS VEGAS:

Assistant Director Public Works
Transportation Services
2266 Civic Center Drive
North Las Vegas, NV 89030
(702) 633-1200

REGIONAL TRANSPORTATION COMMISSION:

Attn: General Manager
600 S Grand Central Pkwy Ste 350
Las Vegas, NV 89106-4512
(702) 676-1500

SECTION X: NO THIRD PARTY BENEFICIARY

It is specifically agreed between the parties executing this Agreement that it is not intended by any of the provisions of any part of the Agreement to create in the public or any member thereof a third party beneficiary status hereunder, or to authorize anyone not a party to this Agreement to maintain a suit for personal injuries or property damage pursuant to the terms or provisions of this Agreement.

SECTION XI: OPEN MEETING LAW

Pursuant to NRS 241, information or documents may be open to the public for inspection and copying. The parties will have the duty to disclose unless a particular record is confidential by law or a common law balancing of interest.

SECTION XII: ENTIRE AGREEMENT

This Agreement constitutes the entire agreement of the Member Agencies and as such is intended as a complete and exclusive statement of the promises, representations negotiations, discussions, and other agreements that may have been made in connection with the subject matter hereof. Unless an integrated attachment to this Agreement specifically displays a mutual intent to amend a particular part of this Agreement, general conflicts in language between any such attachment and this Agreement shall be construed consistent with the terms of this Agreement. Unless otherwise expressly authorized by the terms of this Agreement, no modification or amendment to this Agreement shall be binding upon the Member Agencies unless the same is in writing and signed by the respective parties hereto and approved by the Attorney General.

SECTION XIII: EXECUTION OF AGREEMENT

This agreement may be executed in multiple counterparts, each of which shall be deemed to be an original document. It is hereby acknowledged that each Member Agency will execute duplicates of its individual signature page so that each Member Agency may have an original of this Agreement.

IN WITNESS WHEREOF the Member Agencies have executed this Agreement on the day and year first above written.

Remainder of page intentionally left blank

Nevada Department of Transportation's signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System of Transportation

The undersigned person executing the Agreement on behalf of the Nevada Department of Transportation represents and warrants that he/she has full power and authority to enter into this Agreement and that the Nevada Department of Transportation is authorized by law to perform the services set forth herein.

ATTEST:

DEPARTMENT OF TRANSPORTATION,
STATE OF NEVADA

Frederick Doves
Chief, Safety & Traffic Division

Director Jeffrey M. Davis

C-10-04

Approved as to Legality and Form

Date _____


Deputy Attorney General

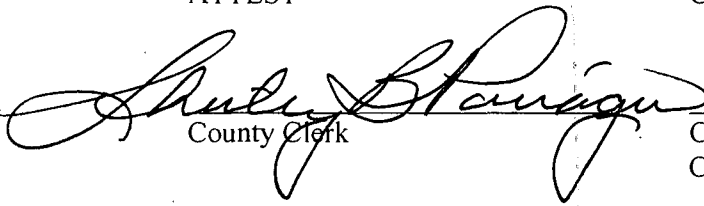
Ruby Maejuba
~~District I Engineer~~ for the Department
of Transportation
Deputy Director - So. Nevada

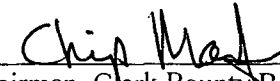
County of Clark's signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System for Transportation

The undersigned person executing the Agreement on behalf of County of Clark represents and warrants that he/she has full power and authority to enter into this Agreement and that County of Clark is authorized by law to perform the services set forth herein.

ATTEST

CLARK COUNTY BOARD OF COMMISSIONER


County Clerk


Chairman, Clark County Board of
County Commissioners

Approved as to legality and form:

5-4-04
Date of Commission Action


District Attorney's Office
County of Clark

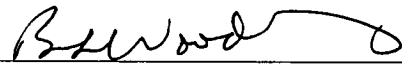
Regional Transportation Commission's signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System of Transportation

The undersigned person executing the Agreement on behalf of the Regional Transportation Commission of Southern Nevada represents and warrants that he/she has full power and authority to enter into this Agreement and that the Regional Transportation Commission of Southern Nevada is authorized by law to perform the services set forth herein.

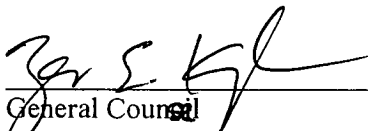
ATTEST

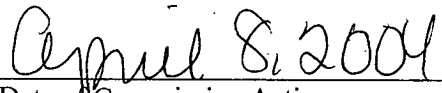

Executive Assistant

REGIONAL TRANSPORTATION COMMISSION
OF SOUTHERN NEVADA


Chairman, Regional Transportation
Commission

Approved as to legality and form:


General Counsel


Date of Commission Action

City of Henderson's signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System of Transportation

The undersigned person executing the Agreement on behalf of the City of Henderson represents and warrants that he/she has full power and authority to enter into this Agreement and that the City of Henderson is authorized by law to perform the services set forth herein.

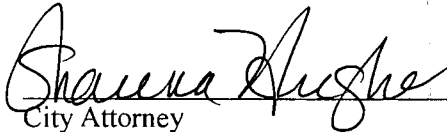
ATTEST


City Clerk

CITY OF HENDERSON


Mayor

Approved as to legality and form:


City Attorney
City of Henderson

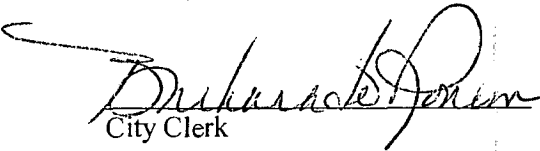
6/1/04
Date of Council Action

City of Las Vegas' signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System of Transportation

The undersigned person executing the Agreement on behalf of the City of Las Vegas represents and warrants that he/she has full power and authority to enter into this Agreement and that the City of Las Vegas is authorized by law to perform the services set forth herein.

ATTEST

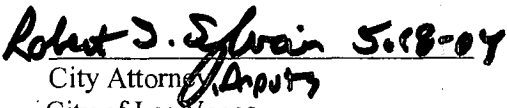
CITY OF LAS VEGAS


City Clerk


Mayor

Approved as to legality and form:

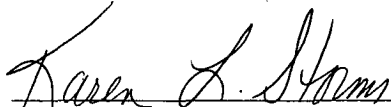
6-2-04
Date


City Attorney
City of Las Vegas

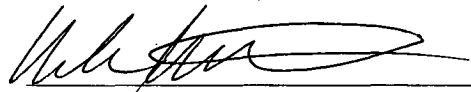
City of North Las Vegas' signature page for:
Cooperative Agreement for the Las Vegas Freeway
and Arterial System of Transportation

The undersigned person executing the Agreement on behalf of the City of North Las Vegas represents and warrants that he/she has full power and authority to enter into this Agreement and that the City of North Las Vegas is authorized by law to perform the services set forth herein.

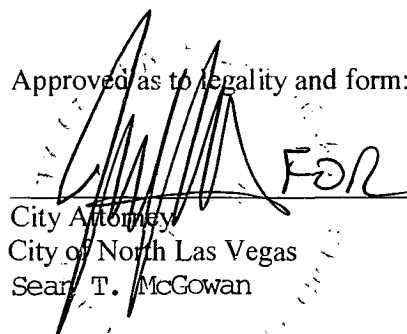
ATTEST


City Clerk
Karen L. Storms, CMC

CITY OF NORTH LAS VEGAS


Mayor
Michael L. Montandon

Approved as to legality and form:

 FOR
City Attorney
City of North Las Vegas
Sean T. McGowan

June 2, 2004

Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-91-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Acquisition, construction and installation of streets, sanitary sewer, storm sewers, and water main projects. Parcel is located in Granada At Summerlin - Unit 2.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-91-2004

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

RESOLUTION NO. _____

A RESOLUTION DIRECTING THE CITY TREASURER OF THE CITY OF LAS VEGAS TO APPORTION THE UNCOLLECTED AMOUNT OF THE SPECIAL ASSESSMENT AGAINST ANY LOT OR PARCEL OF PROPERTY WITHIN CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA) THAT HAS BEEN DIVIDED SINCE SUCH SPECIAL ASSESSMENT WAS LEVIED THEREAGAINST AMONG THE SEVERAL PARTS INTO WHICH SUCH LOT OR PARCEL HAS BEEN DIVIDED AND TO PREPARE, SUBMIT AND FILE WITH THE CITY CLERK OF SAID CITY A REPORT OF SUCH APPORTIONMENT.

WHEREAS, the City of Las Vegas (hereinafter the "City"), in the County of Clark and State of Nevada, is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as the same have been amended to the date hereof, and the general laws of the State; and

WHEREAS, by Ordinance No. 5291 and Amended Ordinance No. 5591 that were duly passed, adopted and approved by the City Council of the City (hereinafter the "City Council") on the 7th day of February, 2001, and the 16th day of April, 2003, respectively, the City Council created and amended "City of Las Vegas, Nevada, Special Improvement District No. 808 (Summerlin Area)" (hereinafter the "District") for the purposes of providing for the acquisition, construction and installation of street, road, sanitary sewer, storm sewer/drainage improvements, and water main projects (hereinafter the "Project"), by defraying the entire cost and expense of the Project by special assessments, against the assessable lots and parcels of property within the District according to the benefits that would be derived from the Project by the respective lots and parcels that were to be so assessed, all in accordance with the provisions of Chapter 271, et seq., of the Nevada Revised Statutes (hereinafter "NRS") that provide therefor; and

///

1 WHEREAS, by Ordinance No. 5293 that was duly passed, adopted and approved
2 by the City Council on the 7th day of February, 2001, the City Council assessed all of
3 the cost and expense of acquiring, constructing, and installing the Project against the
4 assessable lots and parcels of property within the District that were benefited by the
5 Project; and

6 WHEREAS, NRS 271.425 provides that if any lot or parcel of property within a
7 special improvement district, which has been created by a municipality in the State, is
8 divided after a special assessment thereupon has been levied and divided into
9 installments and before the collection of all of the installments, the governing body of the
10 municipality may require the municipal treasurer to apportion the uncollected amount of
11 such special assessment among the several parts into which such lot or parcel has been
12 divided; and

13 WHEREAS, that certain lot or parcel of property, identified by the Clark County,
14 Nevada, County Assessor's parcel number as Parcel 137-34-410-003, and is situate
15 within the District, has been divided after the special assessments were levied and
16 divided into installments, and not all of those installments have been collected or
17 apportioned among other lots and parcels that may have been created out of said Parcel
18 after the assessments were levied; and

19 WHEREAS, the City Council desires, by this Resolution, to direct the City
20 Treasurer of the City (hereinafter the "City Treasurer") to apportion the uncollected and
21 heretofore unapportioned amounts of the special assessments that have been levied
22 upon the above-described Parcel among the several parts into which said Parcel has
23 been divided;

24 ///

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
2 Vegas, Nevada, at this regular meeting thereof being held on this 2nd day of June, 2004,
3 as follows:

4 SECTION 1. That the City Treasurer be, and he hereby is, authorized,
5 empowered and directed to apportion, on an equitable basis, the uncollected and
6 unapportioned amounts of the special assessments that were, by virtue of the adoption
7 by the City Council of Ordinance No. 5293, levied upon that certain lot or parcel of
8 property and is situate within the District and is identified by the Clark County, Nevada,
9 County Assessor's parcel number as Parcel 137-34-410-003, among the several parts
10 into which said Parcel has been divided.

11 SECTION 2. That the City Treasurer be, and he hereby is, further
12 authorized, empowered and directed to prepare, submit and file with the City Clerk of the
13 City (hereinafter the "City Clerk") a Report of the apportionment that is required by
14 Section 1 of this Resolution.

15 SECTION 3. That the City Clerk be, and she hereby is, authorized,
16 empowered and directed to furnish a copy of this Resolution to the City Treasurer.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

SECTION 4. That all resolutions, or parts thereof, that are in conflict with the provisions of this Resolution be, and they hereby are, repealed.

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2004.


OSCAR B. GOODMAN, Mayor

Approved as to form:

5-19-04 Madeleine R. Dickman
Date Deputy City Attorney

ATTEST:


BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-92-2004 - Approval of a Resolution approving the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Acquisition, construction and installation of streets, sanitary sewer, storm sewers, and water main projects. Parcel is located in Granada At Summerlin - Unit 2.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-92-2004

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

1 RESOLUTION NO. R-92-2004

2 A RESOLUTION RELATING TO CITY OF LAS VEGAS, NEVADA,
3 SPECIAL IMPROVEMENT DISTRICT NO. 808 (SUMMERLIN AREA);
4 APPROVING THE SIXTY-FIRST ASSESSMENT LIEN
5 APPORTIONMENT REPORT WITH RESPECT TO CERTAIN LOTS AND
6 PARCELS OF PROPERTY WITHIN SAID DISTRICT; AND DIRECTING
7 THE RECORDATION OF SAID REPORT.

8 WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City
9 Council" and the "City", respectively), in the County of Clark and State of Nevada, has
10 taken the requisite legal action that is preliminary to, and in the creation of, "City of Las
11 Vegas, Nevada, Special Improvement District No. 808 (Summerlin Area)" (hereinafter
12 the "District"), for the purposes of providing for the acquisition, construction and
13 installation of street, road, sanitary sewer, storm sewer/drainage improvements, and
14 water main projects (hereinafter the "Project"), and of defraying the entire cost and
15 expense of the Project, by special assessments, against the assessable lots and parcels
16 of property within the District according to the benefits that would be derived from the
17 Project by the respective lots and parcels that were to be so assessed, all in accordance
18 with the provisions of Chapter 271, et seq., of the Nevada Revised Statutes (hereinafter
19 "NRS") that provide therefor; and

20 WHEREAS, the City Council, pursuant to NRS 271.425, has directed the City
21 Treasurer of the City (hereinafter the "City Treasurer") to apportion, on an equitable basis,
22 the uncollected and heretofore unapportioned amounts of the special assessments that
23 were levied upon that certain lot or parcel of property situate within the District and
24 identified by the Clark County, Nevada, County Assessor's parcel number as Parcel
137-34-410-003, among the several parts into which said Parcel has been divided, and to

///

1 prepare, submit and file with the City Clerk of the City (hereinafter the "City Clerk") a
2 report of such apportionment; and

3 WHEREAS, the City Treasurer, on the 2nd day of June, 2004, filed with the City
4 Clerk a copy of his report of such apportionment that is entitled "Sixty-First Assessment
5 Lien Apportionment Report for City of Las Vegas, Nevada, Special Improvement District
6 No. 808 (Summerlin Area)"; and

7 WHEREAS, the City Council has reviewed that Report and has found the same, in
8 all respects, to be satisfactory;

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
10 Vegas, Nevada, at this regular meeting thereof being held on this 2nd day of June, 2004,
11 as follows:

12 SECTION 1. That certain document entitled "Sixty-First Assessment Lien
13 Apportionment Report for City of Las Vegas, Nevada, Special Improvement District
14 No. 808 (Summerlin Area)", a copy of which is attached as Exhibit "A" hereto, is hereby
15 approved and adopted, as and for the City's plan for the apportionment of the uncollected
16 and heretofore unapportioned amounts of the special assessments that were levied upon
17 that certain lot and parcel of property that is situate within the District and is identified by
18 the Clark County, Nevada, County Assessor's parcel number as Parcel 137-34-410-003,
19 among the several parts into which said Parcel has been divided.

20 SECTION 2. That the City Clerk is hereby authorized, empowered and
21 directed to record in the Office of the County Recorder of Clark County, Nevada, a copy
22 of the above-referenced Report, together with a statement that the current payment
23 status of any of the assessments that are shown thereon may be obtained from the City
24 Treasurer.

SECTION 3. That all resolutions, or parts thereof, that are in conflict with the provisions of this Resolution be, and they hereby are, repealed.

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2004.


OSCAR B. GOODMAN, Mayor

Approved as to form:

5-19-'04 *Melanie P. DePina*
Date Deputy City Attorney

ATTEST:

BARBARA JO RONEMUS, City Clerk

APN: 137-34-410-003

City of Las Vegas, Nevada
Special Improvement District No. 808
(Summerlin Area)

SIXTY-FIRST ASSESSMENT LIEN APPORTIONMENT REPORT
(June 2, 2004)

RETURN TO:

City of Las Vegas
Department of Public Works
Special Improvement District - 4th Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK

2004 JUN - 2 P 4: 24

SIXTY-FIRST ASSESSMENT LIEN APPORTIONMENT REPORT

The assessment that has heretofore been levied against that certain parcel of property that is identified by the Clark County, Nevada, County Assessor's parcel number as Parcel 137-34-410-003, in the amount of \$303,064.45, is hereby apportioned among the lots or parcels into which said parcel has been divided, as follows:

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
137-34-414-001	1	7 ¹	\$ 4,523.35
137-34-414-002	1	8 ¹	\$ 4,523.35
137-34-414-003	1	9 ¹	\$ 4,523.35
137-34-414-004	1	10 ¹	\$ 4,523.35
137-34-414-005	1	11 ¹	\$ 4,523.35
137-34-414-006	1	12 ¹	\$ 4,523.35
137-34-414-007	1	13 ¹	\$ 4,523.35
137-34-414-008	1	14 ¹	\$ 4,523.35
137-34-414-009	1	15 ¹	\$ 4,523.35
137-34-414-010	1	16 ¹	\$ 4,523.35
137-34-414-011	1	17 ¹	\$ 4,523.35
137-34-414-012	1	18 ¹	\$ 4,523.35
137-34-414-013	1	19 ¹	\$ 4,523.35
137-34-414-014	1	20 ¹	\$ 4,523.35

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
164-03-110-001	1	21 ¹	\$ 4,523.35
164-03-110-002	1	22 ¹	\$ 4,523.35
164-03-110-003	1	23 ¹	\$ 4,523.35
164-03-110-004	1	24 ¹	\$ 4,523.35
164-03-110-005	1	25 ¹	\$ 4,523.35
164-03-110-006	1	26 ¹	\$ 4,523.35
164-03-110-007	1	27 ¹	\$ 4,523.35
164-03-110-008	1	28 ¹	\$ 4,523.35
164-03-110-009	1	29 ¹	\$ 4,523.35
164-03-511-001	1	30 ¹	\$ 4,523.35
164-03-511-002	1	31 ¹	\$ 4,523.35
164-03-511-003	1	32 ¹	\$ 4,523.35
164-03-511-004	1	33 ¹	\$ 4,523.35
164-03-511-005	1	34 ¹	\$ 4,523.35
164-03-511-006	1	35 ¹	\$ 4,523.35
164-03-511-007	1	36 ¹	\$ 4,523.35
164-03-511-008	1	37 ¹	\$ 4,523.35
164-03-511-009	1	38 ¹	\$ 4,523.35
137-34-414-015	2	76 ¹	\$ 4,523.35
137-34-414-016	2	77 ¹	\$ 4,523.35
137-34-414-017	2	78 ¹	\$ 4,523.35
137-34-414-018	2	79 ¹	\$ 4,523.35
137-34-414-019	2	80 ¹	\$ 4,523.35
137-34-414-020	2	81 ¹	\$ 4,523.35
137-34-414-021	2	82 ¹	\$ 4,523.35

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
137-34-414-022	2	83 ¹	\$ 4,523.35
137-34-414-023	2	84 ¹	\$ 4,523.35
137-34-414-024	2	85 ¹	\$ 4,523.35
137-34-414-025	2	86 ¹	\$ 4,523.35
164-03-110-010	2	87 ¹	\$ 4,523.35
164-03-110-011	2	88 ¹	\$ 4,523.35
164-03-511-010	2	89 ¹	\$ 4,523.35
164-03-511-011	2	90 ¹	\$ 4,523.35
164-03-511-012	2	91 ¹	\$ 4,523.35
164-03-511-013	2	92 ¹	\$ 4,523.35
164-03-511-014	2	93 ¹	\$ 4,523.35
164-03-511-015	2	94 ¹	\$ 4,523.35
164-03-511-016	2	95 ¹	\$ 4,523.35
164-03-511-017	2	96 ¹	\$ 4,523.35
137-34-414-026	2	97 ¹	\$ 4,523.35
137-34-414-027	2	98 ¹	\$ 4,523.35
137-34-414-028	2	99 ¹	\$ 4,523.35
137-34-414-029	2	100 ¹	\$ 4,523.35
137-34-414-030	2	101 ¹	\$ 4,523.35
137-34-414-031	2	102 ¹	\$ 4,523.35
137-34-414-032	2	103 ¹	\$ 4,523.35
137-34-414-033	2	104 ¹	\$ 4,523.35
137-34-414-034	2	105 ¹	\$ 4,523.35
137-34-414-035	2	106 ¹	\$ 4,523.35
137-34-414-036	2	107 ¹	\$ 4,523.35

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
137-34-414-037	2	108 ¹	\$ 4,523.35
137-34-414-038	2	109 ¹	\$ 4,523.35
164-03-511-018	2	110 ¹	\$ 4,523.35
TOTAL			\$ 303,064.45

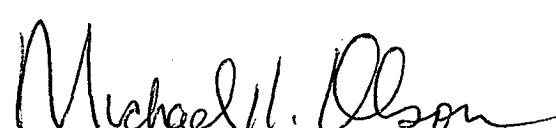
¹ of Granada At Summerlin - Unit 2 as recorded in Book 116 of Plats, Page 53 in the Office of the County Recorder, Clark County, Nevada

DATED this 2nd day of June 2004.

I concur with the apportionments as stated above.


 MARY CONNELLY, Senior Vice President
 William Lyon Homes, A California Corporation

Respectfully submitted,


 MICHAEL K. OLSON, City Treasurer

THE CURRENT PAYMENT STATUS OF ANY OF THE FOREGOING ASSESSMENTS MAY BE OBTAINED FROM THE OFFICE OF THE CITY TREASURER OF LAS VEGAS, NEVADA.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-93-2004 - Approval of a Resolution directing the City Treasurer to prepare the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Acquisition, construction and installation of streets, sanitary sewer, storm sewers, and water main projects. Parcel is located in Granada At Summerlin - Unit 2.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-93-2004

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

RESOLUTION NO. R-93-2004

A RESOLUTION DIRECTING THE CITY TREASURER OF THE CITY OF LAS VEGAS TO APPORTION THE UNCOLLECTED AMOUNT OF THE SPECIAL ASSESSMENT AGAINST ANY LOT OR PARCEL OF PROPERTY WITHIN CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 809 (SUMMERLIN AREA) THAT HAS BEEN DIVIDED SINCE SUCH SPECIAL ASSESSMENT WAS LEVIED THEREAGAINST AMONG THE SEVERAL PARTS INTO WHICH SUCH LOT OR PARCEL HAS BEEN DIVIDED AND TO PREPARE, SUBMIT AND FILE WITH THE CITY CLERK OF SAID CITY A REPORT OF SUCH APPORTIONMENT.

WHEREAS, the City of Las Vegas (hereinafter the "City"), in the County of Clark and State of Nevada, is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as the same have been amended to the date hereof, and the general laws of the State; and

WHEREAS, by Ordinance No. 5597 that was duly passed, adopted and approved by the City Council of the City (hereinafter the "City Council") on the 7th day of May, 2003, the City Council created "City of Las Vegas, Nevada, Special Improvement District No. 809 (Summerlin Area)" (hereinafter the "District") for the purposes of providing for the acquisition, construction and installation of street, road, sanitary sewer, storm sewer/drainage improvements, and water main projects (hereinafter the "Project"), by defraying the entire cost and expense of the Project by special assessments, against the assessable lots and parcels of property within the District according to the benefits that would be derived from the Project by the respective lots and parcels that were to be so assessed, all in accordance with the provisions of Chapter 271, et seq., of the Nevada Revised Statutes (hereinafter "NRS") that provide therefor; and

///

///

1 WHEREAS, by Ordinance No. 5598 that was duly passed, adopted and approved
2 by the City Council on the 7th day of May, 2003, the City Council assessed all of the
3 cost and expense of acquiring, constructing, and installing the Project against the
4 assessable lots and parcels of property within the District that were benefited by the
5 Project; and

6 WHEREAS, NRS 271.425 provides that if any lot or parcel of property within a
7 special improvement district, which has been created by a municipality in the State, is
8 divided after a special assessment thereupon has been levied and divided into
9 installments and before the collection of all of the installments, the governing body of the
10 municipality may require the municipal treasurer to apportion the uncollected amount of
11 such special assessment among the several parts into which such lot or parcel has been
12 divided; and

13 WHEREAS, that certain lot or parcel of property, identified by the Clark County,
14 Nevada, County Assessor's parcel number as Parcel 137-34-410-003, and is situate
15 within the District, has been divided after the special assessments were levied and
16 divided into installments, and not all of those installments have been collected or
17 apportioned among other lots and parcels that may have been created out of said Parcel
18 after the assessments were levied; and

19 WHEREAS, the City Council desires, by this Resolution, to direct the City
20 Treasurer of the City (hereinafter the "City Treasurer") to apportion the uncollected and
21 heretofore unapportioned amounts of the special assessments that have been levied
22 upon the above-described Parcel among the several parts into which said Parcel has
23 been divided;

24 ///

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
2 Vegas, Nevada, at this regular meeting thereof being held on this 2nd day of June, 2004,
3 as follows:

4 SECTION 1. That the City Treasurer be, and he hereby is, authorized,
5 empowered and directed to apportion, on an equitable basis, the uncollected and
6 unapportioned amounts of the special assessments that were, by virtue of the adoption
7 by the City Council of Ordinance No. 5598, levied upon that certain lot or parcel of
8 property and is situate within the District and is identified by the Clark County, Nevada,
9 County Assessor's parcel number as Parcel 137-34-410-003, among the several parts
10 into which said Parcel has been divided.

11 SECTION 2. That the City Treasurer be, and he hereby is, further
12 authorized, empowered and directed to prepare, submit and file with the City Clerk of the
13 City (hereinafter the "City Clerk") a report of the apportionment that is required by Section
14 1 of this Resolution.

15 SECTION 3. That the City Clerk be, and she hereby is, authorized,
16 empowered and directed to furnish a copy of this Resolution to the City Treasurer.

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

SECTION 4. That all resolutions, or parts thereof, that are in conflict with the provisions of this Resolution be, and they hereby are, repealed.

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2004.


OSCAR B. GOODMAN, Mayor

Approved as to form:

5-19-'04 Madeline T. Riefmann D' Cicco
Date Deputy City Attorney

ATTEST:


BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-94-2004 - Approval of a Resolution approving the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Acquisition, construction and installation of streets, sanitary sewer, storm sewers, and water main projects. Parcel is located in Granada At Summerlin - Unit 2.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-94-2004

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

1 RESOLUTION NO. R-94-2004

2 A RESOLUTION RELATING TO CITY OF LAS VEGAS, NEVADA,
3 SPECIAL IMPROVEMENT DISTRICT NO. 809 (SUMMERLIN AREA);
4 APPROVING THE TWELFTH ASSESSMENT LIEN APPORTIONMENT
5 REPORT WITH RESPECT TO CERTAIN LOTS AND PARCELS OF
6 PROPERTY WITHIN SAID DISTRICT; AND DIRECTING THE
7 RECORDATION OF SAID REPORT.

8 WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City
9 Council" and the "City", respectively), in the County of Clark and State of Nevada, has
10 taken the requisite legal action that is preliminary to, and in the creation of, "City of Las
11 Vegas, Nevada, Special Improvement District No. 809 (Summerlin Area)" (hereinafter
12 the "District"), for the purposes of providing for the acquisition, construction and
13 installation of street, road, sanitary sewer, storm sewer/drainage improvements, and
14 water main projects (hereinafter the "Project"), and of defraying the entire cost and
15 expense of the Project, by special assessments, against the assessable lots and parcels
16 of property within the District according to the benefits that would be derived from the
17 Project by the respective lots and parcels that were to be so assessed, all in accordance
18 with the provisions of Chapter 271, et seq., of the Nevada Revised Statutes (hereinafter
19 "NRS") that provide therefor; and

20 WHEREAS, the City Council, pursuant to NRS 271.425, has directed the City
21 Treasurer of the City (hereinafter the "City Treasurer") to apportion, on an equitable basis,
22 the uncollected and heretofore unapportioned amounts of the special assessments that
23 were levied upon that certain lot or parcel of property situate within the District and
24 identified by the Clark County, Nevada, County Assessor's parcel number as Parcel
137-34-410-003, among the several parts into which said Parcel has been divided, and to

///

1 prepare, submit and file with the City Clerk of the City (hereinafter the "City Clerk") a
2 report of such apportionment; and

3 WHEREAS, the City Treasurer, on the 2nd day of June, 2004, filed with the City
4 Clerk a copy of his report of such apportionment that is entitled "Twelfth Assessment Lien
5 Apportionment Report for City of Las Vegas, Nevada, Special Improvement District
6 No. 809 (Summerlin Area)"; and

7 WHEREAS, the City Council has reviewed that Report and has found the same, in
8 all respects, to be satisfactory;

9 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
10 Vegas, Nevada, at this regular meeting thereof being held on this 2nd day of June, 2004,
11 as follows:

12 SECTION 1. That certain document entitled "Twelfth Assessment Lien
13 Apportionment Report for City of Las Vegas, Nevada, Special Improvement District
14 No. 809 (Summerlin Area)", a copy of which is attached as Exhibit "A" hereto, is hereby
15 approved and adopted, as and for the City's plan for the apportionment of the uncollected
16 and heretofore unapportioned amounts of the special assessments that were levied upon
17 that certain lot and parcel of property that is situate within the District and is identified by
18 the Clark County, Nevada, County Assessor's parcel number as Parcel 137-34-410-003,
19 among the several parts into which said Parcel has been divided.

20 SECTION 2. That the City Clerk is hereby authorized, empowered and
21 directed to record in the Office of the County Recorder of Clark County, Nevada, a copy
22 of the above-referenced Report, together with a statement that the current payment
23 status of any of the assessments that are shown thereon may be obtained from the City
24 Treasurer.

SECTION 3. That all resolutions, or parts thereof, that are in conflict with the provisions of this Resolution be, and they hereby are, repealed.

PASSED, ADOPTED AND APPROVED this 2nd day of June, 2004.


OSCAR B. GOODMAN, Mayor

Approved as to form:

5-19-'04 *Madeline A. Diekmann-D'Isa*
Date Deputy City Attorney

ATTEST:

BARBARA JO RONEMUS, City Clerk

APN: 137-34-410-003

City of Las Vegas, Nevada
Special Improvement District No. 809
(Summerlin Area)

TWELFTH ASSESSMENT LIEN APPORTIONMENT REPORT
(June 2, 2004)

RETURN TO:

City of Las Vegas
Department of Public Works
Special Improvement District - 4th Floor
400 Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK

2004 JUN -2 P 4:24

TWELFTH ASSESSMENT LIEN APPORTIONMENT REPORT

The assessment that has heretofore been levied against that certain parcel of property that is identified by the Clark County, Nevada, County Assessor's parcel number as Parcel 137-34-410-003, in the amount of \$392,952.64, is hereby apportioned among the lots or parcels into which said parcel has been divided, as follows:

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
137-34-414-001	1	7 ¹	\$ 5,864.97
137-34-414-002	1	8 ¹	\$ 5,864.97
137-34-414-003	1	9 ¹	\$ 5,864.97
137-34-414-004	1	10 ¹	\$ 5,864.97
137-34-414-005	1	11 ¹	\$ 5,864.97
137-34-414-006	1	12 ¹	\$ 5,864.97
137-34-414-007	1	13 ¹	\$ 5,864.97
137-34-414-008	1	14 ¹	\$ 5,864.97
137-34-414-009	1	15 ¹	\$ 5,864.97
137-34-414-010	1	16 ¹	\$ 5,864.97
137-34-414-011	1	17 ¹	\$ 5,864.97
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137-34-414-013	1	19 ¹	\$ 5,864.97
137-34-414-014	1	20 ¹	\$ 5,864.97

LEGAL DESCRIPTION			PER PARCEL
APN	BLOCK	LOT	ASSESSMENT
164-03-110-001	1	21 ¹	\$ 5,864.97
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164-03-110-006	1	26 ¹	\$ 5,864.97
164-03-110-007	1	27 ¹	\$ 5,864.97
164-03-110-008	1	28 ¹	\$ 5,864.97
164-03-110-009	1	29 ¹	\$ 5,864.97
164-03-511-001	1	30 ¹	\$ 5,864.97
164-03-511-002	1	31 ¹	\$ 5,864.97
164-03-511-003	1	32 ¹	\$ 5,864.97
164-03-511-004	1	33 ¹	\$ 5,864.97
164-03-511-005	1	34 ¹	\$ 5,864.97
164-03-511-006	1	35 ¹	\$ 5,864.97
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137-34-414-035	2	106 ¹	\$ 5,864.96
137-34-414-036	2	107 ¹	\$ 5,864.96

LEGAL DESCRIPTION			PER PARCEL
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137-34-414-038	2	109 ¹	\$ 5,864.96
164-03-511-018	2	110 ¹	\$ 5,864.96
TOTAL			\$ 392,952.64

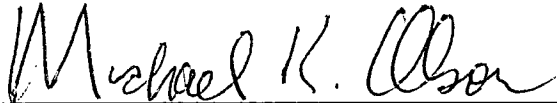
¹ of Granada At Summerlin - Unit 2 as recorded in Book 116 of Plats, Page 53 in the Office of the County Recorder, Clark County, Nevada

DATED this 2nd day of June 2004.

I concur with the apportionments as stated above.


 MARY CONNELLY, Senior Vice President
 William Lyon Homes, A California Corporation

Respectfully submitted,


 MICHAEL K. OLSON, City Treasurer

THE CURRENT PAYMENT STATUS OF ANY OF THE FOREGOING ASSESSMENTS MAY BE OBTAINED FROM THE OFFICE OF THE CITY TREASURER OF LAS VEGAS, NEVADA.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒

CONSENT

☐

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-95-2004 - Approval of a Resolution Disposing of the Protests made at the Hearing on the Provisional Order for Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The construction and installation of pavement, "L" type curb and gutter, sidewalk, driveway approaches, water laterals and mains, sewer laterals and mains, and streetlights. The cost of the SID is estimated to be \$646,166.67.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-95-2004

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:29 – 9:30)

1-972

RESOLUTION NO. R-95-2004

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD)

Summary: Protest Disposal Resolution

WHEREAS, the Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively), in the County of Clark, State of Nevada, pursuant to a resolution heretofore adopted, provisionally ordered the acquisition of a Street Project, Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") within the Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) (hereinafter the "District"); and

WHEREAS, pursuant to the resolution, the City Clerk gave notice of the time and place of hearings thereon, in the manner specified by law; and

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

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, May 14, 2004, or to appear before the City Council on Wednesday, May 19, 2004, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefor, and as to the amount thereof to be assessed against the property for the Project; and

WHEREAS, the City Council has now considered each and every written protest and objection and all oral protests and objections made at the hearing, and the City Council finds that each and every oral protest or objection is without sufficient merit and is overruled and denied.

NOW, THEREFORE, BE IT RESOLVED BY THE LAS VEGAS CITY COUNCIL, IN THE STATE OF NEVADA; THAT:

Section 1. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District No. 1490 Protest Disposal Resolution" (hereinafter the "Resolution").

Section 2. The City Council has determined and does hereby determine, that one-half or more of the total cost of each of the improvements in the District shall be paid with monies derived from other than the levy of special assessments and accordingly may take advantage of the exception stated in paragraph (a) of subsection (2) of NRS 271.306 (stating that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

Section 3. The City Council determines that each and every protest and objection filed or otherwise made is without sufficient merit and that the same is overruled and finally passed on by the City Council.

Section 4. The City Council has determined, and does hereby determine, that it is advisable to acquire the Project, as provided by the Special Improvement District No. 1490 Provisional Order Resolution and to proceed with the District.

Section 5. Within 30 days after the City Council passes on the complaint, protest or objection, by adoption of this Resolution, any person who filed and did not withdraw a written complaint, protest or objection shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside the determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits are perpetually barred.

Section 6. The City Engineer and the Engineering Integration Division are requested and directed to prepare, in the manner required by law, and to present the following to the City Council:

- (a) A revised and detailed estimate of the total cost of the District, including each of the incidental costs, if necessary;
- (b) Full and detailed final plans and specifications for the Project, if necessary;
- (c) A revised map and a revised assessment plat, if necessary; and
- (d) A revised and supplemental Report to the City Council on Benefits, if necessary.

Section 7. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity requires the creation of District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road).
- (b) The creation of the District is economically sound and feasible.

- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 8. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) including, but not limited to, the notice of the hearing provided which was mailed, posted, and published, and the same hereby are, ratified, approved and confirmed.

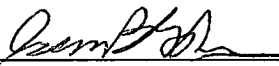
Section 9. The officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

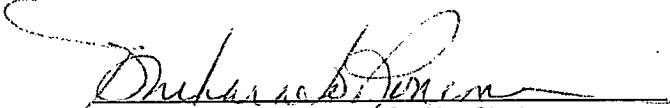
Section 12. The City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED AND APPROVED June 2, 2004.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to Form:

5-19-04 
Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) ss
)
CITY OF LAS VEGAS)

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on June 2, 2004.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a majority of the members of City Council as follows:

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Michael Mack Janet Moncrief

Those Voting Nay:	NONE

Those Absent:	NONE

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the City Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal

office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

6. A copy of such notice so given of the meeting of the City Council on June 2, 2004, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this June 2, 2004.

(SEAL)


BARBARA JO RONEMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

CITY COUNCIL AGENDA

JUNE 2, 2004

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(Bills eligible for adoption at this meeting)

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(Bills eligible for adoption at a later meeting)

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CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), VACANT (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

JUNE 2, 2004

**Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.**

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

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

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN MUSLIM PUBLIC AFFAIRS COUNCIL
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF SENIOR OF THE QUARTER
- RECOGNITION OF PARAMEDIC RANDY FARR
- RECOGNITION OF PORCELAIN ART MONTH
- RECOGNITION OF ASSOCIATED GENERAL CONTRACTORS, NEVADA CHAPTER
- RECOGNITION OF RITES OF PASSAGE PROGRAM GRADUATES

BUSINESS ITEMS

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Discussion and possible action to adjust the City Manager's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
3. Discussion and possible action to adjust the City Attorney's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
4. Discussion and possible action to adjust the City Auditor's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Danmark, Inc., dba Golden Eagle Bar & Grill, 2202 Paradise Road (Non-operational), Joseph S. Kludjian, Dir, Pres, Secy, Treas, 100%, Judy F. Lindblad, Mgr, Charles W. Lum, Mgr, To: B-W Investments, LLC, dba Buffalo Wild Wings Grill and Bar, 6640 North Durango Drive, Suite 110, William M. Welter, Mmbr, Mgr, 50%, Dennis J. Kozlowski, Mmbr, Mgr, 25%, JSB Investments, LLC, Mmbr, Mgr, 25%, John S. Beuchat, Mgr, John Beuchat Living Trust 1992, Mmbr, 100%, John S. Beuchat, Trustee - Ward 6 (Mack)
7. Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Sam E. Hamika, Sam E. Hamika, 100%, To: Thamer Jarjees, dba Vegas Market #3, 6711 West Alexander Road, #103-104, Thamer Jarjees, 100% - Ward 6 (Mack)
8. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Cavalier, Inc., dba Junkyard Lounge, 2327 South Eastern Avenue, Adam B. Corrigan, Dir, Pres, Secy, Treas, 100%, To: Canyon Pointe Investments, Inc., dba Agave Mexican Restaurant, 10820 West Charleston Boulevard, Michael F. Corrigan, Dir, Pres, Secy, 50%, Sean P. Corrigan, Treas, 50% - Ward 2 (Vacant)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots, Corwin & Corwin, dba From: Lakes Texaco, To: Lakes Market, 7790 West Sahara Avenue, Steven C. Corwin and Barbara L. Corwin, 100% jointly as husband and wife - Ward 1 (Moncrief)
10. Approval of a new Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, Saman Enterprises LLC, dba Hot Spot, 4708 West Charleston Boulevard, Raida M. Shieban, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to confirmation of approval by the Nevada Gaming Commission, Green Valley Gaming, db at Lucky Mart, 823 East Ogden Avenue - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

12. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Lucky Champ, 4030 West Charleston Boulevard - Ward 1 (Moncrief)
13. Approval of award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO. (Estimated annual amount \$1,200,000 - Automotive Services Internal Service Fund)
14. Approval to use the Las Vegas Valley Water District Bid No. 1044-03, for an annual requirements contract for Biodiesel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO (Estimated annual amount of \$350,000 - Automotive Services Internal Service Fund)
15. Approval of award of Contract No. 040338, State Legislative Consulting Services (2 year contract) - Office of Administrative Services - Award recommended to: OSTROVSKY AND ASSOCIATES (\$330,000 - General Fund)
16. Approval of issuance of a purchase order for 15 auto-pulse resuscitation systems - Department of Fire and Rescue - Award recommended to: REVIVANT CORPORATION (\$192,096.78 - Fire Services Public Education Special Revenue Fund)
17. Approval of revision to purchase order 215417 for inmate linen and uniform service - Department of Detention and Enforcement - Award to: NEVADA LINEN SUPPLY (\$100,000 - General Fund)
18. Approval of revision to purchase order 214815 for Emergency Medical Services (EMS) Transport Claims Processing, Filing and Management - Department of Fire and Rescue - Award to: MEDICLAIMS, INC. (\$60,000 - General Fund)
19. Approval of award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases - Various Departments - Award recommended to: NEVADA COMPRESSED GAS (Estimated annual amount of \$50,000 - Various Funds)
20. Approval of Contract No. 040285 for GIS Software Development and Application Services Agreement - Department of Planning and Development - Award recommended to: GIS PLANNING (\$43,000 - General Fund and Industrial Development Special Revenue Fund)
21. Approval of revision to purchase order 219246 for mounting hardware and installation for pen-based computers - Department of Fire and Rescue - Award to: MOBILE MOUNTING SOLUTIONS, INC. (\$10,290 - Fire Services Capital Projects Fund)

PUBLIC WORKS DEPARTMENT - CONSENT

22. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Gowan Road, west of the Clark County Beltway, APN 137-12-301-007 - Ward 4 (Brown)
23. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 18, Township 19 South, Range 60 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Solar Lane and the north side of Elkhorn Road, east of Chieftain Street, APN 125-18-801-015 - Ward 6 (Mack)
24. Approval of a Professional Services Agreement with Parsons Transportation Group, Inc. for Construction Management Services on the I-15 Freeway Channel - Charleston Lateral Extension project (\$350,000 - Clark County Regional Flood Control District) - Wards 1 and 5 (Moncrief and Weekly)
25. Approval of Interlocal Agreement No. 110059 between the City of Las Vegas and Las Vegas Valley Water District for the Grand Montecito Parkway Improvements (Centennial Parkway to Elkhorn Road) Special Improvement District No. 1502 - Ward 6 (Mack)

PUBLIC WORKS DEPARTMENT - CONSENT

26. Approval of Interlocal Agreement No. 110058 between the City of Las Vegas and Las Vegas Valley Water District for construction and funding of water facilities as part of the Vegas Drive Storm Drain Improvements Project (Rancho Road to I-15) - Ward 5 (Weekly)
27. Approval of an Encroachment Request from Paul Wagner on behalf of Nevada Homes Group, Incorporated, owner (southeast corner of Durango Drive and Ackerman Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from CVL Consultants, Incorporated, on behalf of R & S El Capitan, LLC, owner (southeast corner of Racel Street and Durango Drive) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Taney Engineering on behalf of Distinctive Homes Taos Estates III, owner (Rio Vista Street between Azure Drive and Regena Avenue) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Chad and Crystal P. Hirschi, owners (southwest corner of Deer Springs Way and Tioga Way, APN 125-22-301-002) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner on behalf of Quencia Inc., owner (northeast corner of Jensen Street and Dorrell Lane, APN 125-19-102-011 and 125-19-102-012) - County (near Ward 6 - Mack)
32. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Miller, owner (north of Florine Avenue on Cimarron Road, APN 138-04-404-004) - County (near Ward 4 - Brown)
33. Approval of a Third Amendment to a Professional Services Agreement with Stantec Consulting Inc. for additional design services for Deer Springs Park located at Elkhorn Road and Buffalo Drive (\$10,200 - Parks Capital Improvement Project Fund) - Ward 6 (Mack)
34. Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the State of Nevada, Clark County, the Cities of Henderson, Las Vegas, North Las Vegas, and the Regional Transportation Commission of Southern Nevada, transferring the Role of Central Administrator from the City of Las Vegas to the Regional Transportation Commission of Southern Nevada - All Wards

RESOLUTIONS - CONSENT

35. R-91-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
36. R-92-2004 - Approval of a Resolution approving the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
37. R-93-2004 - Approval of a Resolution directing the City Treasurer to prepare the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
38. R-94-2004 - Approval of a Resolution approving the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
39. R-95-2004 - Approval of a Resolution Disposing of the Protests made at the Hearing on the Provisional Order for Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) - Ward 6 (Mack)

REAL ESTATE COMMITTEE – CONSENT

40. ABEYANCE ITEM - Approval to negotiate purchase and/or initiate condemnation of APNs 139-34-512-002 and - 003 located at 321 and 329 North Las Vegas Boulevard, APN 139-34-512-015 located at 512 East Mesquite Avenue and APNs 139-34-512-016 and -017 located at 409 North 6th Street and 405 North 6th Street for right-of-way and City Hall Expansion purposes - Ward 5 (Weekly)
41. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purposes of providing a fire hydrant to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
42. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
43. Approval of a Letter of Agreement between the City of Las Vegas and Jim Marsh for the City's purchase of 16,700 square feet of land near the northwest corner of Tropical Parkway and Durango Drive - (\$196,881.21 plus closing costs - Parks) - Ward 6 (Mack)
44. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)
45. Approval of an Agreement for the Purchase and Sale of Real property between Priority One Commercial (on behalf of the City of Las Vegas) and Robert Piccininni for real property commonly known as APN 139-34-512-015 located at 512 East Mesquite Avenue (\$650,000 + closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

46. Discussion and possible action regarding a campaign and employment policy for state legislators

CITY ATTORNEY - DISCUSSION

47. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Tamara Lynn Carrera, 555 E. Silverado Ranch, Apt. #1062, Las Vegas, Nevada 89123
48. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Don L. Hampton, 893, W. Balzar, Las Vegas, Nevada 89106
49. Discussion and possible action on Appeal of Work Card Denial: Approved June 4, 2003 subject to one year review: Sherry Dina Rosen, 3550 Paradise Road #351, Las Vegas, Nevada 89109
50. Discussion and possible action on Appeal of Work Card Denial: Ryan P. Goida, 1518 Silver Sunset Drive, Henderson, Nevada 89052

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

51. Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

52. R-96-2004 – Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) - Ward 6 (Mack)
53. R-97-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement Districts No.1474 (Rainbow Boulevard: Silverstream Avenue to Smoke Ranch Road) and No.1486 (Rainbow Boulevard Phase II: Rancho Drive to Ann Road) - Ward 6 (Mack)
54. R-98-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 1481 El Capitan Way (Centennial Parkway to US 95) - Ward 6 (Mack)
55. R-99-2004 - Discussion and possible action regarding a resolution to augment and amend the City of Las Vegas Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000
56. R-100-2004 - Discussion and possible action regarding a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Las Vegas Convention and Visitors Authority (LVCVA) Special Revenue Fund Budget in the amount of \$239,866

BOARDS & COMMISSIONS - DISCUSSION

57. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Ricki Y. Barlow, Term Expiration 3-6-2007 (Resigned)
58. Discussion and possible action on the appointment of a member of Council to the Debt Management Commission (Expires June 2005)
59. Discussion and possible action on the appointment of a member of Council to the Metropolitan Police Committee on Fiscal Affairs

REAL ESTATE COMMITTEE - DISCUSSION

60. ABEYANCE ITEM - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

61. Bill No. 2004-37 – Prohibits the sale of new vehicles (cars and trucks) on Sundays. Sponsored by: Councilman Michael Mack

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

62. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

63. 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
64. 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

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

65. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement
66. Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
67. Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 241.030 to discuss the following items:

- A. City Manager's Annual Performance Review
- B. City Attorney's Annual Performance Review
- C. City Auditor's Annual Performance Review

1:00 P.M. - AFTERNOON SESSION

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

HEARINGS - DISCUSSION

69. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & D DEL CORP. - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

70. EXTENSION OF TIME - VARIANCE - EOT-4349 - APPLICANT/OWNER: A B F, INC. - Request for an Extension of Time of an approved Variance (V-0027-02) TO ALLOW A PROPOSED PARKING GARAGE TO BE CONSTRUCTED ZERO FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; AND TO ALLOW A 12-FOOT TALL WALL ALONG THE WEST AND NORTH PROPERTY LINES WHERE SIX FEET IS THE MAXIMUM HEIGHT PERMITTED at 200 West Sahara Avenue (APN: 162-04-811-027 and 162-04-812-001), R-3 (Medium Density Residential) and R-4 (High Density Residential) Zones under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

71. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL), P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
72. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING - VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW BUILDING HEIGHTS TO EXCEED THE RESIDENTIAL ADJACENCY STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
73. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING - SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR TWO OFFICE BUILDINGS WITH ATTACHED PARKING GARAGES AND TWO RESTAURANT BUILDINGS WITHIN AN EXISTING OFFICE COMPLEX AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

74. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING - SUP-4089 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
75. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251, SDR-4086 AND SUP-4089 - PUBLIC HEARING - SUP-4090 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
76. APPEAL OF DIRECTOR'S BUSINESS - DIR-4421 - APPLICANT/OWNER: BAR-K REALTY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 2007 Paradise Road (APN: 162-03-413-005) for failure to comply with Title 19.14.100, Ward 3 (Reese). Staff recommends DENIAL
77. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. - OWNER: RONALD AND LYNN FOGLIA - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 acres located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief). Staff recommends APPROVAL
78. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 25 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.46 acres on the northwest corner of Maggie Avenue and Coke Street (APN: 125-09-501-002), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL
79. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
80. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

Items raised under this portion of the City Council 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 step up to the podium and 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.

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

ABEYANCE ITEM - Approval to negotiate purchase and/or initiate condemnation of APNs 139-34-512-002 and - 003 located at 321 and 329 North Las Vegas Boulevard, APN 139-34-512-015 located at 512 East Mesquite Avenue and APNs 139-34-512-016 and -017 located at 409 North 6th Street and 405 North 6th Street for right-of-way and City Hall Expansion purposes - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City is currently in design work for expansion of the City Hall Expansion. The City will need to acquire these properties for this purpose.

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Site map

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – **UNANIMOUS** with Ward 2 seat vacant

NOTE: Under Item 5, COUNCILMAN MACK disclosed for Items 40 and 45, which involve the expansion of City Hall, that his brother-in-law, ANDREW DONNER, has a contract with the Lady Luck Casino related to its non-restricted gaming license. Also, a SuperPawn shop owned by his brother, STEVEN MACK, for whom he does consulting, is near the location involved in Item 44. Since COUNCILMAN MACK did not believe that his relatives would be impacted by the actions taken on the aforementioned items, and they have not approached him on these items, he felt comfortable voting on them.

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972



Site Map

Legend

-  Building Footprints
-  321 & 329 N. Las Vegas Blvd
-  512 E. Mesquite
-  405 & 409 N. 6th
-  Street Centerline
-  City of Las Vegas
-  Parcels

Real Estate & Asset Mgmnt



5/4/2004

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purposes of providing a fire hydrant to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In order to have a fire hydrant to service the site, the City is required to grant an Easement and Rights-of-Way to Las Vegas Valley Water District for construction of the fire hydrant and appurtenances.

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Easement and Rights-of-Way

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972

A.P.N. 161-10-401-004

EASEMENTS AND RIGHTS-OF-WAY

ABOVE SPACE FOR RECORDER'S USE ONLY

THIS INDENTURE OF EASEMENT AND RIGHTS-OF-WAY, made and entered into by and between:

City of Las Vegas

400 Stewart Avenue, Las Vegas, Nevada 89101

Party of the First Part, hereinafter known as the **GRANTOR(S)**, and **LAS VEGAS VALLEY WATER DISTRICT**, a Quasi-Municipal Corporation, Party of the Second Part, hereinafter known as the **GRANTEE**.

WITNESSETH:

That the **GRANTOR(S)**, for and in consideration of the sum of one dollar (\$1.00), lawful money of the United States, to it in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does by these presents **GRANT** and **CONVEY** to the **GRANTEE**, its successors and assigns, an Easement and Rights-of-Way for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water pipelines and appurtenances with the right of ingress and egress, over, above, across and under that certain parcel of land described as follows:

SEE EXHIBIT "A" ATTACHED TO AND BY THIS REFERENCE MADE A PART HEREOF.

The **GRANTOR(S)**, its successors and assigns agree that:

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes and for other utilities, insofar as such use does not interfere with its use by the **GRANTEE** for the purposes for which it is granted;
2. The **GRANTEE** shall not be liable for any damage to any of the **GRANTOR'S** improvements placed upon said parcel due to the **GRANTEE'S** necessary operations using reasonable care; and
3. Should any of the **GRANTEE'S** facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the **GRANTOR(S)**, or its successors and assigns shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the **GRANTEE**.

Page ____ of ____

A.P.N. 161-10-401-004
GRANTOR: City of Las Vegas

Signator for GRANTOR(S) warrant that they have the legal authority to bind the parties hereto and GRANTOR(S) warrants that it may legally grant the rights described herein.

IN WITNESS WHEREOF, the GRANTOR(S) has hereunto set his/her/their hand/hands this ____ day of _____, 20____.

STATE of _____)
) ss.
COUNTY of _____)

APPROVED AS TO FORM:
Thomas R. Huan 5/10/04
DEPUTY CITY ATTY Date

On _____, 20____, before me, the undersigned, a NOTARY PUBLIC, in and for said County and State, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, and who acknowledged to me that he executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS my hand and official seal.

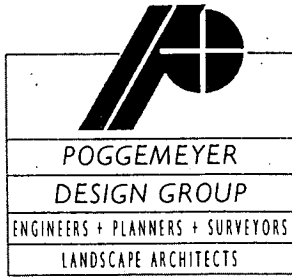
Notary Public

Notary Stamp/Seal Above

Page ____ of ____

FOR LVVWD USE ONLY

RECORDED FOR
LAS VEGAS VALLEY WATER DISTRICT
1001 S VALLEY VIEW BLVD.
LAS VEGAS, NEVADA 89153
DETENTION WILL CALL



**LEGAL DESCRIPTION OF
6 X 8 LAS VEGAS VALLEY WATER DISTRICT
FIRE HYDRANT EASEMENT**

A PORTION LYING IN THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 10; THENCE NORTH 89°47'46" WEST, A DISTANCE OF 235.77 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) ALSO BEING THE CENTERLINE OF VEGAS VALLEY DRIVE; THENCE SOUTH 00°12'14" WEST, A DISTANCE OF 40.00 FEET TO THE POINT OF BEGINNING BEING THE SOUTHERLY RIGHT OF WAY LINE OF SAID VEGAS VALLEY DRIVE; THENCE SOUTH 00°12'14" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 89°47'46" WEST, A DISTANCE OF 8.00 FEET; THENCE NORTH 00°12'14" EAST, A DISTANCE OF 6.00 FEET; THENCE SOUTH 89°47'46" EAST, A DISTANCE OF 8.00 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 48 SQUARE FEET

BASIS OF BEARINGS

SOUTH 89°47'46" EAST, BEING THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.M, CLARK COUNTY, AS SHOWN ON A MAP IN FILE 66, PAGE 01, OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE

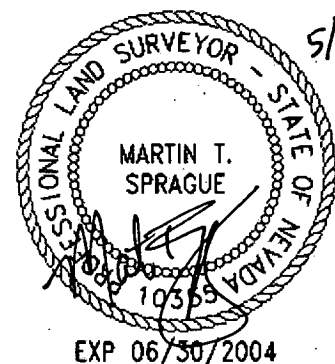
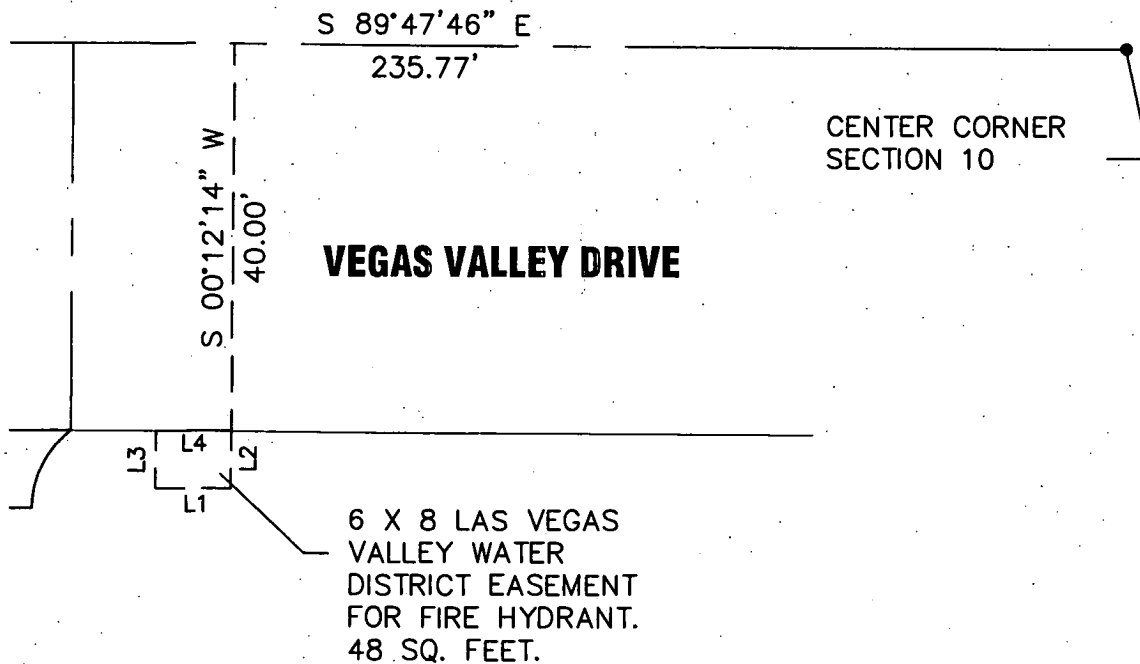


EXHIBIT A



LINE TABLE

LINE	BEARING	DISTANCE
L1	N 89°47'46" W	8.00'
L2	S 00°12'14" W	6.00'
L3	N 00°12'14" E	6.00'
L4	S 89°47'46" E	8.00'



SHEET 1 OF 1

poggemeyer

design group, inc.

engineers • planners • surveyors • landscape architects

2601 North Tenaya Way, Las Vegas, NV 89128 p) 702.255.8100



JOB NO: 97073

DATE: 03.22.04

DRAWN BY: MTS

CHECKED BY: MTS

**6 X 8 FIRE HYDRANT
L.V.V.W.D. EASEMENT**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In order to have water lines and appurtenance(s) to service the site, the City is required to grant an Easement and Rights-of-Way to the Water District for construction of the water lines and appurtenance(s).

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Easement and Rights-of-Way

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972

A.P.N. 161-10-401-004

EASEMENTS AND RIGHTS-OF-WAY

ABOVE SPACE FOR RECORDER'S USE ONLY

THIS INDENTURE OF EASEMENT AND RIGHTS-OF-WAY, made and entered into by and between:

City of Las Vegas

400 Stewart Avenue, Las Vegas, Nevada 89101

Party of the First Part, hereinafter known as the **GRANTOR(S)**, and **LAS VEGAS VALLEY WATER DISTRICT**, a Quasi-Municipal Corporation, Party of the Second Part, hereinafter known as the **GRANTEE**.

WITNESSETH:

That the **GRANTOR(S)**, for and in consideration of the sum of one dollar (\$1.00), lawful money of the United States, to it in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does by these presents **GRANT** and **CONVEY** to the **GRANTEE**, its successors and assigns, an Easement and Rights-of-Way for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water pipelines and appurtenances with the right of ingress and egress, over, above, across and under that certain parcel of land described as follows:

SEE EXHIBIT "A" ATTACHED TO AND BY THIS REFERENCE MADE A PART HEREOF.

The **GRANTOR(S)**, its successors and assigns agree that:

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes and for other utilities, insofar as such use does not interfere with its use by the **GRANTEE** for the purposes for which it is granted;
2. The **GRANTEE** shall not be liable for any damage to any of the **GRANTOR'S** improvements placed upon said parcel due to the **GRANTEE'S** necessary operations using reasonable care; and
3. Should any of the **GRANTEE'S** facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the **GRANTOR(S)**, or its successors and assigns shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the **GRANTEE**.

Page ____ of ____

A.P.N. 161-10-401-004
GRANTOR:

Signator for GRANTOR(S) warrant that they have the legal authority to bind the parties hereto and GRANTOR(S) warrants that it may legally grant the rights described herein.

IN WITNESS WHEREOF, the GRANTOR(S) has hereunto set his/her/their hand/hands this _____ day of _____, 20____.

STATE of _____)
) ss.
COUNTY of _____)

APPROVED AS TO FORM:
Thomas R. Green 5/10/04
DEPUTY CITY ATTORNEY Date

On _____, 20____, before me, the undersigned, a NOTARY PUBLIC, in and for said County and State, personally appeared _____ known to me to be the person(s) described in and who executed the foregoing instrument, and who acknowledged to me that ___he___ executed the same freely and voluntarily and for the uses and purposes herein mentioned.

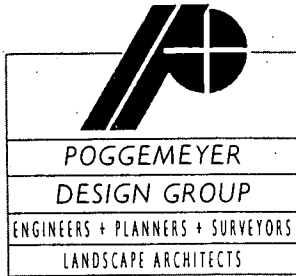
WITNESS my hand and official seal.

Notary Public

Notary Stamp/Seal Above

FOR LVVWD USE ONLY

RECORDED FOR
LAS VEGAS VALLEY WATER DISTRICT
1001 S VALLEY VIEW BLVD.
LAS VEGAS, NEVADA 89153
RETURN TO: WILL CALL



**LEGAL DESCRIPTION OF
LAS VEGAS VALLEY WATER DISTRICT
EASEMENT**

A PORTION LYING IN THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTER QUARTER CORNER OF SAID SECTION 10; THENCE NORTH 89°47'46" WEST, A DISTANCE OF 851.32 FEET ALONG THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) ALSO BEING THE CENTERLINE OF VEGAS VALLEY DRIVE; THENCE SOUTH 00°12'14" WEST, A DISTANCE OF 40.35 FEET TO THE POINT OF BEGINNING BEING THE SOUTHERLY RIGHT OF WAY LINE OF SAID VEGAS VALLEY DRIVE; THENCE SOUTH 00°00'14" EAST, A DISTANCE OF 46.97 FEET; THENCE SOUTH 45°00'00" EAST, A DISTANCE OF 36.89 FEET; THENCE SOUTH 51°13'08" WEST, A DISTANCE OF 11.72 FEET; THENCE NORTH 38°17'03" WEST, A DISTANCE OF 35.94 FEET; THENCE NORTH 00°03'03" WEST, A DISTANCE OF 52.61 FEET TO THE SOUTH RIGHT OF WAY LINE OF VEGAS VALLEY DRIVE; THENCE SOUTH 89°57'22" EAST, A DISTANCE OF 0.39 FEET; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 85° 44 '44" EAST, A DISTANCE OF 4.99 FEET TO THE POINT OF BEGINNING.

HAVING AN AREA OF 614 SQUARE FEET

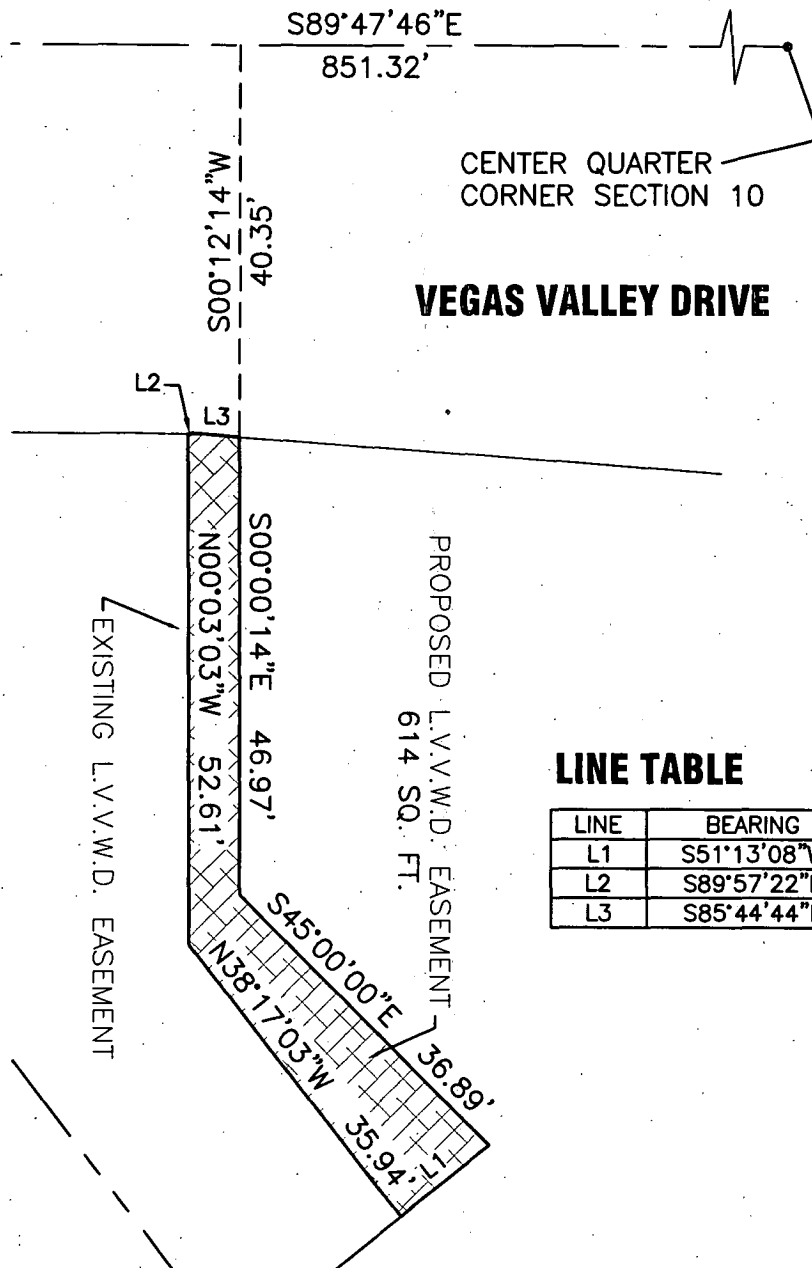
BASIS OF BEARINGS

SOUTH 89°47'46" EAST, BEING THE NORTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 10, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.M, CLARK COUNTY, AS SHOWN ON A MAP IN FILE 66, PAGE 01, OF PARCEL MAPS IN THE CLARK COUNTY RECORDERS OFFICE



EXP 06/30/2004

EXHIBIT A



LINE TABLE

LINE	BEARING	DISTANCE
L1	S51°13'08"W	11.72'
L2	S89°57'22"E	0.39'
L3	S85°44'44"E	4.99'

G: 04095

SHEET 1 OF 1

poggemeyer

design group, inc.

engineers • planners • surveyors • landscape architects

2601 North Tenaya Way, Las Vegas, NV 89128 p) 702.255.8100



JOB NO: 098073

DATE: 04.28.04

DRAWN BY: MTS

CHECKED BY: MTS

**L.V.V.W.D. EASEMENT
EXHIBIT**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of a Letter of Agreement between the City of Las Vegas and Jim Marsh for the City's purchase of 16,700 square feet of land near the northwest corner of Tropical Parkway and Durango Drive (\$196,881.21 plus closing costs - Parks) - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

Amount: \$196,881.21 plus closing cost

☒

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source: Parks

PURPOSE/BACKGROUND:

The City is currently in design work for a park complex in cooperation with the Vocational High School. This property is a remnant piece of property that will be left over after the streets are constructed for the realignment of Durango Drive. The remnant piece joins the park complex property and is needed for the future project.

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

1. Letter of Agreement
2. Clarifying Exhibit to Legal Description

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN

LAWRENCE WEEKLY
MICHAEL MACK
ANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

April 27, 2004

Jim Marsh
8555 W. Centennial Pkwy
Las Vegas, NV 89149-4531

LETTER OF AGREEMENT REGARDING 16,700 SQUARE FEET OF REMNANT LAND

Dear Mr. Marsh:

This Letter of Agreement is entered into by Jim Marsh and the City of Las Vegas for the purchase of a remnant parcel consisting of approximately 16,700 square feet; see attached Exhibit "A". The City of Las Vegas will be purchasing this vacant land at a price of \$11.79 per square foot, making the total purchase price \$196,881.21. Jim Marsh and the City of Las Vegas will share in the payment of the customary closing fees as determined by Lawyers Title. Close of escrow shall occur on or before May 7, 2004.

The undersigned agree to this Letter of Agreement:

By David Roark
David Roark, Real Estate & Assets Manager

By Jim Marsh
Jim Marsh

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

f:\eng\int\templates\ltrs of agmt\Jim Marsh\4/27/04 2:47 PM

EXHIBIT "A"

LEGAL DESCRIPTION
VO TECH PARK TRANSFER PARCEL
16,699 S.F. +/-

THE FOLLOWING DESCRIBES A PARCEL OF LAND SITUATE WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 29, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 29;

THENCE SOUTH 00°27'17" EAST, ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER (SE 1/4), 244.62 FEET TO THE POINT OF BEGINNING;

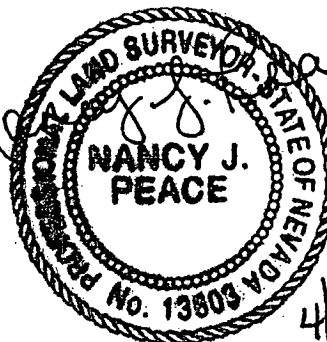
THENCE SOUTH 00°27'17" EAST, CONTINUING ALONG SAID EAST LINE, 245.05 FEET, TO THE SOUTHEAST CORNER OF THE NORTH HALF (N 1/2) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 29;

THENCE SOUTH 89°11'52" WEST, ALONG THE SOUTH LINE OF SAID NORTH HALF (N 1/2), 164.26 FEET TO THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 640.00 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 43°21'52" EAST, SAID POINT BEING ON THE SOUTHEASTERLY RIGHT OF WAY LINE OF BLM RIGHT OF WAY GRANT ON FILE AS DOCUMENT NO. 20030529:01737, OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

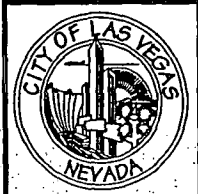
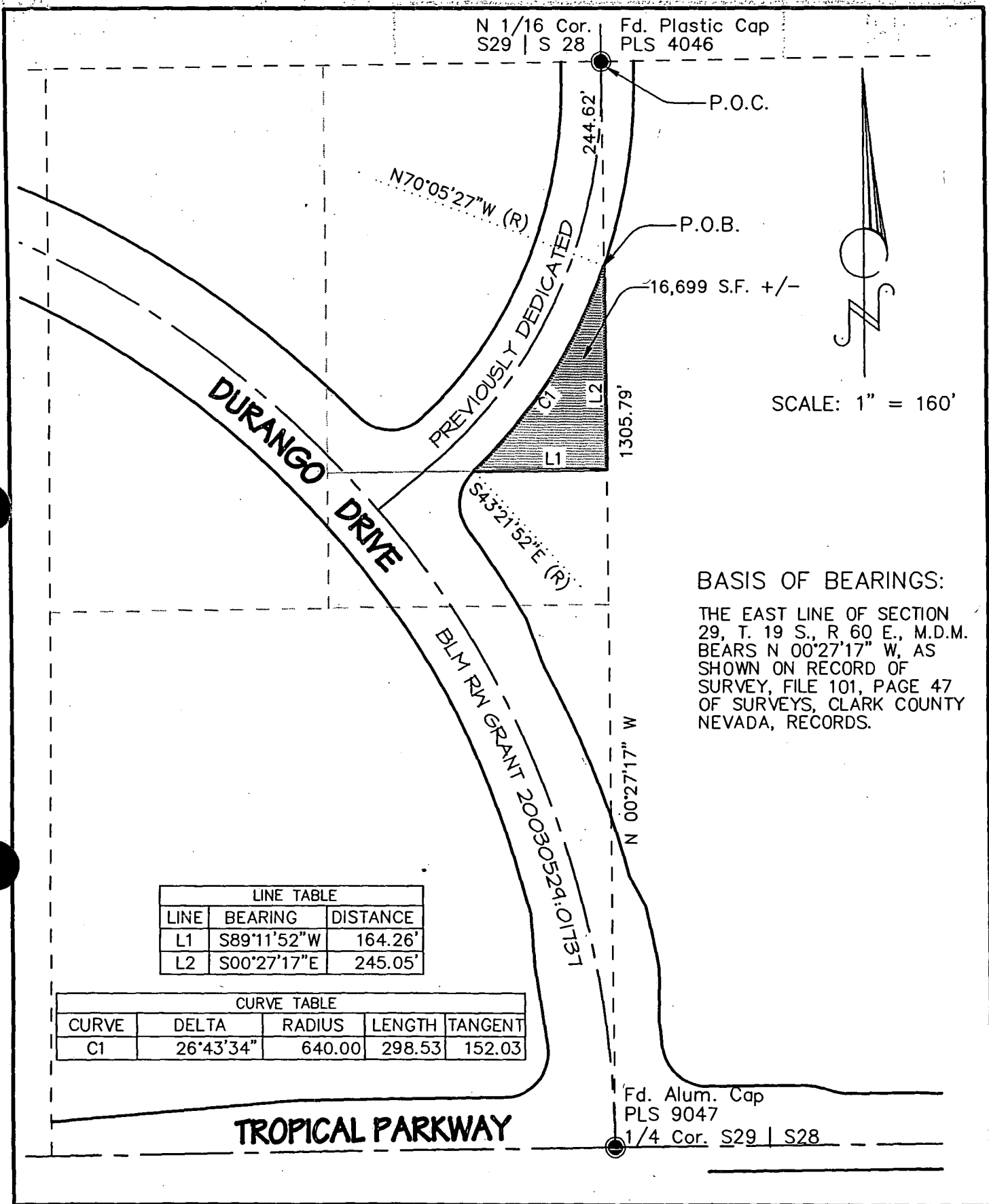
THENCE NORTHEASTERLY, 298.53 FEET ALONG SAID CURVE AND SAID SOUTHEASTERLY RIGHT OF WAY LINE, THROUGH A CENTRAL ANGLE OF 26°43'34" TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL CONTAINS 16,699 SQUARE FEET OF LAND, MORE OR LESS.

BASIS OF BEARINGS: THE EAST LINE OF SECTION 29, TOWNSHIP 19 SOUTH, RANGE 60 EAST, M.D.M., BEARS NORTH 00°27'17" WEST, AS SHOWN ON RECORD OF SURVEY, FILE 101, PAGE 47 OF SURVEYS, OFFICIAL RECORDS, CLARK COUNTY, NEVADA.



4/28/04
EXPIRES: 12/31/05



MAP TO ACCOMPANY LEGAL DESCRIPTION
TRANSFER PARCEL AT VO TECH PARK
POR. SE 1/4 NE 1/4 SEC. 29, T19S, R60E, MDM

CITY OF LAS VEGAS - SURVEY
3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 ~ 702) 229-6217

DRAWING: VTPARK.PRO
DRAWN BY: NJP
CHECKED BY: RJA/ARR
DATE: MARCH, 2004



MAYOR
OSCAR B. GOODMAN

CITY COUNCIL
GARY REESE
(MAYOR PRO-TEM)
LARRY BROWN

LAWRENCE WEEKLY
MICHAEL MACK
ANET MONCRIEF

CITY MANAGER
DOUGLAS A. SELBY

PUBLIC WORKS DIRECTOR
RICHARD D. GOECKE

May 13, 2004

HAND DELIVERED

Ms. Joy Turner, Transaction Manager
Lawyers Title of Nevada
Land America Building
1210 S. Valley View Blvd., Suite #202
Las Vegas, NV 89102

Re: Letter of Agreement Regarding 16,700 Sq. Ft. of Remnant Land

Ms. Turner:

Enclosed is a copy of a Letter of Agreement with Mr. Jim Marsh for the City of Las Vegas to purchase a remnant parcel of property in conjunction with his purchase of property from the Bureau of Land Management (BLM).

The Letter of Agreement states that we will close escrow on or before May 7, 2004. However, my office did not receive the fully executed letter until May 11, 2004. Therefore, I request this be amended to state "within forty-five (45) days of the date of the Letter of Agreement. This will allow your office time to prepare the appropriate legal documents and to issue the estimated closing cost statements, as well as time for my office to coordinate to have a check processed in the amount designated by your office.

Also enclosed are original legal descriptions for the Roadway Dedication and the land we are purchasing from Mr. Marsh, which Lawyers Title will be responsible for recording after BLM issues the patent to Mr. Marsh and after we close escrow on this remnant parcel.

Thank you in advance for your cooperation. If you have any questions pertaining to this matter, please don't hesitate to give me a call at 229-1021.

Sincerely,

A handwritten signature in cursive script, reading "David Roark".

David Roark, Manager
Public Works/Real Estate & Assets

DR:jm

Enclosures

Cc: Jim Marsh

DEPARTMENT OF PUBLIC WORKS
CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6276

FAX 702.382.0848

TTY 702.386.9108

www.ci.las-vegas.nv.us

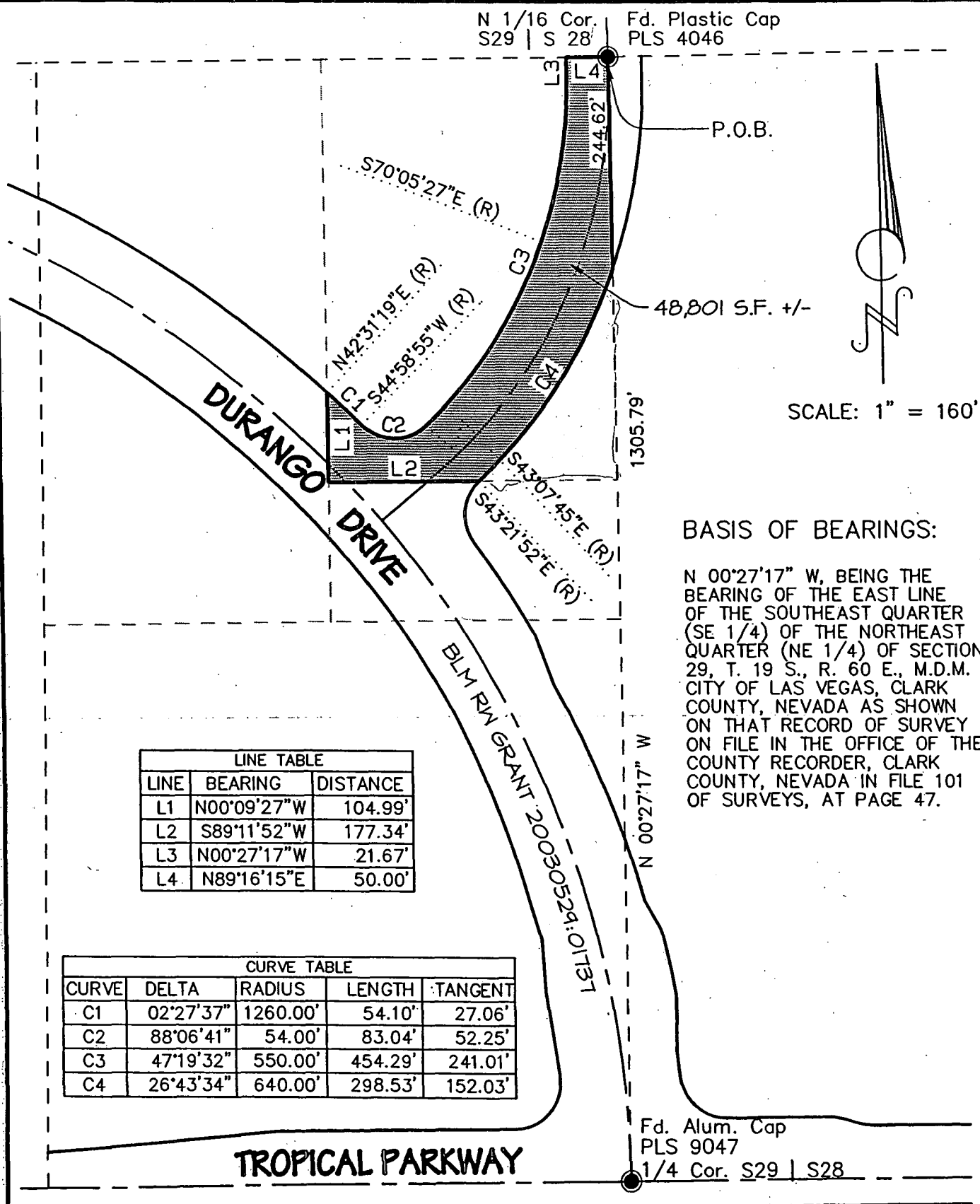


**EXHIBIT TO ACCOMPANY LEGAL DESCRIPTION
 RIGHT OF WAY DEDICATION**

POR. SE 1/4 NE 1/4 SEC. 29, T19S, R60E, MDM

CITY OF LAS VEGAS - SURVEY
 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 ~ 702) 229-6217

DRAWING: VTPARKRW.PRO

DRAWN BY: NJP

CHECKED BY: RJARR

DATE: MARCH, 2004

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE -Councilman Weekly and Councilwoman Moncrief

Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)

Fiscal Impact

☐	No Impact	Amount: \$654
☒	Budget Funds Available	Dept./Division: Public Works/Real Estate
☐	Augmentation Required	Funding Source: Parks CIP Fund

PURPOSE/BACKGROUND:

In order to have water lines and appurtenance(s) to service the site, the City is required to grant an Easement and Rights-of-Way to the Water District for construction of the water lines and appurtenance(s).

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Easement and Rights-of -Way

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

NOTE: Under Item 5, COUNCILMAN MACK disclosed for Items 40 and 45, which involve the expansion of City Hall, that his brother-in-law, ANDREW DONNER, has a contract with the Lady Luck Casino related to its non-restricted gaming license. Also, a SuperPawn shop owned by his brother, STEVEN MACK, for whom he does consulting, is near the location involved in Item 44. Since COUNCILMAN MACK did not believe that his relatives would be impacted by the actions taken on the aforementioned items, and they have not approached him on these items, he felt comfortable voting on them.

CITY COUNCIL MEETING OF JUNE 2, 2004

Consent – Public Works

Item 44 – Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972

EASEMENT AND
RIGHTS-OF-WAY

THIS INDENTURE OF EASEMENT AND RIGHTS-OF-WAY, made and entered into by and between:

City of Las Vegas, a Municipal Corporation of the State of Nevada

Party of the First Part, hereinafter known as the **GRANTOR(S)**, and City of Las Vegas, a Municipal Corporation of the State of Nevada, Party of the Second Part, hereinafter known as the **GRANTEE**.

W I T N E S S E T H:

That the **GRANTOR(S)**, for and in consideration of the sum of one dollar (\$1.00), lawful money of the United States, to it in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does by these presents **GRANT** and **CONVEY** to the **GRANTEE**, its successors and assigns, an Easement and Rights-of-Way for the purpose of an Easement with the right of ingress and egress, over, above, across and under that certain parcel of land described as follows:

SEE EXHIBIT "A" ATTACHED TO AND BY THIS REFERENCE MADE A PART HEREOF.

The **GRANTOR(S)**, its successors and assigns agree that:

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes and for other utilities, insofar as such use does not interfere with its use by the **GRANTEE** for the purposes for which it is granted;
2. The **GRANTEE** shall not be liable for any damage to any of the **GRANTOR'S** improvements placed upon said parcel due to the **GRANTEE'S** necessary operations using reasonable care; and

Date of Council
A.P.N. 138-28-301-005

Item # _____

3. Should any of the **GRANTEE'S** facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the **GRANTOR(S)**, or its successors and assigns shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the **GRANTEE**.

Signator for **GRANTOR(S)** warrant that they have the legal authority to bind the parties hereto and **GRANTOR(S)** warrants that it may legally grant the rights described herein.

IN WITNESS WHEREOF, the **GRANTOR(S)** has hereunto set his/her/their hand/hands this _____ day of _____, 2004.

OSCAR B. GOODMAN, MAYOR

ATTEST:

BARBARA JO RONEMUS, CITY CLERK

APPROVED AS TO FORM:

Thomas R. Green 5/4/04
DEPUTY CITY ATTORNEY DATE

...
...

Date of Council
A.P.N. 138-28-301-005

Item # _____

STATE of Nevada)
) ss.
COUNTY of Clark)

On _____, 2004, before me, the undersigned, a **NOTARY PUBLIC**, in
and for said County and State, personally appeared OSCAR B, GOODMAN known to me to be the
person(s) described in and who executed the foregoing instrument, and who acknowledged to me that
___he___ executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS my hand and official seal.

Notary Public

Notary Seal/Stamp

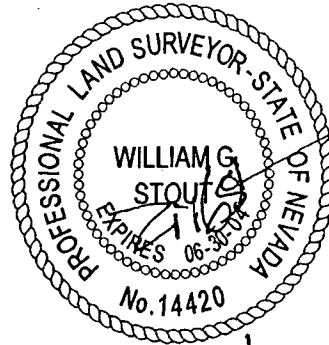
FOR LVVWD USE ONLY

FOR RECORDER'S USE ONLY

A.P.N.: 138-28-301-005
GRANTOR: USA

STANTEC CONSULTING INC.
7251 WEST CHARLESTON BLVD.
LAS VEGAS, NV 89117

81200186
lg1_fh_esmnt.doc
APRIL 20, 2004



4/23/04

EXPLANATION

THIS LAND DESCRIPTION DESCRIBES A PARCEL OF LAND GENERALLY LOCATED SOUTH OF WASHINGTON AVENUE AND EAST OF DURANGO DRIVE FOR THE PURPOSE OF A WATER EASEMENT.

LAND DESCRIPTION

A PORTION OF THE NORTH HALF (N 1/2) OF THE SOUTHWEST QUARTER (SW 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER (SW 1/4), MARKED BY A BRASS CAP STAMPED "PLS 8866"; THENCE SOUTH 89°00'14" WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW 1/4), COINCIDENT WITH THE CENTERLINE OF WASHINGTON AVENUE (40 FEET WIDE HALF STREET), 252.14 FEET; THENCE SOUTH 00°59'46" EAST DEPARTING SAID NORTH LINE AND SAID CENTERLINE, 40.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING SOUTH 00°59'46" EAST, 15.00 FEET; THENCE SOUTH 89°00'14" WEST, 15.00 FEET; THENCE NORTH 00°59'46" WEST, 15.00 FEET; THENCE NORTH 89°00'14" EAST, 15.00 FEET TO THE POINT OF BEGINNING, AS SHOWN ON THE "EXHIBIT TO ACCOMPANY LAND DESCRIPTION" ATTACHED HERETO AND MADE A PART HEREOF.

CONTAINING 225 SQUARE FEET.

BASIS OF BEARINGS

NORTH 88°57'21" EAST, BEING THE BEARING OF THE NORTH LINE OF THE NORTHEAST QUARTER (NE 1/4) OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN ON THAT CERTAIN MAP ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE IN FILE 83 OF SURVEYS AT PAGE 19.

END OF DESCRIPTION.

FOUND BENT REBAR
WITH REFERENCE MONUMENTS
"PLS 8431" PER
BOOK 70, PAGE 49
OF PLATS

W 1/16
C — C
28

S89°00'14"W
1102.26'

POINT OF COMMENCEMENT
FOUND 2 INCH BRASS
CAP "PLS 8866"
IN WELL BOX
PER BOOK 58,
PAGE 40 OF PLATS

C 1/4
28

CIMARRON ROAD

1354.40'
252.14'

S89°00'00"W 1359.27'
WASHINGTON AVENUE

FOUND 2-1/2 INCH
BRASS CAP "RLS 4320"
IN CONCRETE
PER BOOK 58,
PAGE 40 OF PLATS

E 1/16
C — C
28

BASIS OF BEARINGS
N88°57'21"E 1359.27'

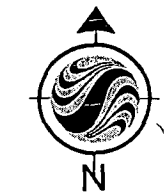
FOUND 2 INCH BRASS
CAP "PLS 10598"
IN WELL BOX
LOCATION PER
BOOK 58, PAGE 40
OF PLATS

1/4
28 | 27

POINT OF BEGINNING

POINT OF BEGINNING

LINE	BEARING	DISTANCE
L1	S00°59'46"E	40.00'
L2	S00°59'46"E	15.00'
L3	S89°00'14"W	15.00'
L4	N00°59'46"W	15.00'
L5	N89°00'14"E	15.00'



NOT TO SCALE

PAGE 4 OF 4

EXHIBIT TO ACCOMPANY
LAND DESCRIPTION



Stantec

Stantec Consulting Inc.
7251 W. Charleston Blvd.
Las Vegas NV U.S.A.
89117
Tel. 702.258.0115
Fax. 702.258.4956
www.stantec.com

Parcel name: FH-ESMNT

North:	9907.13	East :	7030.49
Line	Course: S 00-59-46 E	Length:	15.00
	North: 9892.13	East :	7030.75
Line	Course: S 89-00-14 W	Length:	15.00
	North: 9891.87	East :	7015.75
Line	Course: N 00-59-46 W	Length:	15.00
	North: 9906.87	East :	7015.49
Line	Course: N 89-00-14 E	Length:	15.00
	North: 9907.13	East :	7030.49

Perimeter: 60.00 Area: 225. S.F. 0.00 ACRES

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.00 Course: S 90-00-00 E

Error North: 0.000 East : 0.000

Precision 1: 60,000,000.00

LEGEND

- MONUMENT FOUND AS SHOWN
- SET 5/8" REBAR & ALUM CAP FILE 0000
- 3 LOT NUMBER
- BLOCK NUMBER

REFERENCES

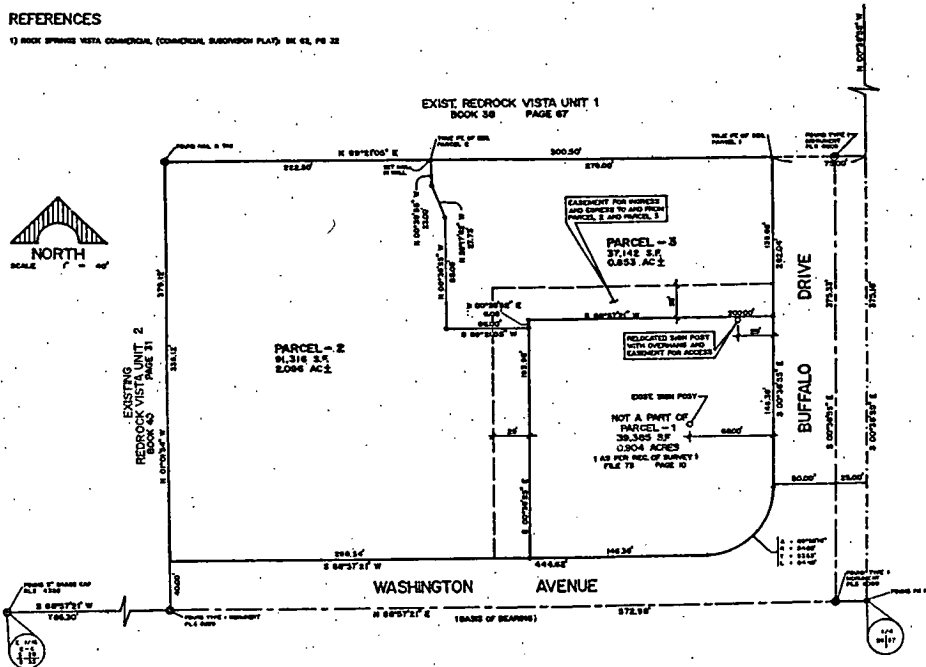
- (1) ROCK SPRINGS VISTA COMMERCIAL, (COMMERCIAL SUBDIVISION PLAT), BK 62, PG 32

AMENDED MAP OF RECORD OF SURVEY

LOT 1, OF ROCK SPRINGS VISTA COMMERCIAL
BOOK 62 OF PLATS, PAGE 32.
SITUATED IN THE SE 1/4, OF THE NE 1/4, OF SEC. 28,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.,
CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

NOTES

- (1) PURSUANT TO N.E.S. 37.371 ALL NEAR LOT CORNERS SHALL BE SET WITH A NAIL AND BRASS TAP FILE EAST OF BLOCK WALLS AND ALL FRONT OR REAR LOT CORNERS ADJACENT NORTH-SOUTH SHALL BE MARKED BY THE SAWTOOTH OF THE BACK OF CURBS ON THE PROLONGATION OF THE PROPERTY LINE.
- (2) ANY SUBSEQUENT CHANGES TO THIS MAP SHOULD BE EXAMINED AND MAY BE DETERMINED BY REFERENCE TO THE COUNTY RECORDS (SALVAGE MAP INDEX NOS 278,546).



SURVEYORS CERTIFICATE

- I, ROBERT A. WADLEY, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, AS ADJUT FOR NEVADA, INC., COUNTY DATA.
- THIS MAP REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE REQUEST OF ROCK SPRINGS DEVELOPMENT.
- THE LANDS SURVEYED ARE WITHIN THE SOUTHEAST QUARTER (DE 1/4) OF THE SOUTHEAST QUARTER (DE 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AND THE SURVEY HAS COMPLETED ON.
- THIS SURVEY COMPLETES THE APPLICABLE STATE STATUTES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED.
- THE MONUMENTS SHOWN ON THE MAP ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

Robert A. Wadley
ROBERT A. WADLEY, P.L.S.
NEVADA CERTIFICATE NO. 9009



LEGAL DESCRIPTIONS

PARCEL 2

THAT PORTION OF LOT 1 AS SHOWN ON THAT CERTAIN MAP SHOWN AS ROCK SPRINGS VISTA COMMERCIAL (A COMMERCIAL SUBDIVISION) ON FILE IN THE OFFICE OF THE CLARK COUNTY RECORDER IN BOOK 62 OF PLATS, AT PAGE 32, SITUATED IN THE SOUTHEAST QUARTER (DE 1/4) OF THE SOUTHEAST QUARTER (DE 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (DE 1/4), ALSO BEING ON THE CENTERLINE OF BUFFALO DRIVE, THENCE NORTH 89°30'30" WEST ALONG THE CENTERLINE OF SAID BUFFALO DRIVE 17.75 FEET, THENCE SOUTH 89°30'30" WEST DEPARTING SAID CENTERLINE 7.25 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID BUFFALO DRIVE, THENCE CONTINUING SOUTH 89°30'30" WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 17.75 FEET TO THE "TRUE POINT OF BEGINNING", THENCE SOUTH 89°30'30" EAST DEPARTING SAID WESTERLY LINE 17.75 FEET, THENCE SOUTH 89°30'30" EAST 17.75 FEET, THENCE SOUTH 89°30'30" EAST 17.75 FEET, THENCE NORTH 89°30'30" EAST, ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID BUFFALO DRIVE, THE "TRUE POINT OF BEGINNING", THENCE SOUTH 89°30'30" EAST, 17.75 FEET, THENCE SOUTH 89°30'30" EAST 17.75 FEET, THENCE NORTH 89°30'30" WEST ALONG SAID RIGHT OF WAY LINE AND SAID SOUTH LINE LOT 1, 17.75 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89°30'30" WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 22.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89°30'30" EAST ALONG THE WESTERLY LINE OF SAID LOT 1, 22.80 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.623 ACRES (27.142 S.F.).

PARCEL 3

THAT PORTION OF LOT 1 AS SHOWN ON THAT CERTAIN MAP SHOWN AS ROCK SPRINGS VISTA COMMERCIAL (A COMMERCIAL SUBDIVISION) ON FILE IN THE OFFICE OF THE CLARK COUNTY RECORDER IN BOOK 62 OF PLATS, AT PAGE 32, SITUATED IN THE SOUTHEAST QUARTER (DE 1/4) OF THE SOUTHEAST QUARTER (DE 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (DE 1/4), ALSO BEING ON THE CENTERLINE OF BUFFALO DRIVE, THENCE NORTH 89°30'30" WEST ALONG THE CENTERLINE OF SAID BUFFALO DRIVE 17.75 FEET, THENCE SOUTH 89°30'30" WEST DEPARTING SAID CENTERLINE 7.25 FEET TO A POINT ON THE EAST LINE OF SAID LOT 1, ALSO BEING THE WESTERLY RIGHT OF WAY LINE OF SAID BUFFALO DRIVE, THE "TRUE POINT OF BEGINNING", THENCE SOUTH 89°30'30" EAST, 17.75 FEET, THENCE SOUTH 89°30'30" EAST 17.75 FEET, THENCE NORTH 89°30'30" WEST ALONG SAID RIGHT OF WAY LINE AND SAID SOUTH LINE LOT 1, 17.75 FEET TO THE SOUTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89°30'30" WEST ALONG THE WESTERLY LINE OF SAID LOT 1, 22.80 FEET TO THE NORTHWEST CORNER OF SAID LOT 1, THENCE NORTH 89°30'30" EAST ALONG THE WESTERLY LINE OF SAID LOT 1, 22.80 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 0.623 ACRES (27.142 S.F.).

BASIS OF BEARING

NORTH 89°30'30" EAST, BEING THE SOUTH LINE OF THE SOUTHEAST QUARTER (DE 1/4) OF THE SOUTHEAST QUARTER (DE 1/4) OF SECTION 28, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN BY A MAP ON FILE IN THE OFFICE OF THE CLARK COUNTY RECORDER IN BOOK 62 OF PLATS, PAGE 32.

AMENDED MAP OF RECORD OF SURVEY
FOR
ROCK SPRINGS DEVELOPMENT
LOT 1, OF ROCK SPRINGS VISTA COMMERCIAL
BOOK 62 OF PLATS, PAGE 32.
SITUATED IN THE SE 1/4, OF THE NE 1/4, OF SEC. 28,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M.,
CITY OF LAS VEGAS, CLARK COUNTY, NEVADA.

DeLUNA, INC.
ENGINEERING • PLANNING • SURVEYING
THE HOME OFFICE IS AT 1000 W. LAS VEGAS AVENUE, SUITE 200, LAS VEGAS, NV 89103

NO. 00002
Filed at the request of
Uwanda Little Co.
DATE 6/26/96 BY 8102 B.W.
FILE 63 PAGE 19
OF RECORDS OF SURVEYS
OFFICIAL RECORDS BOOK 196520
ADITH A. VANDERVOER, RECORDER
FILE 1700 CRYSTOPHER

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☒

CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of an Agreement for the Purchase and Sale of Real property between Priority One Commercial (on behalf of the City of Las Vegas) and Robert Piccininni for real property commonly known as APN 139-34-512-015 located at 512 East Mesquite Avenue (\$650,000 + closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

Fiscal Impact

☐

No Impact

Amount: \$650,000 + closing costs

☒

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source: City Facilities Capital Project Fund

PURPOSE/BACKGROUND:

The City wishes to purchase this property in accordance with the City Hall East Tower Project.

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Agreement for the Purchase and Sale of Real Property

MOTION:

REESE – APPROVED Items 5 through 45 as recommended – UNANIMOUS with Ward 2 seat vacant

NOTE: Under Item 5, COUNCILMAN MACK disclosed for Items 40 and 45, which involve the expansion of City Hall, that his brother-in-law, ANDREW DONNER, has a contract with the Lady Luck Casino related to its non-restricted gaming license. Also, a SuperPawn shop owned by his brother, STEVEN MACK, for whom he does consulting, is near the location involved in Item 44. Since COUNCILMAN MACK did not believe that his relatives would be impacted by the actions taken on the aforementioned items, and they have not approached him on these items, he felt comfortable voting on them.

MINUTES:

Under Item 5, 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 each item.

(9:29 – 9:30)

1-972

AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY ("Agreement") is made and entered into this 18th day of May, 2004, by and between Priority One Commercial and /or nominee ("Buyer") and Robert Piccininni and /or nominee (hereinafter referred to as "Seller"), with reference to the following facts:

A. Seller is the owner of one parcel (the "Property") consisting of approximately .16 acres on which a 7000 sq.ft. Apartment building resides. The property is located at 512 E. Mesquite Ave, Las Vegas Nevada 89101. A Site Plan of the Property depicting the site is attached hereto as Exhibit "A".

B. Seller has represented to Buyer that the parcel # 139-34-512-015 is currently zoned R-4 and is located in the City of Las Vegas, County of Clark, State of Nevada.

C. Buyer now desires to purchase from Seller and Seller desires to sell to Buyer the Property, further described in Exhibit "A".

NOW THEREFORE, in consideration of the mutual covenants, premises and agreements contained herein, the parties hereto do hereby agree as follows:

1. Purchase and Sale. Buyer shall purchase the Property from Seller upon the terms and conditions set forth herein.

Purchase and Sale. The purchase price to be paid for Property and the improvements shall be Six Hundred Fifty Thousand and no/100 Dollars (\$650,000.00), all cash. Said sum shall be paid as follows: * **(The Seller shall arrange to give all Tenants notice to vacate the Premises as of September 30, 2004 upon signing this contract with all copies to Priority One Commercial).**

(A.) Buyer shall deposit Ten Thousand dollars and no/100 dollars (\$10,000.00) into escrow as earnest money (the "Deposit"). Buyer reserves the right to cancel the escrow created herein, for any reason whatsoever, before the expiration of the Contingency Period.

(B.) Upon the expiration of the Contingency Period, the Deposit shall become non-refundable. The Deposit shall apply toward the purchase price of the Property.

(C.) Prior to close of escrow, Buyer shall deposit the balance of the purchase price, Six Hundred Forty Thousand and no/100 DOLLARS (\$640,000.00).

(D.) Should Buyer wish to terminate this Agreement and escrow prior to the expiration of the Contingency Period, Buyer must notify Seller and Escrow Agent in writing. Should Buyer notify Seller and Escrow Agent in writing of Buyers wish to terminate this Agreement, Escrow Agent shall release to Buyer the Deposit plus interest within two (2) business days from date of notification. Should no such notice be received, Buyer shall be deemed to have approved or waived any and all contingencies. If no written notice is received prior to the expiration of the Contingency Period, Buyer shall be deemed to have approved or waived any and all title exceptions and contingencies and the Deposit shall be deemed non-refundable and shall be applied towards the Purchase Price, upon the closing of escrow.

2. Escrow. The purchase and sale provided for herein shall be consummated through an escrow to be opened with Tina Lucero at United Title of Nevada, within five (5) business days after the execution and delivery of this Agreement. The escrow shall be deemed open when Buyer and Seller have executed and deposited signed purchase contract with the escrow company. Said escrow shall be upon the usual form of instructions of the escrow holder for transactions of the type provided for herein, except that said instructions shall incorporate all terms and provisions of this Agreement, and in addition shall provide the following:

(A) Escrow shall close on or before June 18, 2004, from the expiration date of the contingency period. Upon the opening of escrow, the escrow officer shall set a specific date for the expiration of the Contingency Period. If the expiration date of the Contingency Period or the anticipated close, of escrow, date falls on a holiday or weekend, the date for the closing of escrow shall be set on the next succeeding working day.

(B) Buyer shall pay any Documentary Transfer Tax, and the cost of the CLTA title insurance policy and all endorsements thereto. All other fees and costs shall be paid by Buyer.

(C) real property taxes shall be prorated to close of escrow;

(D) any Special Assessments or Fees outstanding on the Property which are of record shall be delineated by Escrow and prorated to Close of Escrow; and

(E) in the event of any conflict between the terms of this Agreement and the terms of the escrow, the terms of this Agreement shall prevail except where the escrow instructions specifically provide otherwise.

(F) if escrow fails to timely close solely as the result of Buyer's default, all earnest monies previously deposited by Buyer into escrow and not previously disbursed to Seller shall be paid by escrow over to Seller as liquidated damages. If escrow fails to close as a result of Seller's default, Buyer shall be entitled to a refund of the earnest money only. The provisions of this paragraph shall be the sole remedies available to each respective party hereunder in the event of a default under this Agreement.

3. Contingencies. The purchase of the Property is contingent upon:

(A) A twenty (20) day Contingency Period as described herein. The Contingency Period shall commence on the day following the opening of escrow. Escrow shall be deemed opened for purposes hereof when escrow agent receives an original of this Agreement signed by both Buyer and Seller, and Buyer's Deposit. Escrow agent shall notify both Buyer and Seller in writing of the date escrow is opened, the day the Contingency Period expires, and the day escrow is to close. ~~Seller hereby grants Buyer the right to enter on the Property to conduct such tests and investigations as Buyer deems appropriate.~~ Buyer agrees to indemnify and hold seller harmless from any actual damage including any legal fees as a result of Buyer's tests and investigations during the Contingency Period ~~on the Property or to any neighboring properties or structures.~~ Buyer further agrees to indemnify and hold Seller harmless from any injury to persons or actual damage including any legal fees to the personal property of others, which results from the Buyer's tests and investigations during the Contingency Period. ***Buyer to review any lease agreements.**

(B) The above contingency in Paragraph 3 (a) is solely for the Buyer's benefit. Buyer may elect, for any reason or no reason whatsoever, to terminate this Agreement and the purchase contemplated herein during the Contingency Period. Should Buyer so elect to terminate this Agreement, prior to the expiration of the Contingency Period Buyer shall so notify Seller and escrow holder in writing (via U.S. mail, hand-delivery or by fax). In the event Buyer terminates this Agreement for any reason during the Contingency Period, any deposits made by Buyer, plus any interest earned, shall be immediately returned to Buyer, less any escrow costs

incurred and Buyer shall have no further obligations under this Agreement. Buyer shall be solely responsible for all costs involved in satisfying the above stated contingencies.

(C) * The Seller and/or Tenants shall be responsible for all utilities until September 30, 2004.

(D) * The Buyer has agreed to let Seller collect all rents from "Tenants" after closing date, until September 30, 2004. The Seller shall give notice to any Tenants to vacate the Premises upon signing this contract. All copies of letters will be sent to Priority One Commercial.

(E) * The Seller has agreed to give copies of all utilities bills and trash bills that Seller pays, or for any of the tenants within the building so the proper accounts may be disconnected, discontinued, or transferred to Seller as of September 30, 2004.

4. Offer Expiration. This offer will remain open until May 19, 2004 from receipt of this offer, at that time this offer shall be deemed revoked and the above earnest money shall be returned to Buyer's account herein on demand.

5. Broker Commissions/Disclosure. Seller represents and warrants that he has not retained or dealt with any broker with respect to this Agreement except Priority One Commercial, 4560 S. Decatur Blvd., Suite 202, Las Vegas Nevada 89103, who shall be paid through escrow a commission by Buyer of 4% of the Property's gross sales price. Buyer discloses to Seller that Buyer is a Nevada Licensed Real Estate Broker/Salesman with Priority One Commercial.

6. Notices. Any and all notices, demands, or other communications required or desired to be given hereunder shall be in writing and shall be validly given or made to another party if served, either personally or, if deposited in the United States mail certified or registered, postage prepaid, return receipt requested. If such notice, demand or other communication be served personally or by facsimile transmission, service shall be conclusively deemed made at the time of such personal service or transmission. If such notice, demand or other communication be given by mail, such shall be conclusively deemed given forty-eight (48) hours after the deposit thereof in the United States mail addressed to the party to whom such notice, demand or other communication is to be given as hereinafter set forth.

To Seller: Robert Piccininni and Cynthia Piccininni
1791 Eaglehelm Pl
Henderson, NV 89074-5251

To Buyer: Priority One Commercial
Attn: Cynthia Inman
4560 S. Decatur Blvd. Suite 202
Las Vegas, NV 89103
(702) 228-7464
(702) 228-7156

Any party hereto may change his address for the purpose of receiving notices, demands and other communications as herein provided by written notice given in the manner aforesaid to the other party or parties hereto. After opening of escrow a copy of all notices, demands and other communications shall be given to the escrow office.

6. Applicable Laws and Severability. This Agreement shall, in all respects, be governed by the laws of the State of Nevada applicable to agreements executed and to be wholly performed with the State of Nevada. Nothing contained herein shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provision contained herein and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail but the provision of this Agreement which is affected shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law.

7. Entire Agreement. The foregoing represents the entire Agreement between the parties and no verbal statements made by any party are a part hereof unless incorporated in writing. In the event either party shall prevail in any legal action commenced to enforce this Agreement, he shall be entitled to all costs incurred in such action including attorney's fees, costs and expenses as may be fixed by the Court.

8. Modifications or Amendments. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

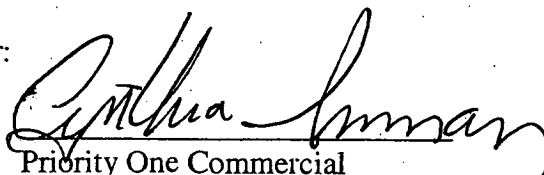
9. Successors or Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.

10. Time is of the Essence. Time is of the essence of this Agreement and all terms, provisions, covenants and conditions hereof.

The undersigned Buyer, offers and agrees to purchase the Property on the terms and conditions herein stated and acknowledges receipt of a copy of this Agreement.

Date: May 17, 2004 Time 5:00PM

Buyer:


Cynthia Luman
Priority One Commercial

ACCEPTANCE OF OFFER TO PURCHASE

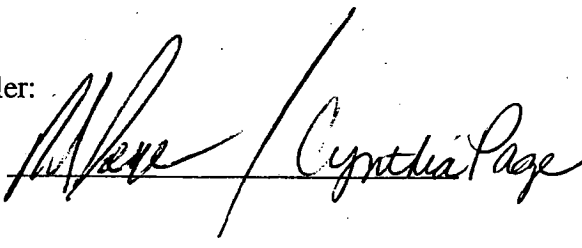
The undersigned Seller accepts the foregoing offer to purchase and agrees to sell the Property described above, on the terms and conditions stated herein, and acknowledges receipt of copy of this Agreement.

Date: Time am/pm

Seller:

By:

Its:


Cynthia Page

WHEN PROPERLY COMPLETED, THIS IS A BINDING CONTRACT, IF NOT FULLY UNDERSTAND, SEEK COMPETENT COUNSEL.

NOTES This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office. This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information. USE THIS SCALE (1"=200') WHEN MAP REPRODUCED FROM THIS ORIGINAL	MAP LEGEND PARCEL BOUNDARY SUBD BOUNDARY ROAD EASEMENT PH/BLD BOUNDARY NON-PARCEL LOT LINE WATCH LINE / LEADER LINE ROAD ID NUMBER	ASSASSOR'S PARCELS - CLARK CO., NV. W. W. Schofield, Assessor		T20S R61E 120 121 122 123 124 125 126 127 128 129 130 131	34 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32	N 2 NE 4 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16	139-34-5 
		PARCEL NUMBER 202 PARCEL SUB/SECT NUMBER BLOCK NUMBER LOT NUMBER GOV. LOT NUMBER	ACRES 1.00 202 5 5 5	Scale: 1"=200' Rev: 05/15/83			

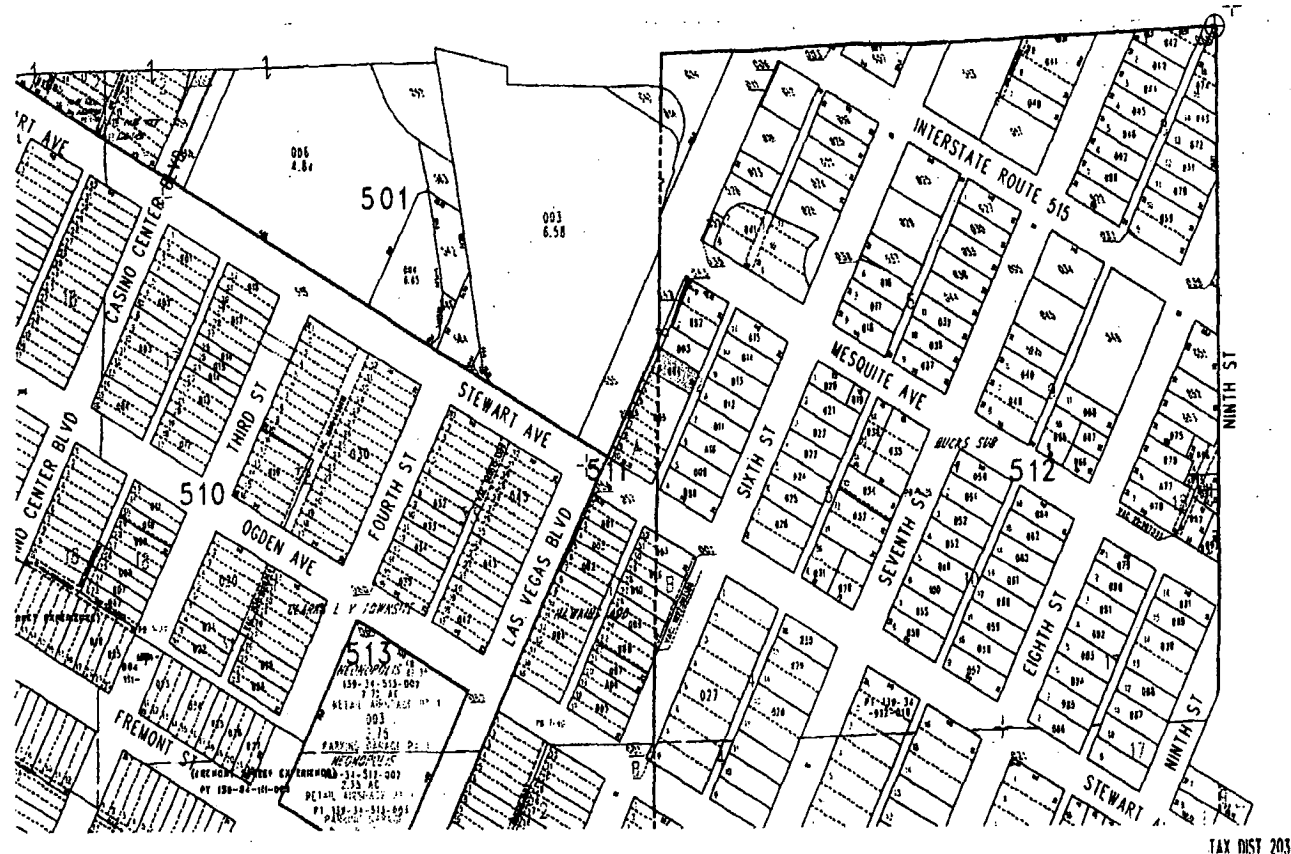


EXHIBIT "A"
SITE MAP

EXHIBIT "C"

CERTIFICATE

DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

**CERTIFICATE - DISCLOSURE OF OWNERSHIP/PRINCIPALS
(CONTINUED)**

Block 1 Contracting Entity (Name) Robert & Cynthia (Piccinini) Age Name 1791 Eaglehorn Pl. Address Hartford, W. 09074 Social Security # 065- -40-2606	Block 2 Description Subject Matter of Contract/Agreement: Auction/Purchase Agreement re: 8690 Azure Drive

Block 3 Type of Business

☒ Individual
 ☐ Partnership
 ☐ Limited Liability Company
 ☐ Corporation

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Robert & Cynthia (Piccinini) Age	1791 Eaglehorn Pl. Hart, W.	210 5002
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 Disclosure of Ownership and Principals - Alternate

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

Name of Attached Document

Date of Attached Document

Number of Pages

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

[Signature]

Name

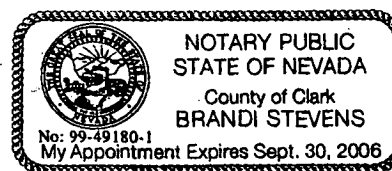
05/24/07

Date

Subscribed and sworn to before me this 24th day of

May, 2004.

[Signature]
Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY MANAGER

DIRECTOR: DOUGLAS A. SELBY

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Discussion and possible action regarding a campaign and employment policy for state legislators

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

On May 19 the City Council discussed parameters for a policy governing City employees who run for or are elected to legislative office. The attached policy attempts to incorporate the direction of the City Council.

RECOMMENDATION:

Receive presentation on proposed policy and take appropriate action.

BACKUP DOCUMENTATION:

Submitted at the meeting: key features of policy

MOTION:

GOODMAN - APPROVED the recommended policy with an Effective Date of 1/1/2005 – UNANIMOUS with Ward 2 seat vacant

NOTE: A previous motion by Goodman for reconsideration rescinded the initial motion by Reese for approval of the recommended policy, giving the City Manager a two-year window of opportunity to bring the matter back before the Council to request necessary revisions. Both motions carried unanimously with Ward 2 seat vacant.

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

DOUG SELBY, City Manager

GARY REESE, Councilman

MICHAEL MACK, Councilman

LARRY BROWN, Councilman

LAWRENCE WEEKLY, Councilman

BRAD JERBIC, City Attorney

(9:30 – 9:43/9:51 – 9:54)

1-812/1-1569

Key features of policy

- Complies with Title 2 of current City Code
- Covers all elected offices, but focus is on legislative service
- Employee must give notice of intent to seek office
- Requires LWOP from date of filing (turn in all City equipment)
- Requires LWOP during active legislative session (no TILO, annual, sick or other leave allowed)
- Allows for use of accrued annual leave for 2 days or less outside active session
- Employee must pay for continuation of benefits
- No City cell phones, PDAs, laptops, etc. will be issued during entire term in office
- Restricted use of City resources, including staff, during entire term of office (case by case)
- Criteria for conflicts
 - Job involves exercise of political power (Council liaison) or significant discretionary decision making (typical of Directors/Deputies)
 - Job involves regulation of City budget (Treasurer, Finance Director, Budget Manager, etc.)
 - Loyalty to constituents as an elected official conflicts with loyalty to job at City of Las Vegas (Council liaison, City lobbyist, etc.)
 - Absence will create a significant negative impact to operations of the employee's department (away 4 months of 24, plus committee and interim sessions)
- If the elected position is in conflict then there are only two options:
 - Reassignment to an existing vacant equal or lower position
 - Resignation
- City will not lobby employee
- Communications during LWOP status shall be through the City Manager or designee.

Submitted at City Council

Date 6/2/04 Item #46

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 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 May 19, 2004. Tamara Lynn Carrera, 555 E. Silverado Ranch, Apt. #1062, Las Vegas, Nevada 89123

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED the appeal, thereby granting a site-specific work card, with a one-year (6/1/2005) review and requiring MS. CARRERA to report any arrests or citations to the Las Vegas Metropolitan Police Department Special Investigations Division within 48 hours – **UNANIMOUS** with Ward 2 seat vacant

NOTE: MAYOR GOODMAN disclosed that he and ATTORNEY STEIN were previously partners in a law firm. That relationship ended many years ago and they are now friends, which he did not believe would have any bearing on his ability to fairly consider this matter. The Mayor confirmed with SENIOR LITIGATION COUNSEL that his disclosure would suffice.

MINUTES:

The appellant was present, accompanied by her attorney, STEPHEN STEIN.

This matter was initially trailed, at the request of JIM DiFIORE, Manager, Business Services, pending arrival of STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro). Upon the arrival of DETECTIVE RODD, he deferred to the Confidential Report for information regarding the appellant's background. He indicated that ATTORNEY STEIN submitted additional information that was subsequently included in the Confidential Report, and that Metro no longer had any objection to the issuance of a site-specific work card.

(9:43 – 9:44/9:48 – 9:50)

1-1278/1-1478

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 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 May 19, 2004. Don L. Hampton, 893 W. Balzar, Las Vegas, Nevada 89106

Fiscal Impact

☒

No Impact

☐

Budget Funds Available

☐

Augmentation Required

Amount:

Dept./Division:

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE – Motion to bring forward and STRIKE Items 48 and 54 and accept WITHDRAWAL of Item 50 – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:27 – 9:29)

1-927

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Approved June 4, 2003 subject to one year review: Sherry Dina Rosen, 3550 Paradise Road #351, Las Vegas, Nevada 89109

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED with no further review – UNANIMOUS with Ward 2 seat vacant

MINUTES:

The appellant was present.

This matter was initially trailed, at the request of JIM DiFIORE, Manager, Business Services, pending arrival of STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro). Upon the arrival of DETECTIVE RODD, he indicated that MS. ROSEN was previously issued a one-year work card. In reviewing her background since that time, Metro found that there are no problems to preclude the issuance of a permanent work card.

MS. ROSEN requested approval of the permanent card.

(9:44 – 9:45/9:50 – 9:51)

1-1327/1-1540

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Ryan P. Goida, 1518 Silver Sunset Drive, Henderson, Nevada 89052

Fiscal Impact

☒

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 48 and 54 and accept WITHDRAWAL of Item 50 – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no related discussion.

(9:27 – 9:29)

1-927

RECEIVED
CITY CLERK

2004 MAY 18 A 11: 27

May 18, 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,



Ryan P. Goida
1518 Silver Sunset Drive
Henderson, NV 89052



May 18, 2004

Ryan P. Goida
1518 Silver Sunset Drive
Henderson, NV 89052

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
RENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Re: **WORK CARD APPEAL**

Dear Mr. Goida:

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 June 2, 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,

A handwritten signature in cursive script that reads "Angela Crolli".

ANGELA CROLLI
DEPUTY CITY CLERK II

/pc

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

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

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

Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

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 Change of Ownership, Location and Business Name for a Supper Club License

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and 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 Robert D. White
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:

MIKE OLSON was present on behalf of Restco and Mikes Restaurant.

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

CITY COUNCIL MEETING OF JUNE 2, 2004

Finance and Business Services

Item 51 - Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

MINUTES-Continued:

MR. OLSON stated the restaurant is Italian with a diverse menu. They are already seeking to open a second location.

COUNCILMAN MACK noted the residents of the Centennial Hills area are looking forward to the opening of this restaurant.

(9:45 – 9:47)

1-1347

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center 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:

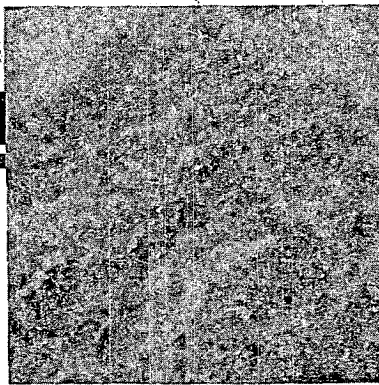
- (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
- (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
- (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated May 3, 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 May 12, 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.

**Pacific
Restaurant
Concepts, Inc.**



May 3, 2004

Att.: Ms Debbie Outland – License Officer II

City of Las Vegas – Department of Finance & Business Services

400 Stewart Avenue – 3rd Floor

Las Vegas, NV 89101-2986

Re: Temporary Supper Club License
Pacific Restaurant Concepts, Inc. & Restco, LLC

Dear Ms Outland,

You are currently in receipt of our group's supper club license application. It is now painfully clear that we did not give ourselves sufficient time to allow you the necessary and required time to process our application. Our planned opening date to the public is June 20, 2004.

Please accept this letter as our request for a Temporary License which would allow us to open, without further delay, our Mikes Restaurant located in the Restaurant Village at 6191 Centennial Center Blvd., Las Vegas, NV 89149. This location is the first of 10 such operations that we have planned to develop in the Las Vegas Valley over the next 5 years.

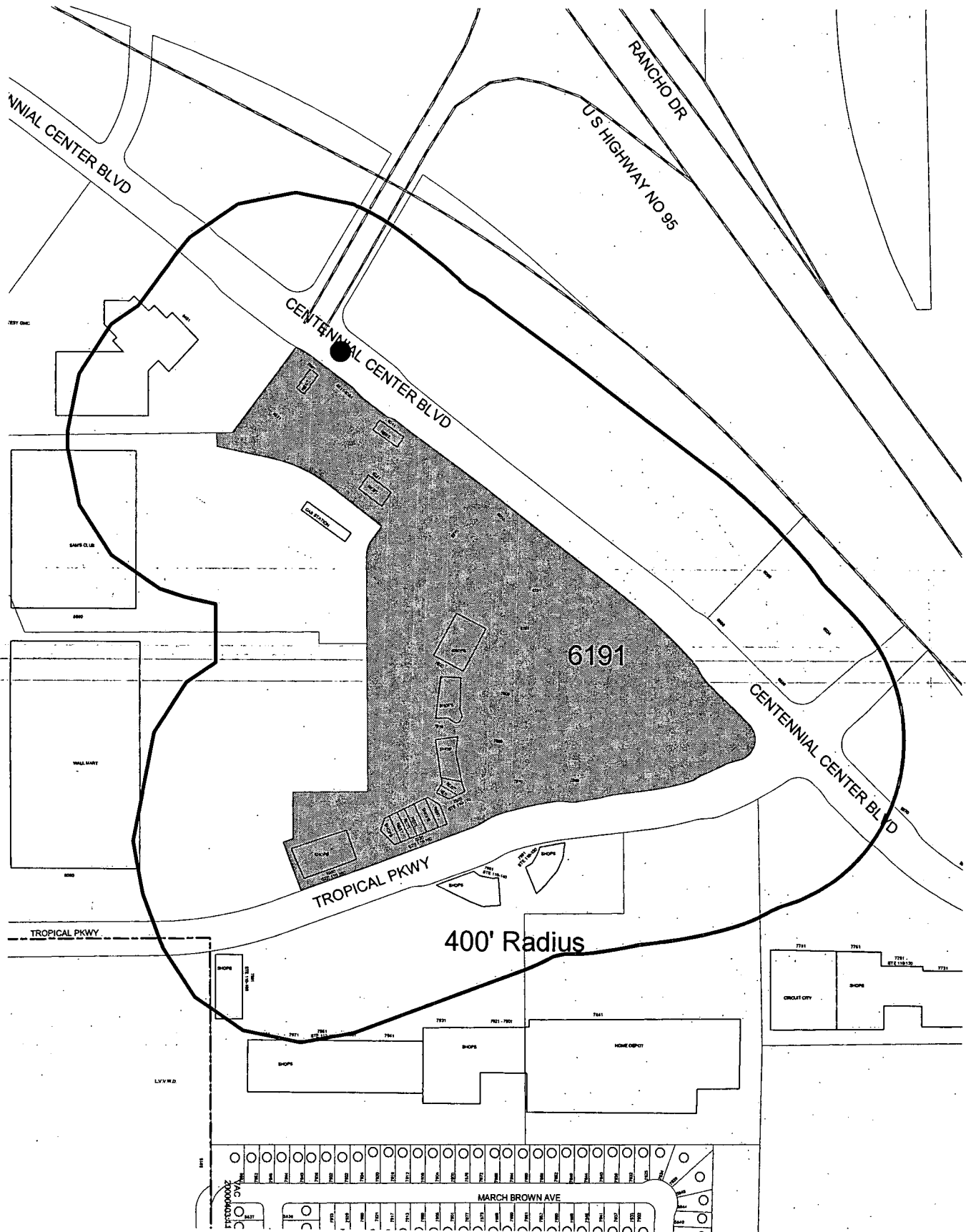
The weekly costs associated with a delayed opening are substantial. They include, but are not limited to the following: 1) ground lease of \$12,500 per month, which has already commenced as of March 1, 2004, 2) building lease payment of \$12,488.00 per month, 3) management staff already hired with a June opening in mind, 4) equipment lease payment of \$2,000.00 per month, 5) bank loan payment of \$5,752.00 per month and 6) general fixed operating expenses.

We realize that this significant oversight in not submitting our application in a timely manner is our problem but we do respectfully ask for your understanding and special consideration in this matter.

Yours sincerely,

Robert D. White
President

Mikes Restaurant



0 200 400 Feet



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-96-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City sold \$51,187,500. in bonds on May 25, 2004. The bonds are entitled City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) Local Improvement Bonds, Series 2004. Pursuant to NRS 271.415(2)(b), the Council is required, after sale of the bonds, to establish the rate of interest on the assessments which secures the bonds, provided that such interest rate may not exceed by more than one percent the highest rate of interest on the bonds.

RECOMMENDATION:

It is recommended that the Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-96-2004

MOTION:

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

MINUTES:

NOTE: During the morning session MARK VINCENT, Director, Finance and Business Services, requested that Items 52 and 53 be trailed, pending receipt of the interest rates so that they could be read into the record.

After the Mayor called the meeting back to order, MARK VINCENT, Director, Finance and Business Services, informed Council that the interest rate that will be placed in section two of page two of the Resolution is 7.250%. The true interest cost on these 20-year bonds is 6.1% and the highest coupon rate was 6.25%. He explained that the Resolution allowed the City to charge up to an additional 1% interest to cover administrative costs for staff and outside billing and collection services. MR. VINCENT stated the negotiated sale was for a very large tract of land for the Cliffs Edge Development called Providence. He indicated that as the land is developed and market conditions continue to be favorable, there is a good chance these bonds will be refinanced as the City has done in the past for other similar situations such as Summerlin.

(9:47 – 9:48/1:05 – 1:07)

1-1427/3-1

RESOLUTION NO. R-96-2004

A RESOLUTION CONCERNING THE CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT DISTRICT NO. 607 (PROVIDENCE) AND ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN SUCH DISTRICT.

WHEREAS, the City of Las Vegas, Nevada (the "City") is organized and operating pursuant to the provisions of Chapter 517, Statutes of Nevada 1983, as amended, and the general laws of the State of Nevada; and

WHEREAS, the City Council of the City (the "Council") has heretofore, pursuant to the requisite preliminary proceedings, created the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) (the "District") for the purpose of acquiring and improving a street, water, sanitary sewer, storm sewer project (the "Project") and has provided that the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the Council has by an ordinance (the "Assessment Ordinance") previously passed and adopted levied assessments in the amount of \$51,187,785 against the assessable lots, tracts and parcels of land benefited by the Project; and

WHEREAS, the Assessment Ordinance provides that said unpaid assessments shall be payable in semiannual installments, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the Assessment Ordinance at rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the Bonds (as hereinafter defined) (the effective rate on which shall not exceed by more than three percent (3%) the "Index of Twenty Bonds" most recently published in The Bond Buyer before the negotiated offer for the sale of the Bonds was accepted); and

WHEREAS, the Council previously adopted an ordinance (the "Bond Ordinance") authorizing the issuance and sale of the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) Local Improvement Bonds, Series 2004 (the "Bonds").

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS IN THE STATE OF NEVADA:

Section 1. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this resolution) concerning the District including, but not limited to, the improvement and acquisition of the Project, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property in the District, and the issuance and sale of the Bonds for the District, are ratified, approved and confirmed.

Section 2. The Council has determined and does hereby determine that the interest rate on the unpaid and deferred installments of assessments for the District shall be 7.25% per annum from the effective date of the Assessment Ordinance which rate is not higher than 1% above the highest interest rate on the Bonds.

Section 3. The City Clerk is hereby directed to deliver to the City Treasurer of the City a notice that such unpaid and deferred installments of assessments for the District shall bear interest at such rate, including in such a notice a request that the City Treasurer include in the mailed or published notice made pursuant to NRS 271.415(5) a notice of such interest rate payable on such installments. The City Treasurer hereby is authorized, empowered and directed, and it shall be his or her duty, to receive, collect and enforce the payment of all assessments made and levied for the Project, the installments thereof, all interest thereon at such rate, and the penalties accrued, at the time and in the manner specified in the Assessment Ordinance, and to cause such moneys to be deposited into the Bond Fund created by the Bond Ordinance (except as otherwise provided in the Bond Ordinance).

Section 4. The officers of the City are directed to take all action necessary to effectuate the provisions of this resolution.

Section 5. All bylaws, orders and resolutions, or parts thereof, in conflict with this resolution are repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any bylaw, order, or resolution or part thereof, heretofore repealed.

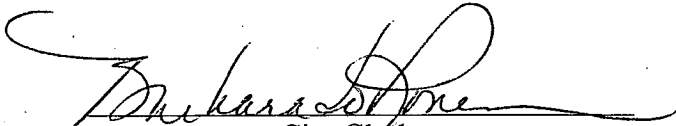
Section 6. If any section, paragraph, clause or provision of this resolution shall be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this resolution.

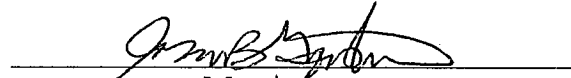
Section 7. This resolution shall be in full force and effect from and after its adoption.

PASSED AND ADOPTED this June 2, 2004.

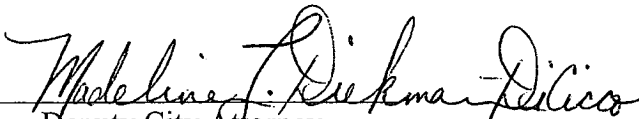
(SEAL)

Attest:


City Clerk


Mayor

Approved as to Form:

5-19-'04 
Date Deputy City Attorney

STATE OF NEVADA
CITY OF LAS VEGAS

)
) SS.
)

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

1. The foregoing pages are a true and correct copy of a resolution (the "Resolution") passed and adopted by the Council of the City (the "Council") at a regular meeting of the Council held on June 2, 2004. A quorum of the Council was in attendance at the meeting.

2. The adoption of the Resolution was duly moved and seconded and the Resolution was adopted by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Michael Mack Janet Moncrief

Those Voting Nay:	NONE

Those Absent:	NONE

Those Abstaining:	NONE

3. The original of the Resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was

4. All members of the Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting including in the notice the time, place, location, and agenda of the meeting:

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

Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada

City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada

Las Vegas-Clark County Library
833 Las Vegas Boulevard North
Las Vegas, Nevada

Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada

Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

6. A copy of such notice so given of the meeting of the Council is attached to this certificate as Exhibit "A".

7. A copy of the notice was posted on the City's website no later than 9:00 a.m. on the third working day prior to the meeting.

IN WITNESS WHEREOF, I have hereunto set my hand this
June 2, 2004.

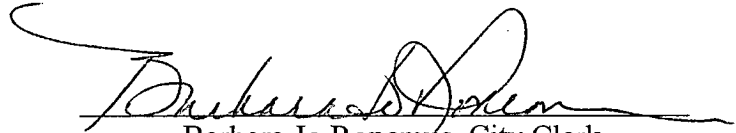

Barbara Jo Ronemus, City Clerk

EXHIBIT A

(Notice of June 2, 2004 City Council Meeting)

CITY COUNCIL AGENDA

JUNE 2, 2004

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CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), VACANT (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

JUNE 2, 2004

**Morning Session begins at 9:00 a.m.
Afternoon Session begins at 1:00 p.m.**

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

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

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN MUSLIM PUBLIC AFFAIRS COUNCIL
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF SENIOR OF THE QUARTER
- RECOGNITION OF PARAMEDIC RANDY FARR
- RECOGNITION OF PORCELAIN ART MONTH
- RECOGNITION OF ASSOCIATED GENERAL CONTRACTORS, NEVADA CHAPTER
- RECOGNITION OF RITES OF PASSAGE PROGRAM GRADUATES

BUSINESS ITEMS

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Discussion and possible action to adjust the City Manager's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
3. Discussion and possible action to adjust the City Attorney's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
4. Discussion and possible action to adjust the City Auditor's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Danmark, Inc., dba Golden Eagle Bar & Grill, 2202 Paradise Road (Non-operational), Joseph S. Kludjian, Dir, Pres, Secy, Treas, 100%, Judy F. Lindblad, Mgr, Charles W. Lum, Mgr, To: B-W Investments, LLC, dba Buffalo Wild Wings Grill and Bar, 6640 North Durango Drive, Suite 110, William M. Welter, Mmbr, Mgr, 50%, Dennis J. Kozlowski, Mmbr, Mgr, 25%, JSB Investments, LLC, Mmbr, Mgr, 25%, John S. Beuchat, Mgr, John Beuchat Living Trust 1992, Mmbr, 100%, John S. Beuchat, Trustee - Ward 6 (Mack)
7. Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Sam E. Hamika, Sam E. Hamika, 100%, To: Thamer Jarjees, dba Vegas Market #3, 6711 West Alexander Road, #103-104, Thamer Jarjees, 100% - Ward 6 (Mack)
8. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Cavalier, Inc., dba Junkyard Lounge, 2327 South Eastern Avenue, Adam B. Corrigan, Dir, Pres, Secy, Treas, 100%, To: Canyon Pointe Investments, Inc., dba Agave Mexican Restaurant, 10820 West Charleston Boulevard, Michael F. Corrigan, Dir, Pres, Secy, 50%, Sean P. Corrigan, Treas, 50% - Ward 2 (Vacant)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots, Corwin & Corwin, dba From: Lakes Texaco, To: Lakes Market, 7790 West Sahara Avenue, Steven C. Corwin and Barbara L. Corwin, 100% jointly as husband and wife - Ward 1 (Moncrief)
10. Approval of a new Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, Saman Enterprises LLC, dba Hot Spot, 4708 West Charleston Boulevard, Raida M. Shieban, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to confirmation of approval by the Nevada Gaming Commission, Green Valley Gaming, db at Lucky Mart, 823 East Ogden Avenue - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

12. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Lucky Champ, 4030 West Charleston Boulevard - Ward 1 (Moncrief)
13. Approval of award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO. (Estimated annual amount \$1,200,000 - Automotive Services Internal Service Fund)
14. Approval to use the Las Vegas Valley Water District Bid No. 1044-03, for an annual requirements contract for Biodiesel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO (Estimated annual amount of \$350,000 - Automotive Services Internal Service Fund)
15. Approval of award of Contract No. 040338, State Legislative Consulting Services (2 year contract) - Office of Administrative Services - Award recommended to: OSTROVSKY AND ASSOCIATES (\$330,000 - General Fund)
16. Approval of issuance of a purchase order for 15 auto-pulse resuscitation systems - Department of Fire and Rescue - Award recommended to: REVIVANT CORPORATION (\$192,096.78 - Fire Services Public Education Special Revenue Fund)
17. Approval of revision to purchase order 215417 for inmate linen and uniform service - Department of Detention and Enforcement - Award to: NEVADA LINEN SUPPLY (\$100,000 - General Fund)
18. Approval of revision to purchase order 214815 for Emergency Medical Services (EMS) Transport Claims Processing, Filing and Management - Department of Fire and Rescue - Award to: MEDICLAIMS, INC. (\$60,000 - General Fund)
19. Approval of award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases - Various Departments - Award recommended to: NEVADA COMPRESSED GAS (Estimated annual amount of \$50,000 - Various Funds)
20. Approval of Contract No. 040285 for GIS Software Development and Application Services Agreement - Department of Planning and Development - Award recommended to: GIS PLANNING (\$43,000 - General Fund and Industrial Development Special Revenue Fund)
21. Approval of revision to purchase order 219246 for mounting hardware and installation for pen-based computers - Department of Fire and Rescue - Award to: MOBILE MOUNTING SOLUTIONS, INC. (\$10,290 - Fire Services Capital Projects Fund)

PUBLIC WORKS DEPARTMENT - CONSENT

22. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Gowan Road, west of the Clark County Beltway, APN 137-12-301-007 - Ward 4 (Brown)
23. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 18, Township 19 South, Range 60 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Solar Lane and the north side of Elkhorn Road, east of Chieftain Street, APN 125-18-801-015 - Ward 6 (Mack)
24. Approval of a Professional Services Agreement with Parsons Transportation Group, Inc. for Construction Management Services on the I-15 Freeway Channel - Charleston Lateral Extension project (\$350,000 - Clark County Regional Flood Control District) - Wards 1 and 5 (Moncrief and Weekly)
25. Approval of Interlocal Agreement No. 110059 between the City of Las Vegas and Las Vegas Valley Water District for the Grand Montecito Parkway Improvements (Centennial Parkway to Elkhorn Road) Special Improvement District No. 1502 - Ward 6 (Mack)

PUBLIC WORKS DEPARTMENT - CONSENT

26. Approval of Interlocal Agreement No. 110058 between the City of Las Vegas and Las Vegas Valley Water District for construction and funding of water facilities as part of the Vegas Drive Storm Drain Improvements Project (Rancho Road to I-15) - Ward 5 (Weekly)
27. Approval of an Encroachment Request from Paul Wagner on behalf of Nevada Homes Group, Incorporated, owner (southeast corner of Durango Drive and Ackerman Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from CVL Consultants, Incorporated, on behalf of R & S El Capitan, LLC, owner (southeast corner of Racel Street and Durango Drive) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Taney Engineering on behalf of Distinctive Homes Taos Estates III, owner (Rio Vista Street between Azure Drive and Regena Avenue) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Chad and Crystal P. Hirschi, owners (southwest corner of Deer Springs Way and Tioga Way, APN 125-22-301-002) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner on behalf of Quencia Inc., owner (northeast corner of Jensen Street and Dorrell Lane, APN 125-19-102-011 and 125-19-102-012) - County (near Ward 6 - Mack)
32. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Miller, owner (north of Florine Avenue on Cimarron Road, APN 138-04-404-004) - County (near Ward 4 - Brown)
33. Approval of a Third Amendment to a Professional Services Agreement with Stantec Consulting Inc. for additional design services for Deer Springs Park located at Elkhorn Road and Buffalo Drive (\$10,200 - Parks Capital Improvement Project Fund) - Ward 6 (Mack)
34. Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the State of Nevada, Clark County, the Cities of Henderson, Las Vegas, North Las Vegas, and the Regional Transportation Commission of Southern Nevada, transferring the Role of Central Administrator from the City of Las Vegas to the Regional Transportation Commission of Southern Nevada - All Wards

RESOLUTIONS - CONSENT

35. R-91-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
36. R-92-2004 - Approval of a Resolution approving the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
37. R-93-2004 - Approval of a Resolution directing the City Treasurer to prepare the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
38. R-94-2004 - Approval of a Resolution approving the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
39. R-95-2004 - Approval of a Resolution Disposing of the Protests made at the Hearing on the Provisional Order for Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) - Ward 6 (Mack)

REAL ESTATE COMMITTEE – CONSENT

40. ABEYANCE ITEM - Approval to negotiate purchase and/or initiate condemnation of APNs 139-34-512-002 and - 003 located at 321 and 329 North Las Vegas Boulevard, APN 139-34-512-015 located at 512 East Mesquite Avenue and APNs 139-34-512-016 and -017 located at 409 North 6th Street and 405 North 6th Street for right-of-way and City Hall Expansion purposes - Ward 5 (Weekly)
41. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purposes of providing a fire hydrant to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
42. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
43. Approval of a Letter of Agreement between the City of Las Vegas and Jim Marsh for the City's purchase of 16,700 square feet of land near the northwest corner of Tropical Parkway and Durango Drive - (\$196,881.21 plus closing costs - Parks) - Ward 6 (Mack)
44. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)
45. Approval of an Agreement for the Purchase and Sale of Real property between Priority One Commercial (on behalf of the City of Las Vegas) and Robert Piccininni for real property commonly known as APN 139-34-512-015 located at 512 East Mesquite Avenue (\$650,000 + closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

46. Discussion and possible action regarding a campaign and employment policy for state legislators

CITY ATTORNEY - DISCUSSION

47. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Tamara Lynn Carrera, 555 E. Silverado Ranch, Apt. #1062, Las Vegas, Nevada 89123
48. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Don L. Hampton, 893, W. Balzar, Las Vegas, Nevada 89106
49. Discussion and possible action on Appeal of Work Card Denial: Approved June 4, 2003 subject to one year review: Sherry Dina Rosen, 3550 Paradise Road #351, Las Vegas, Nevada 89109
50. Discussion and possible action on Appeal of Work Card Denial: Ryan P. Goida, 1518 Silver Sunset Drive, Henderson, Nevada 89052

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

51. Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

52. R-96-2004 – Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) - Ward 6 (Mack)
53. R-97-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement Districts No.1474 (Rainbow Boulevard: Silverstream Avenue to Smoke Ranch Road) and No.1486 (Rainbow Boulevard Phase II: Rancho Drive to Ann Road) - Ward 6 (Mack)
54. R-98-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 1481 El Capitan Way (Centennial Parkway to US 95) - Ward 6 (Mack)
55. R-99-2004 - Discussion and possible action regarding a resolution to augment and amend the City of Las Vegas Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000
56. R-100-2004 - Discussion and possible action regarding a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Las Vegas Convention and Visitors Authority (LVCVA) Special Revenue Fund Budget in the amount of \$239,866

BOARDS & COMMISSIONS - DISCUSSION

57. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Ricki Y. Barlow, Term Expiration 3-6-2007 (Resigned)
58. Discussion and possible action on the appointment of a member of Council to the Debt Management Commission (Expires June 2005)
59. Discussion and possible action on the appointment of a member of Council to the Metropolitan Police Committee on Fiscal Affairs

REAL ESTATE COMMITTEE - DISCUSSION

60. ABEYANCE ITEM - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

61. Bill No. 2004-37 – Prohibits the sale of new vehicles (cars and trucks) on Sundays. Sponsored by: Councilman Michael Mack

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

62. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

63. 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
64. 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

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

65. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement
66. Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
67. Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 241.030 to discuss the following items:

- A. City Manager's Annual Performance Review
- B. City Attorney's Annual Performance Review
- C. City Auditor's Annual Performance Review

1:00 P.M. - AFTERNOON SESSION

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

HEARINGS - DISCUSSION

69. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & D DEL CORP. - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

70. EXTENSION OF TIME - VARIANCE - EOT-4349 - APPLICANT/OWNER: A B F, INC. - Request for an Extension of Time of an approved Variance (V-0027-02) TO ALLOW A PROPOSED PARKING GARAGE TO BE CONSTRUCTED ZERO FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; AND TO ALLOW A 12-FOOT TALL WALL ALONG THE WEST AND NORTH PROPERTY LINES WHERE SIX FEET IS THE MAXIMUM HEIGHT PERMITTED at 200 West Sahara Avenue (APN: 162-04-811-027 and 162-04-812-001), R-3 (Medium Density Residential) and R-4 (High Density Residential) Zones under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

71. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL), P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
72. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING - VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW BUILDING HEIGHTS TO EXCEED THE RESIDENTIAL ADJACENCY STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
73. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING - SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR TWO OFFICE BUILDINGS WITH ATTACHED PARKING GARAGES AND TWO RESTAURANT BUILDINGS WITHIN AN EXISTING OFFICE COMPLEX AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

74. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING - SUP-4089 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
75. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251, SDR-4086 AND SUP-4089 - PUBLIC HEARING - SUP-4090 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
76. APPEAL OF DIRECTOR'S BUSINESS - DIR-4421 - APPLICANT/OWNER: BAR-K REALTY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 2007 Paradise Road (APN: 162-03-413-005) for failure to comply with Title 19.14.100, Ward 3 (Reese). Staff recommends DENIAL
77. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 acres located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief). Staff recommends APPROVAL
78. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 25 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.46 acres on the northwest corner of Maggie Avenue and Coke Street (APN: 125-09-501-002), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL
79. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
80. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

Items raised under this portion of the City Council 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 step up to the podium and 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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-97-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement Districts No.1474 (Rainbow Boulevard: Silverstream Avenue to Smoke Ranch Road) and No.1486 (Rainbow Boulevard Phase II: Rancho Drive to Ann Road) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City sold \$452,000 in bonds on June 2, 2004. The bonds are entitled City of Las Vegas, Nevada Special Improvement District Nos. 1474 and 1486 Local Improvement Bonds, Series 2004B. Pursuant to NRS 271.415(2)(b), the Council is required, after sale of the bonds, to establish the rate of interest on the assessments which secure the bonds, provided that such interest rate may not exceed by more than one percent the highest rate of interest on the bonds.

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-97-2004

MOTION:

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

MINUTES:

NOTE: During the morning session MARK VINCENT, Director, Finance and Business Services, requested that Items 52 and 53 be trailed, pending receipt of the interest rates so that they could be read into the record.

MARK VINCENT, Director, Finance and Business Services, explained that the street improvements total approximately \$452,000.00. The true interest cost of these 10-year bonds is 4.38%. In accordance with R-97-2004, the interest rate to be placed in section three of page two of the Resolution will be set at 5.26%.

(9:47 – 9:48/1:07 – 1:08)

1-1427/3-49

RESOLUTION NO. R-97-2004

A RESOLUTION CONCERNING THE CITY OF LAS VEGAS, NEVADA, IMPROVEMENT DISTRICT NOS. 1474 AND 1486; ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN THE IMPROVEMENT DISTRICTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY CONCERNING THE DISTRICTS; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council (the "City Council") of the City of Las Vegas (the "City"), State of Nevada (the "State"), pursuant to ordinances heretofore passed and adopted, created the City of Las Vegas, Nevada, Improvement District No. 1474 – Rainbow Boulevard (Silverstream Avenue to Smoke Ranch Road) and the District No. 1486 – Rainbow Boulevard (Rancho Drive to Ann Road) (the "Districts") and ordered the acquisition of certain local improvements for the Districts (the "Projects") and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots, tracts and parcels of land in the Districts; and

WHEREAS, the City Council has, by ordinances heretofore passed and adopted (the "Assessment Ordinances"), levied assessments against the property benefitted by the improvements in the Districts; and

WHEREAS, the Assessment Ordinances provided that said unpaid valid assessments shall be payable in semiannual installments, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the Assessment Ordinances, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the Bond as defined herein (the effective rate on which shall not exceed by more than 3% the "Index of Twenty Bonds" most recently published before bids were received); and

WHEREAS, the City Council on the date hereof accepted a bid (the "Bid") for the purchase of the "City of Las Vegas, Nevada, District Nos. 1474 and 1486 Local Improvement Bond, Series 2004B" (the "Bond"), at the interest rate or rates and price set forth in the Bid; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "Improvement District Nos. 1474 and 1486 Assessment Installment Rate Resolution" (the "Resolution").

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Resolution) concerning the Districts including, but not limited to, the construction and other acquisition of the improvements, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property in each District, and the issuance and sale of the Bond for the Districts, including, without limitation, the designation of any term bonds subject to mandatory sinking fund redemption as set for the in the Certificate of Finance Director, are hereby ratified, approved and confirmed.

Section 3. The City Council has determined and does hereby determine that, regardless of any redemption of the Bond, the interest rate on the unpaid and deferred installments of assessments for the Districts shall be equal to 5.26%. Such interest rate is not more than the highest rate of interest on the Bond plus 1% per annum.

Section 4. The City Clerk is hereby directed to deliver to the City Treasurer of the City (the "City Treasurer") a notice that such unpaid and deferred installments of assessments for the Districts shall bear interest at such rate, including in such a notice a request that the City Treasurer include in the mailed or published notice made pursuant to NRS 271.415(5) a notice of such interest rate payable on such installments. The City Treasurer hereby is authorized, empowered and directed, and it shall be his or her duty, to receive and collect all assessments levied to pay the cost of the improvements, the installments hereof, the interest thereon at such rate, and the penalties accrued, at the time and in the manner specified in each Assessment Ordinance, and to cause such moneys to be placed into the bond fund created by the ordinance authorizing the issuance of the Bond.

Section 5. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provision of this Resolution.

Section 8. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

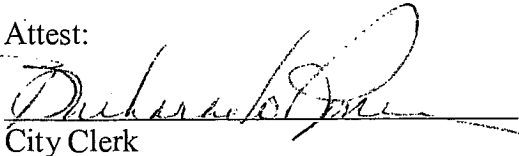
PASSED AND APPROVED THIS JUNE 2, 2004.

(SEAL)



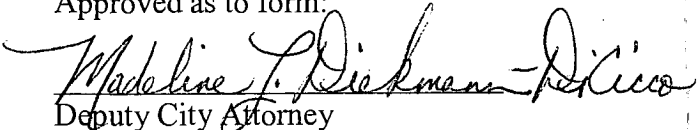
Mayor

Attest:



City Clerk

Approved as to form:



Deputy City Attorney

STATE OF NEVADA)
) ss.
CITY OF LAS VEGAS)

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

1. The foregoing pages, minutes of a meeting of the City Council of the City (the "Council") held on June 2, 2004, constitute a true, correct, complete and compared copy of the proceedings of the Council so far as said minutes relate to a resolution, a copy of which resolution is set forth therein.

2. The adoption of the resolution was duly moved and the resolution was adopted by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief

Those Voting Nay:	NONE

Those Absent:	NONE

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

4. All members of the Council were given due and proper notice of the meeting held on June 2, 2004.

5. All members of the Council were given due and proper notice of the meeting. Pursuant to NRS § 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting:

(a) By posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

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

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of the notice of the meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to the meeting.

7. Copies of the notice of the meeting as posted and mailed is attached hereto as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this June 11, 2004.

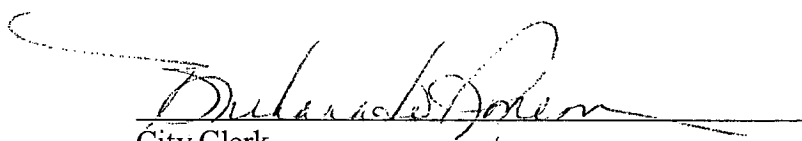

City Clerk

EXHIBIT "A"

(Attach copy of notice of meeting)

CITY COUNCIL AGENDA

JUNE 2, 2004

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CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

COUNCILMEMBERS: LARRY BROWN (Ward 4), VACANT (Ward 2),

LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6), JANET MONCRIEF (Ward 1)

Facilities are provided throughout City Hall for the convenience of persons with disabilities. For meetings held in the Council Chambers, sound equipment is available for persons with hearing impairments. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting. The City's TDD number is 386-9108.

JUNE 2, 2004

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE AND DUPLICATE VIDEO TAPES MAY BE AVAILABLE AT A COST OF \$5.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE COUNCIL MEETING.

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN MUSLIM PUBLIC AFFAIRS COUNCIL
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF SENIOR OF THE QUARTER
- RECOGNITION OF PARAMEDIC RANDY FARR
- RECOGNITION OF PORCELAIN ART MONTH
- RECOGNITION OF ASSOCIATED GENERAL CONTRACTORS, NEVADA CHAPTER
- RECOGNITION OF RITES OF PASSAGE PROGRAM GRADUATES

BUSINESS ITEMS

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Discussion and possible action to adjust the City Manager's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
3. Discussion and possible action to adjust the City Attorney's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)
4. Discussion and possible action to adjust the City Auditor's compensation (NOTE: To be trailed until the Afternoon Session, following the Closed Session)

CONSENT AGENDA

MATTERS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL BY THE SUBMITTING DEPARTMENTS. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

5. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
6. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Danmark, Inc., dba Golden Eagle Bar & Grill, 2202 Paradise Road (Non-operational), Joseph S. Kludjian, Dir, Pres, Secy, Treas, 100%, Judy F. Lindblad, Mgr, Charles W. Lum, Mgr, To: B-W Investments, LLC, dba Buffalo Wild Wings Grill and Bar, 6640 North Durango Drive, Suite 110, William M. Welter, Mmbr, Mgr, 50%, Dennis J. Kozlowski, Mmbr, Mgr, 25%, JSB Investments, LLC, Mmbr, Mgr, 25%, John S. Beuchat, Mgr, John Beuchat Living Trust 1992, Mmbr, 100%, John S. Beuchat, Trustee - Ward 6 (Mack)
7. Approval of Change of Ownership for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 7 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Sam E. Hamika, Sam E. Hamika, 100%, To: Thamer Jarjees, dba Vegas Market #3, 6711 West Alexander Road, #103-104, Thamer Jarjees, 100% - Ward 6 (Mack)
8. Approval of Change of Ownership, Location and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to the provisions of the fire codes, Health Dept. regulations and confirmation of approval by the Nevada Gaming Commission, From: Cavalier, Inc., dba Junkyard Lounge, 2327 South Eastern Avenue, Adam B. Corrigan, Dir, Pres, Secy, Treas, 100%, To: Canyon Pointe Investments, Inc., dba Agave Mexican Restaurant, 10820 West Charleston Boulevard, Michael F. Corrigan, Dir, Pres, Secy, 50%, Sean P. Corrigan, Treas, 50% - Ward 2 (Vacant)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a new Restricted Gaming License for 4 slots, Corwin & Corwin, dba From: Lakes Texaco, To: Lakes Market, 7790 West Sahara Avenue, Steven C. Corwin and Barbara L. Corwin, 100% jointly as husband and wife - Ward 1 (Moncrief)
10. Approval of a new Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, Saman Enterprises LLC, dba Hot Spot, 4708 West Charleston Boulevard, Raida M. Shieban, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 4 slots subject to confirmation of approval by the Nevada Gaming Commission, Green Valley Gaming, db at Lucky Mart, 823 East Ogden Avenue - Ward 5 (Weekly)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

12. Approval of a new Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to confirmation of approval by the Nevada Gaming Commission, United Coin Machine Company, db at Lucky Champ, 4030 West Charleston Boulevard - Ward 1 (Moncrief)
13. Approval of award of Bid No. 040268-DAR, Annual Requirements Contract for Gasoline and Diesel Fuel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO. (Estimated annual amount \$1,200,000 - Automotive Services Internal Service Fund)
14. Approval to use the Las Vegas Valley Water District Bid No. 1044-03, for an annual requirements contract for Biodiesel - Department of Field Operations - Award recommended to: HAYCOCK PETROLEUM CO (Estimated annual amount of \$350,000 - Automotive Services Internal Service Fund)
15. Approval of award of Contract No. 040338, State Legislative Consulting Services (2 year contract) - Office of Administrative Services - Award recommended to: OSTROVSKY AND ASSOCIATES (\$330,000 - General Fund)
16. Approval of issuance of a purchase order for 15 auto-pulse resuscitation systems - Department of Fire and Rescue - Award recommended to: REVIVANT CORPORATION (\$192,096.78 - Fire Services Public Education Special Revenue Fund)
17. Approval of revision to purchase order 215417 for inmate linen and uniform service - Department of Detention and Enforcement - Award to: NEVADA LINEN SUPPLY (\$100,000 - General Fund)
18. Approval of revision to purchase order 214815 for Emergency Medical Services (EMS) Transport Claims Processing, Filing and Management - Department of Fire and Rescue - Award to: MEDICLAIMS, INC. (\$60,000 - General Fund)
19. Approval of award of Bid No. 040308-DAR, Annual Requirements Contract for Welding Supplies and Gases - Various Departments - Award recommended to: NEVADA COMPRESSED GAS (Estimated annual amount of \$50,000 - Various Funds)
20. Approval of Contract No. 040285 for GIS Software Development and Application Services Agreement - Department of Planning and Development - Award recommended to: GIS PLANNING (\$43,000 - General Fund and Industrial Development Special Revenue Fund)
21. Approval of revision to purchase order 219246 for mounting hardware and installation for pen-based computers - Department of Fire and Rescue - Award to: MOBILE MOUNTING SOLUTIONS, INC. (\$10,290 - Fire Services Capital Projects Fund)

PUBLIC WORKS DEPARTMENT - CONSENT

22. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southwest Quarter of Section 12, Township 20 South, Range 59 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Gowan Road, west of the Clark County Beltway, APN 137-12-301-007 - Ward 4 (Brown)
23. Approval of a Declaration of Utilization from the Bureau of Land Management for a portion of the Southeast Quarter of Section 18, Township 19 South, Range 60 East, Mount Diablo Meridian, for roadway, sanitary sewer and drainage purposes generally located on the south side of Solar Lane and the north side of Elkhorn Road, east of Chieftain Street, APN 125-18-801-015 - Ward 6 (Mack)
24. Approval of a Professional Services Agreement with Parsons Transportation Group, Inc. for Construction Management Services on the I-15 Freeway Channel - Charleston Lateral Extension project (\$350,000 - Clark County Regional Flood Control District) - Wards 1 and 5 (Moncrief and Weekly)
25. Approval of Interlocal Agreement No. 110059 between the City of Las Vegas and Las Vegas Valley Water District for the Grand Montecito Parkway Improvements (Centennial Parkway to Elkhorn Road) Special Improvement District No. 1502 - Ward 6 (Mack)

PUBLIC WORKS DEPARTMENT - CONSENT

26. Approval of Interlocal Agreement No. 110058 between the City of Las Vegas and Las Vegas Valley Water District for construction and funding of water facilities as part of the Vegas Drive Storm Drain Improvements Project (Rancho Road to I-15) - Ward 5 (Weekly)
27. Approval of an Encroachment Request from Paul Wagner on behalf of Nevada Homes Group, Incorporated, owner (southeast corner of Durango Drive and Ackerman Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from CVL Consultants, Incorporated, on behalf of R & S El Capitan, LLC, owner (southeast corner of Racel Street and Durango Drive) - Ward 6 (Mack)
29. Approval of an Encroachment Request from Taney Engineering on behalf of Distinctive Homes Taos Estates III, owner (Rio Vista Street between Azure Drive and Regena Avenue) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Chad and Crystal P. Hirschi, owners (southwest corner of Deer Springs Way and Tioga Way, APN 125-22-301-002) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Baughman and Turner on behalf of Quencia Inc., owner (northeast corner of Jensen Street and Dorrell Lane, APN 125-19-102-011 and 125-19-102-012) - County (near Ward 6 - Mack)
32. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Richard Miller, owner (north of Florine Avenue on Cimarron Road, APN 138-04-404-004) - County (near Ward 4 - Brown)
33. Approval of a Third Amendment to a Professional Services Agreement with Stantec Consulting Inc. for additional design services for Deer Springs Park located at Elkhorn Road and Buffalo Drive (\$10,200 - Parks Capital Improvement Project Fund) - Ward 6 (Mack)
34. Approval of a Cooperative Agreement for the Las Vegas Freeway and Arterial System of Transportation (FAST) between the State of Nevada, Clark County, the Cities of Henderson, Las Vegas, North Las Vegas, and the Regional Transportation Commission of Southern Nevada, transferring the Role of Central Administrator from the City of Las Vegas to the Regional Transportation Commission of Southern Nevada - All Wards

RESOLUTIONS - CONSENT

35. R-91-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
36. R-92-2004 - Approval of a Resolution approving the Sixty-First Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
37. R-93-2004 - Approval of a Resolution directing the City Treasurer to prepare the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
38. R-94-2004 - Approval of a Resolution approving the Twelfth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Vacant)
39. R-95-2004 - Approval of a Resolution Disposing of the Protests made at the Hearing on the Provisional Order for Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) - Ward 6 (Mack)

REAL ESTATE COMMITTEE – CONSENT

40. ABEYANCE ITEM - Approval to negotiate purchase and/or initiate condemnation of APNs 139-34-512-002 and - 003 located at 321 and 329 North Las Vegas Boulevard, APN 139-34-512-015 located at 512 East Mesquite Avenue and APNs 139-34-512-016 and -017 located at 409 North 6th Street and 405 North 6th Street for right-of-way and City Hall Expansion purposes - Ward 5 (Weekly)
41. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purposes of providing a fire hydrant to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
42. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service the Water Pollution Control Facility located at 6005 East Vegas Valley Drive, APN 161-10-401-004 - County (Near Ward 3 - Reese)
43. Approval of a Letter of Agreement between the City of Las Vegas and Jim Marsh for the City's purchase of 16,700 square feet of land near the northwest corner of Tropical Parkway and Durango Drive - (\$196,881.21 plus closing costs - Parks) - Ward 6 (Mack)
44. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances on APN 138-28-301-005 to service Washington/Buffalo Park Phases 1A and 1B (\$654 - Parks Capital Improvements Project Fund) - Ward 2 (Vacant)
45. Approval of an Agreement for the Purchase and Sale of Real property between Priority One Commercial (on behalf of the City of Las Vegas) and Robert Piccininni for real property commonly known as APN 139-34-512-015 located at 512 East Mesquite Avenue (\$650,000 + closing costs - City Facilities Capital Project Fund) - Ward 5 (Weekly)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

46. Discussion and possible action regarding a campaign and employment policy for state legislators

CITY ATTORNEY - DISCUSSION

47. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Tamara Lynn Carrera, 555 E. Silverado Ranch, Apt. #1062, Las Vegas, Nevada 89123
48. Discussion and possible action on Appeal of Work Card Denial: Held in Abeyance from May 19, 2004. Don L. Hampton, 893, W. Balzar, Las Vegas, Nevada 89106
49. Discussion and possible action on Appeal of Work Card Denial: Approved June 4, 2003 subject to one year review: Sherry Dina Rosen, 3550 Paradise Road #351, Las Vegas, Nevada 89109
50. Discussion and possible action on Appeal of Work Card Denial: Ryan P. Goida, 1518 Silver Sunset Drive, Henderson, Nevada 89052

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

51. Discussion and possible action regarding Temporary Approval of a Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Lightcoin, Inc., dba Club 2100, 2100 Fremont Street (Non-operational), Lawrence D. Rosales, Dir, Pres, Secy, Treas, 100%, To: Restco, LLC, dba Mikes Restaurant, 6191 Centennial Center Boulevard, Pacific Restaurant Concepts, Inc., Mgr, Mmbr, 100%, Robert D. White, Pres, Jungwoo Lee, Secy, Joseph Y. Hong, Dir, Michael A. Olsen, Treas, 20%, Pipeline 1, Inc., 40%, Jungwoo Lee, Dir, Pres, Secy, Treas, 100%, Lydia Industries, LLC, 20%, Joseph Y. Hong, Mgr, Mmbr, 100%, Decades Development, LC, 20%, Robert D. White, Mgr, 100% - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

52. R-96-2004 – Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 607 (Providence) - Ward 6 (Mack)
53. R-97-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement Districts No.1474 (Rainbow Boulevard: Silverstream Avenue to Smoke Ranch Road) and No.1486 (Rainbow Boulevard Phase II: Rancho Drive to Ann Road) - Ward 6 (Mack)
54. R-98-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 1481 El Capitan Way (Centennial Parkway to US 95) - Ward 6 (Mack)
55. R-99-2004 - Discussion and possible action regarding a resolution to augment and amend the City of Las Vegas Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000
56. R-100-2004 - Discussion and possible action regarding a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Las Vegas Convention and Visitors Authority (LVCVA) Special Revenue Fund Budget in the amount of \$239,866

BOARDS & COMMISSIONS - DISCUSSION

57. LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Ricki Y. Barlow, Term Expiration 3-6-2007 (Resigned)
58. Discussion and possible action on the appointment of a member of Council to the Debt Management Commission (Expires June 2005)
59. Discussion and possible action on the appointment of a member of Council to the Metropolitan Police Committee on Fiscal Affairs

REAL ESTATE COMMITTEE - DISCUSSION

60. ABEYANCE ITEM - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

61. Bill No. 2004-37 – Prohibits the sale of new vehicles (cars and trucks) on Sundays. Sponsored by: Councilman Michael Mack

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

62. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

THERE IS NO PUBLIC COMMENT ON THESE ITEMS AND NO ACTION WILL BE TAKEN BY THE COUNCIL AT THIS MEETING, EXCEPT THOSE ITEMS WHICH MAY BE STRICKEN OR TABLED. PUBLIC TESTIMONY TAKES PLACE AT THE RECOMMENDING COMMITTEE MEETING HELD FOR THAT PURPOSE.

63. 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
64. 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

NEW BILLS

THERE IS NO PUBLIC COMMENT ON THESE ITEMS. NEW BILLS ARE READ INTO THE RECORD AND REFERRED TO RECOMMENDING COMMITTEE FOR A SEPARATE HEARING TO RECEIVE PUBLIC TESTIMONY BEFORE ACTION BY THE COUNCIL AT A LATER MEETING. EXCEPTION: EMERGENCY BILLS OR THOSE ITEMS TO BE STRICKEN OR TABLED.

65. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement
66. Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
67. Bill No. 2004-45 – Establishes restrictions on the use and possession of electronic stun devices. Sponsored by: Councilman Gary Reese

CLOSED SESSION – To Be Held at Conclusion of Morning Session

Upon a duly carried Motion, a closed meeting is called in accordance with NRS 241.030 to discuss the following items:

- A. City Manager's Annual Performance Review
- B. City Attorney's Annual Performance Review
- C. City Auditor's Annual Performance Review

1:00 P.M. - AFTERNOON SESSION

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

HEARINGS - DISCUSSION

69. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 15 West Owens Avenue. PROPERTY OWNERS: T & D DEL CORP. - Ward 5 (Weekly)

PLANNING & DEVELOPMENT DEPARTMENT

The items listed below, where appropriate, have been reviewed by the various City departments relative to requirements for storm drainage and flood control, connection to sanitary sewer, traffic circulation, and building and fire regulations. Their comments and/or recommendations and requirements have been incorporated into the action.

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

PM SESSION - ALL ITEMS LISTED ON THE CONSENT AGENDA ARE CONSIDERED TO BE ROUTINE AND HAVE BEEN RECOMMENDED FOR APPROVAL. ALL ITEMS ON THE CONSENT AGENDA MAY BE APPROVED IN A SINGLE MOTION. HOWEVER, IF A COUNCIL MEMBER SO REQUESTS, ANY CONSENT ITEM MAY BE MOVED TO THE DISCUSSION PORTION OF THE AGENDA AND OTHER ACTION, INCLUDING POSTPONEMENT OR DENIAL OF THE ITEM, MAY TAKE PLACE.

70. EXTENSION OF TIME - VARIANCE - EOT-4349 - APPLICANT/OWNER: A B F, INC. - Request for an Extension of Time of an approved Variance (V-0027-02) TO ALLOW A PROPOSED PARKING GARAGE TO BE CONSTRUCTED ZERO FEET FROM THE REAR PROPERTY LINE WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED; AND TO ALLOW A 12-FOOT TALL WALL ALONG THE WEST AND NORTH PROPERTY LINES WHERE SIX FEET IS THE MAXIMUM HEIGHT PERMITTED at 200 West Sahara Avenue (APN: 162-04-811-027 and 162-04-812-001), R-3 (Medium Density Residential) and R-4 (High Density Residential) Zones under Resolution of Intent to C-2 (General Commercial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

71. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4082 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-3 (MEDIUM DENSITY RESIDENTIAL), P-R (PROFESSIONAL OFFICE AND PARKING) TO: C-1 (LIMITED COMMERCIAL) on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
72. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - VARIANCE RELATED TO ZON-4082 - PUBLIC HEARING - VAR-4251 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW BUILDING HEIGHTS TO EXCEED THE RESIDENTIAL ADJACENCY STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
73. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4082 AND VAR-4251 - PUBLIC HEARING - SDR-4086 - APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR TWO OFFICE BUILDINGS WITH ATTACHED PARKING GARAGES AND TWO RESTAURANT BUILDINGS WITHIN AN EXISTING OFFICE COMPLEX AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS on 15.33 acres adjacent to the northeast corner of Sahara Avenue and Rancho Drive (APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

74. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251 AND SDR-4086 - PUBLIC HEARING - SUP-4089 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
75. NOT TO BE HEARD BEFORE 1:00 P.M. - ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO ZON-4082, VAR-4251, SDR-4086 AND SUP-4089 - PUBLIC HEARING - SUP-4090 – APPLICANT/OWNER: SAHARA RANCHO OFFICE CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR adjacent to the northeast corner of Sahara Avenue and Rancho Drive (a portion of APN: 162-04-401-007), R-3 (Medium Density Residential), P-R (Professional Office and Parking), and C-1 (Limited Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 1 (Moncrief). The Planning Commission (4-0-1 vote) and staff recommend APPROVAL
76. APPEAL OF DIRECTOR'S BUSINESS - DIR-4421 - APPLICANT/OWNER: BAR-K REALTY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 2007 Paradise Road (APN: 162-03-413-005) for failure to comply with Title 19.14.100, Ward 3 (Reese). Staff recommends DENIAL
77. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW - SD-0062-00 - APPLICANT: BAUGHMAN & TURNER, INC. – OWNER: RONALD AND LYNN FOGLIA - Request for a Site Development Plan Review and a Waiver of Landscaping Requirements FOR A 2,580 SQUARE FOOT OFFICE BUILDING on 0.21 acres located on the north side of Transverse Drive, approximately 160 feet west of Jones Boulevard (APN: 163-01-101-008), R-E (Residence Estates) Zone under Resolution of Intent to O (Office), Ward 1 (Moncrief). Staff recommends APPROVAL
78. ABEYANCE ITEM - VARIANCE - PUBLIC HEARING - VAR-3902 - APPLICANT/OWNER: RICHARD AND JILL BURNS - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Variance TO ALLOW 25 FOOT FRONT SETBACKS WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED AND TO ALLOW 25 FOOT REAR SETBACKS WHERE 35 FEET IS THE MINIMUM SETBACK REQUIRED on 9.46 acres on the northwest corner of Maggie Avenue and Coke Street (APN: 125-09-501-002), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (5-1 vote) and staff recommend DENIAL
79. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3394 - LAS VEGAS BILLBOARDS ON BEHALF OF WEST SAHARA ASSOCIATES, LIMITED PARTNERSHIP - Appeal filed by LAS Consulting, Inc. from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northeast corner of Torrey Pines Drive and Sahara Avenue (APN: 163-02-816-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) recommends DENIAL. Staff recommends APPROVAL
80. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

Items raised under this portion of the City Council 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 step up to the podium and 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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

RESOLUTIONS:

R-98-2004 - Discussion and possible action regarding a resolution establishing the interest rate on the assessments in the City of Las Vegas, Nevada Special Improvement District No. 1481 El Capitan Way (Centennial Parkway to US 95) - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City sold \$2,070,000. in bonds on June 2, 2004. The bonds are entitled City of Las Vegas, Nevada Special Improvement District No. 1481 Local Improvement Bonds, Series 2004A. Pursuant to NRS 271.415(2)(b), the Council is required, after sale of the bonds, to establish the rate of interest on the assessments which secure the bonds, provided that such interest rate may not exceed by more than one percent the highest rate of interest on the bonds.

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R-98-2004

MOTION:

REESE – Motion to bring forward and **STRIKE** Items 48 and 54 and accept **WITHDRAWAL** of Item 50 – **UNANIMOUS** with Ward 2 seat vacant

MINUTES:

Under Item 1, COUNCILMAN MACK asked RICHARD GOECKE, Director of Public Works, why staff was requesting Item 54 to be stricken. CITY ATTORNEY JERBIC responded that the item is regarding a Special Improvement District that involves a lawsuit that was filed at the last minute. As a result of disclosure requirements, staff is removing it from the agenda until the matter is resolved.

(9:27 – 9:29)

1-927

RESOLUTION NO. R-98-2004

A RESOLUTION CONCERNING THE CITY OF LAS VEGAS, NEVADA, IMPROVEMENT DISTRICT NO. 1481; ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN THE IMPROVEMENT DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY CONCERNING THE DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council (the "City Council") of the City of Las Vegas (the "City"), State of Nevada (the "State"), pursuant to an ordinance heretofore passed and adopted, created the City of Las Vegas, Nevada, Improvement District No. 1481 – El Capitan Way (Centennial Parkway to US 95 (the "District") and ordered the acquisition of certain local improvements for the District (the "Project") and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefitted lots, tracts and parcels of land in the District; and

WHEREAS, the City Council has, by ordinance heretofore passed and adopted (the "Assessment Ordinance"), levied assessments against the property benefitted by the improvements in the District; and

WHEREAS, the Assessment Ordinance provided that said unpaid valid assessments shall be payable in semiannual installments, with interest in all cases on the unpaid and deferred installments of principal from the effective date of the Assessment Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the Bonds as defined herein (the effective rate on which shall not exceed by more than 3% the "Index of Twenty Bonds" most recently published before bids were received); and

WHEREAS, the City Council on the date hereof accepted a bid (the "Bid") for the purchase of the "City of Las Vegas, Nevada, District No. 1481– El Capitan Way (Centennial Parkway to US 95) Local Improvement Bonds, Series, 2004A" (the "Bonds"), at the interest rate or rates and price set forth in the Bid; and

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, IN THE STATE OF NEVADA:

Section 1. This resolution shall be known as and may be cited by the short title "Improvement District No. 1481 Assessment Installment Rate Resolution" (the "Resolution").

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Resolution) concerning the District including, but not limited to, the construction and other acquisition of the improvements, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property in the District, and the issuance and sale of the Bonds for the District, including, without limitation, the designation of any term bonds subject to mandatory sinking fund redemption as set for the in the Certificate of Finance Director, are hereby ratified, approved and confirmed.

Section 3. The City Council has determined and does hereby determine that, regardless of any redemption of the Bonds, the interest rate on the unpaid and deferred installments of assessments for the District shall be equal to ____%. Such interest rate is not more than the highest rate of interest on the Bonds plus 1% per annum.

Section 4. The City Clerk is hereby directed to deliver to the City Treasurer of the City (the "City Treasurer") a notice that such unpaid and deferred installments of assessments for the District shall bear interest at such rate, including in such a notice a request that the City Treasurer include in the mailed or published notice made pursuant to NRS 271.415(5) a notice of such interest rate payable on such installments. The City Treasurer hereby is authorized, empowered and directed, and it shall be his or her duty, to receive and collect all assessments levied to pay the cost of the improvements, the installments hereof, the interest thereon at such rate, and the penalties accrued, at the time and in the manner specified in the Assessment Ordinance, and to cause such moneys to be placed into the bond fund created by the ordinance authorizing the issuance of the Bonds.

Section 5. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way affect any remaining provision of this Resolution.

Section 8. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

PASSED AND APPROVED THIS JUNE 2, 2004.

(SEAL)

Mayor

Attest:

City Clerk

APPROVED AS TO FORM:

Madeline J. Diekmann-DiCicco

STATE OF NEVADA

)

) ss.

CITY OF LAS VEGAS

)

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

1. The foregoing pages, minutes of a meeting of the City Council of the City (the "Council") held on June 2, 2004, constitute a true, correct, complete and compared copy of the proceedings of the Council so far as said minutes relate to a resolution, a copy of which resolution is set forth therein.

2. The adoption of the resolution was duly moved and the resolution was adopted by an affirmative vote of a majority of the members of the Council as follows:

Those Voting Aye:

Oscar B. Goodman

Gary Reese

Larry Brown

Lawrence Weekly

Michael Mack

Janet Moncrief

Those Voting Nay:

Those Absent:

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

4. All members of the Council were given due and proper notice of the meeting held on June 2, 2004.

5. All members of the Council were given due and proper notice of the meeting. Pursuant to NRS § 241.020, written notice of the meeting including the time, place, location and agenda of the meeting was given by 9:00 a.m. at least three working days before the meeting:

(a) By posting a copy of the notice at the principal office of the Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three other separate, prominent places within the jurisdiction of the Council, to wit:

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

and

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the Council in the same manner in which notice is required to be mailed to a member of the Council.

6. A copy of the notice of the meeting was posted on the City's website no later than 9:00 a.m. on the third working day prior to the meeting.

7. Copies of the notice of the meeting as posted and mailed is attached hereto as Exhibit A.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of the City this June __, 2004.

City Clerk

EXHIBIT "A"

(Attach copy of notice of meeting)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-99-2004 - Discussion and possible action regarding a resolution to augment and amend the City of Las Vegas Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000

Fiscal Impact

☐

No Impact

Amount: \$19,579,000

☐

Budget Funds Available

Dept./Division: Finance & Budget Division

☒

Augmentation Required

Funding Source: General Fund

PURPOSE/BACKGROUND:

Augment and amend the Fiscal Year 2004 General Fund Budget in the amount of \$19,579,000.

RECOMMENDATION:

Staff recommends approval of the augmentation and amendment to the General Fund Budget.

BACKUP DOCUMENTATION:

1. Resolution No. R-99-2004
2. Exhibit A - Revenues
3. Exhibit B - Expenditures

MOTION:

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

MINUTES:

MARK VINCENT, Director, Finance and Business Services, indicated that this matter is in compliance with direction the Council gave at the budget meetings held earlier during the year. The revenue is being pulled from FY 2004 consolidated tax revenues at \$12.4 million, a reimbursement from the Building and Safety Enterprise Fund of Seed money that was provided to that fund about four years ago of \$2.6 million, and an ending fund balance of roughly \$4.6 million. About \$1.1 million of these total revenues will cover operational expenses in the General Fund and about \$18.5 million will be transferred to cover Capital Projects Funds. He requested approval.

COUNCILMAN WEEKLY questioned the procedure for transferring Residential Construction Tax (RCT) funds allocated from one project to another. MR. VINCENT answered that staff would forward an agenda item to make the change.

(9:54 – 9:57)

1-1720

RESOLUTION NO. R-99-2004

RESOLUTION TO AUGMENT AND AMEND THE FISCAL YEAR 2004 GENERAL FUND BUDGET OF THE CITY OF LAS VEGAS

WHEREAS, the resources of the General Fund are now determined to be \$461,484,310 as itemized in Exhibit A, which is attached hereto; and

WHEREAS, the increase in available resources results from an increase in the beginning fund balance and an increase in the revenue in excess of the amount included in the Fiscal Year 2004 Final Budget for the General Fund of the City of Las Vegas, Nevada; and

WHEREAS, pursuant to NRS 354.598005, the City of Las Vegas is desirous of augmenting and amending the Fiscal Year 2004 Budget for the purpose of effecting an increase in appropriations and transfers between functions to provide for expenditures unplanned in original budget, transfers out to other funds for capital projects and debt service;

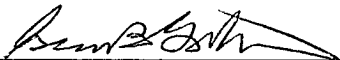
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 2nd day of June, 2004, that the Fiscal Year 2004 Budget for the General Fund be increased from \$443,005,310 to \$461,484,310; and

BE IT FURTHER RESOLVED that expenditures totaling \$19,579,000, as itemized in Exhibit B, which is attached hereto, be approved and authorized; and

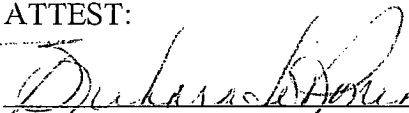
BE IT FURTHER RESOLVED that said augmentation and amendment as described above shall be effective upon delivery of a certified copy of the Resolution to the Nevada State Department of Taxation.

THE FOREGOING RESOLUTION was approved this 2 day of June, 2004.

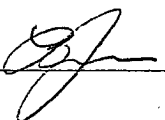
CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 5/18/04

CITY OF LAS VEGAS
FISCAL YEAR 2004
BUDGET AUGMENTATION and AMENDMENT- REVENUES
GENERAL FUND

	<u>Current Budget</u>	<u>Adjustment</u>	<u>Augmented Budget</u>
<u>TAXES</u>			
Ad Valorem Property Tax	\$ 77,660,900	\$	\$ 77,660,900
Room Tax	<u>1,842,000</u>	<u></u>	<u>1,842,000</u>
Subtotal	\$ <u>79,502,900</u>	\$ <u>0</u>	\$ <u>79,502,900</u>
<u>LICENSES AND PERMITS</u>			
Business Licenses And Permits:			
Business Licenses	\$ 12,300,000	\$	\$ 12,300,000
Liquor Licenses	1,500,000		1,500,000
City Gaming Licenses	4,300,000		4,300,000
			-
Franchise Fees:			-
Gas Utility	4,280,000		4,280,000
Electric Utility	25,174,000		25,174,000
Telephone Utility	2,500,000		2,500,000
Garbage Collection	9,340,000		9,340,000
Cable Television	2,720,000		2,720,000
Concessions/Taxi Stands	2,550,000		2,550,000
Ambulance	4,000		4,000
	345,000		345,000
Nonbusiness Licenses And Permits:			
Building Permits	2,200,000		2,200,000
Offsite Permits	<u>1,200,000</u>	<u></u>	<u>1,200,000</u>
Subtotal	\$ <u>68,413,000</u>	\$ <u>0</u>	\$ <u>68,413,000</u>
<u>INTERGOVERNMENTAL REVENUES</u>			
State Shared Revenues:			
Consolidated Tax	\$ 186,100,000	\$ 12,400,000	\$ 198,500,000
Other Local Govt. Shared Revenues:			
County Gaming Licenses (City Share)	4,500,000		4,500,000
Other Local Government Revenues	1,100,000		
Other Local Units PILOT	<u>105,000</u>	<u></u>	<u>105,000</u>
Subtotal	\$ <u>191,805,000</u>	\$ <u>12,400,000</u>	\$ <u>203,105,000</u>

CITY OF LAS VEGAS
FISCAL YEAR 2004
BUDGET AUGMENTATION and AMENDMENT- REVENUES
GENERAL FUND

	Current Budget	Adjustment	Augmented Budget
<u>CHARGES FOR SERVICES</u>			
General Government:			
Intracity Reimbursable Fees	\$ 3,804,000	\$	\$ 3,804,000
Planning And Development Fees	707,000		707,000
Business License Application Fee	200,000		200,000
Other	336,000		336,000
Judicial:			
Intracity Reimbursable Fees			
Financial Counseling Fees	320,000		320,000
Court Counseling Fees	1,075,000		1,075,000
Traffic School Fees	1,249,000		1,249,000
Assessment School Fees	80,000		80,000
Court Fees	1,700,000		1,700,000
Public Safety:			
Intracity Reimbursable Fees	215,000		215,000
EMS Transport	1,152,000		1,152,000
Inmate Housing	8,936,000		8,936,000
Other	700,000		700,000
Public Works:			
Intracity Reimbursable Fees	1,640,000		1,640,000
Other	220,000		220,000
Culture And Recreation:			
Intracity Reimbursable Fees	15,000		15,000
Theater Admissions	160,000		160,000
Swimming Pool Fees	200,000		200,000
Softball Fees	260,000		260,000
Recreation Fees	1,484,000		1,484,000
Other	220,000		220,000
Economic Development And Assistance:			
Intracity Reimbursable Fees	83,000		83,000
Other			-
Transit Systems:			
Transport Fees	587,000		587,000
Advertising			-
Other			-
Subtotal	\$ 25,343,000	\$ 0	\$ 25,343,000

CITY OF LAS VEGAS
FISCAL YEAR 2004
BUDGET AUGMENTATION and AMENDMENT- REVENUES
GENERAL FUND

	<u>Current Budget</u>	<u>Adjustment</u>	<u>Augmented Budget</u>
<u>FINES AND FORFEITS</u>			
Court Fines	\$ 12,000,000	\$	\$ 12,000,000
Forfeited Bail	<u>272,000</u>		<u>272,000</u>
Subtotal	\$ <u>12,272,000</u>	\$	\$ <u>12,272,000</u>
<u>MISCELLANEOUS</u>			
Interest Earnings	\$ 2,000,000	\$	\$ 2,000,000
Rents And Royalties	840,000		840,000
Other	<u>835,000</u>		<u>835,000</u>
Subtotal	\$ <u>3,675,000</u>	\$ 0	\$ <u>3,675,000</u>
<u>SUBTOTAL REVENUES</u>	\$ <u>381,010,900</u>	\$ <u>12,400,000</u>	\$ <u>392,310,900</u>
<u>OTHER FINANCING SOURCES</u>			
Transfers In:			
Special Revenue Funds	\$ 8,724,658	\$	\$ 8,724,658
Enterprise Funds	1,400,000	2,565,000	3,965,000
Expendable Trust Funds			-
Subtotal	\$ <u>10,124,658</u>	\$ <u>2,565,000</u>	\$ <u>12,689,658</u>
<u>SUBTOTAL REVENUES AND OTHER FINANCING SOURCES</u>	\$ <u>391,135,558</u>	\$ <u>14,965,000</u>	\$ <u>405,000,558</u>
<u>BEGINNING FUND BALANCE</u>	\$ 51,869,752	\$ 4,614,000	\$ 56,483,752
<u>TOTAL RESOURCES</u>	\$ <u>443,005,310</u>	\$ <u>19,579,000</u>	\$ <u>461,484,310</u>

CITY OF LAS VEGAS
FISCAL YEAR 2004
BUDGET AUGMENTATION and AMENDMENT- EXPENDITURES
GENERAL FUND

	Current Budget	Adjustment	Augmented Budget
<u>GENERAL GOVERNMENT</u>			
City Council	\$ 2,779,958	\$	\$ 2,779,958
City Clerk	1,622,268	100,000	1,722,268
City Manager	2,916,616		2,916,616
City Attorney	3,444,241	40,000	3,484,241
Human Resources	3,709,658	225,000	3,934,658
Finance and Business Services	7,189,546	140,000	7,329,546
Internal Audit	764,142		764,142
Architectural Services	2,017,974	60,000	2,077,974
Planning And Development	5,503,123	(150,000)	5,353,123
Information Technologies	10,745,715	(1,250,000)	9,495,715
Purchasing & Contracts	2,378,625	(100,000)	2,278,625
Real Estate & Asset Management	512,779	30,000	542,779
Building Services	10,653,430	50,000	10,703,430
Field Operations - Admin	431,462		431,462
Utilities	14,257,000	(200,000)	14,057,000
Non-Departmental	5,124,500	(1,800,000)	3,324,500
Subtotal	\$ 74,051,037	\$ (2,855,000)	\$ 71,196,037
<u>JUDICIAL</u>			
Municipal Courts	\$ 13,388,074	\$ 400,000	\$ 13,788,074
Public Defender	430,000	80,000	510,000
City Attorney - Criminal	2,830,611	75,000	2,905,611
Alternative Sentencing & Education	3,360,153		3,360,153
Subtotal	\$ 20,008,838	\$ 555,000	\$ 20,563,838
<u>PUBLIC SAFETY</u>			
Metropolitan Police	\$ 100,277,912	\$ 84,000	\$ 100,361,912
City Marshals	7,184,191	600,000	7,784,191
Fire Services	76,551,092	750,000	77,301,092
Detention And Correctional Services	28,219,393	1,000,000	29,219,393
Neighborhood Response	1,975,314		1,975,314
Traffic Engineering	11,196,742		11,196,742
Subtotal	\$ 225,404,644	\$ 2,434,000	\$ 227,838,644
<u>PUBLIC WORKS</u>			
Administration	\$ 1,091,494	\$ 150,000	\$ 1,241,494
Engineering And Planning	13,813,657		13,813,657
Street Maintenance	1,399,647		1,399,647
Subtotal	\$ 16,304,798	\$ 150,000	\$ 16,454,798

CITY OF LAS VEGAS
FISCAL YEAR 2004
BUDGET AUGMENTATION and AMENDMENT- EXPENDITURES
GENERAL FUND

	Current Budget	Adjustment	Augmented Budget
<u>HEALTH</u>			
Animal Control	\$ 2,339,314	\$ 80,000	\$ 2,419,314
Woodlawn Cemetery	70,000	\$	70,000
Subtotal	\$ 2,409,314	\$ 80,000	\$ 2,489,314
<u>CULTURE AND RECREATION</u>			
Administration	\$ 2,116,277	\$ 130,000	\$ 2,246,277
Recreation	12,525,004	200,000	12,725,004
Cultural And Community Affairs	5,577,587	(200,000)	5,377,587
Parks And Open Spaces	12,454,105	250,000	12,704,105
Senior Citizen Activities	2,544,532	135,000	2,679,532
Subtotal	\$ 35,217,505	\$ 515,000	\$ 35,732,505
<u>ECONOMIC DEVELOPMENT AND ASSISTANCE</u>			
Office of Business Development	583,843		583,843
Office of Neighborhood Services	4,807,414		4,807,414
Subtotal	\$ 5,391,257	\$ 0	\$ 5,391,257
<u>TRANSIT SYSTEMS</u>			
Transportation Services	\$ 1,098,727	\$ 250,000	\$ 1,348,727
Subtotal	\$ 1,098,727	\$ 250,000	\$ 1,348,727
<u>SUBTOTAL EXPENDITURES</u>	\$ 379,886,120	\$ 1,129,000	\$ 381,015,120
<u>OTHER USES</u>			
Transfers Out:			
Special Revenue Funds	\$ 1,862,381	\$ 700,000	\$ 2,562,381
Capital Projects Fund	1,400,000	14,750,000	16,150,000
Expendable Trust Funds			-
Debt Service Fund	11,267,459		11,267,459
Enterprise Funds	1,226,000	3,000,000	4,226,000
Internal Service Funds			-
Subtotal	\$ 15,755,840	\$ 18,450,000	\$ 34,205,840
<u>SUBTOTAL EXPENDITURES AND OTHER USES</u>	\$ 395,641,960	\$ 19,579,000	\$ 415,220,960
<u>UNAPPROPRIATED ENDING FUND BALANCE</u>	\$ 47,363,350	\$	\$ 47,363,350
<u>TOTAL</u>	\$ 443,005,310	\$ 19,579,000	\$ 462,584,310

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-100-2004 - Discussion and possible action regarding a Resolution to Augment the City of Las Vegas Fiscal Year 2004 Las Vegas Convention and Visitors Authority (LVCVA) Special Revenue Fund Budget in the amount of \$239,866

Fiscal Impact

☐

No Impact

Amount: \$239,866

☐

Budget Funds Available

Dept./Division: Finance and Budget Division

☒

Augmentation Required

Funding Source: LVCVA Special Revenue Fund

PURPOSE/BACKGROUND:

Augment the Fiscal Year 2004 LVCVA Special Revenue Fund Budget in the amount of \$239,866.

RECOMMENDATION:

Staff recommends approval of the augmentation to the LVCVA Special Revenue Fund Budget.

BACKUP DOCUMENTATION:

1. Resolution No. R-100-2004
2. Exhibit A - Augmentation

MOTION:

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

MINUTES:

MARK VINCENT, Director, Finance and Business Services, mentioned that \$20 million in bonds were issued this fiscal year. In that process, staff neglected to budget for closing costs. This augmentation from available revenues will cover those costs.

(9:57 – 9:58)

1-1830

RESOLUTION NO. R-100-2004

RESOLUTION TO AUGMENT THE FISCAL YEAR 2004 LAS VEGAS CONVENTION AND VISITORS AUTHORITY (LVCVA) SPECIAL REVENUE FUND BUDGET OF THE CITY OF LAS VEGAS

WHEREAS, the resources of the LVCVA Special Revenue Fund are now determined to be \$5,385,949 as itemized in Exhibit A, which is attached hereto; and

WHEREAS, the increase in available resources results from an increase in the beginning fund balance in the Fiscal Year 2004 Final Budget for the LVCVA Special Revenue Fund of the City of Las Vegas, Nevada; and

WHEREAS, pursuant to NRS 354.598005, the City of Las Vegas is desirous of augmenting the Fiscal Year 2004 Budget for the purpose of effecting an increase in appropriations for expenditures unplanned in original budget, transfers out to other funds for capital projects;

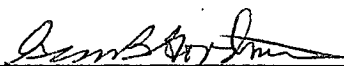
NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 2nd day of June, 2004, that the Fiscal Year 2004 Budget for the LVCVA Special Revenue Fund be increased from \$4,582,896 to \$4,822,762; and

BE IT FURTHER RESOLVED that expenditures totaling \$239,866, as itemized in Exhibit A, which is attached hereto, be approved and authorized; and

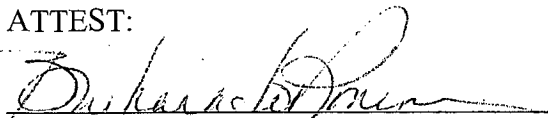
BE IT FURTHER RESOLVED that said augmentation as described above shall be effective upon delivery of a certified copy of the Resolution to the Nevada State Department of Taxation.

THE FOREGOING RESOLUTION was approved this 2 day of June, 2004.

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 5/18/04

Exhibit A**CITY OF LAS VEGAS
FISCAL YEAR 2004
AUGMENTATION****LAS VEGAS CONVENTION AND VISITORS AUTHORITY SPECIAL REVENUE FUND**

	<u>Current Budget</u>	<u>Adjustment</u>	<u>Amended Budget</u>
Revenues:			
Intergovernmental Revenue	\$ 4,582,896	\$	\$ 4,582,896
Beginning Fund Balance	563,187	239,866	803,053
TOTAL	<u>\$ 5,146,083</u>	<u>\$ 239,866</u>	<u>\$ 5,385,949</u>
Transfers Out	\$ 4,582,896	\$ 239,866	\$ 4,822,762
Ending Fund Balance	563,187		563,187
TOTAL	<u>\$ 5,146,083</u>	<u>\$ 239,866</u>	<u>\$ 5,385,949</u>

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT BOARD OF TRUSTEES – Ricki Y. Barlow, Term Expiration 3-6-2007 (Resigned)

Fiscal Impact

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

PURPOSE/BACKGROUND:

This board is comprised of five members appointed by the City Council and five members appointed by Clark County. Terms of office are for four years and members are limited to two terms. The Consolidated Library District Attorney has opined that a member of this Library District may serve two four-year terms plus any expired portion of a term to which they have been appointed, provided the total number of years does not exceed 10 years. Membership on this Board requires City residency and attendance is compensatory. It will be necessary for a member of City Council to recommend an appointment to fill Mr. Barlow's unexpired term.

RECOMMENDATION:

Procedure for this Board requires recommendation by any member of the City Council with Council ratification. It will be necessary to fill Mr. Barlow's unexpired term, which expires March 6, 2007.

BACKUP DOCUMENTATION:

1. Current listing and Authority-Las Vegas-Clark County Library District Board of Trustees
2. Resignation letter from Ricki Y. Barlow

MOTION:

WEEKLY – Motion to APPOINT KELLY BENAVIDEZ – UNANIMOUS with Ward 2 seat vacant

Clerk to notify

MINUTES:

COUNCILMAN WEEKLY and MAYOR GOODMAN expressed their appreciation to MR. BARLOW for his excellent service on this Board. COUNCILMAN WEEKLY noted that MR. BARLOW accomplished a lot on this Board, including winning "Library of the Year."

(9:58 – 9:59)

1-1864

8-14-2003

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain criteria are no longer required to file State Financial Disclosure Statements. This board meets that established criteria.

**LAS VEGAS-CLARK COUNTY
LIBRARY DISTRICT BOARD OF TRUSTEES**

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIG. APPT.</u>	<u>TERM EXPIRES</u>
1. BARLOW, RICKI Y. Weekly recom.	1799 N. Decatur Blvd., #168 Ward 5	108	2/16/00 (Reappt. 2-19-2003)	3/6/2007
2. AGUIRRE, ALDO, DR. L.B. McDonald recom.	2007 San Jose Avenue Ward 3	104	3/5/2003 (Effect. 4/3/2003)	4/3/2007
3. POHL, MELVIN, DR. Jones recom. Goodman recom reapp.	7413 Doe Avenue Ward 1	114 117	2/1/95 (Reapp. 4-18-2001)	4/7/2005
4. ARTHURHOLTZ, ANDREA Reese recom.	1905 S. 16TH Street Ward 3	104	4/18/01	4/18/2005
5. SPONER, M. FRANCES L.B. McDonald recom.	2025 Eagle Trace Way Ward 1	117	4/3/02	4/18/2005

AUTHORITY:

Consolidated Library District created by the
1985 Legislature, S. B. 158, 2-18-85
NRS 379.0222
Amended per Bill 2001-70, Ordinance 5346, adopted 8-1-2001
regarding Financial Disclosure requirement

TERM:

4 years (limited to 2 terms)
(Must fill unexpired portion of terms, if appropriate)
(In 2003, the Consolidated Library District Attorney has opined that a member of this
Library District may serve two four-year terms plus any expired portion of a term to
which they have been appointed, provided the total number of years does not exceed
10 years.)

MEMBERS:

5 members appointed by the City Council
(County also appoints 5 members)

NOTES:

MUST BE CITY OF LAS VEGAS RESIDENT

Per Senate Bill 147, effective June 11, 2003, compensated boards meeting certain
criteria are no longer required to file State Financial Disclosure Statements. This board
meets that established criteria.

Members receive \$40 per meeting, but not more than \$80 per month.

Mr. Daniel Walters, Executive Director
833 Las Vegas Boulevard North
Las Vegas, NV 89101
507-3611

May, 13, 2004

Dear Mayor & Council,

I regrettably inform you that as of May 14, 2004, I will be resigning from the Las Vegas Clark County Library District, Board of Trustees.

I would like to thank the Las Vegas City Council for the opportunity I've had to serve on such a wonderful board.

I would like to thank Councilman Weekly especially, for trusting in me to serve as his Ward 5 appointee at the LVCCLD.

Respectfully submitted,

Ricki Y. Barlow
City Council Liaison



Cc: Daniel Walters, LVCCLD

RECEIVED
CITY CLERK
2004 MAY 24 P 4:49

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

Discussion and possible action on the appointment of a member of Council to the Debt Management Commission (Expires June 2005)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Membership on this commission is provided for under NRS 350.002, which allows for one City of Las Vegas representative who is an elected official. With the resignation of Councilwoman Lynette Boggs McDonald, who served on this committee, it will be necessary to appoint an elected official to fill her unexpired term.

RECOMMENDATION:

It is recommended that the Mayor appoint, and Council ratify, a member of Council to fill Councilwoman McDonald's unexpired term on the Debt Management Commission.

BACKUP DOCUMENTATION:

Current Listing and Authority

MOTION:

GOODMAN – Motion to APPOINT himself to fill the unexpired term – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

(9:59 – 10:00)
1-1922

6-20-2003

DEBT MANAGEMENT COMMISSION
(FORMERLY - GENERAL OBLIGATION BOND COMMITTEE)

Member	Appt. Date	Exp./ Notes

Councilwoman Lynette Boggs-McDonald	1/19/2000 (Reapp. 6-18-2003)	6/2005

Authority: NRS 350.002.
Name changed to Debt Management Commission by SB248 at the 1995 legislative session.

Membership: **(Council appoints only CLV rep which is elected official)**
1 - County rep
1 - CLV rep
1 - rep. of the other incorporated cities jointly
1 - School District rep
1 - public at large rep

Term: 2 years (Incorporated City - reps to be chosen after elections are held in City)

Appointment: By City Council.

Note: Alternate may be appointed by Council.

Contact: Rosanne Jones
Clark County Clerk's Commission Division
Clark County Government Center
500 Grand Central Parkway, 6th Floor
Las Vegas, Nevada 89106

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

Discussion and possible action on the appointment of a member of Council to the Metropolitan Police Committee on Fiscal Affairs

Fiscal Impact

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

PURPOSE/BACKGROUND:

Membership on this committee is provided for under NRS 280.130, which allows for two representatives from each participating subdivision. Mayor Pro-Tem Reese and Councilwoman Lynette Boggs McDonald are the City's representatives. With the resignation of Councilwoman Lynette Boggs McDonald from the City Council, it will be necessary to appoint a member of Council to this seat. Members on this committee serve until replaced.

RECOMMENDATION:

It is recommended that the Mayor appoint, and Council ratify, a member of Council to replace Councilwoman McDonald on the Metropolitan Police Committee on Fiscal Affairs.

BACKUP DOCUMENTATION:

Current Listing and Authority

MOTION:

GOODMAN – Motion to APPOINT COUNCILMAN MACK – UNANIMOUS with Ward 2 seat vacant

MINUTES:

There was no discussion.

(10:00)
1-1953

6-20-2003

METROPOLITAN POLICE COMMITTEE ON FISCAL AFFAIRS

Member	Appt. Date	Exp./ Notes
Councilman Reese	7/14/97	
Councilwoman Lynette McDonald	7/12/99	

Authority: NRS 280.130

Term: Until replaced

Appointment: Two representatives from each participating subdivision.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: BUSINESS DEVELOPMENT

DIRECTOR:

CHRIS KNIGHT (ACTING)

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

ABEYANCE ITEM - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount: \$50,000 deposit

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

On January 7, 2004, Office District Parking I, Inc., a wholly owned subsidiary of the City, was authorized to proceed with a Request For Development Proposals (RFP) for the site located at 3rd Street and Bonneville Avenue (the Site). The RFP expressly sought development proposals for urban density residential projects from financially strong developers that furthered the development goals and objectives set forth in the Las Vegas Downtown Centennial Plan. A staff review committee evaluated the development proposals received and recommends CityMark Development, LLC, as the Developer with the best overall proposal for the Site. Execution of an Agreement to Negotiate Exclusively (ENA) will allow staff 60 days to negotiate a Disposition and Development Agreement (DDA) with CityMark Development, LLC for the Site.

RECOMMENDATION:

The 6/1/2004 Real Estate Committee and staff approval

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Agreement to Negotiate Exclusively
3. Site Map

MOTION:

MONCRIEF – APPROVED as recommended – UNANIMOUS with GOODMAN abstaining in an abundance of caution because he is still owed money for property he sold at Casino Center and Bonneville and Ward 2 seat vacant

CITY COUNCIL MEETING OF JUNE 2, 2004

Real Estate

Item 60 - Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC, regarding negotiation of a Disposition and Development Agreement for the site located at 3rd Street and Bonneville Avenue totaling approximately 2.38 acres and owned by Office District Parking I, Inc., APN 139-34-311-095 to -102 and -105 to -110 (receipt of \$50,000 deposit) - Ward 1 (Moncrief)

MINUTES:

CHRIS KNIGHT, Acting Director, Business Development Office, indicated that in January of this year Council authorized issuance of a Request for Proposal to solicit proposals to develop the site at Third and Bonneville. Seven proposals were received and reviewed by a committee, which recommended that CityMark be the preferred developer. CityMark's proposal includes 316 residential units, with ten live/work units, 14,000 square feet of mixed use retail space at the street level, and 600 parking spaces on-site. Staff would like to move forward with an exclusive negotiating agreement and then a DDA. He requested approval.

MAYOR GOODMAN requested to see plans. MR. KNIGHT indicated that none were available, as the proposal is in the infancy stage.

(9:49 – 9:51)

1-1522

AGENDA MEMO

CITY COUNCIL MEETING DATE: JUNE 2, 2004

DEPARTMENT: BUSINESS DEVELOPMENT

ITEM DESCRIPTION: Discussion and possible action regarding an Agreement to Negotiate Exclusively with CityMark Development, LLC to negotiate a Disposition and Development Agreement for 3rd Street and Bonneville Avenue

1. On January 7, 2004, Office District Parking I, Inc. (ODP), a wholly owned subsidiary of the City, received Council authorization to proceed with a Request for Development Proposals (RFP) for the site at 3rd Street and Bonneville Avenue (the Site). The RFP expressly sought development proposals for urban density residential projects from financially strong developers that furthered the development goals and objectives set forth in the Las Vegas Downtown Centennial Plan.
2. ODP solicited proposals from developers with experience in developing urban density residential projects and received seven proposals for the aquisition of the property to develop mixed-use, residential projects on the Site.
3. The developer selection process involved a review and ranking by a staff review committee of the submitted proposals on behalf of ODP. The submitted proposals were ranked based upon the following factors: a. Developer's financial capability; b. Developer's experience; c. Strength of development concept; d. Neighborhood compatibility; and, e. Development economics (including offering price and terms).
4. A staff review committee evaluated the development proposals received and recommends CityMark Development, LLC (CityMark) as the Developer with the best overall proposal for the Site. The CityMark proposal is for an urban density residential project of 316 units for-sale at market rate (including 10 live/work units), approximately 14,000 square feet of mixed-use retail space at street level and 600 parking spaces on site.
5. Approval of this Agreement to Negotiate Exclusively (ENA) would allow ODP and CityMark, sixty (60) days to negotiate the terms of a Disposition and Development Agreement (DDA). Terms of a DDA that would be subject to negotiation include (but are not limited to): a. Purchase price; b. Earnest money deposit; c. Scope of improvements; and, d. Schedule of performance.
6. The proposed ENA requires that CityMark pay to ODP a good faith deposit of \$50,000 to ensure that CityMark proceeds diligently to negotiate and perform all of its obligations under the ENA. If CityMark does not negotiate in good faith, the deposit may be retained by ODP.
7. ODP will seek to negotiate a DDA that provides for the optimum redevelopment and Purchase Price equal to the \$4,576,000 appraised value of the Site.
8. Upon negotiation of mutually agreeable terms, the DDA will be presented to City Council for consideration.

AGREEMENT TO NEGOTIATE EXCLUSIVELY

THIS AGREEMENT TO NEGOTIATE EXCLUSIVELY is entered into this 2nd day of June, 2004, by and between the Office District Parking I, Inc., a Nevada nonprofit corporation (hereinafter "Seller") and CityMark Development, LLC, a California Limited Liability Company (hereinafter "Developer"), on the terms and provisions set forth below.

WHEREAS, Developer desires to undertake to develop certain real property depicted on Exhibit "A" attached hereto and incorporated herein (hereinafter "Site"); and

WHEREAS, Developer desires to enter into exclusive negotiations with Seller concerning the Developer's plans for the development of the Site WITH THE INTENT TO ENTER INTO A "DISPOSITION AND DEVELOPMENT AGREEMENT" AT THE CONCLUSION OF THE NEGOTIATING PERIOD, as defined hereafter.

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

I. [§100] Negotiations

A. [§101] Good Faith Negotiations

Seller and Developer agree for the Negotiation Period set forth below to negotiate diligently and in good faith to prepare a Disposition and Development Agreement (hereinafter "DDA") for the Site located in downtown Las Vegas as shown on the Legal Description of Exhibit "A". The essential terms and conditions of the DDA, to be negotiated in good faith by the Seller and the Developer as outlined in this Agreement to Negotiate

Exclusively (hereinafter "Agreement"), shall be based in part on the Developer's proposal (including the financial and architectural components) submitted to the Seller in response to the Seller's issuance of the Request for Proposal ("RFP") for the Site. The Developer's proposal shall serve as a frame of reference for the development concept to be negotiated between the Seller and the Developer for the Site. Seller further agrees, for the Negotiation Period set forth below, not to negotiate with any other person or entity regarding development of the Site or any portion thereof.

B. [§102] Negotiation Period

The duration of this Agreement shall be **sixty (60)** days from the date of execution of this Agreement by Seller (hereinafter "Negotiation Period"). If upon expiration of the Negotiation Period, Developer has not signed and submitted the DDA to Seller, then this Agreement shall automatically terminate.

II. [§200] Development Concept

A. [§201] Scope of Development

The negotiations hereunder shall be based on a development concept, which shall include the development of:

A project with total gross square footage of approximately 430,000 square feet consisting of approximately 316 for-sale, market rate residential units (including approximately 10 live/work units), approximately 14,100 square feet of street-level, retail space and

approximately 600 parking spaces on site that will be preferably integrated as a part of the residential and/or commercial structure to be built on the Site.

Negotiation of the DDA is contingent upon Developer's submittal of conceptual design and architectural plans.

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

Developer shall submit to Seller written progress reports monthly describing the status of Developer's performance since the preceding report, including any reports and studies completed, and the expected progress to be made in the next succeeding period. Upon reasonable notice, requested by Seller, Developer agrees to make oral progress reports advising Seller or the Las Vegas City Council on all matters and all studies being made by Developer. ALL NON-PROPRIETARY REPORTS AND STUDIES (INCLUDING, BUT NOT LIMITED TO, APPRAISAL REPORTS, ENVIRONMENTAL STUDIES, GEOTECHNICAL STUDIES AND MARKET STUDIES) SHALL BECOME THE PROPERTY OF THE SELLER.

III. [\$300] Deposit and Purchase Price

Prior to execution of this Agreement by both parties, Developer shall submit to Seller a sum of Fifty Thousand Dollars (\$50,000.00) to ensure that Developer shall proceed diligently in good faith to negotiate and perform all of the Developer's obligations under this Agreement (hereinafter "Deposit"). If the Developer has negotiated in good faith, including but not limited to, attending all project meetings, responding to information requests by the Seller

and willingly providing any information and concept plans to further the negotiations and the development project as contemplated and described in Section 201 above, the Deposit shall be returned to Developer upon the termination of the negotiations. If Developer has not negotiated in good faith as reasonably determined by the Seller, the Deposit may be retained by the Seller. Failure to agree on the terms and conditions of the DDA shall not in itself be considered lack of good faith.

The purchase price and/or other consideration to be paid by Developer under the DDA will be established as a result of negotiations between Seller and Developer. Such purchase price and/or other consideration will be based upon such factors as market conditions, density of development, costs of development, risks of Seller, risks of Developer, estimated Developer profit, public purpose and/or fair market value for the uses permitted to be developed and financial requirements of Seller and the City, and will be subject to approval by the Las Vegas City Council after a public hearing as required by law. All other terms relevant to the disposition of the Site, including but not limited to additional deposits, shall be determined during the negotiation period as described in this Agreement.

IV. [§400] Developer

A. [§401] Nature of Developer

Developer is CityMark Development, LLC, a California Limited Liability Company.

B. [§402] Office of Developer

The principal office of Developer is:

701 B Street, Suite 1100
San Diego, California 92101
Phone: (619) 231-1161

FAX: (619) 235-4691

C. [§403] Full Disclosure of Principals

Developer is required to make full disclosure to Seller of its principals, officers, major stockholders, major partners, joint venture partners, key managerial employees and other associates, and all other material information concerning Developer and its associates. Any significant change in the principals, associates, partners, joint venture, negotiators, development manager, consultants, professionals and directly-involved managerial employees of Developer is subject to the approval of Seller.

Pursuant to Resolution R-105-99 adopted by the Las Vegas 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 CityMark Development, LLC, as well as all persons and entities holding more than 1% interest in said company or any principal, partner or member of the same. Throughout the term hereof, Developer shall provide written notification of any material change in the above disclosure within 15 days of any such change, pursuant to Section X (Notices).

V. [§500] Developer's Financial Capacity

A. [§501] Financial Ability

Prior to execution of the DDA, Developer shall submit to Seller satisfactory evidence of its ability to finance and complete the development.

B. [§502] Construction Financing

Developer's proposed method of obtaining construction financing for the development of the Site shall be submitted concurrently with Developer's proposed DDA to

Seller for approval.

C. [§503] Long-Term Development Financing

Developer's proposed method of obtaining long-term development financing shall be submitted concurrently with Developer's proposed DDA to Seller for approval.

D. [§504] Full Disclosure of Financing

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

VI. [§600] Developer's Responsibilities

A. [§601] Return of Site to Original Condition

Developer hereby agrees to return the Site to its original condition upon completion of any investigations requiring access to the Site. This includes replacement of a dust palative which may be disturbed by vehicles and personnel permitted to access the Site.

B. [§602] Indemnification and Hold Harmless

Developer will indemnify and hold harmless the City and Seller, its officers, employees and agents from and against any claims, demands or causes of action caused by Developer or persons acting on behalf of Developer in carrying out their responsibilities in accessing the Site.

VII. [§700] Seller's Responsibilities

A. [§701] Intentionally Deleted.

B. [§702] Seller Assistance and Cooperation

Seller shall cooperate fully in providing Developer with appropriate

information and assistance.

C. [§703] RIGHT TO ENTER

AS SET FORTH IN EXHIBIT "C," SELLER GIVES DEVELOPER THE RIGHT TO ENTER THE SITE TO CARRY OUT ITS DUE DILIGENCE INSPECTION OF THE SITE AND THE DEVELOPER ACKNOWLEDGES AND UNDERSTANDS THE CONDITIONS AND EXCEPTIONS UNDER WHICH SAID RIGHT IS GRANTED.

VIII. [§800] Real Estate Commission

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

IX. [§900] Limitations of this Agreement

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

(a) disposition of land to Developer; or (b) any other acts or activities requiring the subsequent independent exercise of discretion by the City or any City department or board thereof.

This Agreement does not constitute a disposition of property or exercise of control over property by the City or Seller. Execution of this Agreement by Seller is merely an agreement to enter into a period of exclusive negotiations according to the terms hereof, reserving final discretion and approval by Seller and the Las Vegas City Council as to any and all proceedings and decisions in connection therewith.

X. [§1000 CONFLICT OF INTEREST]

A. An official of the City, who is authorized in such capacity and on behalf of Seller to negotiate, make, accept or approve, or take part in negotiating, making, accepting, or approving this Agreement, payments under this Agreement, or work under this Agreement, shall not be directly or indirectly interested personally in this Agreement or in any part hereof. No officer, employee, architect, attorney, engineer or inspector of, or for the City, who is authorized in such capacity and on behalf of the City to exercise any legislative, executive, supervisory or other similar functions in connection with this Agreement, shall become directly or indirectly interested personally in this Agreement or in any part hereof, any material supply contract, subcontract, insurance contract, or any other contract pertaining to this Agreement.

B. Each party represents that it is unaware of any financial or economic interest of any public officer or employee of the City relating to this Agreement. Notwithstanding any other provision of this Agreement, if such interest becomes known, the City may immediately terminate this Agreement for default or convenience, based on the culpability of the parties.

C. Developer represents and warrants that it has, in accordance with the current policy of the City, disclosed the ownership and principals of Developer on Exhibit "B", "Certificate – Disclosure of Ownership/Principals", and that it has a continuing obligation to update this disclosure whenever there is a material change in the information.

XI. [§1100] Notices

All legal notices required pursuant to the terms and conditions of this Agreement

shall be in writing, unless an emergency situation dictates otherwise. Any notice required to be given under the terms of this Agreement shall be deemed to have been given when (i) received by the party to whom it is directed by hand delivery or personal service, (ii) transmitted by facsimile with confirmation of transmission, or (iii) sent by U.S. mail via certified mail-return receipt requested at the following addresses:

If to Developer:

Richard Gustafson-President
CityMark Development, LLC
701 B Street, Suite 1100
San Diego, California 92101
Phone: (619) 231-1161
FAX: (619) 235-4691

If to Seller:

Jacque Hinchman-Acting Economic Development Manager
Office of Business Development
400 Stewart
Las Vegas, 89101
Phone: (702) 229-6551
FAX: (702) 385-3128

And

Kathy Rainey-Manager
Purchasing & Contracts
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101
Phone: (702) 229-6021
Fax: (702) 384-9964

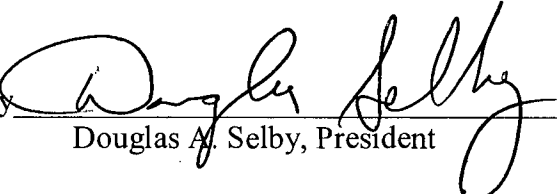
An original signed copy, via U. S. Mail, shall follow facsimile transmissions.

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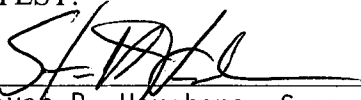
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IN WITNESS WHEREOF, the parties hereto have caused this Agreement to Negotiate
Exclusively on the date set forth above.

Office District Parking I, Inc.

By 
Douglas A. Selby, President

ATTEST:


Steven P. Houchens, Secretary

APPROVED AS TO FORM:

Robert J. Glavin 5-21-04
Date

CityMark Development, LLC, a California Limited
Liability Company

By 
Richard Gustafson, President
"Developer"

EXHIBIT "A"

Legal Description

Lots One (1) through Sixteen (16), inclusive, and Lots Twenty-One (21) through Thirty-Two (32), inclusive, all in Block Twenty-Five (25) of Clark's Las Vegas Townsite, as shown by map thereof on file in Book 1 of Plats, Page 37, in the Office of the County Recorder, Clark County, Nevada.

In addition to the property described above, the Site shall include the alley, which has been vacated to the City of Las Vegas under a separate agreement.

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1	Contracting Entity
CityMark Development LLC	
Name	
701 B Street, Suite 1100	
Address	
San Diego, CA 92101	
Telephone	
(619) 231-1161	
EIN or DUNS	
33-0886689	

Block 2	Description
Subject Matter of Contract/Agreement	
3 rd Street & Bonneville Avenue Development	
RFP No. 040158-LR	

Block 3	Type of Business
☐ Individual ☐ Partnership ☒ Limited Liability Company ☐ Corporation ☐ Trust ☐ Other:	

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Richard Gustafson/President	701 B Street, Suite 1100 San Diego	(619)231-1161
2.	Russell Haley/Vice President	701 B Street, Suite 1100 San Diego, CA	(619) 231-1161
3.	Vince Hoenigman/Secretary	701 B Street, Suite 1100, San Diego, CA	(619) 231-1161
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: N/A

Name of Attached Document: _____ Number of Pages: _____

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


 Name Richard Gustafson

3/26/04
 Date

Subscribed and sworn to before me this 26 day of

March, 2004

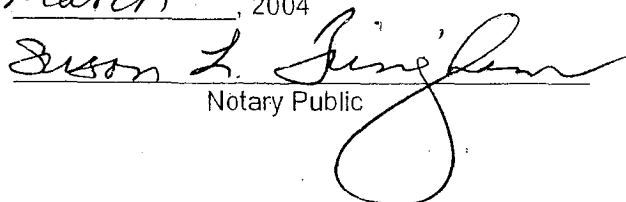

 Notary Public



EXHIBIT "C"

RIGHT-OF-ENTRY FORM

FOR

CTYMARK DEVELOPMENT, LLC

The Office District Parking I, Inc., hereby authorizes Right-of-Entry onto parcels #139-34-311-095 to -102 & -105 to -110, located at 3rd Street and Bonneville Avenue to CityMark Development, LLC. For the purpose of performing surveys, environmental and/or geotechnical services on said Office District Parking I, Inc. owned parcels.

Office District Parking I, Inc. contact Person is: Ms. Jacque Hinchman, 702-229-6551

CityMark Development, LLC contact person is: Mr. Richard Gustafson, 619-231-1161

Office District Parking I, Inc.

by: _____
Douglas A. Selby, President

_____ Date

INDEMNIFICATION

Subject to NRS 41.035, CityMark Development, LLC hereby agrees to protect, indemnify, and hold Office District Parking I, Inc., its officers, employees and agents, harmless from and against any and all claims, damages, losses, expenses, suits, actions, decrees, judgments, awards, attorneys' fees and court costs, which Office District Parking I, Inc., its officers, employees or agents, may suffer or which may be sought against or are recovered or obtainable from Office District Parking I, Inc., its officers, employees or agents, as a result of, or by reason of, or arising out of or in consequence of any act or omission, negligent or otherwise, of CityMark Development, LLC or its officers employees, contractors, subcontractors, agents, volunteers or anyone who is directly or indirectly employed by, or is acting in concert with, CityMark Development, LLC, officers, its employees, contractors, subcontractors, volunteers or agents in the performance of this Agreement.

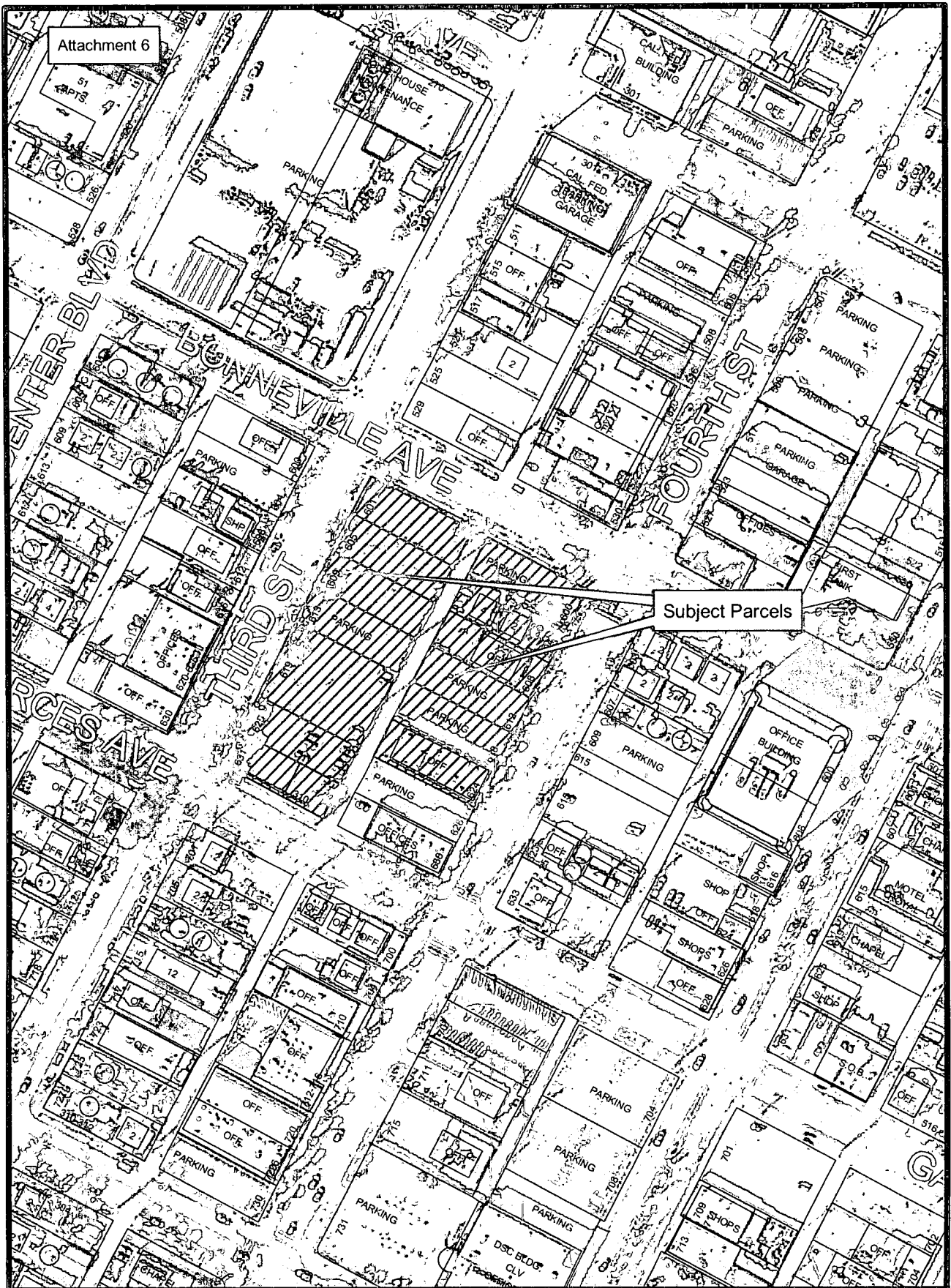
In this connection, CityMark Development, LLC expressly agrees, at its sole cost and expense, to defend the Office District Parking I, Inc., its officers, employees and agents, in any suit or action that may be brought against it or them, or any of them by reason of any act or omission, negligent or otherwise, against which CityMark Development, LLC has agreed to indemnify the Office District Parking I, Inc., its officers, employees and agents. If CityMark Development, LLC fails to do so, Office District Parking I, Inc. shall have the right, but not the obligation to defend same and to charge all of the direct and incidental costs of such defense, including attorneys' fees and court costs, to CityMark Development, LLC.

CityMark Development, LLC agrees to restore the site to its original condition as much as possible, and agrees to conduct its testing in a manner which will cause the least amount of disruption to the present users. This agreement does not constitute or imply any binding contracts or other commitments by Office District Parking I, Inc. to CityMark Development, LLC. CityMark Development, LLC agrees that it proceeds at its own risk and agrees that the results of said testing shall be shared with Office District Parking, LLC.

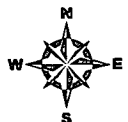
CityMark Development, LLC

by: _____
Richard Gustafson, President

_____ Date



Site Map



4. AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-37 – Prohibits the sale of new vehicles (cars and trucks) on Sundays. Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

In 2001, the Southern Nevada Regional Planning Coalition adopted a resolution recommending that area local governments adopt ordinances to prohibit motor vehicle dealers from selling new vehicles (cars and trucks) on Sundays. Clark County adopted such an ordinance in 2001, and it has been proposed that the City do likewise.

RECOMMENDATION:

ADOPTION at 6/2/2004 City Council meeting pursuant to the 5/17/2004 Recommending Committee.

First Reading – 5/5/2004; First Publication – 5/21/2004

BACKUP DOCUMENTATION:

Bill No. 2004-37

MOTION:

WEEKLY – Second Reading and BILL ADOPTED as recommended Ordinance No. 5704 – UNANIMOUS with Ward 2 seat vacant

NOTE: A previous motion by Goodman for reconsideration rescinded the initial motion for approval as recommended. Both motions carried unanimously with Ward 2 seat vacant.

Clerk to proceed with second publication.

MINUTES:

ATTORNEY JOE BROWN, Jones Vargas Law Firm, appeared representing the franchised auto dealers, three of which were in the audience. He expressed support of this bill. MAYOR GOODMAN said that people who work in the industry appreciate having Sunday off. ATTORNEY BROWN said that this bill promotes uniformity.

CITY COUNCIL MEETING OF JUNE 2, 2004
Recommending
Item 61 – Bill No. 2004-37

MINUTES - Continued:

When the Mayor brought this matter back to allow CANITA JONES, 5645 O'Bannon Drive, to speak on this matter, MS. JONES confirmed with the Mayor that there would be no new car sales on Sundays. She then asked why used cars do not fall under this ordinance. COUNCILMAN MACK explained that this was something that the new car dealers agreed to and wanted it in ordinance form to have uniformity throughout the Valley. In order to have the used cars dealers included, they would have to come forward and make the same request, because it cannot be imposed upon them.

GARY SWANSON, 2270 W. Wind Road, felt that this should also apply to used car dealers, because along West Sahara new and used car dealerships co-exist. He asked what prevents the new car dealers from being open on Sunday. COUNCILMAN MACK indicated that it has been a gentlemen's agreement for many years, but they decided to put it in ordinance form. MAYOR GOODMAN said that the used car industry can voluntarily be closed on Sunday, but there is no law to prohibit them from opening.

MR. SWANSON then asked if the used car dealers have to comply with not test-driving vehicles through residential areas, as do the new car dealers. MAYOR GOODMAN answered that it was for new car dealers. COUNCILWOMAN MONCRIEF sponsored that ordinance.

(10:04/10:40 – 10:46)

1-2106/2-193

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

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:

ADOPTION at 6/2/2004 City Council meeting pursuant to the 6/1/2004 Recommending Committee.

First Reading – 5/19/2004; First Publication – 5/22/2004

BACKUP DOCUMENTATION:

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

MOTION:

WEEKLY – Second Reading and **BILL ADOPTED** as recommended Ordinance No. 5705 – **UNANIMOUS** with Ward 2 seat vacant

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(10:06)

1-2205

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

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

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

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:

ADOPTION at 6/16/2004 City Council meeting pursuant to the 6/1/2004 Recommending Committee.

First Reading – 5/19/2004; First Publication – 6/4/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

6/16/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

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:

ADOPTION at 6/16/2004 City Council meeting pursuant to the 6/1/2004 Recommending Committee.

First Reading – 5/19/2004; First Publication – 6/4/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

6/16/2004 Council Agenda

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$646,166.67

☐

Budget Funds Available

Dept./Division: Public Works/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund - Special Assessments

PURPOSE/BACKGROUND:

The construction and installation of pavement, "L" type curb and gutter, sidewalk, driveway approaches, water laterals and mains, sewer laterals and mains, and streetlights.

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. 2004-43

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

6/14/2004 Recommending Committee

6/16/2004 Council Agenda

(10:06 – 10:07)

1-2235

BILL NO. 2004-43
ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Sanitary Sewer Project, a Street Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer and the Engineering Integration Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed; the amount

of the estimated assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

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

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, May 14, 2004, and to appear before the City Council on Wednesday, May 19, 2004, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with monies derived from sources other than the levy of special assessments and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

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

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1490 Protest Disposal Resolution; and

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

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work by this Ordinance.

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

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1490 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1490 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the "Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road)" for the purpose of acquiring a Project as more particularly described below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed,

shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below) or encumbered by an agreement. The streets to be improved by the improvements are:

TENAYA WAY (BOTH SIDES) - from the northern right-of-way line of the Northern Beltway north along Tenaya Way to the centerline of Elkhorn Road (80-foot right-of-way).

The following assessment parcel numbers (APNs) identified in the record of the County Assessor of Clark County are included in the district: 125-22-404-002, 125-22-404-003, 125-22-501-001, 125-22-601-023, 125-22-601-024, 125-22-601-025, 125-22-601-026, 125-22-801-011, and 125-22-804-001.

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The improvements on Tenaya Way will consist of the grading, regrading, graveling, and asphalt paving, as necessary, for at least four (4) travel lanes, continuous left turn lanes with raised medians at signalized or future signalized intersections, "L" type curb and gutter, sidewalks, storm drain facilities, commercial and residential driveway approaches, potable water mains and laterals, sanitary sewer mains and laterals and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to March 26, 2004), water and sewer laterals will be installed from existing or proposed main lines in Tenaya Way to such property (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT.

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
\$ 4,006,778.00	\$ 646,166.67	\$ 3,360,611.33

The amounts to be assessed for the Improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways and streetlights and on a square foot method for the installation of commercial driveways. Each property owner will be assessed for the cost of an 8-foot pavement section (unless the property owner has development plans in progress and has been conditioned by City Council for installation of a half-street pavement section), curb, gutter, sidewalks, driveway approaches and streetlights, where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals. The potable water and sanitary sewer main extensions will be assessed on a front foot method.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1490 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be

published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in twenty (20) substantially equal semi-annual installments of principal and interest. The City Council shall provide the time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the current maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or

desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

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

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before July 7, 2004, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 2nd day of June, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 7th day of July, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling. Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on June 2, 2004, and was passed at a regular meeting held on July 7, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after July 11, 2004, i.e., the day after its publication by title only.

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

This _____ day of _____, 2004.

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

(SEAL)

Attest:
/s/ BARBARA JO RONEMUS
City Clerk

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

Introduced June 2, 2004, PASSED, ADOPTED AND APPROVED July 7, 2004.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEUMUS, City Clerk

Approved as to form:

5-19-'04 Madeline L. Diekmann-DiCicco
Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on June 2, 2004, and finally adopted and approved on July 7, 2004.

2. The following members of the City Council were present at the June 2, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief

3. The foregoing Ordinance was first proposed and read by title to the City Council on June 2, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on July 7, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the July 7, 2004, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief

Those Voting Nay:	_____

Those Absent:	_____

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

5. All members of the City Council were given due and proper notice of the meetings held on June 2, and July 7, 2004. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

- (i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (ii) City Hall Plaza
Special Outside Posting Bulletin Board
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

; and

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

6. A copy of such notice so given of the meeting of the City Council on June 2, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on July 7, 2004, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this July 7, 2004.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

(Attach Copy of Notice of June 2, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of July 7, 2004 Meeting)

EXHIBIT C

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

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: JUNE 2, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-44 – Annexation No. ANX-4129 – Property location: On the southwest corner of Bronco Street and Peak Drive; Petitioned by: SF Investments, LLC; Acreage: 2.35 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located on the southwest corner of Bronco Street and Peak Drive. The annexation is at the request of the property owner. The annexation process has now been completed in accordance with the NRS and the final date of annexation (July 16, 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. 2004-44 and Location Map

MOTION:

None required.

MINUTES:

First Reading – Referred – COUNCILMEMBERS WEEKLY and MONCRIEF

6/14/2004 Recommending Committee

6/16/2004 Council Agenda

(10:06 – 10:07)

1-2235

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2
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8 **BILL NO. 2004-44**

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-4129)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the southwest corner
of Bronco Street and Peak Drive.

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

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

20 The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the
21 Northeast Quarter (NE 1/4) of the Southeast Quarter (SE 1/4) of Section 14,
22 Township 20 South, Range 60 East, M.D.M., in the County of Clark, State
of Nevada.

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

- 25 A. The area to be annexed was contiguous to the City's boundaries at the
26 time the annexation proceedings were instituted;
- 27 B. More than one-eighth (1/8) of the aggregate external boundaries of
28 the area are contiguous to the City;

1 C. The territory proposed to be annexed is not included within the
2 boundaries of another incorporated city or within the boundaries of
3 any unincorporated town as those boundaries existed as of July 1,
4 1983;

5 D. The City is eligible to annex the described territory since the
6 landowners have signed a petition constituting one hundred percent
7 (100%) of the owners of record of individual lots or parcels of land
8 within the annexation area.

9 SECTION 3: The City will provide police protection through the Las Vegas
10 Metropolitan Police Department, fire protection, street maintenance, and library services
11 immediately upon annexation. Garbage collection by the company franchised by the City
12 will also be provided immediately. The City sanitary sewer system will serve the proposed
13 annexation area. Any connection to or extension of this sewer line to serve the annexation
14 area shall be at the expense of the landowners. Other services, such as participation in the
15 City's recreational programs, special education classes and programs, public works planning,
16 building inspections, and other City services will also be available immediately. Utilities
17 such as gas, electricity, telephone, and water are provided by private utility companies and
18 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
19 sidewalks and street lights which are not in place at the time of annexation will be installed
20 in the presently developed areas upon the request of the property owners and at their expense
21 by means of special assessment districts. Such improvements will be extended into the
22 undeveloped areas as development takes place and the need therefor arises, and will be
23 located according to the needs of the area at that time. Such installations will also be made
24 at the expense of the property owners, either by means of special assessment districts or as
25 prerequisites to the approval of subdivision plats, building permits or other land use or
26 development applications.

27 SECTION 4: The annexation of the described territory shall become
28 effective on the 16th day of July, 2004, and on that date the City will have the funds

1 appropriated in sufficient amount to finance the extension into the described territory of
2 police protection, fire protection, street maintenance, street sweeping, and street lighting
3 maintenance.

4 SECTION 5: The described territory, together with the inhabitants and
5 property thereof, shall, from and after the 16th day of July, 2004, be subject to all debts, laws,
6 ordinances and regulations in force in the City and shall be entitled to the same privileges and
7 benefits as other parts of the City, and shall be subject to municipal taxes levied by the City.

8 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
9 an accurate map or plat of the described territory and to record the map or plat, together with
10 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
11 Nevada, which recording shall be done prior to the 16th day of July, 2004.

12 SECTION 7: The described territory, which previously has been zoned R-E
13 (County of Clark classification), is hereby classified as U (R) (City of Las Vegas
14 classification), which is deemed to be the City equivalent of the County classification.

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

24 SECTION 9: All ordinances or parts of ordinances, sections, subsections,
25 ...
26 ...
27 ...
28 ...

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____,
4 2004.

5 APPROVED:

6
7 By _____
8 OSCAR B. GOODMAN, Mayor

9 ATTEST:

10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 5-19-04
13 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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