

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

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

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CONSENT

☐

DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of entering into negotiations with multiple cellular companies for Land Lease Agreements for cellular towers to be located at Pavilion Park and Mountain Ridge Park - Wards 2 and 6 (Wolfson and Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

As growth occurs in the valley, additional cellular towers are required to continue to provide valley residents with communication services. Staff will bring back each cellular tower Land Lease Agreement to Council showing details of each tower construction location and specific information detailing each shelter and tower. The Agreements do not preempt the standard approval process that each company needs to go through with the Planning Department for final approval of allowing construction.

RECOMMENDATION:

The 7/19/2004 Real Estate committee and staff recommend approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE – APPROVED Items 3-9, 11-14, and 16-53, and 56-61 as recommended – UNANIMOUS

Items 10, 15, and 62:

APPROVED under separate actions (see individual items)

Items 54 and 55:

STRICKEN under separate actions (see individual items)

MINUTES:

Under Item 3, COUNCILMAN WEEKLY reported that the Real Estate Committee met to review all of the Real Estate items not previously stricken on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:37 – 9:39)

1-952

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

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

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CONSENT

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DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Weekly and Councilwoman Moncrief

Approval of a Land Lease Agreement between the City of Las Vegas and Pacific Wireless, LLC, d/b/a Cingular Wireless for a wireless communications system located on approximately 300 square feet of property at 2801 West Oakey Boulevard commonly known as Bob Baskin Park (\$515,784 revenue for duration of contract - Park Enterprise Fund) - Ward 1 (Moncrief)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division: Public Works/Real Estate

☐

Augmentation Required

Funding Source: Park Enterprise Fund

PURPOSE/BACKGROUND:

Council approved staff entering into negotiations 12/17/03 with Cingular Wireless for a cell tower land lease at Bob Baskin Park. This contract is for 300 square feet and includes an antennae atop a monopalm, roof mounted E911 antennas, a concrete driveway and installation of approximately 21,000 sq. ft. of sod. Cingular Wireless shall pay the City a one-time administrative fee of \$1,000 in addition to the driveway and sod as listed above. Yearly rent will start at \$19,200. The initial term is for five years with three five-year options.

RECOMMENDATION:

The 7/19/2004 Real Estate committee and staff recommend approval

BACKUP DOCUMENTATION:

Land Lease Agreement

MOTION:

MONCRIEF – APPROVED with the correction of the funding source to General Fund – UNANIMOUS

MINUTES:

Under Item 3, 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.

MARK VINCENT, Director, Finance and Business Services, noted the correction that the funds will go into the General Fund because the Park Enterprise Fund does not exist.

CITY COUNCIL MEETING OF JULY 21, 2004

Consent – Real Estate

Item 62 - Approval of a Land Lease Agreement between the City of Las Vegas and Pacific Wireless, LLC, d/b/a Cingular Wireless for a wireless communications system located on approximately 300 square feet of property at 2801 West Oakey Boulevard commonly known as Bob Baskin Park (\$515,784 revenue for duration of contract - Park Enterprise Fund) - Ward 1 (Moncrief)

MINUTES – Continued:

COUNCILMAN MACK asked if staff could set up a fund for these types of revenues to be earmarked specifically for the upkeep and maintenance of a particular park. MR. VINCENT indicated that every year, in conjunction with Leisure Services, park maintenance and operation monies are set aside through the budget process. Those functions are funded in the General Fund. Staff could certainly direct revenue specifically to a new special revenue fund. During the budget process, Council would then have to give direction as to how they would like those revenues earmarked. Staff could put an item on the next agenda to create a special revenue fund for parks.

NOTE: COUNCILMAN MACK felt that any revenues generated from upcoming advertising opportunities should be put right back into particular parks. Maybe this should be further discussed.

(9:50/9:53 – 9:56)

1-948/1-1532

LAND LEASE AGREEMENT/CELL TOWER

BOB BASKIN PARK

This Land Lease Agreement (hereinafter "Lease") is made this 21 day of July, 2004, by and between the City of Las Vegas, a municipal corporation of the State of Nevada (hereinafter "Lessor") and Pacific Bell Wireless, LLC, a limited liability company DBA Cingular Wireless (hereinafter "Lessee").

Nevada WITNESSETH:

WHEREAS, Lessor has identified public land where Wireless Communications System facilities can be located which will not interfere with the existing public use of said land; and

WHEREAS, Lessee is in need of Wireless Communications System facilities, including, but not limited to antennae atop a monopalm, equipment inside existing maintenance building, roof mounted E911 antennas, construction of a concrete driveway and the installation of approximately 21,000 sq. ft. of sod as per site plans; and

WHEREAS, the public land is located within the boundaries of Bob Baskin Park, 2801 W. Oakey Boulevard, Las Vegas, NV, generally located in the vicinity of Oakey Boulevard and Rancho Drive; and

WHEREAS, the facilities proposed to be constructed by Lessee will allow business and residential subscribers to access and/or make telephone calls to each other using wireless communications devices; and

WHEREAS, the Lessor has determined that entering into a Lease of public land at the aforementioned location, permitting Lessee to construct the above-referenced Wireless Communications System facilities thereon for its own use as well as use by Sublessees, under terms and conditions that will not interfere with the public's existing use of said land, will benefit the public.

NOW, THEREFORE, for and in consideration of the mutual covenants and conditions set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties agree as follows:

I. PARTIES:

The parties to this Lease are the City of Las Vegas, a municipal corporation of the State of Nevada (hereinafter "Lessor"), and Pacific Bell Wireless, LLC, a limited liability company DBA Cingular Wireless (hereinafter "Lessee").

2. **DEFINITIONS:**

As used in this Lease the following terms, when capitalized, have the meaning indicated:

- 2.1 "Backhaul Network" means the physical network that connects cells to a central switching point or the Public Switch Telephone Network ("PSTN").
- 2.2 "Cell Site" means the location of a transmitter/receiver and Backhaul Network interface, which provides telephone or telecommunications type service to subscribers. The locations include whole mounted receiver/transmitter units, receiver/transmitter units located on new or existing antenna structures, receiver/transmitter units located in buildings and on rooftops.
- 2.3 "FCC" means the Federal Communications Commission or its legally appointed successor.
- 2.4 "Hazardous Materials" means any substance, material, waste, gas or particulate matter which is regulated by any local governmental authority, the State of Nevada, or the United States Government, including, but not limited to, any material or substance which is 1) defined as a "hazardous waste," "hazardous material," "hazardous substance," "extremely hazardous water," or "restricted hazardous waste" under any provision of state or local law, 2) petroleum, 3) asbestos, 4) polychlorinated biphenyl, 5) radioactive material, 6) designated as a "hazardous substance" pursuant to Section 311 of the Clean Water Act, 33 U.S.C. State Statute 1251 et seq. (33 U.S.C. State Statute 1317), 7) defined as a "hazardous waste" pursuant to Section 1004 of the Resource Conservation and Recovery Act, 42 U.S.C. State Statute 6901) et seq. (42 U.S.C. State Statute 9601 et seq. (42 U.S.C. State Statute 9601). The term Environmental Laws shall mean all statutes specifically described in the foregoing sentence and all applicable federal, state and local environmental health and safety statutes, ordinances, codes, rules, regulations, orders and decrees regulating, relating to or imposing liability or standards concerning or in connection with Hazardous Materials.
- 2.5 "Manager" means the City Manager or his or her designee.

2.6 "Wireless Communications System" means any system which uses a form of cellular telephone or other form of wireless communication which allows business and residential subscribers to access and/or make telephone calls for voice or data through the Wireless Communications System or over the Public Switched Telephone Network ("PSTN") using small cordless telephone devices which communicate with limited range cells (transmitter/receiver) connected to a Backhaul Network.

3. PREMISES:

3.1 Lessor hereby leases to Lessee and Lessee hereby leases from Lessor approximately 300 square feet of property located at 2801 W. Oakey Boulevard, Las Vegas, NV, commonly known as Bob Baskin Park, (hereinafter "Premises"). A description of the Premises, as depicted on the Site Map, is attached hereto and incorporated herein as Exhibit "A". The Premises are leased for the express purpose of Lessee constructing, operating, and maintaining a Wireless Communications System facility in accordance with the terms and conditions set forth herein. All facility plans must be approved by the City and meet all applicable building codes and requirements, as provided for in Section 8.1. Construction may include, but not be limited to, antennae atop of a monopalm, equipment inside existing maintenance building, roof mounted E911 antennas, construction of a concrete driveway and the installation of approximately 21,000 sq. ft. of sod as per site plans. Lessee shall contact the City Park's Maintenance Manager, John Black, at (702) 229-6988 ten (10) days prior to commencement of construction.

4. TERM:

4.1 The initial term of this Lease is five (5) years. The term will begin on the first day of the month following 90 days after the date of the execution of this Lease by Lessor (hereinafter "Commencement Date") and terminate five (5) years thereafter (hereinafter "Termination Date").

4.2 Additionally, Lessee shall have the right to renew this Lease for three (3) additional terms of five (5) years. This Lease shall automatically be extended for each successive renewal term, unless Lessee notifies Lessor in writing of its intention not to renew at least ninety (90) calendar days prior to the end of the term then existing.

5. RENTAL PAYMENT:

5.1 The total rental payment for the First year of the term of this Lease shall be One Thousand Six Hundred and No/100 Dollars (\$1,600.00) per month paid monthly in advance. The first rental payment shall be due within fifteen (15) days of the Commencement Date and on the first (1st) of each month thereafter. Rent payment not paid by the fifteenth (15th) of the month shall be considered late and the Lessor may charge a late fee equal to one and one-half percent (1.5%) of the amount due.

5.2 Beginning with the Second year of the Lease Term and every year thereafter, including during any renewal terms, the then-current monthly rental fee shall be adjusted by multiplying the immediately preceding term, for which the rent has remained constant, by three percent (3%).

5.3 The "Rental Fees" schedule, attached hereto as Exhibit "B" of this Lease, will detail the rent for the original term and each subsequent renewal term.

5.4 As additional consideration of this Lease, Lessee shall prepay to Lessor a one-time administrative payment in the amount of One Thousand and No/100 Dollars (\$1,000.00) and Lessee shall provide in-kind compensation within the construction of the site by installing approximately 21,000 sq. ft. of sod within the park as depicted in site plan drawings and installing a twelve-foot (12') wide driveway per the site plan drawings.

6. INGRESS, EGRESS AND UTILITY EASEMENT:

6.1 Lessor hereby grants to Lessee an easement for ingress, egress, regress and utilities over properties of Lessor adjacent to the Premises for construction and maintenance of the structures on the Premises, for the installation, construction, and maintenance of underground and above ground telephone, telegraph, and power lines in connection with its use of the Premises and for access to the Premises from a public road (hereinafter "Easement"). The term of this Easement shall commence upon the Commencement Date of this Lease and shall continue until the last to occur of (i) expiration of the Lease Term, or (ii) removal by Lessee of all of its property from the Premises, not to exceed thirty (30) calendar days, after expiration of the Lease Term. The location of the Easement shall be agreed upon by the parties not later than ninety (90) calendar days after the date of execution of this Lease and shall be included in any recorded Memorandum of this Lease. Lessee, Lessee's employees, agents, subcontractors, lenders and invitees shall have access to the Premises without notice to Lessor twenty-four (24) hours a day, seven (7) days a week, at no charge. In addition, at Lessee's request and expense, this Easement shall be set forth in a separate Easement Agreement which Lessor and Lessee agree to execute and which Lessee shall have recorded as an encumbrance on the property of Lessor and be binding upon all subsequent owners, successors and assigns.

7. TITLE AND QUIET POSSESSION:

7.1 Lessor represents and covenants that Lessor owns the Premises and property subject to the Easement in fee simple, free and clear of all liens, encumbrances and restrictions of every kind and nature, except for those which currently appear in the chain of title and are reported as exceptions on the commitment for title insurance which Lessee may obtain. As a condition to Lessee's obligation hereunder Lessor will, within ten (10) business days of the date of execution of this Lease, execute and obtain from the holder of any lien an Attornment and

Nondisturbance Agreement or a Subordination Agreement in form acceptable to Lessee.

- 7.2 Lessor represents and warrants to Lessee that Lessor has the full right to make this Lease and that Lessee shall have quiet and peaceful possession of the Premises and Easement throughout the Lease Term.

8. USE OF THE LICENSED PREMISES, PERMITS, AND LIENS:

- 8.1 Lessee shall use the Premises for the purpose of constructing, maintaining, and operating a Wireless Communications System. Lessee shall have the right to construct antennae atop of a monopalm and foundation, equipment inside existing maintenance building, two (2) roof mounted E911 antennas, and to install and maintain necessary utility wires and transmission lines and air conditioning equipment and a standby power generator in support thereof, as more particularly described in the written "Plans and Details" attached hereto as Exhibit "C", which shall be submitted for review and written approval/denial, which shall not be unreasonably withheld or delayed. Lessor shall give such approval or provide its request for changes within ten (10) business days of Lessor's receipt of Lessee's plans. If Lessor does not provide such approval or request for changes within such ten (10) business day period, Lessor shall be deemed to have approved the plans. Nothing in this Section shall be construed to eliminate the necessity of obtaining development related permits and approvals from the other City departments and other governmental agencies. The equipment installed in the existing maintenance building shall belong to Lessee and be considered its personal property. Construction may include, but not be limited to, a monopalm, equipment inside existing maintenance building, roof-mounted E911 antennas, utilities, concrete driveway and installation of approximately 21,000 sq. ft. of sod as per site plans.
- 8.2 Lessee shall employ isolators, circulators, resident cavities and other devices to reduce interference by all commercially reasonable means and as good engineering practice requires. The facilities and equipment installed on the

Premises by Lessee shall not interfere with the prior existing telecommunication equipment, or any computer network, cable TV and personal communications systems of the Lessor, or radio frequencies utilized by the aviation industry. The Lessor shall have the right to engage independent testing companies to perform reasonable and appropriate testing to determine if the operation of the facilities and equipment by Lessee cause any unreasonable interference with any pre-existing telecommunications operations by Lessor after Lessee has been notified in writing of a possible problem and had a reasonable time to cure the problem(s). If interference is caused by Lessee, Lessee shall reimburse Lessor the reasonable cost of the testing. The Lessor and its agents shall have the right during the term of the Lease to examine Lessee's transmitter equipment and facilities in order to detect any potential interference with the Lessor's pre-existing telecommunication uses, provided that Lessee's representative is present during such examinations.

- 8.3 In the event the Lessor determines that Lessee has caused interference in violation of this Lease, Lessee shall take all actions necessary to eliminate such interference in accordance with reasonable technical standards. If any such interference inhibits Lessor's operations at the Premises, and Lessee does not correct or commence to correct such interference within twenty-four (24) hours, and power down with an intermittent testing period to occur within thirty (30) calendar days, or if there are intermediate levels of interference and Lessee does not correct or commence to correct such interference within thirty (30) calendar days, Lessee shall discontinue operating such equipment, on Lessor's demand, unless and until it can be operated without interference, or shall replace the interfering equipment with alternative equipment that does not cause such interference. Lessor agrees that Lessor and/or any other future tenants of the Premises or areas adjacent to the Premises will be permitted to install only such radio equipment that is of the type and frequency, which will not cause interference to Lessee. Lessor shall take prompt action to terminate any

interference with Lessee's communications operations that Lessor has the right to terminate, and shall cooperate with Lessee to obtain the termination of any interference with Lessee's communications operations that is beyond the control of Lessor. The parties acknowledge that continuing interference will cause irreparable injury to Lessee, and therefore Lessee shall have the right, in addition to any other rights that it may have at law or in equity, to bring an action against the interfering party to enjoin such interference or to terminate this Lease upon notice to Lessor.

8.4 Lessee shall hold Lessor harmless from any and all liens and claims asserted by those supplying labor or material in the performance of the work required under this Lease.

8.5 It is understood and agreed that Lessee's ability to use the Premises for the purposes specified herein is contingent upon its obtaining all of the legally required permits and approvals. Should any of Lessee's applications or permits and approvals be finally rejected, denied, or otherwise withdrawn or terminated by governmental authority so that Lessee is unable to use the Premises for its intended purpose, Lessee shall have the right to terminate this Lease at its sole discretion on thirty (30) calendar days written notice to the Lessor. Such termination shall cause forfeiture of the sums theretofore paid by Lessee and of the Lease granted hereunder. Notice from Lessee shall be given in accordance with the regular notice procedures as hereinafter set forth.

8.6 Lessee shall construct, operate, and maintain such facilities and equipment on the Premises in a manner that will be reasonable and necessary to provide wireless phone coverage for Lessee's customers operating near the Premises.

9. GOVERNMENTAL APPROVALS AND COMPLIANCE:

9.1 During the Term of this Lease, Lessee shall comply with all applicable laws affecting the Premises. Lessee shall not commit or suffer to be committed any waste on the Premises or any nuisance. Lessee shall obtain any necessary governmental licenses or authorizations required for the construction and use of

the structures on the Premises and shall comply with government regulations applicable to its operations, including those of the FAA and FCC and shall furnish copies of same to Lessor as same are issued.

10. ASSIGNMENT AND SUBLEASING:

10.1 Lessee may not sublet space on its telecommunications tower located within the Premises without Lessor's consent, provided that every Sublessee of Lessee shall enter into a separate lease agreement with Lessor for ground space on Lessor's property. The making of any such sublease shall not release Lessee from any of Lessee's obligations hereunder. Lessee shall not be permitted to sublet any land area or property within the leased Premises without the prior written consent of Lessor. Lessee shall not assign or transfer this Lease, or any interest herein, except to affiliate companies or to any company acquiring all or substantially all of Lessee's assets, in the geographic market area in which the leased Premises are located (i.e. the Las Vegas Metropolitan Area), without the prior written consent of Lessor, which shall not be unreasonably withheld, delayed or conditioned, and consent to an assignment shall not be deemed to be consent to any subsequent assignment. Upon assignment by either Lessee or Lessor, such party shall be relieved of all future performance, liabilities, and obligations under this Agreement. Notwithstanding anything to the contrary contained in this Lease, Lessee may assign, mortgage, pledge, hypothecate or otherwise transfer without consent its interest in this Agreement to any financing entity, or agent on behalf of any financing entity to whom Lessee (i) has obligations for borrowed money or in respect of guaranties thereof, (ii) has obligations evidenced by bonds, debentures, notes or similar instruments, or (iii) has obligations under or with respect to letters of credit, bankers acceptances and similar facilities or in respect of guaranties thereof.

11. NOTICES:

11.1 All notices, demands, requests, consents, approvals, and other instruments required or permitted to be given pursuant to this Lease shall be in writing,

signed by the notifying party, or officer, agent or attorney of the notifying party, and shall be deemed to have been effective upon delivery in writing if served personally, including but not limited to delivery by messenger, overnight courier service or by overnight express mail, or upon posting if sent by registered or certified mail, postage prepaid, return receipt requested, and addressed as follows:

TO LESSOR: City of Las Vegas
Attn: Manager
Department of Public Works/Real Estate & Assets
400 Stewart Avenue, 4th Floor
Las Vegas, Nevada 89101

WITH A COPY TO: City of Las Vegas
City Attorney's Office
400 Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

TO LESSEE: Cingular Wireless
Attn: Network Real Estate Contract Processing
6100 Atlantic Blvd.
Norcross, GA 30071

WITH A COPY TO: Cingular Wireless
Attn: Network Deployment Manager
1211 Town Center Drive – Suite #100
Las Vegas, NV 89144

The address to which any notice, demand or other writing may be delivered to any party as above provided may be changed by written notice given by such party as above provided.

12. OPERATING EXPENSE:

12.1 Lessee shall fully and promptly pay for all water, gas, heat, light, power, telephone service, and other public utilities furnished to the Premises and used by Lessee throughout the Term hereof, and for all other costs and expenses of every kind whatsoever in connection with Lessee's use, operation, and maintenance of the Premises and all activities conducted thereon.

13. TAXES:

13.1 Lessee shall pay any personal property taxes assessed on, or any portion of such taxes attributable to, the antennae and Lessee's related facilities.

14. INSURANCE:

- 14.1 At the time of execution of this Lease by Lessee, Lessee shall procure and maintain for the duration of this Lease, insurance against claims for injuries to persons or damage to property which may arise from or in connection with the performance of the rights and obligations hereunder by Lessee, its agents, representatives, employees or subcontractors. The minimum insurance requirements that Lessee must comply with to fulfill this obligation to procure and maintain insurance for this Lease is attached hereto as Exhibit "D" labeled "Insurance Requirements". The reference in Exhibit "D" to Contractor shall be deemed to refer to Lessee and the reference to Lessor's Contract Administrator shall be deemed to refer to Manager.

15. MAINTENANCE:

- 15.1 Lessee shall maintain the Premises in good condition and state of repair in compliance with all government regulations, including all applicable FCC and FAA rules and regulations. Lessor shall maintain its property adjacent to the Premises in good condition and state of repair to avoid interference with Lessee's use of the Premises and Easement.

16. HOLD HARMLESS:

- 16.1 Lessee shall defend, indemnify and hold Lessor harmless from any liability, including reimbursement of any legal fees and all costs for damages to any person or any property in or upon the Premises at Lessee's invitation, or for damages to any person or property resulting from the physical structure or actions of Lessee (including damages caused by or resulting from equipment or structures on the Premises). Notwithstanding any provision herein to the contrary, it is understood and agreed that all property kept, installed, stored or maintained in or upon the Premises by Lessee shall be so installed, kept, stored or maintained at the risk of Lessee. Subject to the limits of liability set forth in NRS 41.035, Lessor shall indemnify and hold Lessee harmless from all claims (including attorneys' fees, costs and expenses of defending against such claims)

arising or alleged to arise from the acts or omissions of Lessor or Lessor's agents, employees, licensees, invitees, contractors or other tenants occurring in or about the Premises. Lessor shall not be responsible for any loss or damage to equipment owned by Lessee, which might result from tornadoes, lightning, windstorms, or other Acts of God. Neither Lessor nor Lessee shall in any event be liable in damages for each other's business loss, business interruption or other consequential damages of whatever kind or nature, regardless of the cause of such damages, and each party, and anyone claiming by or through them, expressly waives all claims for such damages.

16.2 Lessee will be solely responsible for and will defend, indemnify, and hold Lessor, its agents, and employees harmless from and against any and all direct claims, costs, and liabilities, including reasonable attorneys fees and costs, arising out of or in connection with the removal, clean up, or restoration of the Premises directly attributed to Lessee's use or generation of Hazardous Materials.

16.3 Lessor will be solely responsible for and will defend, indemnify, and hold Lessee, its agents and employees harmless from and against any and all direct claims, costs, and liabilities, including reasonable attorneys fees and costs, arising out of or in connection with the removal, clean up, or restoration of the Premises with respect to Hazardous Materials used or generated by Lessor.

17. HAZARDOUS MATERIALS.

17.1 Lessor represents and warrants, to the best of Lessor's knowledge, (1) the Premises have not been used for the use, manufacturing, storage, discharge, release or disposal of hazardous material, (2) neither the Premises nor any part thereof is in breach of any Environmental Laws, (3) there are no underground storage tanks located on or under the Premises, and (4) the Premises are free of any Hazardous Materials that would trigger response or remedial action under any Environmental Laws or any existing common law theory based on nuisance or strict liability. If any such representation is in any manner inaccurate or any

such warranty is in any manner breached during the term of this Lease (collectively a "Breach") and that such Breach gives rise to or results in liability (including, but not limited to, a response action, remedial action or removal action) under any Environmental Law or any existing common law theory based on nuisance or strict liability, and (5) Lessor shall not and will not permit any third party to use, generate, store or dispose of any Hazardous Materials on, under, about, or within the Premises in violation of any law or regulation or causes a significant effect on public health, Lessor shall promptly take any and all remedial and removal action as required by law to clean up the Premises, mitigate exposure to liability arising from, and keep the Premises free of any lien imposed pursuant to any Environmental Laws as a result of such Breach.

17.2 Lessor represents and warrants to Lessee that Lessor has received no notice that the Premises or any part thereof is, and, to the best of its knowledge and belief, no part of the Premises is located within an area that has been designated by the Federal Emergency Management Agency or Army Corp of Engineers or any other governmental body as being subject to special hazards.

17.3 The covenants of this Section shall survive and be enforceable and shall continue in full force and effect for the benefit of Lessee and its subsequent transferees, successors, and assigns and shall survive the term of this Lease and any renewal periods thereof.

18. LESSEE'S PERFORMANCE AND SURRENDER:

18.1 Lessee shall pay the Rent and all other sums required to be paid by Lessee hereunder in the amounts, at the time, and in the manner herein provided, and shall keep and perform all terms and conditions hereof on its part to be kept and performed, and at the expiration or sooner termination of this Lease, surrender to Lessor the Premises subject to the other provisions of this Lease.

18.2 Upon termination of this Lease, Lessee shall, to the extent reasonable, restore the Premises to its original condition at the commencement of this Lease, including but not limited to, foundations up to the water level, footings,

concrete, paving, gravel, vegetation and utilities and other improvements of a permanent nature, except for ordinary wear and tear and damages by the elements or damages over which Lessee had no control or buildings built specifically for use by the City that would be currently utilized.

19. TERMINATION:

- 19.1 This Lease may be terminated, without any penalty or further liability, on thirty (30) calendar days prior written notice as follows: (a) by either party on default of any covenant or term hereof by the other party, which default is not cured within thirty (30) calendar days following receipt of notice of default (without, however, limiting any other rights available to the parties pursuant to any other provisions hereof); (b) by Lessee if it is unable to obtain or maintain any license, permit or other governmental approval necessary for the construction or operation of a Wireless Communications System; (c) by Lessee if the Premises are or become unacceptable to Lessee under Lessee's design or engineering specification or its Wireless Communications System; (d) Lessee determines that technical problems or radio interference problems from other antennas or from nearby radio transmitting facilities, which problems can not reasonably be corrected, preclude Lessee from using the Premises for its intended purpose; (e) Lessee does not have acceptable and legally enforceable means of ingress and egress to and from the Premises; (f) utilities necessary for Lessee's use of the Premises are not available to the Premises; or (g) the Premises are damaged or destroyed to an extent which prohibits or materially interferes with Lessee's use of the Premises. In the event of termination by Lessee pursuant to item (g), Lessee shall be relieved of all further liability hereunder except with respect to its obligation to remove its improvements as provided herein and the Lessee's obligations under Section 16. Any rental fees paid prior to said Termination Date shall be retained by Lessor.
- 19.2 Within thirty (30) calendar days of the termination or expiration of this Lease, Lessee shall remove its personal property and equipment from the Premises. In

removing such personal property and equipment, Lessee shall not damage the Premises. If the time for removal causes Lessee to remain on the Premises after termination of this Lease, Lessee shall pay a lease fee at the then existing lease fee rates until such time as the removal of the personal property and fixtures are complete.

20. DEFAULT AND EFFECT OF DEFAULT:

20.1 Each of the following events shall constitute a default of this Lease by Lessee:

20.1.1 If Lessee fails to pay Rent or other sums herein specified within ten (10) calendar days of the date such Rent or sums are due and such failure continues for a period of thirty (30) calendar days after written notice is given to Lessor;

20.1.2 If Rent payment is not made within fifteen (15) calendar days of due date a one and one-half percent (1.5%) penalty of the amount due will be assessed.

20.2 The Lessor shall have the right, while any default continues by giving thirty (30) calendar days written notice to Lessee, to terminate this Lease and remove or require Lessee to remove Lessee's equipment from the Premises, without prejudice to any other remedy which Lessor might be entitled to herein. No portion of Lessee's Rent shall be refunded in the event of a termination or default.

21. BINDING ON SUCCESSORS:

21.1 The covenants and conditions contained herein shall apply to and bind the heirs, successors, executors, administrators and assigns of the parties hereto.

22. GOVERNING LAW:

22.1 The parties intend that this Lease and the relationship of the parties shall be governed by the laws of the State of Nevada.

23. ENTIRE AGREEMENT:

23.1 All of the representations and obligations of the parties are contained herein, and no modification, waiver or amendment of this Lease or of any of its conditions or provisions shall be binding upon a party unless in writing signed by that party or a duly authorized agent of that party empowered by a written authority signed

by that party. The waiver by any party of a breach of any provision of this Lease shall not operate or be construed as a waiver of any subsequent breach of that provision by the same party, or of any other provision or condition of the Lease.

24. SURVEY AND TESTING:

24.1 Lessee shall have the right for ninety (90) business days from the execution of this Lease to survey, soil test, and make any other investigations necessary to determine if the surface of the Premises is suitable for construction of Wireless Communications System facilities. If Lessee, within the above stated time determines that for any reason the Premises is not suitable, this Lease, upon thirty (30) calendar days written notice given to Lessor, shall become null and void; provided that at Lessee's sole expense the Premises shall be promptly restored to its condition prior to such testing and investigations and provided further that Lessee shall deliver copies of all soil tests and investigation reports to Lessor.

25. OIL, GAS AND MINERAL RIGHTS:

25.1 Lessor does not grant, lease, let or demise hereby, and expressly excepts and reserves herefrom all rights to oil, gas and other minerals in, on or under and that might be produced or mined from the Premises; provided, however, that no drilling or other activity will be undertaken on the surface of the Premises to recover any oil, gas or minerals during the Term hereof. This Lease is given and accepted subject to the terms and provisions of any valid oil, gas and mineral Lease covering the Premises or any part thereof, now of record in the office of the Clark County Recorder's Office, provided, however, that any future oil, gas or mineral Lease covering the above-described lands or any part thereof shall be in all respects subordinate and inferior to the rights, privileges, powers, options, immunities, and interest granted to Lessee under the terms of this Lease.

26. MECHANIC'S LIENS:

26.1 Lessee will not cause any mechanic's or materialman's lien to be placed on the Premises, unless Lessee agrees to indemnify, defend and hold harmless Lessor from any such lien from a party claiming by, through or under Lessee.

27. HEADINGS:

27.1 The headings of Sections and Subsections are for convenient reference only and shall not be deemed to limit, construe, affect, modify or alter the meaning of such Sections and Subsections.

28. TIME OF ESSENCE:

28.1 Time is of the essence for Lessor's and Lessee's obligation under this Lease.

29. SEVERABILITY:

29.1 If any Section, Subsection, term or provision of this Lease or the application thereof to any party or circumstance shall, to any extent be invalid or unenforceable, the remainder of said Section, Subsection, term or provision of this Lease or the application of same to parties or circumstances other than those to which it was held invalid or unenforceable shall not be affected thereby and each remaining Section, Subsection, term or provision of this Lease shall be valid and enforceable to the fullest extent permitted by law.

30. REAL ESTATE BROKER:

30.1 Lessor represents and warrants that Lessor has not signed a listing agreement, dealt with or otherwise agreed to pay a broker's commission, finder's fee or other like compensation to any one in connection with the Lease of the Premises or the transaction contemplated by this Lease and Lessor agrees to indemnify and hold Lessee harmless from and against such claims or costs, including attorneys fees, incurred as a result of the transaction contemplated by this Lease.

31. PEACEFUL POSSESSION:

31.1 Lessor covenants that Lessee, upon the payment of Rent, and the performance of the covenants and subject to the conditions of this Lease, shall and may

peacefully and quietly have, hold and enjoy the Premises for the Term of the Lease and any renewal Terms.

32. COMPLIANCE WITH LAWS:

- 32.1 In performing under this Lease, Lessee shall comply with all applicable Federal, State, County and City laws, including statutes, ordinances and regulations; shall obtain all necessary permits and approvals relating thereto; and shall be solely responsible for making such changes to the Premises as may be necessary in order to comply with the Americans With Disabilities Act or any other applicable laws when such changes arise by virtue of Lessee's use of the Premises.
- 32.2 Nothing in this Lease shall be deemed to waive the requirements of the various codes and ordinances of the City of Las Vegas applicable to Lessee's use of the Premises.

33. SPECIAL PROVISIONS:

- 33.1 Any violation of the special provisions contained in this Section shall constitute a material breach of this license.
- 33.2 The use of the Premises is limited to a Wireless Communications System and those uses necessary to operate a Wireless Communications System. This Lease does not authorize the use of the Premises for the redistribution of video signals to third parties or the redistribution of radio frequencies not directly related to a Wireless Communications System.
- 33.3 Lessee shall not use the facilities authorized to be placed on the Premises for any use not authorized herein. This Lease shall be considered automatically revoked without further action by the Lessor if the unauthorized use is not corrected within thirty (30) calendar days after notice by the Lessor to abate any unauthorized use. Lessee shall cease use of the facilities in the Premises and take appropriate action as authorized by the Lessor to remove the facilities from the Premises.

- 33.4 This Lease does not authorize Lessee to use the Premises to provide cable service or operate a cable system as defined by the City Code of the City of Las Vegas or the Cable Act of 1984 as amended by the Telecommunications Act of 1996. This Lease does not authorize Lessee to use the Premises for video transmissions. This Lease shall not be interpreted to grant the rights of a franchise required by any City ordinance, State statute or constitutional provision or Federal law.
- 33.5 This Lease does not authorize in any manner the telephone lines or cables that support the Backhaul portion of the Network. Placement by Lessee or any other party of such lines and cables to support the Backhaul Network or supply power to a Backhaul Network must be in accordance with applicable laws and regulations. This Lease shall not be in any manner considered a waiver or relinquishment of any right or claim the Lessor may have to require a permit, license or franchise for any such lines, cables or physical facilities that comprise the Backhaul Network.
- 33.6 Should Lessee, at any time during the Term of this Lease, be deprived of the use of the Premises, or any part thereof, the Lessor will proportionately abate the rent during this time, and Lessee shall have no other recourse against the Lessor for the Lessor's failure to provide Lessee the use of the Premises set forth herein.
- 33.7 For purposes of this Lease, the Contract Administrator shall be the Manager. In any dispute concerning an interpretation of this Lease or concerning the work to be performed hereunder, the final determination shall be made by the Manager. If Lessee disputes the decision of the Manager, it may pursue such remedies as provided for herein or available at law.
- 33.8 Lessor retains the right to inspect the Premises at any time during the Lease Term or any extensions thereof. The Lessor shall give Lessee prior notice of such inspection and Lessee shall have the right to accompany the Lessor on such

inspection. Prior notice and right to accompany shall not apply during inspection for emergency purposes.

34. HOLDING OVER:

34.1 Should Lessee hold over after the expiration of this Lease, such holding over shall constitute and be construed as an extension from month-to-month only, unless otherwise agreed in writing. All obligations and duties imposed by this Lease upon Lessor and Lessee shall remain the same during such period of occupancy. This Section shall not be construed as authorizing or condoning a holding over by Lessee.

35. INSOLVENCY:

35.1 In addition to any other remedies or rights of Lessor hereunder, if Lessee shall at any time during the Term of this Lease be or become insolvent, voluntarily or involuntarily, or if Lessee shall compound Lessee's debts or if any sheriff, marshal, constable, or any other officer takes possession of the Premises by virtue of any execution or attachment, or if any receiver or trustee is appointed for Lessee's property, or in the event Lessee shall be adjudged a bankrupt, or files a petition under any chapter of the Bankruptcy Act, then in such event, this lease shall be terminated at the option of Lessor, effective the day prior to any such action for filing. In addition, any such event shall be deemed an event of default hereunder entitling Lessor to all rights and remedies herein and as provided by law.

36. WAIVER:

36.1 No covenant, term or condition of this Lease shall be deemed to have been waived by either party hereto unless such waiver be in writing.

37. NO PARTNERSHIP:

37.1 The relationship of the parties hereto is solely that of Lessor and Lessee, and under no circumstances shall the parties hereto be considered as partners or joint venturers.

38. FURTHER ASSURANCE:

38.1 Each of the parties agree to do such further acts and to execute and deliver additional Agreements and instruments as the other may reasonably require to consummate, evidence or confirm this Lease or any other Agreement continued herein in the manner contemplated hereby.

39. INTERPRETATION:

39.1 Each party to this Lease and its counsel will have reviewed and revised this Lease. The normal rule of construction to the effect that any ambiguities are to be resolved against the drafting party shall not be employed in the interpretation of this Lease or in any amendments or exhibits to this Lease.

40. RENT PAYMENT:

40.1 Lessee's checks for Rent shall be made payable to the City of Las Vegas and mailed or delivered to: City of Las Vegas, Department of Finance and Business Services, 400 Stewart Avenue, 6th Floor, Las Vegas, Nevada 89101 or to the City's lockbox, which address is on the return envelope provided with monthly statement.

41. DATE OF LEASE:

41.1 The parties acknowledge that certain obligations of Lessor and Lessee are to be performed within the certain specified periods of time, which are determined by reference to the date of execution of this Lease. The parties therefore agree that whenever the term "Date of Execution of this Lease" or words of similar import are used herein, they shall mean the date upon which this Lease has been duly executed by Lessor.

42. MODIFICATIONS OR AMENDMENTS:

Upon approval of this initial agreement by the City Council and after it has been fully executed by signature of all parties, staff of the Real Estate & Asset Management Division of the City's Department of Public Works shall have the authority to complete and execute any additional documents necessary for the completion of the intent of this contractual obligation during the original term of this agreement. As an example, this

may include amendments, changes of address, adjustments to monetary revenue or expenditure not to exceed ten thousand (\$10,000.00) dollars, filing and recording of appropriate documents with the County Recorders Office or the County Tax Assessors Office, and recordings and filing with the City Clerk's Office. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

43. WAIVER OF LESSOR'S LIEN:

- (a) Lessor waives any lien rights it may have concerning Lessee's Wireless Communications System facilities, which are deemed Lessee's personal property and not fixtures, and Lessee has the right to remove the same at any time without Lessor's consent.
- (b) Lessor acknowledges that Lessee ^{May} ~~has~~ entered into a financing arrangement including promissory notes and financial and security agreements for the financing of Lessee's Wireless Communications System facilities (the "Collateral") with a third party financing entity (and may in the future enter into additional financing arrangements with other financing entities). In connection therewith, Lessor (i) consents to the installation of the Collateral; (ii) disclaims any interest in the Collateral, as fixtures or otherwise; and (iii) agrees that the Collateral shall be exempt from execution, foreclosure, sale, levy, attachment, or distress for any Rent due or to become due and that such Collateral may be removed at any time without recourse to legal proceedings.

...

...

44. DISCLOSURE OF PRINCIPALS:

In order to satisfy Resolution R-105-99 adopted by the City of Las Vegas City Council on November 17, 1999, Cingular Wireless, will provide a disclosure in the form attached hereto as Exhibit "E". If Cingular Wireless, or its principal or partners described above are required to provide disclosure under federal law, such as disclosure required by the Securities and Exchange Commission (SEC) or the Employee Retirement Income Act (ERISA), and attaches current copies of such federal disclosures to Cingular Wireless, shall within fifteen (15) days notify City in writing of any material change in the above disclosure. Copies of new federal disclosure filings shall also be sent to the City within fifteen (15) days of any such filing.

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

"Lessor"
CITY OF LAS VEGAS


OSCAR B. GOODMAN, Mayor

ATTEST:

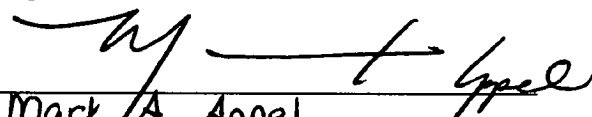

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:


City Attorney

6/21/04
Date

"Lessee"
Cingular Wireless

By: 
Mark A. Appel
Director of Network

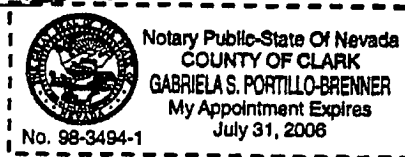
ACKNOWLEDGEMENTS

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this 11th day of August, 2004, personally appeared before me, a Notary Public in and for said County and State, OSCAR B. GOODMAN, Mayor and BARBARA JO RONEMUS, City Clerk, City of Las Vegas, known to me to be the person(s) described in and who executed the foregoing instrument and who acknowledged to me that they executed the same freely and voluntarily and for the uses and purposes therein mentioned.

Gabriela S. Portillo-Brenner

NOTARY PUBLIC, in and for said
County and State



STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

On this ____ day of _____, 2004, personally appeared before me, a Notary Public in and for said County and State, _____, known to me to be the person 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 therein mentioned.

NOTARY PUBLIC, in and for said
County and State

When recorded, mail to:

City of Las Vegas
Attn: Manager
Department of Public Works/Real Estate & Assets
400 Stewart Avenue, 4th Floor
Las Vegas, Nevada 89101



Site Map

Legend

- Street Centerline
- Parcels
- City of Las Vegas

Real Estate & Asset Mgmt



4/14/2004

EXHIBIT "B"
Bob Baskin Park Rental Fees

INITIAL 5-YEAR TERM	MONTHLY RENTAL PAYMENT	TOTAL YEARLY AMOUNT
1st YEAR	\$1,600.00	\$19,200.00
2nd YEAR	\$1,648.00	\$19,776.00
3rd YEAR	\$1,697.00	\$20,364.00
4th YEAR	\$1,748.00	\$20,976.00
5th YEAR	\$1,800.00	\$21,600.00

FIRST 5-YEAR RENEWAL TERM	MONTHLY RENTAL PAYMENT	TOTAL YEARLY AMOUNT
1st YEAR	\$1,854.00	\$22,248.00
2nd YEAR	\$1,910.00	\$22,920.00
3rd YEAR	\$1,967.00	\$23,604.00
4th YEAR	\$2,026.00	\$24,312.00
5th YEAR	\$2,087.00	\$25,044.00

SECOND 5-YEAR RENEWAL TERM	MONTHLY RENTAL PAYMENT	TOTAL YEARLY AMOUNT
1st YEAR	\$2,150.00	\$25,800.00
2nd YEAR	\$2,215.00	\$26,580.00
3rd YEAR	\$2,281.00	\$27,372.00
4th YEAR	\$2,349.00	\$28,188.00
5th YEAR	\$2,419.00	\$29,028.00

THIRD 5-YEAR RENEWAL TERM	MONTHLY RENTAL PAYMENT	TOTAL YEARLY AMOUNT
1st YEAR	\$2,492.00	\$29,904.00
2nd YEAR	\$2,567.00	\$30,804.00
3rd YEAR	\$2,644.00	\$31,728.00
4th YEAR	\$2,723.00	\$32,676.00
5th YEAR	\$2,805.00	\$33,660.00

EXHIBIT "C"

PLANS & DETAILS

Due to the size and volume of Exhibit "C," it is on file with the Department of Public Works, 400 Stewart Avenue, 4th Floor, Las Vegas, NV 89101.

EXHIBIT "D"

INSURANCE REQUIREMENTS

A. Prior to its occupancy of the Premises, the Lessee shall, at its sole cost and expense, obtain and thereafter, at all times during which this Lease is in force and effect, maintain bodily liability insurance covering the Premises and any and all improvements thereon in the amount of One Million and No/100th Dollars (\$1,000,000.00) for the injury to or the death of any one person and/or property damage combined single limit and One Million and No/100th Dollars (\$1,000,000.00), for injury to or the death of any number of persons and/or property damage as a result of any one occurrence.

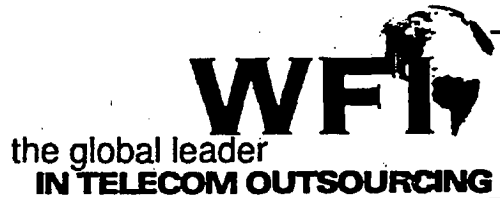
B. Within five (5) days after execution of this Lease Agreement and as a condition to this Lease Agreement continuing in force and effect, Lessee shall submit to City a certificate of insurance which evidences the above required coverage's and names the City as an additional insured. The policies with respect to such insurance coverage's shall be so endorsed as to create the same liability on the part of the insurer as though separate policies had been written for City and Lessee. The insurance coverage's shall be with an insurance carrier which is licensed to do business with the State of Nevada and which is acceptable to the City.

C. In the event that the Lessee fails to obtain or maintain the insurance coverage required herein, the City shall have the right to terminate this Lease.

D. Subject to NRS 41.035, Lessee hereby agrees to protect, indemnify, and hold the Lessor, 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 the Lessor, its officers, employees or agents, may suffer or which may be sought against or are recovered or obtainable from the Lessor, 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 the Lessee or its officers, employees, contractors, subcontractors, agents, volunteers or anyone who is directly or indirectly employed by, or is acting in concert with, the Lessee, officers, its employees, contractors, subcontractors, volunteers or agents in the performance of this Agreement.

E. In this connection, the Lessee expressly agrees, at its sole cost and expense, to defend the Lessor, 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 the Lessee has agreed to indemnify the Lessor, its officers, employees and agents. If the Lessee fails so to do, the Lessor 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 the Lessee.

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



11/14/2003

City of Las Vegas
Mr. David Roark
731 S. Fourth St.
Las Vegas NV 89101

Dear Mr. Roark,

Please accept this letter per your request to confirm that Pacific Bell Wireless DBA Cingular Wireless is in fact part of a publicly traded company. Cingular Wireless L.L.C. is a subsidiary of SBC Communications Inc. SBC Communications Inc is currently listed on the New York Stock Exchange as symbol "SBC". Also for your reference is the SEC form "10-K" for your reference that shows the exact ownership and business that SBC and its affiliates are involved in. Please contact me if you need additional information in this matter.

Best Regards,

Ron Ayers
Site Acquisition
702-501-8439

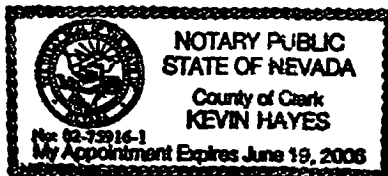
NOTARY ACKNOWLEDGMENT FOR INDIVIDUAL

STATE OF NEVADA
COUNTY OF CLARK

I, a Notary Public of the County and State aforesaid, certify that Ron Ayers came before me this day and acknowledged the execution of the foregoing instrument. Witness my hand and official stamp or seal, this 14TH day of NOVEMBER, 2003.

[AFFIX NOTARY SEAL]

Notary Public
My commission expires: 6/19/06



 cingular
WIRELESS

FORM 10-K

UNITED STATES
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

(Mark One)



ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d)
OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended December 31, 2002

OR



TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d)
OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from _____ to _____

Commission File Number: 1-8610

SBC COMMUNICATIONS INC.

Incorporated under the laws of the State of Delaware
I.R.S. Employer Identification Number 43-1301883

175 E. Houston, San Antonio, Texas 78205-2233
Telephone Number 210-821-4105

Securities registered pursuant to Section 12(b) of the Act: (See attached Schedule A)

Securities registered pursuant to Section 12(g) of the Act: None.

Indicate by check mark whether the registrant (1) has filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months (or for such shorter period that the registrant was required to file such reports), and (2) has been subject to such filing requirements for the past 90 days.

Yes X No _____

Indicate by check mark if disclosure of delinquent filers pursuant to Item 405 of Regulation S-K is not contained herein, and will not be contained, to the best of registrant's knowledge, in definitive proxy or information statements incorporated by reference in Part III of this Form 10-K or any amendment to this Form 10-K. ()

Indicate by check mark whether the registrant is an accelerated filer (as defined in Exchange Act Rule 12b-2).

Yes X No _____

Based on the closing price of \$30.50 per share on June 28, 2002, the aggregate market value of our voting and non-voting common stock held by non-affiliates was \$101.4 billion.

As of February 28, 2003, 3,320,400,321 shares of Common Stock were outstanding.

DOCUMENTS INCORPORATED BY REFERENCE

- (1) Portions of SBC Communications Inc.'s Annual Report to Shareowners for the fiscal year ended December 31, 2002 (Parts I and II).
- (2) Portions of SBC Communications Inc.'s Notice of 2003 Annual Meeting and Proxy Statement dated on or about March 14, 2003 (Parts III and IV).

SCHEDULE A

Securities Registered Pursuant To Section 12(b) Of The Act:

<u>Title of each class</u>	<u>Name of each exchange on which registered</u>
Common Shares (Par Value \$1.00 Per Share)	New York, Chicago and Pacific Stock Exchanges
6.875% Fifty Year Southwestern Bell Telephone Company Debentures, Due March 31, 2048	New York Stock Exchange
7.00% Forty Year SBC Communications Inc. Notes, Due June 1, 2041	New York Stock Exchange

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PART I

ITEM 1. BUSINESS

GENERAL

SBC Communications Inc. (SBC) is a holding company incorporated under the laws of the State of Delaware in 1983 and has its principal executive offices at 175 E. Houston, San Antonio, Texas 78205-2233 (telephone number 210-821-4105). SBC maintains an internet site at <http://www.sbc.com>. (This web site address is for information only and is not intended to be an active link or to incorporate any web site information into this document.) We make available, free of charge, on our website our annual report on Form 10-K, our quarterly reports on Form 10-Q, current reports on Form 8-K and all amendments to those reports as soon as reasonably practicable after such reports are electronically filed with the SEC.

Throughout this document SBC is referred to as "we" or "SBC".

History

SBC was formed as one of several regional holding companies created to hold AT&T Corp.'s (AT&T) local telephone companies. On January 1, 1984, SBC was spun-off from AT&T pursuant to an anti-trust consent decree, becoming an independent publicly traded telecommunications services provider. At formation, we primarily operated in five southwestern states. SBC subsidiaries merged with Pacific Telesis Group (PAC) in 1997, Southern New England Telecommunications Corporation (SNET) in 1998 and Ameritech Corporation (Ameritech) in 1999, thereby expanding our wireline operations as the incumbent local exchange carrier into a total of 13 states. Our services and products have been marketed under several brands including SBC Ameritech, SBC Nevada Bell, SBC Pacific Bell, SBC SNET, SBC Southwestern Bell, and, through our joint venture with BellSouth Corporation (BellSouth), Cingular Wireless (Cingular). In December 2002, in order to further establish the public's awareness of SBC as a national telecommunications provider, we moved our regional SBC brands to a single brand, SBC, for all states except Connecticut.

Scope

We rank among the largest providers of telecommunications services in the United States and the world. Through our subsidiaries, we provide communications services and products in the United States and have investments in more than 25 countries. We offer our services and products to businesses and consumers, as well as other providers of telecommunications services.

The services and products that we offer vary by market, and include: local exchange services, wireless communications, long-distance services, internet services, telecommunications equipment, and directory advertising and publishing. We group our operating subsidiaries as follows, corresponding to our operating segments for financial reporting purposes:

- wireline subsidiaries provide primarily land and wire based services,
- wireless subsidiaries hold our investment in Cingular, which provides primarily radio wave based services,
- directory subsidiaries provide services related to directory advertising and publishing,
- international subsidiaries hold investments in primarily foreign entities outside of the United States, and
- other subsidiaries provide corporate operations, and prior to 2001, primarily provided security monitoring and cable television services.

Our principal wireline subsidiaries provide telecommunications services in thirteen states: California, Texas, Illinois, Michigan, Ohio, Missouri, Connecticut, Indiana, Wisconsin, Oklahoma, Kansas, Arkansas and Nevada (13-state area). Wireline local exchange services offered in the 13-state area are provided through regulated subsidiaries which operate within authorized regions (in-region) subject to regulation by each state in which they operate and by the Federal Communications Commission (FCC). Additional information relating to regulation is contained under the heading "Government Regulation" below and in the 2002 SBC Annual Report

to Shareowners under the heading "Operating Environment and Trends of the Business", and is incorporated herein by reference pursuant to General Instruction G(2).

InterLATA Long-distance

We offer landline interLATA (traditional) long-distance services to customers in selected areas outside our wireline subsidiaries' operating areas. Further, we offer interLATA wireline long-distance services to customers in Texas, Kansas, Oklahoma, Arkansas, Missouri, California and Connecticut. In December 2002, the Public Utilities Commission of Nevada approved our Nevada wireline subsidiary's application to enter the interLATA long-distance market in Nevada and we filed for approval from the FCC on January 14, 2003. In January 2003, the Michigan Public Service Commission approved our Michigan wireline subsidiary's application to enter the interLATA long-distance market in Michigan and we filed for approval from the FCC on January 16, 2003. The FCC must issue its decision within 90 days of our filings, if it deems our filings complete. Finally, we continue to seek long-distance approval in our other remaining in-region states and have filed applications with state commissions in Illinois, Indiana, Ohio and Wisconsin.

Broadband Initiative

In October 1999, we announced plans to upgrade our network to make broadband services available to approximately 80% of our U.S. wireline customers over the four years through 2003 (Project Pronto). Due to the weakening U.S. economy and an adverse regulatory environment, in October 2001 we announced a scale-back in our broadband deployment plans. Specifically, burdensome FCC and state commission regulations regarding our DSL network have added significantly to our costs and delayed our ability to earn a profit on DSL service. Our cable modem competitors are not subject to these regulations. This adverse regulatory environment was the primary reason we decided to slow the build-out of our broadband network. We expect to spend significantly less on capital expenditures due to this scale-back. Despite this scale-back, our DSL lines continue to grow and were approximately 2,199,000 at December 31, 2002 compared to 1,333,000 at the end of 2001 and we expect DSL to achieve profitability in early 2004. Our addressable broadband market included 66% of our consumer and small business locations at December 31, 2002.

The FCC began its review of the rules for the provision of domestic broadband services by incumbent local carriers or their affiliates in December 2001. The FCC is reviewing broadband services offered over cable, satellite and wireless platforms in addition to traditional wireline offerings. In February 2002, the FCC issued a notice of proposed rulemaking tentatively concluding that wireline broadband access services are information services rather than telecommunications services, which would result in less regulation. The FCC also is considering eliminating the requirement that wireline telephone companies provide the transmission component of broadband internet access services as stand-alone telecommunications services and whether it should adopt an alternative broadband access requirement for internet service providers. Cable operators have no obligation to provide third-party internet service providers access to their broadband networks at this time, although the FCC has initiated a proceeding to consider the issue.

In December 2002, the FCC ruled that advanced services, such as DSL, provided through one of our advanced services subsidiaries, are not subject to tariff regulations and cost study requirements. However, we are still required to retain cost data and offer our retail advanced services for resale at a discount. This ruling should allow us to respond more quickly to offerings by unregulated competitors. The FCC is expected to complete its broadband review in mid-2003 and the effect of the review on our results of operations and financial position cannot be determined at this time. In a separate proceeding, the FCC addressed other broadband issues; see "FCC Triennial Review" in "Recent Developments" below.

Wireless

Cingular, our wireless joint venture with BellSouth, began operations in October 2000. Cingular serves approximately 22 million wireless cellular and PCS subscribers and is the second-largest provider of mobile wireless voice and data communications services in the United States, based on the number of wireless subscribers. Cingular has access to licenses to provide cellular or PCS wireless communications services covering an aggregate population of potential subscribers, referred to as "POPs", of approximately 231 million, or approximately 81% of the U.S. population, including 45 of the 50 largest U.S. metropolitan areas.

Cingular's priorities for 2003 include promotion of the Cingular brand to expand its customer base profitably; continued realization of revenue and cost synergies offered by its formation; increasing the capacity, speed and functionality of its network through the continued rollout of wireless data services by overlaying Global System for Mobile Communications (GSM) voice, which is the standard digital cellular phone technology used in Europe and other countries around the world, and General Packet Radio Service (GPRS) high-speed data technology over its existing networks; development and promotion of advanced wireless data applications over multiple communications devices; and continued expansion of its existing footprint and network capacity by obtaining access to additional spectrum, primarily through spectrum exchanges, purchases, mergers or acquisitions.

BUSINESS OPERATIONS

Operating Segments

Our segments are strategic business units that offer different products and services and are managed accordingly. As required by U.S. generally accepted accounting principles (GAAP), our operating segment results follow our internal management reporting. We evaluate performance based on income before income taxes adjusted for special items. We have five reportable segments that reflect the current management of our business: (1) wireline; (2) wireless; (3) directory; (4) international; and (5) other.

Additional information about our segments, including financial information and special items, is included under the heading "Segment Results" on pages 9 through 17 and in Note 4 of the 2002 SBC Annual Report to Shareowners and is incorporated herein by reference pursuant to General Instruction G(2).

Wireline

Wireline is our largest operating segment, providing approximately 74% of 2002 revenues from all our segments. Our wireline segment operates as both a retail and wholesale seller of communication services. We provide landline telecommunications services, including local, network access, data, long-distance services, internet services, and customer premises and private branch exchange (PBX) equipment. Our landline telecommunications subsidiaries serve approximately 31.4 million retail consumer, 19.5 million retail business, 5.7 million wholesale and 0.5 million other access lines, for a total of 57.1 million access lines in our 13-state area.

Services and Products

We divide our wireline services into four product-based categories – voice, data, long-distance and other.

Voice - Voice includes traditional local service provided to retail customers and wholesale access to our network and individual network elements provided to competitors. Voice also includes vertical services (described below), fees to maintain wire located inside customer premises, pay telephones, and other miscellaneous voice products.

Vertical services are enhanced telephone services available to retail customers such as Caller ID, Call Waiting, and voice mail. Customers that subscribe to these services can have the number and/or name of callers

displayed on their phone, be signaled that additional calls are incoming, and send and receive voice messages. These services are not regulated by the FCC and are generally more profitable than basic local phone service.

Data - Data includes traditional products, such as switched and dedicated transport, internet access and network integration, and data equipment sales.

Switched Transport services transmit data using switching equipment to transfer the data between multiple lines before reaching its destination. Dedicated Transport services use a single direct line to transmit data between destinations. Integrated Services Digital Network (ISDN), Dedicated Frame Relay, DSL, Digital Services and Synchronous Optical Network (SONET) are examples of Dedicated Transport services. ISDN transmits voice, video, and data over a single line in support of a wide range of applications, including internet access. Frame Relay is a routing technology that breaks a data signal into individual pieces of data to travel at high speeds and then recombines the data prior to arriving at its destination. DSL is a digital modem technology that converts existing twisted-pair telephone lines into access paths for multimedia and high-speed data communications to the Internet or private networks. DSL allows customers to simultaneously make a phone call and access information via the Internet or an office local area network. Digital Services use dedicated digital circuits to transmit digital data at various high rates of speed. SONET provides customer access to our backbone network at various high speeds.

Network integration services include installation of business data systems, local area networking, and other data networking offerings. Internet access services include a wide range of products for residences and businesses, varying by market. Internet services offered include basic dial-up access service, dedicated access, web hosting, e-mail, and high-speed access services.

Prodigy Acquisition

During 2000, we formed a relationship with Prodigy Communications Corporation (Prodigy) that combined our residential and small business internet operations. In the fourth quarter of 2001, we acquired Prodigy. Additional financial information on the Prodigy acquisition is contained in Note 2 of the 2002 SBC Annual Report to Shareowners and is incorporated herein by reference pursuant to General Instruction G(2).

Yahoo! Alliance

In November 2001, we formed a strategic alliance with Yahoo! to provide co-branded broadband and dial-up service to residential customers nationwide. SBC and Yahoo! expanded the alliance in April 2002 to include co-branded broadband and dial-up services designed for small businesses. During the second quarter of 2002, the companies launched SBC Yahoo! Dial - a national dial-up internet service for residential users. During the third quarter, the companies launched SBC Yahoo! DSL for residential customers in SBC's 13-state region. SBC and Yahoo! plan to launch co-branded services for small businesses in 2003.

Cisco Agreement

In December 2002, we formed a strategic marketing and sales agreement with Cisco Systems Inc. (Cisco) to provide business services that will combine Cisco's equipment and our transport and integration services. We also intend to use select Cisco technology in our network infrastructure to deliver new services. Customers will be able to cost-effectively outsource these business services and SBC service centers will serve as a single point of contact.

Long-distance voice - Long-distance voice consists of all interLATA (traditional long-distance) and intraLATA (local toll) wireline revenues, including calling card and 1-800 services. Federal regulation prohibits us from providing interLATA wireline long-distance services in six of our 13 in-region states. We provide interLATA wireline long-distance to our customers in Texas, Kansas, Oklahoma, Arkansas, Missouri, California and Connecticut. In addition, since 1996, we have offered interLATA wireline long-distance services to customers in selected areas outside our 13-state region.

Other - Customer premises equipment and other equipment sales range from single-line and cordless telephones to sophisticated digital PBX systems. PBX is a private telephone switching system, typically used by businesses and usually located on a customer's premises, which provides intra-premise telephone services as well as access to our network.

Wireless

Our wireless segment provides domestic wireless telecommunications services, including local, long-distance and roaming services. Wireless services and products offered also include certain enhanced services, paging services and wireless equipment. Due to the contribution of substantially all of our domestic wireless operations to Cingular (discussed below), reported operating revenues and expenses do not include revenues or expenses from Cingular; instead we reflect our 60% share of its net income as equity in net income of affiliates. Consequently, on a reported basis, our Wireless segment had no operating revenues.

While our reported operating revenues do not include Cingular's results, we do include 60% of Cingular's revenues and expenses (which equals our economic ownership percentage) when we analyze our operating segment results. On that segment basis, the wireless segment provided approximately 17% of 2002 revenues from all our segments.

Cingular Wireless Joint Venture

In April 2000, we formed a joint venture with BellSouth to provide domestic wireless services nationally. In October 2000, most of our and BellSouth's wireless operations were contributed to Cingular, which then began operations. Economic ownership in Cingular is held 60% by us and 40% by BellSouth. We have equal voting rights and representation on the board of directors that controls Cingular. Because we share control equally, we use the equity method of accounting to account for our interest.

Cingular faces substantial competition in all aspects of its business as competition continues to increase in the wireless communications industry. Under current FCC rules, six or more PCS licensees, two cellular licensees and one or more enhanced specialized mobile radio licensees may operate in each of Cingular's markets. On average, Cingular has four to five other wireless competitors in each of its markets and competes for customers based principally on price, service offerings, call quality, coverage area and customer service.

Cingular's competitors are principally five national (Verizon Wireless, AT&T Wireless, Sprint PCS, Nextel Communications and T-Mobile) and a larger number of regional providers of cellular, PCS and other wireless communications services. Cingular also competes with resellers and wireline service providers. Moreover, Cingular may experience significant competition from companies that provide similar services using other communications technologies and services. While some of these technologies and services are now operational, others are being developed or may be developed in the future.

Additional information on Cingular is contained in the 2002 SBC Annual Report to Shareowners under the heading "Expected Growth Areas - Wireless" beginning on page 19 and is incorporated herein by reference pursuant to General Instruction G(2).

Directory

Our directory segment includes advertising, Yellow and White Pages directories and electronic publishing. The directory segment provided approximately 9% of 2002 revenues from all our segments. Our directory subsidiaries operate primarily in our 13-state region.

International

Our international segment includes all of our investments with primarily international operations. We have direct or indirect interests in businesses located in more than 25 countries and as of December 31, 2002, have international investments with a carrying value of approximately \$7 billion (including approximately \$700 million for our interest in Cegetel, which we sold in January 2003 for approximately \$2.3 billion, and approximately \$300 million in marketable equity securities of BCE, Inc.(BCE).) Our international investments include local and long-distance telephone services, wireless communications, voice messaging, data services, video services, internet access, telecommunications equipment, and directory publishing. We report earnings from this segment as equity in net income of affiliates rather than as operating revenue because this segment consists almost exclusively of equity investments rather than direct operations. Revenues from our international segment are less than 1% of 2002 revenues from all our segments.

We describe below our foreign equity investments and significant transactions relating to these investments. Financial information about this segment is included in Note 6 of the 2002 SBC Annual Report to Shareowners and is incorporated herein by reference pursuant to General Instruction G(2).

Europe

We hold a 41.6% stake in TDC A/S (TDC), Denmark's primary full-service communications operator. TDC has investments in full service communications providers in Switzerland with a 78.5% investment in Sunrise, and in Belgium with a 16.5% investment in Belgacom S.A. (Belgacom). TDC has investments in wireless services in the Ukraine, Lithuania, Poland, Austria and Germany. TDC also has investments in communications providers in the Czech Republic, Hungary, Finland, Norway and Sweden. We have the right to elect six of twelve members of the TDC Board of Directors, including the Chairman, who would cast any tie-breaking vote.

In January 2001, TDC acquired a majority interest in diAx A.G (diAx), a wireless and long-distance provider in Switzerland owned by SBC International and diAx Holdings. In the first quarter of 2003, TDC acquired the remaining shares from diAx Holdings, pursuant to an agreement negotiated at the time of the original transaction.

In Belgium, we hold a 17.5% stake in Belgacom, that country's primary full-service telecommunications operator, and effectively own 24.4% of Belgacom when our direct stake is combined with the stake we hold indirectly through TDC. With approximately 4.7 million access lines and more than 3.5 million cellular customers, Belgacom provides local, long-distance, cellular and other communications services and offers directories and security services. During 2001, Belgacom entered into an agreement with an unaffiliated special purpose entity (SPE) that allowed Belgacom, at its discretion, the option to sell portions of its Netherlands wireless operations to the SPE in unspecified amounts until the end of 2002. The SPE had the right to put the investment to a subsidiary of Deutsche Telekom. During 2002, Deutsche Telekom issued an irrevocable call option notice calling all shares of the Netherlands wireless operations that were held by Belgacom and TDC. The transaction closed in September 2002.

In 2002, we agreed to sell to Vodafone Group PLC (Vodafone) our 15% equity interest in Cegetel S.A. (Cegetel), a joint venture that owns 80% of the second-largest wireless provider in France. The transaction closed in January 2003. Additional information on this transaction is contained in Note 2 of the 2002 SBC Annual Report to Shareowners and is incorporated herein by reference pursuant to General Instruction G(2).

North America

In the second quarter of 2002, we entered into two agreements with Bell Canada Holdings Inc. (Bell Canada): (1) to redeem a portion of our ownership in Bell Canada, representing approximately 4% of the company and (2) an agreement that gave BCE the right to purchase our remaining interest in Bell Canada, representing approximately 16% of the company, during the fourth quarter of 2002. Bell Canada redeemed our 4% interest in the second quarter of 2002. BCE exercised its right to purchase our remaining 16% interest in Bell Canada

during the fourth quarter of 2002. Additional information on these transactions is contained in Note 2 of the 2002 SBC Annual Report to Shareowners and is incorporated herein by reference pursuant to General Instruction G(2).

We own a 7.6% equity share in Teléfonos de México, S.A. de C.V. (Telmex), Mexico's largest national telecommunications provider of wireline services. Telmex operates approximately 14.5 million access lines. Through our relationship, we have worked with Telmex to develop an advanced network, and have helped Telmex achieve its goal of providing enhanced telephone service throughout Mexico.

We are a member of a consortium that holds all of the class AA shares of Telmex stock, representing voting control of the company. Another member of the consortium, Carso Global Telecom, S.A. de C.V. (Carso), has the right to appoint a majority of the directors of Telmex.

In February 2002, U.S. trade officials announced that they would formally ask for a World Trade Organization (WTO) panel to investigate the allegation that Mexico has unfairly kept U.S. companies from competing in its \$12 billion telecommunications market. U.S. trade officials requested the WTO create a Dispute Settlement Board in April 2002 and the WTO completed the panel selection in July 2002. Telmex expects that the panel findings will be made final and published in July 2003.

As of December 31, 2002, Telmex had approximately 70% of the long-distance market in Mexico. Telmex's share of international long-distance traffic may decline significantly when the proportional return mechanism expires. This mechanism guarantees Telmex the same percentage of incoming traffic as outgoing traffic. In 2002, Telmex and its competitors agreed to eliminate the proportional return mechanism and agreed on new settlement rates based on the point of destination or origination of the call. These rates will be in effect until January 2004, when the proportional return mechanism expires.

In 2000, Telmex spun-off its wireless and certain other operations to its shareowners as a separate business, América Móvil S.A. de C.V. (América Móvil), which serves more than 30 million wireless customers. We own a 7.6% interest in América Móvil.

We are a member of a consortium that holds all of the class AA shares of América Móvil stock, representing voting control of the company. Another member of the consortium, Carso, had the right to appoint a majority of the directors of América Móvil. In January 2002, Carso transferred its ownership interest in América Móvil to Americas Telecom S.A. de C.V., and with that the right to appoint a majority of the directors of América Móvil.

South America

In January 2002, we purchased from América Móvil its approximately 50% of Cellular Communications of Puerto Rico (CCPR) for cash and a note redeemable for our investment in Telecom Americas. We retained the right to settle the note by delivering Telecom Americas shares. This represented a forward sale of our interest in Telecom Americas. In connection with this transaction, we reviewed the values at which we would carry CCPR and our interest in Telecom Americas and recognized a charge of \$390 million (\$262 million net of tax) for the reduction of our direct and indirect book values to the value indicated by the transaction. We based this valuation on a contemporaneous transaction involving CCPR and an independent third party. The charges were recorded in both other income (expense) – net \$(341) million and equity in net income of affiliates \$(49) million. América Móvil exercised its option to acquire our shares of Telecom Americas in July 2002.

Africa/Middle East

We hold an 18% indirect ownership stake in Telkom S.A. Limited (Telkom), South Africa's largest local exchange and long-distance company. Currently, Telkom serves nearly 5.0 million access lines in South Africa, and also owns 50% of a second national wireless network serving more than 7.3 million wireless customers through Telkom's wireless subsidiary, Vodacom.

We own a 9% stake in Amdocs Limited (Amdocs), a major supplier of billing and customer service software used by telecommunications companies worldwide. Amdocs, a Guernsey Island corporation, has operations throughout the world with many of its programming support services located in Israel.

MAJOR CLASSES OF SERVICE

The following table sets forth the percentage of consolidated total reported operating revenues by any class of service that accounted for 10% or more of our consolidated total operating revenues in any of the last three fiscal years.

	Percentage of Consolidated Total Reported Operating Revenues		
	2002	2001	2000
Wireline Segment			
Voice	57%	58%	52%
Data	22%	21%	16%
Wireless Segment			
Wireless subscriber	-	-	10%
Directory Segment			
Directory advertising ¹	10%	10%	9%

¹ Approximately 96%, 96% and 95% of directory advertising revenues were recorded in the Directory segment for 2002, 2001 and 2000. The remaining directory advertising revenues were recorded in the Wireline segment.

Voice and Data are included in the Wireline segment and each also exceeds 10% of the wireline segment's total operating revenues. Beginning in 2001, all of our wireless segment revenues are reported in equity in net income of affiliates in our consolidated financial statements because they are generated by Cingular. Directory advertising revenues are included in our directory segment's results of operations and are approximately 97% of directory's total operating revenues.

We analyze our wireless segment's results by including 60% of Cingular's revenues and expenses, an amount that equals our economic ownership percentage. The below table shows the effect on our other classes of services (shown in the above table) if 60% of Cingular's revenues are added to our total operating revenues.

	Percentage of Consolidated Total Segment Operating Revenues (including Cingular)		
	2002	2001	2000
Wireline Segment			
Voice	48%	49%	50%
Data	19%	18%	15%
Wireless Segment			
Wireless subscriber	15%	13%	12%

GOVERNMENT REGULATION

In our 13-state area, our wireline subsidiaries are subject to regulation by state commissions which have the power to regulate intrastate rates and services, including local, long-distance and network access services. Our wireline subsidiaries are also subject to the jurisdiction of the FCC with respect to interstate and international rates and services, including interstate access charges. Access charges are designed to compensate our wireline subsidiaries for the use of their network by other carriers.

Additional information relating to federal and state regulation of our wireline subsidiaries is contained in the 2002 SBC Annual Report to Shareowners under the heading "Regulatory Developments" beginning on page 20, and is incorporated herein by reference pursuant to General Instruction G(2).

IMPORTANCE, DURATION AND EFFECT OF LICENSES

Certain of our subsidiaries own or have licenses to various patents, copyrights, trademarks and other intellectual property necessary to conduct business. We also license other companies to use this intellectual property. We do not believe that the expiration of any of our intellectual property rights, or the nonrenewal of those rights, would have a material adverse affect on our results of operations.

MAJOR CUSTOMER

No customer accounted for more than 10% of our consolidated revenues in 2002, 2001 or 2000.

COMPETITION

Information relating to competition in each of our operating segments is contained in the 2002 SBC Annual Report to Shareowners under the heading "Competition" beginning on page 23, and is incorporated herein by reference pursuant to General Instruction G(2).

RESEARCH AND DEVELOPMENT

The majority of our research and development activities are related to our wireline segment. Applied research, technology planning and evaluation services are conducted at our subsidiary, SBC Technology Resources, Inc. We also have a research agreement with Telcordia Technologies, formerly Bell Communications Research, Inc. Research and development expenses were not material in 2002, 2001 or 2000.

EMPLOYEES

As of January 31, 2003, we employed approximately 175,400 persons. Approximately two-thirds of our employees are represented by the Communications Workers of America (CWA) and the International Brotherhood of Electrical Workers (IBEW).

RECENT DEVELOPMENTS

FCC Triennial Review On February 20, 2003, the FCC, in its Triennial Review proceeding, issued a press release describing general rules it approved concerning the obligations of incumbent local exchange carriers, such as our wireline subsidiaries, to make available network elements on an unbundled and subsidized basis. These rules will replace the FCC's previous unbundling rules, which have been vacated by the United States Court of Appeals for the District of Columbia (D.C. Court of Appeals). The FCC did not release a text of its decision prior to the filing of this Form 10-K and public information about the FCC's ruling is somewhat limited. Additional information about the order and its implications for SBC will be known once the text of the decision is released. Set forth below is a summary of what we now know about the decision.

The Triennial Review decision, rather than establishing a uniform national structure for unbundled network elements (UNEs) as mandated by the D.C. Court of Appeals in May 2002, largely defers decisions on UNEs to the states, including rules for below-cost unbundled network element-platform (UNE-P). The FCC is also revising rules regarding combinations of unbundled loop and dedicated transport elements. ("Impairment", when used below, has been defined by the FCC to mean an economic or operational barrier(s) to providing service; this term should not be confused with the GAAP term "impairment" used in a financial context in certain sections of our Annual Report.)

- **UNE-P** UNE-P is a combination of all of the network elements necessary to provide complete local service to a customer. To the extent that any one of those network elements is not required, the UNE-P itself cannot be required. From a practical perspective, the network element most relevant to the UNE-P is "switching", i.e., the routing of telephone calls or data. In its decision, the FCC declined to reach any definitive conclusions with regard to the switching element, instead leaving to each state to determine the extent, if any, to which unbundled switching must be provided. The FCC did, however, establish certain presumptions in this regard. Specifically, it presumed that competitors are not "impaired" in their ability to serve larger business customers (those using a high capacity loop facility) without access to unbundled switching. It presumed that competitors are "impaired" in their ability to serve other customers. The decision purportedly will set forth specific criteria that each state commission may apply to determine, on a "granular" basis, whether impairment actually exists in a particular market. The state commissions will have three months to overcome the presumption of a lack of impairment for larger business customers. They are given nine months to complete the "granular" analysis for other customers. If the analysis concludes that impairment does not exist, there will be a three-year transition period off below-cost UNE-P, but the FCC did not offer any further details about that transition.
- **Dedicated Transport** The FCC redefines dedicated transport to include only those transmission facilities connecting incumbents' switches or central offices, thus eliminating unbundling of entrance facilities (connections between the incumbent and competitor networks). The FCC concludes that competitive local exchange carriers are considered impaired if they do not have access to dark fiber (unused fiber that must be equipped with electronics before it can transmit a communications signal) and DS3 and DS1 capacity transport, except where alternative wholesale facilities are available. State commissions are to perform route-specific, "granular" analysis to determine if such alternative wholesale facilities exist for each of these services. Dark fiber and DS3 transport are also each subject to review by the state commissions to identify whether competing carriers are able to provide their own facilities. If state analysis determines that there is no impairment, incumbents will not be required to provide below-cost data transport services. (Data transport services, also referred to as "special access" services are a component of our wireline revenues.)
- **Enhanced Extended Links (EELs)** Incumbent local exchange carriers, such as our wireline subsidiaries, are currently required to provide combinations of unbundled loop and transport elements, i.e., EELs, to carriers that are using such combinations to provide a significant amount of local service. The Triennial Review decision apparently revises the test for determining when the "significant local service" test has been met. While the details of the new test have not been released, we do know that the decision eliminates the existing restriction on "commingling" UNEs with access services. The ability to order new combinations means that competitors, in some cases, can order unbundled loop and transport combinations without having first ordered them as special access services and then converting them to UNEs.
- **Broadband** The Triennial Review decision, as described in the FCC's press release, eliminates unbundling of certain telecommunications technology that is primarily used for transmitting data and high-speed internet access across telephone lines. For example, it eliminates unbundling of the packet-switching capabilities (a highly efficient method of transmitting data) of incumbents' local loops and eliminates unbundling of certain fiber-to-the-home (FTTH) loops. FTTH loops are fiber-optic loops that connect directly from carriers' networks to customers' premises. Traditional telephone lines are copper; fiber-optic lines are made of glass and can carry more information over far longer distances than copper. Under the new FCC rules, packet-switching and FTTH loops are not considered UNEs; therefore, our wireline subsidiaries will not be required to sell them to competitors at below-cost UNE prices. However,

incumbents must continue to provide unbundled access to copper-loop and sub-loop lines and in areas where unregulated fiber-optic lines are installed in place of copper-loop lines, incumbents will be required to provide "narrowband service" (to be clarified in the decision text) unbundled access over the fiber-optic lines. Additionally, incumbents may face constraints on retiring copper-loop or sub-loop lines without prior state regulatory approval. Although our evaluation of this requirement depends on the scope and implementation standards included in the text of the FCC's decision, continued operation of copper lines that we would otherwise have retired may increase our future expenses and require us to reduce our future capital expenditure budget.

Under the FCC's Line Sharing Order, incumbents, such as our wireline subsidiaries, were required to share, on an unbundled basis, the high-frequency portion of the local telephone lines with competitors so that competitors could offer DSL services on a national basis. As set forth in the FCC's press release, under the Triennial Review decision, this high-frequency portion of the telephone line is no longer considered a UNE. During a three-year period, competitive carriers will be required to pay an increasing amount for the services and transition existing customers to new arrangements.

- **UNE Pricing Rules** The decision apparently clarifies two components of the FCC UNE-pricing rules that govern the rates incumbents, such as our wireline subsidiaries, charge competitors for interconnection and leasing portions of the incumbents' telephone networks. First, it recommends that the cost of capital used in calculating UNE prices should reflect the risks associated with a competitive market; and second, it states that the use of accelerated depreciation may present a more accurate measure of calculating economic depreciation. It appears that much of this portion of the decision consists of suggestions rather than mandates and it is not clear the extent to which the states will adhere to these guidelines; therefore, the effects of this portion of the decision on our financial position and results of operations are uncertain at this time.
- **Further Notice of Proposed Rulemaking (FNPR)** The Triennial Review decision opens a FNPR to seek comment on whether the FCC should modify its "pick-and-choose" rule that permits requesting competitive carriers to opt into individual portions of interconnection agreements without accepting all the terms and conditions of the agreements.

Due to the lack of detailed information about the new rules in the FCC's press release, we cannot analyze or quantify the effects of this decision until we review the text of the decision; however, the new unbundling rules will most likely create an even more uncertain and more complex regulatory environment for our wireline subsidiaries, possibly resulting in further reductions in capital expenditures and employment levels. As the new rules give each state commission the authority to determine which network elements are to be unbundled and to set UNE-P rules, the rules will likely vary by state as well as be subject to implementation and federal appeal on a state-by-state basis rather than uniform implementation and review at the federal level. Furthermore, several of the new rules, including the FCC's finding of presumed impairment for switching, or UNE-P, appear legally suspect. The D.C. Court of Appeals, in vacating the FCC's UNE Remand Order, mandated that the FCC apply a meaningful impairment standard when evaluating UNEs. However, in the Triennial Review decision, the FCC has provided rules that force incumbents to provide core facilities (i.e., switching and UNE-P) to competitors for at least another four years without any finding that competitors would be impaired without such facilities. Although some relief appears to have been provided by the broadband provisions of the FCC's Triennial Review decision, the decision may create increased uncertainty and we expect that the decision may have an overall unfavorable effect on our results of operations and financial position. We will provide further information, as it becomes available, in our 2003 Forms 10-Q. The Triennial Review decision is expected to be effective 30 days after official publication and likely will be appealed by various parties.

CAUTIONARY LANGUAGE CONCERNING FORWARD-LOOKING STATEMENTS

Information set forth in this report contains forward-looking statements that are subject to risks and uncertainties. We claim the protection of the safe harbor for forward-looking statements provided by the Private Securities Litigation Reform Act of 1995.

The following factors could cause our future results to differ materially from those expressed in the forward-looking statements:

- Adverse economic changes in the markets served by SBC or in countries in which SBC has significant investments.
- Changes in available technology and the effects of such changes including product substitutions and deployment costs.
- Continued weakness in the U.S. securities market and adverse medical cost trends.
- The final outcome of Federal Communications Commission proceedings, including the Triennial Review and other rulemakings, and judicial review, if any, of such proceedings, including issues relating to jurisdiction, unbundled network elements and platforms (UNE-Ps) and unbundled loop and transport elements (EELs).
- The final outcome of state regulatory proceedings in SBC's 13-state area, and judicial review, if any, of such proceedings, including proceedings relating to interconnection terms, access charges, universal service, UNE-Ps and resale rates, SBC's broadband initiative known as Project Pronto, service standards and reciprocal compensation.
- Enactment of additional state, federal and/or foreign regulatory laws and regulations pertaining to our subsidiaries and foreign investments.
- Our ability to absorb revenue losses caused by UNE-P requirements and maintain capital expenditures.
- The timing of entry and the extent of competition in the local and intraLATA toll markets in SBC's 13-state area and the resulting pressure on access line totals and operating margins.
- Our ability to develop attractive and profitable product/service offerings to offset increasing competition in our wireline and wireless markets.
- The ability of our competitors to offer product/service offerings at lower prices due to adverse regulatory decisions, including state regulatory proceedings relating to UNE-Ps.
- Additional delays in our entry into the in-region long-distance market.
- The issuance by the Financial Accounting Standards Board or other accounting oversight bodies of new accounting standards or changes to existing standards.
- The impact of the Ameritech transaction, including performance with respect to regulatory requirements, and merger integration efforts.
- The timing, extent and cost of deployment of Project Pronto, its effect on the carrying value of the existing wireline network and the level of consumer demand for offered services.
- The impact of the wireless joint venture with BellSouth, known as Cingular, including marketing and product-development efforts, access to additional spectrum, technological advancements and financial capacity.
- Decisions by federal and state regulators and courts relating to bankruptcies of industry participants.

Readers are cautioned that other factors discussed in this report, although not enumerated here, also could materially impact our future earnings.

ITEM 2. PROPERTIES

Our properties do not lend themselves to description by character and location of principal units. At December 31, 2002, approximately 99% of our property, plant and equipment was owned by our wireline subsidiaries. Network access lines represented approximately 39% of the wireline subsidiaries' investment in telephone plant; central office equipment represented approximately 42%; land and buildings represented approximately 9%; other equipment, comprised principally of furniture and office equipment and vehicles and other work equipment, represented approximately 7%; and other miscellaneous property represented approximately 3%.

Substantially all of the installations of central office equipment are located in buildings and on land that we own. Many garages, administrative and business offices and telephone centers are in leased quarters.

ITEM 3. LEGAL PROCEEDINGS

We are a party to numerous lawsuits, regulatory proceedings and other matters arising in the ordinary course of business. In our opinion, although the outcomes of these proceedings are uncertain, they should not have a material adverse effect on the company's financial position, results of operations or cash flows. As of the date of this report, we do not believe that any pending legal proceedings to which we or our subsidiaries are subject are required to be disclosed as material legal proceedings pursuant to this item.

ITEM 4. SUBMISSION OF MATTERS TO A VOTE OF SECURITY HOLDERS

No matter was submitted to a vote of shareowners in the fourth quarter of the fiscal year covered by this report.

EXECUTIVE OFFICERS OF THE REGISTRANT
(As of March 14, 2003)

<u>Name</u>	<u>Age</u>	<u>Position</u>	<u>Held Since</u>
Edward E. Whitacre Jr.	61	Chairman and Chief Executive Officer	1/1990
John H. Atterbury III	54	Group President – Operations	11/2002
James W. Callaway	56	Group President	11/1999
William M. Daley	54	President	12/2001
James D. Ellis	59	Senior Executive Vice President and General Counsel	3/1989
Karen E. Jennings	52	Senior Executive Vice President - Human Resources and Communications	10/1998
James S. Kahan	55	Senior Executive Vice President - Corporate Development	7/1993
Forrest E. Miller	50	Group President - Corporate Planning	10/2002
Randall L. Stephenson	42	Senior Executive Vice President and Chief Financial Officer	8/2001
Rayford Wilkins, Jr.	51	Group President	6/2002

All of the above executive officers have held high-level managerial positions with SBC or its subsidiaries for more than the past five years, except for Mr. Daley. Mr. Daley was Vice Chairman and Senior Managing Director of Evercore Partners Inc. from May 2001 to December 2001. He was Chairman of the Gore/Lieberman Campaign from July 2000 to December 2000, and he was Secretary of Commerce from January 1997 to July 2000. Prior to that, he was a partner in the law firm of Mayer, Brown & Platt from 1993 to 1997. Executive officers are not appointed to a fixed term of office.

PART II

ITEM 5. MARKET FOR REGISTRANT'S COMMON EQUITY AND RELATED STOCKHOLDER MATTERS

Our common stock is listed on the New York, Chicago and Pacific stock exchanges as well as the Swiss Exchange. Our stock is traded on the London Stock Exchange through the SEAQ International Markets facility. The number of shareowners of record as of December 31, 2002 and 2001 were 1,027,716 and 1,086,775. We paid dividends, on a quarterly basis, totaling \$1.08 per share in 2002 and \$1.025 per share in 2001. During 2002, non-employee directors acquired from SBC shares of common stock pursuant to the Non-Employee Director Stock and Deferral Plan. Under the plan, a director may make an annual election to receive all or part of his or her annual retainer or fees in the form of SBC shares or deferred stock units (DSUs) that are convertible into SBC shares. Each director also receives an annual grant of DSUs. During 2002 an aggregate of 93,113 SBC shares and DSUs were acquired by non-employee directors at prices ranging from \$20.15 to \$38.50, in each case the fair market value of the shares on the date of acquisition. The issuances of shares and DSUs were exempt from registration pursuant to Section 4(2) of the Securities Act.

Other information required by this Item is included in the 2002 SBC Annual Report to Shareowners under the headings "Quarterly Financial Information" on page 59, "Selected Financial and Operating Data" on page 4, and "Stock Trading Information" on the back cover, which are incorporated herein by reference pursuant to General Instruction G(2).

ITEM 6. SELECTED FINANCIAL AND OPERATING DATA

Information required by this Item is included in the 2002 SBC Annual Report to Shareowners under the heading "Selected Financial and Operating Data" on page 4 which is incorporated herein by reference pursuant to General Instruction G(2).

ITEM 7. MANAGEMENT'S DISCUSSION AND ANALYSIS OF FINANCIAL CONDITION AND RESULTS OF OPERATION

Information required by this Item is included in the 2002 SBC Annual Report to Shareowners on page 5 through page 30, which is incorporated herein by reference pursuant to General Instruction G(2).

ITEM 7A. QUANTITATIVE AND QUALITATIVE DISCLOSURES ABOUT MARKET RISK

Information required by this Item is included in the 2002 SBC Annual Report to Shareowners under the heading "Market Risk" on page 29, which is incorporated herein by reference pursuant to General Instruction G(2).

ITEM 8. FINANCIAL STATEMENTS AND SUPPLEMENTARY DATA

Information required by this Item is included in the 2002 SBC Annual Report to Shareowners on page 31 through page 60, which is incorporated herein by reference pursuant to General Instruction G(2).

ITEM 9. CHANGES IN AND DISAGREEMENTS WITH ACCOUNTANTS ON ACCOUNTING AND FINANCIAL DISCLOSURE

No changes in or disagreements with accountants have occurred on any accounting or financial disclosure matters during the period covered by this report.

PART III

ITEM 10. DIRECTORS AND EXECUTIVE OFFICERS OF THE REGISTRANT

Information regarding executive officers required by Item 401 of Regulation S-K is furnished in a separate disclosure at the end of Part I of this report since the registrant did not furnish such information in its definitive proxy statement prepared in accordance with Schedule 14A. Other information required by this Item 10 is included in the registrant's definitive proxy statement, dated on or about March 14, 2003, under the heading "Board of Directors" beginning on page 10 which is incorporated herein by reference pursuant to General Instruction G(3).

ITEM 11. EXECUTIVE COMPENSATION

Information required by this Item is included in the registrant's definitive proxy statement, dated on or about March 14, 2003, under the headings "Compensation of Directors" from page 13 through page 14, and "Compensation Committee Interlocks and Insider Participation", "Executive Compensation" but not including the Report of the Human Resources Committee on Executive Compensation, "Pension Plans", and "Contracts with Management" from page 25 through page 40, which are incorporated herein by reference pursuant to General Instruction G(3).

ITEM 12. SECURITY OWNERSHIP OF CERTAIN BENEFICIAL OWNERS AND MANAGEMENT

Information required by this Item is included in the registrant's definitive proxy statement, dated on or about March 14, 2003, under the heading "Common Stock Ownership of Directors and Officers" on page 15, which is incorporated herein by reference pursuant to General Instruction G(3).

Equity Compensation Plan Information

The following table provides information as of December 31, 2002, concerning shares of SBC common stock authorized for issuance under SBC's existing equity compensation plans.

Equity Compensation Plan Information (1)

Plan Category	Number of securities to be issued upon exercise of outstanding options, warrants and rights (a)	Weighted-average exercise price of outstanding options, warrants and rights (b)	Number of securities remaining available for future issuance under equity compensation plans (excluding securities reflected in column (a)) (c)
Equity compensation plans approved by security holders	74,758,152	\$37.11	65,103,556 (2)
Equity compensation plans not approved by security holders	118,869,021	\$40.20	33,823,778 (3)
Total	193,627,173	\$39.00	98,927,334

- (1) In addition to the shares shown in the above table, certain stock options issued by companies acquired by SBC were converted into options to acquire SBC stock. As of December 31, 2002, there were 35,845,941 shares of SBC common stock subject to the converted options, having a weighted-average exercise price of \$28.28. No further grants may be issued under the assumed plans.

- (2) Included in the total are up to 5,959,100 shares that may be issued as restricted stock and 18,000,000 shares that may be issued pursuant to performance shares under the 2001 Incentive Plan.

Also included are up to 7,383,167 shares that may be purchased under the Stock Savings Plan (a deferred compensation and stock option plan) by mid-level and above managers through payroll deductions, together with limited matching shares for managers who do not receive matching contributions in the 401(k) plan and shares issuable upon reinvestment of dividend equivalents. The shares purchased are not delivered to the employee until after retirement, subject to certain accelerated delivery provisions. Shares relating to restricted stock and performance shares from the 2001 Incentive Plan may also be deferred under the Stock Savings Plan (but without matching shares and stock options). Pending delivery of the deferred shares, the managers earn dividend equivalents that are reinvested in additional Shares. The Stock Savings Plan also has a stock option component, for which 13,278,154 shares are included in the table for future issuance. For each share purchased with payroll deductions, the manager receives approximately two such stock options, each having a term of ten years, which may be limited upon termination of employment. The Stock Savings Plan was approved by shareowners in 1994. The plan was amended in 2000 to increase the number of shares available for purchase under the plan (including shares from the company match and reinvested dividend equivalents) and shares subject to options by 8,000,000 and 13,000,000, respectively. The amounts shown for approved plans in columns (a) and (c) include these additional shares. Shareowner approval was not required or obtained for the amendment.

- (3) Plans that have not been approved by shareowners include the 1995 Management Stock Option Plan (1995 Plan), 2001 Stock Option Grant to Bargained-for and Certain Other Employees (Bargained-For Plan), and the Non-Employee Director Stock and Deferral Plan (Non-Employee Director Plan). The 1995 Plan and the Bargained-For Plan provide for grants of stock options to management employees (10 year terms) and Bargained-For employees (5 year terms), respectively, subject in each case to vesting requirements and shortened exercise terms upon termination of employment. Under the Non-Employee Director Plan, participants may elect to receive stock units in lieu of retainers and fees. In addition, each non-employee director receives an annual award of stock units equal in value to one and one-half times the annual retainer. Directors who become board members after November 21, 1997, also receive up to 10 annual grants of stock units equal to \$13,000 each. The stock units are paid out in the form of SBC stock only after the termination of the employment of a director. Under the plan, 672,080 shares remain available under the plan and are included in the table.

ITEM 13. CERTAIN RELATIONSHIPS AND RELATED TRANSACTIONS

Information required by this Item is included in the registrant's definitive proxy statement, dated on or about March 14, 2003, under the heading "Compensation of Directors" from page 13 through page 14 and "Contracts with Management" from page 37 through page 40, which are incorporated herein by reference pursuant to General Instruction G(3).

ITEM 14. CONTROLS AND PROCEDURES

The company maintains disclosure controls and procedures that are designed to ensure that information required to be disclosed by the Company is recorded, processed, summarized and reported within the time periods specified in the Securities and Exchange Commission's rules and forms. The Chief Executive Officer and Chief Financial Officer have performed an evaluation of the effectiveness of the design and operation of the Company's disclosure controls and procedures as of March 14, 2003. Based on that evaluation, the Chief Executive Officer and Chief Financial Officer concluded that the Company's disclosure controls and procedures were effective as of March 14, 2003. There have been no significant changes in the Company's internal controls or in other factors that could significantly affect internal controls subsequent to March 14, 2003.

ITEM 15. EXHIBITS, FINANCIAL STATEMENT SCHEDULES, AND REPORTS ON FORM 8-K

(a) Documents filed as a part of the report:

	<u>Page</u>
(1) Report of Independent Auditors	*
Financial Statements covered by Report of Independent Auditors:	
Consolidated Statements of Income	*
Consolidated Balance Sheets	*
Consolidated Statements of Cash Flows	*
Consolidated Statements of Shareowners' Equity	*
Notes to Consolidated Financial Statements	*

* Incorporated herein by reference to the appropriate portions of the registrant's annual report to shareowners for the fiscal year ended December 31, 2002. (See Part II.)

	<u>Page</u>
(2) Financial Statement Schedules:	
II - Valuation and Qualifying Accounts	21

Financial statement schedules other than those listed above have been omitted because the required information is contained in the financial statements and notes thereto, or because such schedules are not required or applicable.

(3) Exhibits:

Exhibits identified in parentheses below, on file with the Securities and Exchange Commission (SEC), are incorporated herein by reference as exhibits hereto. Unless otherwise indicated, all exhibits so incorporated are from File No. 1-8610.

Exhibit Number

- 3-a Restated Certificate of Incorporation, filed with the Secretary of State of Delaware on June 30, 2000. (Exhibit 3-a to Form 10-K for 2000.)
- 3-b Bylaws amended June 30, 2000. (Exhibit 3 to Form 8-K dated June 30, 2000.)
- 4-a Pursuant to Regulation S-K, Item 601(b)(4)(iii)(A), no instrument which defines the rights of holders of long-term debt of the registrant or any of its consolidated subsidiaries is filed herewith. Pursuant to this regulation, the registrant hereby agrees to furnish a copy of any such instrument to the SEC upon request.
- 4-b Guaranty of certain obligations of Pacific Bell Telephone Co. and Southwestern Bell Telephone Co. (Exhibit 4-d to Form 10-K for 1999.)
- 4-c Guaranty of certain obligations of Ameritech Capital Funding Corp., Illinois Bell Telephone Co., Indiana Bell Telephone Co. Inc., Michigan Bell Telephone Co., The Ohio Bell Telephone Co., Pacific Bell Telephone Co., Southern New England Telecommunications Corp., The Southern New England Telephone Co., Southwestern Bell Telephone Co., Wisconsin Bell, Inc. (Exhibit 4-e to Form 10-K for 1999.)

- 10-a Short Term Incentive Plan.
- 10-b Supplemental Life Insurance Plan.
- 10-c Supplemental Retirement Income Plan.
- 10-d Senior Management Deferred Compensation Plan (effective for Units of Participation Having a Unit Start Date Prior to January 1, 1988).
- 10-e Senior Management Deferred Compensation Program of 1988 (effective for Units of Participation Having a Unit Start Date of January 1, 1988 or later).
- 10-f Senior Management Long Term Disability Plan. (Exhibit 10-f to Form 10-K for 1986.)
- 10-g Salary and Incentive Award Deferral Plan.
- 10-h Executive Health Plan, formerly the Supplemental Health Plan.
- 10-i Retirement Plan for Non-Employee Directors. (Exhibit 10-k to Form 10-K for 1997.)
- 10-j Form of Indemnity Agreement, effective July 1, 1986, between SBC and its directors and officers. (Appendix 1 to Definitive Proxy Statement dated March 18, 1987.)
- 10-k Forms of Change of Control Severance Agreements for officers of SBC and certain officers of SBC's subsidiaries (Approved November 21, 1997). (Exhibit 10-n to Form 10-K for 1997.)
- 10-l Stock Savings Plan.
- 10-m 1992 Stock Option Plan. (Exhibit 10-n to Form 10-K for 2001.)
- 10-n Officer Retirement Savings Plan. (Exhibit 10-q to Form 10-K for 1997.)
- 10-o 1996 Stock and Incentive Plan.
- 10-p Non-Employee Director Stock and Deferral Plan.
- 10-q Pacific Telesis Group Deferred Compensation Plan for Nonemployee Directors. (Exhibit 10gg to Form 10-K for 1996 of Pacific Telesis Group (Reg. 1-8609).)
- 10-q(i) Resolutions amending the Plan, effective November 21, 1997. (Exhibit 10-v(i) to Form 10-K for 1997.)
- 10-r Pacific Telesis Group Outside Directors' Deferred Stock Unit Plan. (Exhibit 10oo to Form 10-K for 1995 of Pacific Telesis Group (Reg. 1-8609).)
- 10-s Pacific Telesis Group 1996 Directors' Deferred Compensation Plan. (Exhibit 10qq to Form 10-K for 1996 of Pacific Telesis Group (Reg. 1-8609).)
- 10-s(i) Resolutions amending the Plan, effective November 21, 1997. (Exhibit 10-v(i) to Form 10-K for 1997.)

- 10-t Pacific Telesis Group 1994 Stock Incentive Plan. (Attachment A to Pacific Telesis Group's 1994 Proxy Statement filed March 11, 1994, and amended March 14 and March 25, 1994.)
- 10-t(i) Resolutions amending the Plan, effective January 1, 1995. (Attachment A to Pacific Telesis Group's 1995 Proxy Statement, filed March 13, 1995.)
- 10-u 2001 Incentive Plan.
- 10-v Employment Agreement between SBC and William M. Daley. (Exhibit 10-x to Form 10-K for 2001.)
- 10-w Employment Agreement between SBC and Edward E. Whitacre Jr. (Exhibit 10-y to Form 10-K for 2001.)
- 10-x 2001 Stock Option Grant to Bargained-for and Certain Other Employees.
- 10-y 1995 Management Stock Option Plan.
- 12 Computation of Ratios of Earnings to Fixed Charges.
- 13 Portions of SBC's Annual Report to shareowners for the fiscal year ended December 31, 2002. Only the information incorporated by reference into this Form 10-K is included in the exhibit.
- 21 Subsidiaries of SBC.
- 23 Consent of Ernst & Young LLP.
- 24 Powers of Attorney.
- 99-a Annual Report on Form 11-K for the SBC Savings Plan for the year 2002 to be filed under Form 10-K/A.
- 99-b Annual Report on Form 11-K for the SBC Savings and Security Plan for the year 2002 to be filed under Form 10-K/A.

We will furnish to shareowners upon request, and without charge, a copy of the annual report to shareowners and the proxy statement, portions of which are incorporated by reference in the Form 10-K. We will furnish any other exhibit at cost.

(b) Reports on Form 8-K:

On October 16, 2002, we filed a Form 8-K, reporting on Item 5., Other Events, our agreement to sell our interest in Cegetel S.A. to Vodafone Group PLC.

No other reports on Form 8-K were filed during the fourth quarter of 2002.

SBC COMMUNICATIONS INC.
SCHEDULE II - VALUATION AND QUALIFYING ACCOUNTS
Allowance for Uncollectibles
Dollars in Millions

Schedule II - Sheet 1

COL. A	COL. B	COL. C	COL. D	COL. E
Additions				
	(1)	(2)		
	Balance at	Charged	Charged	
	Beginning of	to Costs and	to Other	
Description	Period	Expenses-Note (a)	Accounts	Deductions
			-Note (b)	-Note (c)
Year 2002.....	\$ 1,254	1,407	620	1,854
Year 2001	\$ 1,016	1,384	293	1,439(d)
Year 2000	\$ 1,389	885	264	1,522(e)

- (a) Excludes direct charges and credits to expense on the statements of income and reinvested earnings related to interexchange carrier receivables.
- (b) Includes amounts previously written off which were credited directly to this account when recovered and amounts related to long-distance carrier receivables which are being billed by SBC.
- (c) Amounts written off as uncollectible.
- (d) Includes \$50 from the sale of SecurityLink.
- (e) Includes \$81 transferred to Cingular.

SBC COMMUNICATIONS INC.
SCHEDULE II - VALUATION AND QUALIFYING ACCOUNTS
Accumulated Amortization of Intangibles
Dollars in Millions

Schedule II - Sheet 2

COL. A	COL. B	COL. C	COL. D	COL. E	
Additions					
Description	Balance at Beginning of Period	(1) Charged to Expense	(2) Charged to Other Accounts	Deductions	Balance at End of Period
Year 2002	\$ 771	199	-	477(a)	\$ 493
Year 2001	\$ 746	481	1	457(b)	\$ 771
Year 2000	\$ 1,325	1,268(c)	(262)(d)	1,585(e)	\$ 746

- (a) Includes \$364 related to goodwill which is no longer amortized under Statement of Financial Accounting Standards No. 142, "Goodwill and Other Intangible Assets."
- (b) Includes \$277 from the sale of SecurityLink and \$101 transfer to Cingular.
- (c) Includes impairment of underlying assets at SecurityLink.
- (d) Primarily related to the transfer to Cingular.
- (e) Includes \$962 transfer to Cingular and \$670 related to impairment at SecurityLink.

SIGNATURES

Pursuant to the requirements of Section 13 or 15(d) of the Securities Exchange Act of 1934, the registrant has duly caused this report to be signed on its behalf by the undersigned, thereunto duly authorized, on the 14th day of March, 2003.

SBC COMMUNICATIONS INC.

By /s/ Randall Stephenson
(Randall Stephenson
Senior Executive Vice President and
Chief Financial Officer)

Pursuant to the requirements of the Securities Exchange Act of 1934, this report has been signed below by the following persons on behalf of the registrant and in the capacities and on the date indicated.

Principal Executive Officer:
Edward E. Whitacre Jr.*
Chairman and
Chief Executive Officer

Principal Financial and
Accounting Officer:
Randall Stephenson
Senior Executive Vice President and
Chief Financial Officer

/s/ Randall Stephenson
(Randall Stephenson, as attorney-in-fact
and on his own behalf as Principal
Financial Officer and Principal
Accounting Officer)

March 14, 2003

Directors:

Edward E. Whitacre Jr.*
Gilbert F. Amelio*
Clarence C. Barksdale*
James E. Barnes*
August A. Busch III*
William P. Clark*
Martin K. Eby, Jr.*
Herman E. Gallegos*
Jess T. Hay*
James A. Henderson*
Bobby R. Inman*

Charles F. Knight*
Lynn M. Martin*
John B. McCoy*
Mary S. Metz*
Toni Rembe*
S. Donley Ritchey*
Joyce M. Roché*
Carlos Slim Helú*
Laura D'Andrea Tyson*
Patricia P. Upton*

* by power of attorney

CERTIFICATIONS

I, Edward E. Whitacre Jr., certify that:

1. I have reviewed this annual report on Form 10-K of SBC Communications Inc.;
2. Based on my knowledge, this annual report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this annual report;
3. Based on my knowledge, the financial statements, and other financial information included in this annual report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this annual report;
4. The registrant's other certifying officers and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-14 and 15d-14) for the registrant and have:
 - a) designed such disclosure controls and procedures to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this annual report is being prepared;
 - b) evaluated the effectiveness of the registrant's disclosure controls and procedures as of a date within 90 days prior to the filing date of this annual report (the "Evaluation Date"); and
 - c) presented in this annual report our conclusions about the effectiveness of the disclosure controls and procedures based on our evaluation as of the Evaluation Date;
5. The registrant's other certifying officers and I have disclosed, based on our most recent evaluation, to the registrant's auditors and the audit committee of registrant's board of directors (or persons performing the equivalent functions):
 - a) all significant deficiencies in the design or operation of internal controls which could adversely affect the registrant's ability to record, process, summarize and report financial data and have identified for the registrant's auditors any material weaknesses in internal controls; and
 - b) any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal controls; and
6. The registrant's other certifying officers and I have indicated in this annual report whether there were significant changes in internal controls or in other factors that could significantly affect internal controls subsequent to the date of our most recent evaluation, including any corrective actions with regard to significant deficiencies and material weaknesses.

Date: March 14, 2003

/s/ Edward E. Whitacre Jr.

Edward E. Whitacre Jr.

Chairman and Chief Executive Officer

I, Randall Stephenson, certify that:

- 1. I have reviewed this annual report on Form 10-K of SBC Communications Inc.;**
- 2. Based on my knowledge, this annual report does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements made, in light of the circumstances under which such statements were made, not misleading with respect to the period covered by this annual report;**
- 3. Based on my knowledge, the financial statements, and other financial information included in this annual report, fairly present in all material respects the financial condition, results of operations and cash flows of the registrant as of, and for, the periods presented in this annual report;**
- 4. The registrant's other certifying officers and I are responsible for establishing and maintaining disclosure controls and procedures (as defined in Exchange Act Rules 13a-14 and 15d-14) for the registrant and have:**
 - a) designed such disclosure controls and procedures to ensure that material information relating to the registrant, including its consolidated subsidiaries, is made known to us by others within those entities, particularly during the period in which this annual report is being prepared;**
 - b) evaluated the effectiveness of the registrant's disclosure controls and procedures as of a date within 90 days prior to the filing date of this annual report (the "Evaluation Date"); and**
 - c) presented in this annual report our conclusions about the effectiveness of the disclosure controls and procedures based on our evaluation as of the Evaluation Date;**
- 5. The registrant's other certifying officers and I have disclosed, based on our most recent evaluation, to the registrant's auditors and the audit committee of registrant's board of directors (or persons performing the equivalent functions):**
 - a) all significant deficiencies in the design or operation of internal controls which could adversely affect the registrant's ability to record, process, summarize and report financial data and have identified for the registrant's auditors any material weaknesses in internal controls; and**
 - b) any fraud, whether or not material, that involves management or other employees who have a significant role in the registrant's internal controls; and**
- 6. The registrant's other certifying officers and I have indicated in this annual report whether there were significant changes in internal controls or in other factors that could significantly affect internal controls subsequent to the date of our most recent evaluation, including any corrective actions with regard to significant deficiencies and material weaknesses.**

Date: March 14, 2003

/s/ Randall Stephenson

Randall Stephenson

Senior Executive Vice President

and Chief Financial Officer

EXHIBIT 12

SBC COMMUNICATIONS INC.
COMPUTATION OF RATIOS OF EARNINGS TO FIXED CHARGES
Dollars in Millions

	2002	2001	2000	1999	1998
Income Before Income Taxes, Extraordinary Items and Cumulative Effect of Accounting Changes*	\$ 8,871	\$ 10,223	\$ 12,095	\$ 10,382	\$ 11,859
Add: Interest Expense	1,382	1,599	1,592	1,430	1,605
Dividends on Preferred Securities	10	57	118	118	114
1/3 Rental Expense	195	266	252	236	228
Adjusted Earnings	\$ 10,458	\$ 12,145	\$ 14,057	\$ 12,166	\$ 13,806
Total Interest Charges	\$ 1,440	\$ 1,718	\$ 1,693	\$ 1,511	\$ 1,691
Dividends on Preferred Securities	10	57	118	118	114
1/3 Rental Expense	195	266	252	236	228
Adjusted Fixed Charges	\$ 1,645	\$ 2,041	\$ 2,063	\$ 1,865	\$ 2,033
Ratio of Earnings to Fixed Charges	6.36	5.95	6.81	6.52	6.79

*Undistributed earnings on investments accounted for under the equity method have been excluded. The 2001 and 2000 results have been restated for our adoption of the fair value recognition provisions of Statement of Financial Accounting Standards No. 123, "Accounting for Stock-Based Compensation" (FAS 123) as amended by Statement of Financial Accounting Standards No. 148, "Accounting for Stock-Based Compensation - Transition and Disclosure" (FAS 148). The years 1999 and 1998 were not restated for our adoption of FAS 148, as allowed by the standard.

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

DEPARTMENT: CITY MANAGER'S OFFICE

DIRECTOR: DOUGLAS A. SELBY

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Report and possible action regarding the status of the Memorandum of Understanding between Sher Development, LLC, and the City of Las Vegas for the development of a zoo at Floyd Lamb State Park - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Sher Development, LLC requested an opportunity to report to the City Council, an update on the status of the Memorandum of Understanding approved on March 17, 2004 by the City Council. The consultant to the Sher Development Group completed work on the feasibility studies related to establishing a zoo at Floyd Lamb State Park in June 2004. The results of the study and impacts upon the feasibility of a zoo at Floyd Lamb State Park from State restrictions for passive recreation uses and land ownership issues will be discussed by the proponents.

RECOMMENDATION:

Receive the report and direct staff accordingly.

BACKUP DOCUMENTATION:

1. Memorandum of Understanding
2. Submitted after meeting: hardcopy of PowerPoint

MOTION:

MACK – ACCEPTED the Report and APPROVED further exploration – UNANIMOUS with BROWN not voting

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

DOUG SELBY, City Manager

ED SHER, Sher Development

ROGER BULLOCK, President and CEO, Sher Capital

CITY COUNCIL MEETING OF JULY 21, 2004

Administrative

Item 63 - Report and possible action regarding the status of the Memorandum of Understanding between Sher Development, LLC, and the City of Las Vegas for the development of a zoo at Floyd Lamb State Park - Ward 6 (Mack)

MINUTES – Continued:

APPEARANCES - Continued:

MIKE MITCHELL, MCM Group

MICHAEL MACK, Councilman

GARY REESE, Councilman

STEVE WOLFSON, Councilman

TOM MCGOWAN, Las Vegas resident

NOTE: MAYOR GOODMAN stressed that he would like to have more discussions on the possibility of a small zoo within the redevelopment area after seeing the report on that venue.

NOTE: COUNCILMAN MACK directed CITY MANAGER SELBY to investigate the City's procurement of Floyd Lamb Park without it being a burden to the City budget.

(10:31 – 11:02)

1-3261/2-1

**MEMORANDUM OF UNDERSTANDING
(Zoo Theme Park - Feasibility Study)**

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this 10th day of March, 2004, by and between SHER DEVELOPMENT, LLC ("Sher Development") and the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada ("City"). Sher Development and the City are sometimes referred to herein collectively as the "Parties."

RECITALS

WHEREAS, the City is considering the acquisition of the State of Nevada's interest in the following real property: (1) The 696 acre Floyd Lamb State Park ("State Park"); and (2) Additional acres surrounding the State Park that have been leased to the State by the BLM (the "Additional Property") (both properties sometimes referred to in combination as the "Property");

WHEREAS, Sher Development has offered to spend a total of up to \$2,000,000 to investigate the feasibility of developing a first class Zoo Theme Park (sometimes referred to as the "Zoo") on the Additional Property pursuant to the terms of this Memorandum of Understanding (the "Feasibility Studies");

WHEREAS, the City has not yet acquired the Property due to concerns regarding the cost of maintaining the State Park;

WHEREAS, Sher Development believes that the Feasibility Studies for the proposed Zoo Theme Park will demonstrate that the Zoo could generate sufficient excess revenues to offset the maintenance costs for the State Park;

WHEREAS, the Parties do not intend for the City to incur any costs related to the Feasibility Studies for the development of the Zoo Theme Park or the acquisition of the Property;

WHEREAS, the City desires to develop and maintain the State Park for the vital and best interests of the City, and the health, safety, morals and welfare of its residents which are in accord with the public purposes and provisions of applicable federal, state and local laws and requirements, and deems it appropriate to consider the development of such a Zoo Theme Park on the Additional Property;

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

1. EXCLUSIVE NEGOTIATION PERIOD. In consideration for the monies that have and will be expended by Sher Development to accomplish the Feasibility Studies necessary to determine whether development and operation of a Zoo Theme Park within the City limits would be viable, the City grants to Sher Development the exclusive right to negotiate with the City for the development of a Zoo, or any type of Zoo related Theme Park on City owned or leased land, for a period of two years from the date of this MOU.

2. DISPOSITION AND DEVELOPMENT AGREEMENT. If the development and operation of the proposed Zoo Theme Park reasonably appears to the Parties to be achievable and financially viable, and in accord with State and Federal requirements, then the City shall exercise its right to obtain the Property from the State and the Parties shall negotiate in good faith to draft and execute a Disposition and Development Agreement ("DDA") by the end of the two year exclusive negotiation period. Although the DDA will be submitted to the City Council for review and approval before it becomes binding, Sher Development contemplates that the DDA shall include provisions that: (1) Grant Sher Development the exclusive, assignable right to plan, design, construct, develop and operate the Zoo Theme Park (provided that the construction of the Zoo is completed within 3 years of the execution of the DDA); (2) Grant Sher Development an option to purchase or lease at fair market value selected contiguous portions of the Additional Property not occupied by the Zoo; and, (3) The City shall issue or assist in the issuance of non-recourse municipal revenue bonds in an amount sufficient to finance the development and start-up costs of the Zoo.

3. INTELLECTUAL PROPERTY. The Parties agree that Sher Development shall be the sole and exclusive owner of all tangible and intangible rights in the property developed for or generated during the completion of the Feasibility Studies, including but not limited to, any reports, charts, graphs, studies, findings, conclusions, work product, and any intellectual property rights therein. The Parties agree that Sher Development's property rights described herein shall be perpetual and unaffected by the termination of this MOU.

4. CONFIDENTIALITY. The Parties agree to keep all information developed in connection with the Feasibility Studies confidential to the extent permitted by law. Pursuant thereto, the City shall not disclose such information to any third party without the prior written permission of Sher Development. This obligation to keep the results of the Feasibility Studies confidential shall continue in full force and effect despite the expiration or termination of this MOU and regardless of the reason therefore.

5. THE INTENT OF THE PARTIES. The intent of the Parties in executing this MOU is to evaluate the feasibility of a Zoo Theme Park and (if the Feasibility Studies demonstrate that the development and operation of the Zoo is a reasonably feasible and viable undertaking in accordance with State and Federal requirements) to secure the Property from the State, and negotiate and execute the DDA in good faith. Upon the execution and delivery of the formal DDA, the terms of the DDA will supercede and replace this MOU. In the event that the Parties, after good faith negotiation, are unable to agree upon the final terms for the DDA by the end of the two-year exclusive negotiation period, this MOU will expire, and the Parties shall have no further duties to one another (except as otherwise indicated in Paragraphs 3 and 4 herein).

7. JURISDICTION AND ATTORNEYS FEES. Should any party hereto retain counsel for the purpose of initiating litigation to enforce or prevent the breach of any provision hereof, or for any other judicial remedy, then the prevailing party shall be entitled to be reimbursed by the losing party for all costs and expenses incurred therein, including, but not limited to, reasonable attorneys fees and costs. The Parties agree that Clark County, Nevada is the appropriate forum for any action relating to this MOU.

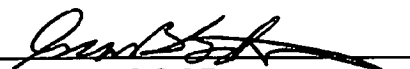
8. EXECUTION IN COUNTERPARTS. This MOU may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute one agreement. To facilitate the execution of this MOU, the parties may execute and exchange by telephone facsimile counterparts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

9. MISCELLANEOUS. Time is of the essence. No change, modification or amendment of this MOU shall be valid or binding unless such change, modification or amendment shall be in writing and signed by each party. This MOU will be binding upon the Parties, and all heirs, beneficiaries and devisees of the Parties, but is not assignable without the written consent of both Parties. This MOU is executed and is intended to be performed in the State of Nevada, and the laws of that state shall govern its interpretation and effect.

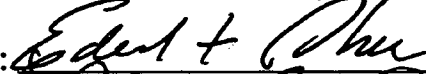
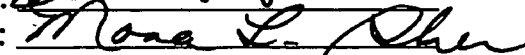
10. DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, Sher Development warrants that it has disclosed, on Exhibit A attached hereto, all Managers and Members of Sher Development, LLC, as well as all persons and entities holding more than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

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

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

SHER DEVELOPMENT, LLC

By: 
Its: 

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 3/17/04
DEPUTY CITY ATTORNEY DATE

EXHIBIT "A"

Disclosure of Principals
Sher Development, LLC

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

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. Edward F. SHER	3111 BEL AIR DR LAS VEGAS, NV. 89109	702.696.9397
2. MONA L. SHER	"	"

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

SHER DEVELOPMENT, LLC

By: Edward F. Sher
Its: Mona L. Sher

Subscribed and sworn to before me this
10th day of March, 2004.

Kathy P. Norman
Notary Public



Sher Development Feasibility Study

Engagement Objectives & Guidelines

GROUP

CE 100-94
7/21/04 #63

Study Objectives

- Evaluate the feasibility of adding a significant, permanent cultural amenity to the Las Vegas Community
- Evaluate an animal-centered attraction as one of the primary opportunities
- The attraction must produce sufficient revenues to meet operating expenses, periodic capital improvements, and retire the bond debt – in short, not require city subsidy
- Evaluate Floyd Lamb State Park and other potential locations for these attractions

Sher Development Guidelines

- Wholesome family experience
- Appropriate natural environment and experiences for the animals
- Provide animal conservation programs and field studies
- Present educational programs to the public
- Become a significant component of the community
- Become a certified AZA zoo

Market Analysis

Las Vegas Market

- Las Vegas is the largest American city without a base of traditional public cultural attractions
- Las Vegas is the third largest market in the U.S. with 27.6 million residents and overnight pleasure visitors. L.A./Orange county is 1st at 30.3 million and New York City 2nd with 28.8.
- Las Vegas ranks first in America with overnight pleasure visitors with 26.1 million. Orlando is a distant second with 19.8 million, L.A. 15.2 m.
- The conclusion is readily apparent – there is a significant market for cultural and animal attractions

Background of U.S. Animal Attractions

- 2000 animal attractions in U.S.
- 181 accredited AZA zoos and 36 Aquaria
- 10.7% of zoos achieve an attendance of 1.0 million
- 28.0% of zoos reach attendance over 500,000
- Large zoos range from 100 to 200 acres and 500 – 2000 mammals and 2000 – 6000 total animals
- Only 5 zoos have reached 500,000 visitors with less than 150 mammals

Cost of Animal Exhibits

Increasing demand to ensure positive experiences for animals and a demand for better public experiences is dramatically increasing exhibit costs:

Elephant Habitat	\$40 - \$50 Mil
Petting Zoo	\$30 Mil
Adventure Zoo Ride	\$15 Mil
Big Cat Predator Exhibit	\$5.0 – \$7.5 Mil
Orangutan Climbing Exhibit	\$5.0 - \$7.5 Mil
Small Exhibits	\$250,000 - \$1.0 Mil
Large Modern Zoo	\$150 - \$200 Mil

Who Goes to the Zoo

- Median Age 37 years
- Visitors with children 60%
- Attended College 81%
- Median Income \$52,500
- Average Annual Visits 4.8
- Median Drive 30 miles

Price to Attendance Relationship

Price	Zoo	Mkt Penetration
Free	Lincoln Park – Chicago	28.2%
Free	St Louis Zoo	67.0%
\$7.00	Albuquerque Zoo	82.5%
\$8.00	Oregon Zoo	38.2%
\$8.25	Los Angeles Zoo	11.6%
\$11.00	Denver Zoo	55.0%
\$11.50	Cincinnati Zoo	52.7%
\$12.50	Toronto Zoo	9.7%

Las Vegas Attraction

Concept Analysis

Concept Analysis

- Evaluate major city, traditional, large mammal zoo
- Evaluate mid-size and small zoo
- Evaluate specialized animal attractions integrated with other cultural amenities
- Evaluate 100 acre, 50 acre and 10 acre options

Major City Large Mammal Zoo

722,500 1.7 million residents @ 42.5% penetration

450,000 visitor penetration

1,172,500 attendance

\$9.00 mean adult admission price

\$3.60 mean yield (40%)

\$4.21 million admission revenue

\$4.89 million mean non-admission revenue (55%)

\$9.10 million total annual revenues

\$19.20 million annual operating expenses

\$6.40 million annual improvements

\$12.80 million capital loan repayment (\$150 million)-20 yrs

\$38.40 million total annual cash requirements

\$29.30 million annual public subsidy

Moderate Size Las Vegas Zoo

500,000	attendance
\$8.00	adult admission price
\$3.20	ticket yield
\$1.60 million	admission revenues
<u>\$2.00 million</u>	non-admission revenues
\$3.60 million	total revenues
\$5.00 million	operating budget
\$3.20 million	annual improvements
<u>\$6.40 million</u>	capital loan repayment (\$75.0 Mil.)
\$14.60 million	total annual cash requirements
\$11.40 million	annual public subsidy

Specialized Small Zoo

200,000	attendance (100,000 – 300,000)
\$8.00	adult admission price
\$3.20	ticket yield
\$0.64 million	admission revenues
<u>\$1.15 million</u>	non-admission revenues
\$1.79 million	total revenues
 \$1.50 million	 operating budget
\$0.50 million	annual improvements
<u>\$3.42 million</u>	capital loan repayment (\$40.0 Mil.)
\$ 5.42 million	total annual cash requirements
 \$ 3.63 million	 annual public subsidy (\$2 – \$5 mil)

Las Vegas Attraction

Location Analysis

Location Analysis – Floyd Lamb Park

- The passive use restriction on Floyd Lamb and adjacent BLM land will severely restrict the opportunity to develop a mixed use venue to meet financial requirements of the zoo.
- Traffic requirements of the zoo and supporting commercial facilities necessitates completing the proposed four-lane by-pass bordering Floyd Lamb. At present there is no budget allocation nor schedule commitment.
- The adjoining BLM Land might off-set the negative economics of the zoo if they were treated as one development. However the title transfer process for the BLM land is an unpredictable process.

Other Location Options

- Sites located more central to the metro population in the 50 – 60 acre range could support an animal attraction if profit-generating commercial activities were integrated
- Small 10 – 15 acre sites near the city core could also support specialized animal attractions integrated with other cultural amenities and commercial activities
- We found several potentially viable sites

Options

Specialized Animal Attractions

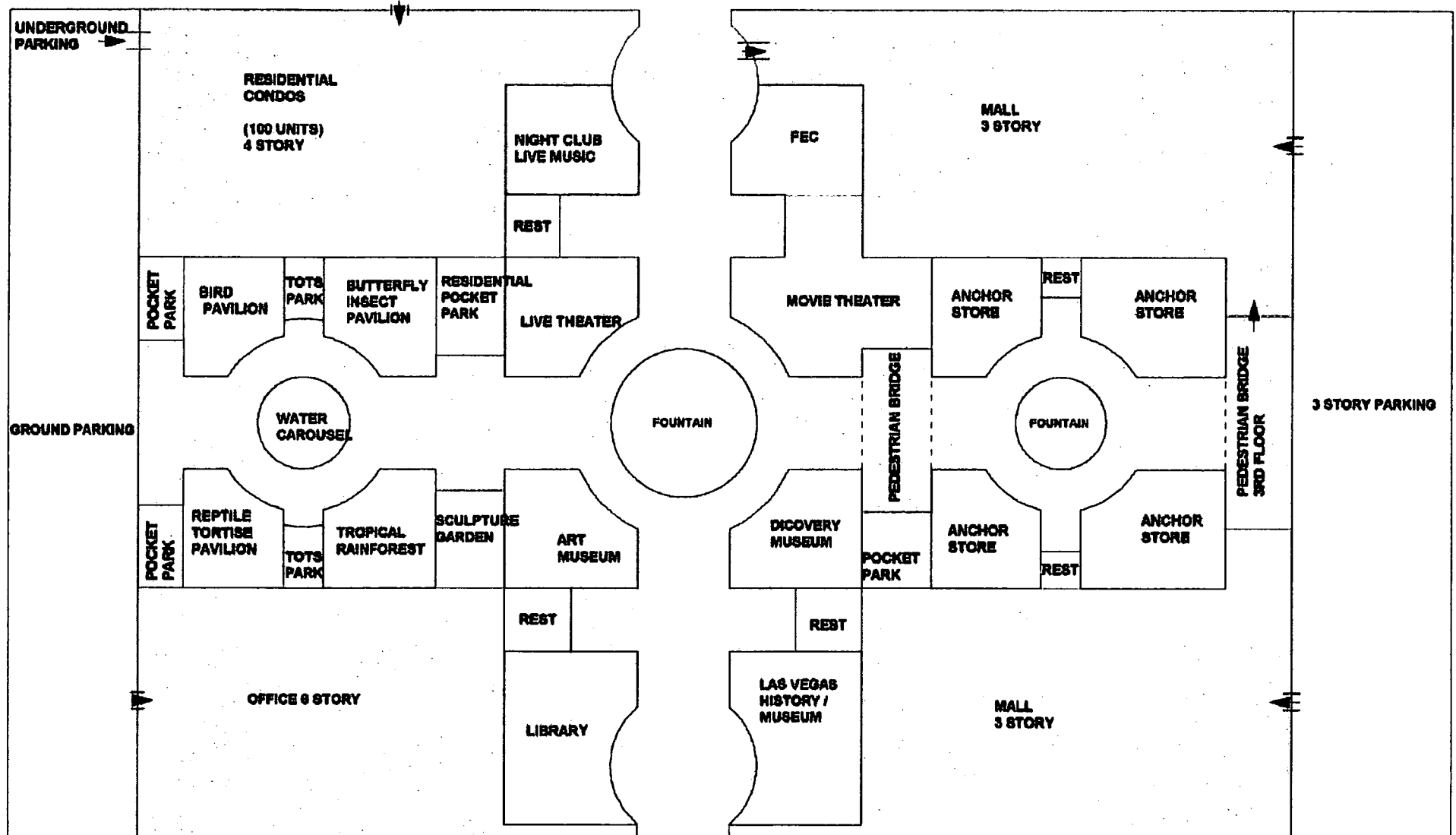
- Costs of major zoo exhibits are causing many groups to turn to smaller, more specialized animal experiences
- One example is Colorado's Butterfly Pavilion and Insect Center – a 16,000 SF facility on 5 acres adjoining a large mixed-use commercial development in Denver
- Private aquarium developers have been among the first to integrate into commercial centers – such as Landry's in Houston or the Aquarium at Mandalay Bay
- Each of these integrated projects have their own emphasis – museums, art and leisure activities with featured animals

Missing or Inadequate Lifestyle Amenities

- Zoo
- Classic Fine Art Museum
- Contemporary Art Museum
- Symphonic Hall
- Live Performance Theater
- History Museum
- Children's Museum
- Specialty Museums
- Science and Technology Center
- Botanical Gardens (under development)
- Heritage site
- War Memorial/Heritage Monument
- Religious Shrine

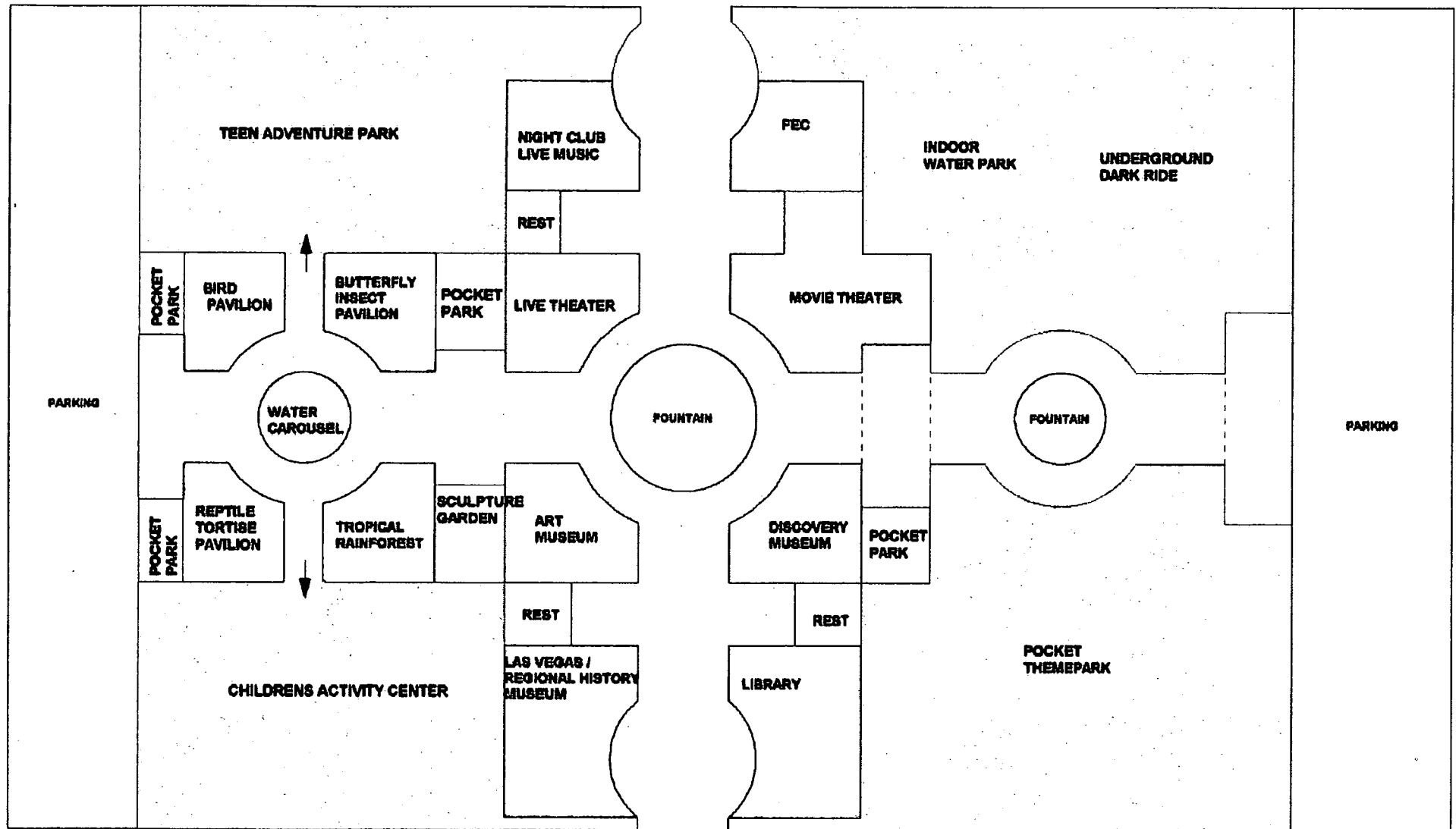
Potential Integrated Development

Urban Lifestyle Center Site Plan



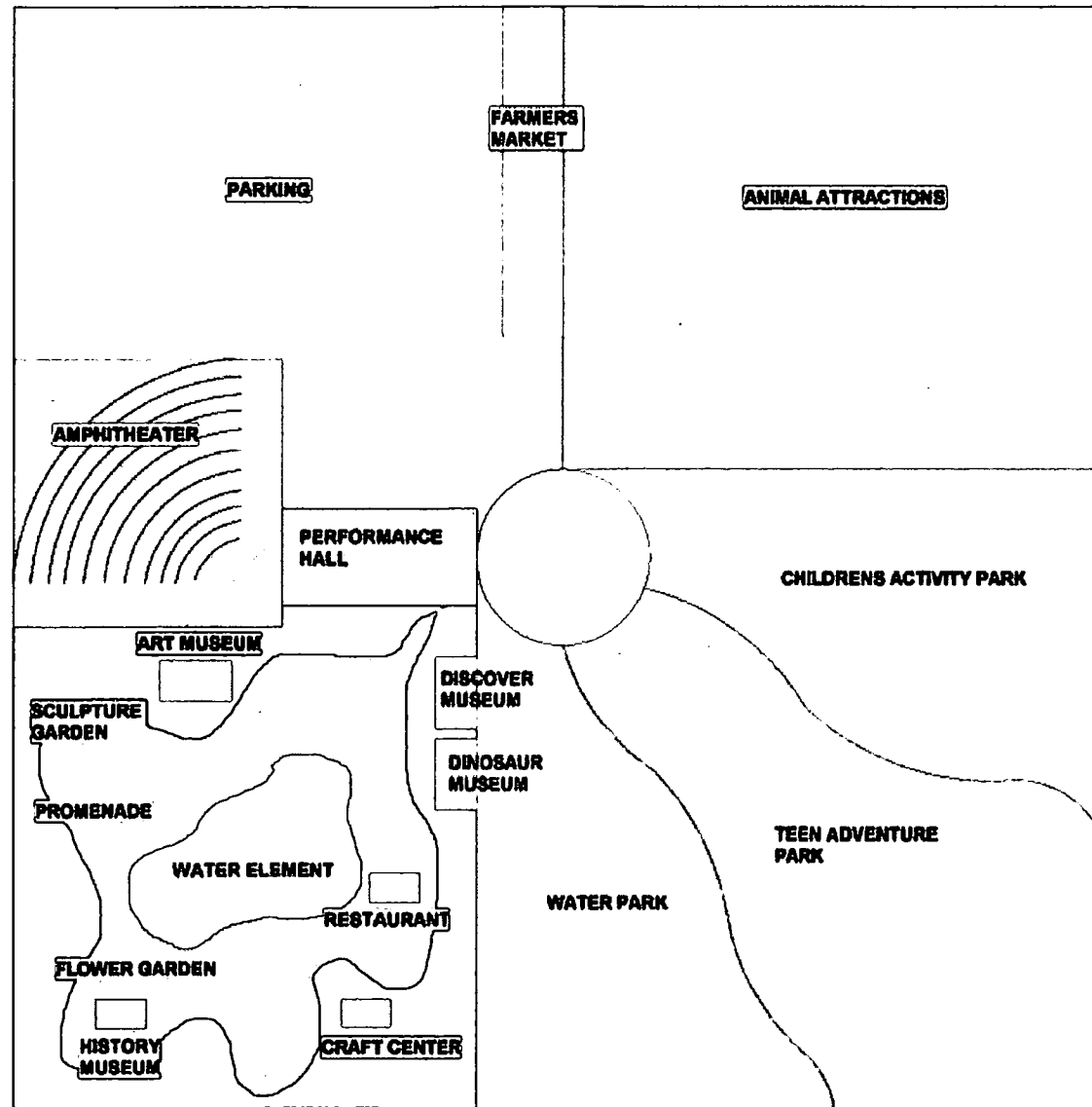
Potential Integrated Development

Urban Entertainment Site Plan



Potential Integrated Development

Animal Lifestyle Park



Findings

- Las Vegas residents have several unmet needs for animal and cultural attractions
- Building a modern, large mammal based zoo will require considerable public subsidy
- Undertaking a development at Floyd Lamb State Park has too many unresolved issues to secure the necessary financial guarantees
- There are, however, many types of commercial attractions that could effectively integrate animal experiences and cultural facilities to produce compelling projects to meet unmet needs

Feasibility Recommendations

- A small zoo with integrated attractions and commercial elements can be financially self-sustaining
- By integrating specialized animal exhibitory with cultural amenities and commercial elements, 10 – 15 acre parcels can be designed to be financially successful
- Both attractions will require land provisions and or tax incentives to be developed

**CITY COUNCIL MEETING OF
July 21, 2004**

VERBATIM TRANSCRIPT – ITEM 63

Verbatim Transcript: ITEM 63 – Report and possible action regarding the status of the Memorandum of Understanding between Sher Development, LLC, and the City of Las Vegas for the development of a zoo at Floyd Lamb State Park - Ward 6 (Mack)

APPEARANCE LIST

**OSCAR GOODMAN, Mayor
DOUG SELBY, City Manager
ED SHER, Sher Development
ROGER BULLOCK, President and CEO, Sher Capital
MIKE MITCHELL, MCM Group
MICHAEL MACK, Councilman
GARY REESE, Councilman
STEVE WOLFSON, Councilman
TOM McGOWAN, Las Vegas resident**

(10:31 – 11:02)

1-3261/2-1

31 Minutes

Typed by: Gabriela S. Portillo-Brenner and Angela Crolli

Proofed by: Stacey Campbell

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

23 **MAYOR GOODMAN**

24 Item 63 is report and possible action regarding the status of the Memorandum of Understanding
25 between Sher Development, LLC, and the City of Las Vegas for the development of a zoo at
26 Floyd Lamb State Park. This is in Ward 6

27

28 **DOUG SELBY**

29 Mayor and Council, we have representatives from the – zoo to speak to you today.

30

31 **MAYOR GOODMAN**

32 Mr. Sher.

33

34 **ED SHER**

35 Good morning, Mr. Mayor, fellow Council people, we're here today. I'm Ed Sher with Sher
36 Capital. We're here today to give you our feasibility study report on our proposed zoo here in
37 Las Vegas and our findings. So what I'd like to do at this time, with your permission, is turn it
38 over to my CEO, Mr. Roger Bullock, who can proceed at that matter.

39

40 **MAYOR GOODMAN**

41 Thank you very much. Mr. Bullock?

42

43 **ED SHER**

44 Thank you.

45

46 **ROGER BULLOCK**

47 My name is Roger, for the record, my name is Roger Bullock. I'm the President and CEO of
48 Sher Capital, which is the parent company. Sher Development has the, Sher Development's a
49 division of Sher Capital, which has a Memorandum of Understanding with the City of Las
50 Vegas. To fulfill our commitment and continuing to work in good faith with the City of Las
51 Vegas, Sher Development retained Mike Mitchell and his firm, MCM Capital. Mike Mitchell's
52 the President and CEO of MCM Group. MCM Group is a world-renown feasibility team that

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

53 has done design studies and – developments throughout the world. They've done studies for
54 Disney. They've done studies for zoos throughout the country. We went through a
55 comprehensive RFP process and, based on people within the industry, operators, and – our goal
56 to bring something to Las Vegas that fits what the City is and the image that Las Vegas is, a
57 world-class city, to bring world-class element, we felt like we needed one of the top designers to
58 help us fulfill that objective.

59 Before I introduce Mike Mitchell, I'd – like to say one thing, that we started this process when I
60 was the Sher's private banker over a year and a half ago, and the – Sher's and – their friends, the
61 Naggy, Alex Naggy is here visiting us from Canada today. They did something that so many
62 people talk about doing. Everybody in Las Vegas talks about how we need more family-based
63 entertainment, how we need more things for locals, how we need more culture here, and how we
64 need more amenities that benefit the locals. And the Shers and the Naggys did something that
65 most people only talk about doing. They put their money where their mouth is. They have paid
66 for this study. There's been no expense to the City over the last year and a half in trying to figure
67 out how to get a zoo here. There's been talks of a UNLV study that came out and the City wants
68 a zoo. I would say, there's nobody in Las Vegas that wants a zoo more than the Shers because
69 they've put up their own money. If you recall in the Memorandum of Understanding, they
70 committed up to two million dollars to explore feasibility just to get a venue here. They will
71 would no burden to the City and have no burden to the taxpayers.

72 And – to that end, that's why Mike Mitchell is here, is he's going to disclose the findings that the
73 Shers, the Naggys and Sher Capital has expended dollars to determine.

74
75 **MAYOR GOODMAN**

76 Thank you very much. Mr. Mitchell?

77
78 **MIKE MITCHELL**

79 Your Honor, Councilmen, it's a pleasure to be here today. We prepared a PowerPoint, which
80 summarizes the feasibility findings. It's about 12 minutes long. If you would like, I can
81 summarize it in five or six minutes. It's your pleasure.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

82 **MAYOR GOODMAN**

83 Well, you spent a lot of money. I think you're certainly entitled to make the presentation you
84 want to make.

85

86 **MIKE MITCHELL**

87 Okay. Fine. Thank you.

88

89 **ROGER BULLOCK**

90 Thank you.

91

92 **MIKE MITCHELL**

93 The study objectives are quite clear, as Roger, I believe they're on your screen now, as Roger
94 was alluding to. The most important matter is the third point. The attraction must be self-
95 sufficient. That was the basic objective of this study to find a program that would, in fact,
96 require no City subsidy. We looked at Floyd Lamb and other potential sites for the feasibility.

97 Sher Development gave us a very clear set of guidelines. One, a wholesome family experience.

98 If you look at these you see what we would call a first class zoo. They are an AZA qualified
99 zoo, which requires meeting certain standards and provide education, conservation, all the
100 different programs.

101 The market briefly. You all are aware obviously of Las Vegas from its many dimensions, from
102 our point of view one of the most interesting, Las Vegas ranks first in overnight pleasure tourists.

103 When we look at a market place, we look at the resident market place and we look at pleasure
104 tourists because those are the people who have the time and money to go to an attraction. Las
105 Vegas is first in the United States. Orlando, which has been alluded to here in a previous
106 discussion is a – much distant second at nineteen point eight million, and Los Angeles is only
107 fifteen million. So, it's obvious that the City has the capability to support an animal attraction or
108 any other cultural amenity.

109 Little background on zoos, just to bring you up to speed on it. There're a hundred and eight-one
110 accredited zoos in the United States and about 36 aquarium. Only 10 percent of zoos reach a
111 million. Some people think of, they hear of the St. Louis Zoo and the San Diego Zoo and many

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July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

112 of the large zoos. Only a small group, about eighteen, achieve a status of a million in attendance.
113 So, it takes a phenomenal zoo to do that. Twenty eight percent of zoos are mid-size zoos reach
114 about a half a million.

115 One of things that's going on in the – business right now, a zoo is an attraction like any other
116 thing. It's something that people take when they get up in the morning and they look at their
117 opportunities the zoo is one of them. We have ramped up over the last decade the demand for
118 highly interactive experiences in everything that we do. So, zoos are going through now this
119 transition to create much more intimate experiences. It's not just an animal in a cage. It's
120 watching an animal in a natural habitat and it's finding ways to interact with that animal.

121 The problem with that is the cost to provide that experience dramatically raises. You can pay
122 almost anything you want for a zoo. Disney paid seven hundred and fifty million dollars to build
123 its attraction down in Florida. Elephant habitats, recently a study was done about a month ago
124 by Detroit to do their new elephant habitat, forty to fifty million dollars to complete just one
125 exhibit. You see here a number of them as examples, but a modern zoo easily can spend
126 between a hundred to two hundred millions dollars to produce a – new facility.

127 Who goes to the zoo? Just very briefly, she's primarily 37. Sixty percent have children. Eighty-
128 one percent have attended college and they drive quite a long ways. The median driving distance
129 is 30 miles. So, the people who go to zoos want to go to zoos. They go out of their way to get
130 there.

131 The price of zoos. I read the – study, which was quite positive that UNLV did on the price.
132 Zoos, in fact, aren't price sensitive. If you look at this very brief piece, market penetration says
133 how many people in that City, what percentage go to the zoo. You see, a free zoo like Lincoln
134 Park, only twenty eight percent go. You can go down to the Denver Zoo, which is \$11.00 fifty-
135 five percent of the people go. So, it's not really a function of price. It's a function of the other
136 options in the community, what the education of the population, how many children, there's lots
137 of different variables.

138 Getting into the concept. Here we looked at really four different concepts. A major, large zoo, a
139 mid size and small zoo and then specialized animal attractions, which are then integrated with
140 other types of facilities. We evaluated a 100-acre, a 50-acre and then 10-acre options in looking
141 at this.

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142 I'm not going to bore you with this slide. I know people hate to look at a – set of numbers like
143 this, but this is a large typical large zoo. The penetration, I took your City, one point seven
144 million residents in the region. A typical zoo, the mean is forty-two point five percent
145 penetration. If you did all the zoos in the – country, that's, so this is an average zoo. You would
146 create a zoo here if you built a large zoo, which is over a million. And as I said, only eighteen
147 zoos reach those lofty heights. But you have the population base to do that.

148 You look at the admission price, obviously a fair amount of revenues are produced, but it's not
149 cheap to run large zoos, particularly if you're running them at the level of a very sophisticated
150 facility. As you see, large zoo, as a mean zoo, would require twenty-nine million dollars of
151 subsidy. It's too much and it violates the spirit of the Sher directive.

152 Let's look at a medium size zoo, half a million. Twenty-eight percent of the zoos reach that size.
153 It'll produce somewhere in the three to five million revenue range. Some zoos can – in fact pay
154 their operating budgets. But most of them have private capital campaigns where they have
155 interested parties in the zoo and they'll put up, raise money every year, and the issue of a capital
156 loan repayment is the problem, the capital cost of the zoo itself. We took zoos at a hundred and
157 fifty million in the first one, this is the seventy five million and in a mid-size zoo it – has about
158 an eleven million dollar shortfall. If you go to small zoo, that's something in a hundred to three
159 hundred thousand range and those are not small. Remember, they're many, hundreds of zoos
160 that only get ten, twenty, thirty, forty thousand, but it's a decent size zoo, but, in a city this size
161 it's a small zoo.

162 You're now looking at a subsidy much more manageable, but it's two to five million. In short,
163 it's very difficult. There are a handful of zoos in America that in fact break even. It is difficult
164 for major zoos run with very strong conservation and education programs to break even. They
165 all require some level of subsidy.

166 Location. As you know, we began the study looking at Floyd Lamb Park. It has a number of –
167 things that are quite positive about it, but the boundary of this study was structured around the
168 idea of creating a bond, which would be guaranteed by the cash flow of the facility. This has
169 several problematic issues related to a bond. One, there're passive use restrictions on Floyd
170 Lamb and adjacent BLM land, which restricts opportunities to generate other cash flows to

CITY COUNCIL MEETING OF

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171 subsidize the –zoo itself or to put in things like roller coasters and aggressive rides, which
172 modern zoos now put in to help pay for things.

173 Traffic requirements. There is discussion about extending a four-lane bypass through there, but
174 those are in fact discussions at this point, and our understanding, at this point, there's been no
175 budget allocation to do that.

176 And finally the adjoining BLL lan, BLM land has not yet gone through any title transfer process
177 and there's obviously a number of unknowns in doing with it. So, to actually submit a – bond
178 measure with any kind of guar, financial guarantee requirement's impossible with this particular
179 set of circumstances.

180 We looked at a number of other sites. Some were central to the metro population in the 50 to 60-
181 acre range, which absolutely could support some type of animal attraction, as long as there was
182 other either, cultural or commercial facilities that could help subsidize it. And we looked at
183 some small 10 to 15-acre sites, which also came out positive, in terms of providing some type of
184 specialized animal attraction, not a full zoo integrated with other amenities.

185 Options. This in a sense a brief summary, costs of major zoos are in fact too expensive. So,
186 what cities are doing now throughout the world are going to more specialized animal attractions.
187 I don't know if any of you've visited Colorado's Butterfly Pavilion. It's quite dramatic. It's
188 sixteen thousand square feet on five acres and it's tied in to a – large commercial area just on the
189 suburban area of – Denver. And any of you have, you have an example here with Mandalay
190 Bay. Many of the aquarium operators have found it very successful bringing in an aquarium and
191 tying it into other types of facilities, and they've been – met the community needs and has
192 certainly been profitable.

193 Looking at, you're well aware of this list, Las Vegas, for its size, certainly has some inadequate,
194 what we call lifestyle amenities. There's certain types of facilities that are not here and I actually
195 am somewhat embarrassed presenting this after listening to your Sheriff's discussion about his –
196 needs. But obviously there's a balance of cultural needs and other types of needs that every city
197 presents to its citizens.

198 We looked at some different types of developments. If you look closely, I don't know if you can
199 see in this screen, it has a number of animal elements attractions. It has some cultural attractions
200 in it and it has some, what we call, entertainment attractions; teen adventure park, a children's

CITY COUNCIL MEETING OF
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201 activity center. This is the type of 15-acre development that, when you wake up in the morning,
202 it's a place people can go and experience various cultural and animal attractions in some kind of
203 environment that pencils, that doesn't require public subsidy.

204 So, we looked at a number of those. Here's one on a 60-acre plot where you take the idea of an
205 animal attraction and certain teen and young children centered activities and tie that together
206 with cultural attractions. What's going on in the business now, stand-alone attractions are not
207 what's being built. People are building integrated attractions where they all feed off of each
208 other, and that's from our, from a feasibility perspective, it's our advise to the Shers to look at an
209 integrated type, and for the City to look at an integrated type of attraction.

210 Our findings. We'll wrap up with this slide and one other. Las Vegas residents have several
211 unmet needs for animal and cultural attractions. Building a large mammal based zoo, and when I
212 say large mammal, those are the – things that attract people; elephants, gorillas, lions, those
213 things that create excitement. They require generally a fair amount of public subsidy.
214 Undertaking a development at Floyd Lamb State Park, we believe, we've advised our clients that
215 there're too many unresolved issues for it. There are, however, many types of integrated
216 facilities that could include animal attractions and cultural amenities that could be built and be
217 financially, at least break even, and self, or self-sustaining that this City could develop.

218 So, our recommendations are to look at a small zoo with integrated attractions and commercial
219 elements. By integrating specialized animal exhibtry with cultural amenities a 10 to 15-acre
220 parcel could be made to be viable in this community, and both these attractions will require some
221 land provisions or tax incentives to be fully developed.

222 So, thank you for your time.

223
224 **MAYOR GOODMAN**

225 Thank you very much. Before, I'm sure my colleagues will want to make some remarks or ask
226 some questions, I – just want my thought to be on the record. And Mr. Sher, you're a very
227 decent person. This was a legitimate presentation. It wasn't candy-coated. You kept your word.
228 You met the terms of our Memorandum of Understanding here, and I thank you on behalf of the
229 City for doing that, and basically for being an naysayer, as I was, when you initially came before
230 the Council and said there's no way in the world that a zoo could ever be supported by the City

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

231 without substantial commitment from the – public sector, which the City probably couldn't
232 afford. I'm becoming a believer now. When you get it down into these practical terms of a
233 small zoo with the other integrated attractions on a relatively small site with a, perhaps, some tax
234 incentives provided by – the City, I think that's a step in the right direction. And I can think of
235 places in the downtown area close by, within walking distance from City Hall that this could
236 have a tremendous effect upon, as far as revitalizing a particular corridor, attaching residential
237 around the zoo. I don't think that would be unheard of.

238

239 **MIKE MITCHELL**

240 We are doing that.

241

242 **MAYOR GOODMAN**

243 And I think that, from my perspective, I want the – dialogue to – start, from my perspective. I
244 thought today was going end it. I'd like to start it today. But I'd – like to hear from my
245 colleagues.

246

247 **ROGER BULLOCK**

248 Mayor?

249

250 **MAYOR GOODMAN**

251 Yes.

252

253 **ROGER BULLOCK**

254 If I mud, if I could. That was a whole purpose. I mean, I – think that the direction has changed.
255 I think the objectives and the goals remain the same. The Shers want to see animal based
256 attractions. They want to see cultural amenities in the City of Las Vegas. Is it going to happen
257 the way that they originally planned? No. But that's a good thing. What we know is, we have a
258 world-class feasibility team saying here are other alternatives that we have seen around the
259 United States where you can make these animal attractions and make these type of cultural
260 amenities self-sustaining and – economically viable without any community support or without

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

city's subsidies and – get the community involved in this process without it being a burden to either the City or the taxpayers. And – that was – kind of the spirit of the engagement. We believe that this engagement could go forward.

I, the Shers and Sher Capital is – ready and prepared to – move forward on either a 10 to 15-acre concept that Mike Mitchell has proposed or on a 50 to 60-acre concept that would – satisfy the need of a – small zoo. The 10 to 15-acre gives you specialized animal attractions. It does not provide a small zoo. It provides specialized animal attractions. A 50 to 60 concept incorporates a small zoo with other elements that would support and offset any losses that that animal attraction might incur. And keep in mind Las Vegas does have a unique dynamic to where – we believe that through thoughtful planning and bringing in best in class operators, we've had discussions with some of the top cultural amenities, with some of the top science centers, some of the top planetariums around the world who want to have a facility in Las Vegas, and who are willing to bring a facility in Las Vegas even if it's a lost leader for them because Las Vegas is an epicenter of activity. It's an epicenter of entertainment where they feel like they either spend advertising dollars to attract people that come here to go to their venues or they can create a fix facility like you've seen on the Strip with the restaurants and the shows and everything else. So, we're – unique in the sense that we can take advantage of this disadvantage, cluster them together, bring in world-class operators, bring in a world-class financing team and put in mixed use venue together.

MAYOR GOODMAN

Thank you. Sure, is other comments? Okay. Councilman Brown? No. Anybody? Okay. Yeah. Councilman Mack.

COUNCILMAN MACK

Thank you, Your Honor. I, first of all would like to thank the Sher family. This is, you know, Mayor, you talk about people being altruistic, these people did go out of their way. This feasibility study will be a great source for the Council to use in the future, but also, I think, this is a – beginning of a new day. It's – unfortunate we couldn't do the things that we first had thought that could be done out in the Floyd Lamb State Park area, but I think the naysayers out there, the

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

291 people that thought that this feasibility study was going be bought and paid for, the reputation of
292 Mr. Mitchell, I know that you would never put your company on the line, put a feasibility study
293 at ri, your company at risk or do something that would be a failure. I think you have an
294 impeccable reputation and I know that that's something that we did not want to happen. And this
295 feasibility said, no, Floyd Lamb State Park does not work. But, we think that the elements work
296 in this Valley. And, whether the City of Las Vegas or throughout the County, I think that this –
297 town, this community, this county is starving for these cultural needs. And I appreciate
298 everything you've done thus far, and I think this is a new day.

299 I know that when we first talked about a zoo at all, it didn't come in my Ward, it came within
300 some of my colleagues' Wards and it was in Councilman Weekly's Ward. There was a
301 discussion at Lorenzi Park and then the Mayor got wind of it and the Mayor said, how about
302 Cashman Field because there's been conversations about what's happening with the Triple A
303 ball club, with relocation or maybe a new stadium for them. And I know that we can move
304 forward in a direction to look at these type of opportunities.

305

306 **ROGER BULLOCK**

307 In addition to hiring Mike – Mitchell, we did retain another independent consulting firm that –
308 would help procure, in urban areas, federal funds to help offset some of this with additional tax
309 incentives and land and so forth, and there are certain areas in the metro corridor that do qualify
310 for federal funds to help build a venue of this nature.

311

312 **MAYOR GOODMAN**

313 Mr. Bullock, would you be able to provide us with a copy –

314

315 **ROGER BULLOCK**

316 Yes.

317

318 **MAYOR GOODMAN**

319 – of the study.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

320 **ROGER BULLOCK**

321 Yes.

322

323 **MAYOR GOODMAN**

324 Because it sounds like it's first class.

325

326 **ROGER BULLOCK**

327 Yes.

328

329 **MAYOR GOODMAN**

330 And I think it would be very helpful when, to – guide us as to what our next step should be.

331

332 **ROGER BULLOCK**

333 I will provide the preliminary assessment findings from Mr. Mitchell and I will also provide the
334 study from Allen Moran and Marie Sparksdale at Cathedral Rock, who were the Under
335 Secretaries of HUD during the Reagan Administration who did all of the federal funding studies
336 for us.

337

338 **MAYOR GOODMAN**

339 Very good. Councilman Wolfson? Oh, okay. Mayor Pro Tem and then Councilman Wolfson.

340

341 **COUNCILMAN REESE**

342 Thank you. I just want to thank Roger and Mr. Sher, Mr. Mitchell for this fine report. I think
343 you did your due diligence and I certainly appreciate it. Thank you.

344

345 **ROGER BULLOCK**

346 Thank you.

347

348 **MAYOR GOODMAN**

349 Councilman Wolfson.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

350 **COUNCILMAN WOLFSON**

351 Thank you, Your Honor. You know, what a fun topic, a zoo. I mean, who's against a zoo. I
352 grew up in Los Angeles. I went to the Griffith Park Zoo on a regular basis. I went to San Diego.
353 I went to the San Diego Zoo and one quick observation is people don't go to a zoo once. They
354 go to a zoo repeatedly. I mean, I must have been to various zoos ten or fifteen times.
355 Just a couple of questions.

356

357 **MIKE MITCHELL**

358 Four point eight times is the average visit for a person during a year that goes.

359

360 **COUNCILMAN WOLFSON**

361 Is that right? Is that right?

362

363 **MIKE MITCHELL**

364 Yes, it's quite high.

365

366 **COUNCILMAN WOLFSON**

367 Just a couple of – questions. It's – primarily for my own curiosity, but I think some of the people
368 listening would be curious to know. Because of the climate that we have here in Las Vegas, are
369 there certain animals that we would be prohibited from having at a zoo in Las Vegas just because
370 of the –unique climate we have?

371

372 **MIKE MITCHELL**

373 It, it's an interesting question. I think it's how you care for animals. It's not, it's obviously an
374 issue for some animals, but the range of animals throughout North America you find in zoos, it's
375 – how they're care for rather than – the climate. But it is an issue. There are, certainly,
376 restrictions.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

377 **COUNCILMAN WOLFSON**

378 And – then secondly. I don't remember what slide you had, but I noticed that the cost of an
379 elephant habitat was so much more than the others, I mean, times, four or five times as much.

380

381 **MIKE MITCHELL**

382 It's – a, there's an issue that it has – just been raised really, and I use the example Detroit and
383 San Francisco. Elephants, research has shown now that elephants need to walk, and in the wild
384 they walk forty, fifty miles a day. They're foraging and walking, but when they stand a lot they
385 get arthritis, and lots of zoos, unfortunately, have to mix drugs to keep them comfortable. So,
386 zoos are looking at that. It's highly sensitive and these two zoos came to the conclusion, after
387 they did studies, to give them enough room to roam and giving people enough interaction. They
388 said they – didn't have the funds to provide the type of habitat they wanted to provide, which
389 was fifty million dollars, and are actually, San Francisco and Detroit both ending their elephant
390 exhibit and they're transferring those to those large wildlife parks where – they roam.

391

392 **MAYOR GOODMAN**

393 Thank you very much. Councilman Mack?

394

395 **COUNCILMAN MACK**

396 Thank you, Your Honor. Lastly, I just wanted to thank you for, I know that we have a lot of
397 rural areas and we have people involved in the horse community out in the northwest, and you
398 guys have been so great with them. We appreciate those efforts.

399

400 **ROGER BULLOCK**

401 Well, that was a concern of ours, is, we wanted to make that we maintain the integrity of Floyd
402 Lamb by bringing something that could incorporate in that integrity. And, I'd like to thank
403 Councilman Mack and his staff. They've been very gracious with us. As far as the next step, the
404 Shers would love to – move forward on either a ten to fifteen acre concept that brought in
405 specialized attractions with cultural amenities or if the City felt, they could direct staff to procure
406 a 50 to 60-acre concept and that really could be a – center of entertainment, a center of cultural

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

407 amenities for the City of Las Vegas. We would welcome continuing to have dialogue with the
408 staff, if – the Council felt that this was a project that should go forward and should be discussed.
409 We would welcome staff to – look within the City and – procure sites. We’ve had Mike Mitchell
410 look at alternative sites. Certain sites he has liked and felt that there is good access and there’s
411 existing infrastructure that would work under any, either of these concepts, and – we’d like to
412 explore that. We – would like staff to kind of move in that direction to – make that happen.

413

414 **COUNCILMAN MACK**

415 Yeah. I think that what we’re agendad for today is just specifically to the Floyd Lamb State
416 Park, but I’d like to, maybe, bring this back, maybe through the Mayor’s Office. You can have
417 some conversations or –

418

419 **MAYOR GOODMAN**

420 I would like, I’d like very much to have some discussions. I’d like to see the report first so we
421 can be well-grounded on what you’ve ascertained and then a discussion should take place and
422 then we’ll bring it back in front of the Council for further discussion.

423

424 **COUNCILMAN MACK**

425 Your – Honor, lastly, and with no disrespect to the gentleman up here for, in front of us today,
426 but I’m still concerned about Floyd Lamb State Park. Now, what is the current situation? We
427 have a, an understanding with the State. I have had some dialogue with our City Manager’s
428 Office about procuring some PLMA funds or outside funds to, if – there is a way that the City
429 can procure the park without it being – a burden to our capital funds. So, I know that we need to
430 continue those efforts.

431

432 **MAYOR GOODMAN**

433 Okay. Did you want to be heard?

434

435 **TOM McGOWAN**

436 Yes.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

437 **MAYOR GOODMAN**

438 All right.

439

440 **TOM McGOWAN**

441 Very briefly. Tom McGowan, Las Vegas resident. As previously, I wholeheartedly endorse and
442 support the concept to fruition of Floyd Lamb Sher Naggy Zoo State Park as a major world-class
443 attraction of educational, socio-economic benefit to the City of Las Vegas and all of Southern
444 Nevada. I recommend and request this Council now unanimously approve the item and carry
445 further once you got an opportunity to review the study and report you're referring to, to expand
446 this, to expose dimensional scale. It is obviously a benefit, not only to Southern Nevada and the
447 City of Las Vegas but to the rest of mankind. That is attested to by the representative for Ward
448 2, Councilman Steven Wolfson, who, like me, has also visited numerous parks and zoos,
449 including Central Park Zoo, Griffith Park Zoo, and many, many others. I hope someday to be
450 able to take my grandchildren and great grandchildren to the Sher Naggy Zoo in Las Vegas
451 Nevada. Thanks.

452

453 **MAYOR GOODMAN**

454 Thank you. All right. Thank you very much. Councilman, may I have a motion please?

455

456 **COUNCILMAN MACK**

457 Your Honor, I don't know what motion would be in store. **Motion to accept the report, I**
458 **guess, would be the motion that's proper.**

459

460 **MAYOR GOODMAN**

461 And – for further exploration.

462

463 **COUNCILMAN MACK**

464 **And for further exploration in the, if the Sher Development Corporation can follow up**
465 **with the Mayor's Office. I'd love to be involved in that as well.**

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 63

466 **MAYOR GOODMAN**

467 Sure.

468

469 **COUNCILMAN MACK**

470 Thank you.

471

472 **MAYOR GOODMAN**

473 Thank you very much. Let's vote on that, please. Post. Motion carries. (Motion carried
74 unanimously with **BROWN** not voting) Thank you.

475 (END OF DISCUSSION)

476 /gpb/ac;sc

REAL ESTATE COMMITTEE – CONSENT

39. Approval to authorize staff to apply for a land lease with the Bureau of Land Management for Recreation and Public Purposes for land located south of Moccasin Road between Cimarron Road and Torrey Pines Drive (\$100 - Real Estate & Asset Management - Rental of Land) - Ward 6 (Mack)
40. Approval of First Amendment to Lease Agreement between the City of Las Vegas and In-House Productions at the Las Vegas Business Center - 1951 Stella Lake Drive (\$63,072 revenue/36 months-Las Vegas Business Center Operations Fund) - Ward 5 (Weekly)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

41. Report and possible action on the operation of motorized vehicles on a public street or highway without a valid drivers license
42. Discussion and possible action regarding a Memorandum of Understanding between the City of Las Vegas and Sher Development, LLC granting Sher Development a two year exclusive negotiation period to conduct feasibility studies and negotiate a Disposition and Development Agreement with the City for the development of a zoo on the Floyd Lamb State Park site owned by the State of Nevada – Ward 6 (Mack)

BUSINESS DEVELOPMENT - DISCUSSION

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

CITY ATTORNEY - DISCUSSION

44. Discussion and possible action on Appeal of Work Card Denial: Lameche Anice Davis, 507 North Lamb #5, Las Vegas, Nevada 89110
45. Discussion and possible action to correct the fine imposed against La Fuente, Inc., d/b/a Cheetah's, 2112 Western Avenue, Las Vegas, Clark County, Nevada, January 7, 2004, to \$1,017,000 and to approve a release and settlement agreement between the City, La Fuente, Inc., and Jack Galardi - Ward 1 (Moncrief)

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

46. Discussion and possible action regarding Temporary Approval of Change of Ownership, Business Name, and Key Employee for a Tavern License and a new Nonrestricted Gaming License subject to the provisions of the fire codes, Health Dept. regulations, and confirmation of approval by the Nevada Gaming Commission, From: Horseshoe Club Operating Co., dba Horseshoe Club, Becky L. Behnen, COB, Pres, CEO, Treas, 99.153%, Jack B. Binion, .847%, To: Speakeasy Gaming of Fremont, Inc., dba Binion's Horseshoe Casino and Hotel, 128 Fremont Street, Edson R. Arneault, Dir, Pres, Secy, Treas, Roger M. Szepeleak, COO, MTR Gaming Group, Inc., PTC, 100%, Edson R. Arneault, COB, CEO, HHLV Management Company, LLC, Key Employee, Thomas M. Jenkin, Key Employee, Harrah's Operating Company, Inc., Mmbr, 100% - Ward 5 (Weekly)
47. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to Health Dept. regulations, From: Jim Colbert Golf, Inc., dba Colbert Fogler Golf Enterprises, Robert H. Williams, Pres, To: Golf Enterprises, Inc., dba Las Vegas Golf Club, 4300 West Washington Avenue, Neil M. Miller, Pres, Treas, Dona L. Tanaka, Secy - Ward 5 (Weekly)

March 3, 2004

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

DEPARTMENT: CITY MANAGER

DIRECTOR: DOUGLAS A. SELBY

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Report on the status of the 61-acre (Union Park) design and development - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

On January 8, 2003, the Council authorized a program for the City to undertake development efforts on the City's 61 acres through its City Parkway corporations. On July 16, 2003, staff presented a draft concept plan for the site. On September 17, 2003, the Council approved a Framework Plan and Infrastructure Construction Phasing. Staff will present a report on what has happened since then and what is scheduled for the coming months.

RECOMMENDATION:

Report only; no action required.

BACKUP DOCUMENTATION:

None

MOTION:

None required. A report was given.

MINUTES:

CITY MANAGER SELBY reported that now that the Council has accepted the vision for the 61 acres, staff decided to go back to the initial plan of using a master developer for the entire project in order to ensure proper coordination of all the developing components. The process has been set in motion to retain a master developer and staff will be soliciting proposals in the early part of August from individuals interested in undertaking the process. A screening review will be scheduled with members of the Council, City staff, and the outside Task Force members to narrow down the choices, and those companies will be asked to submit a more detailed proposal for review. The final developer recommendation will be presented to Council, along with a request for authorization to negotiate a disposition and development agreement for the site.

CITY COUNCIL MEETING OF JULY 21, 2004

Finance and Business Services

Item 64 – Report on the status of the 61-acre (Union Park) design and development – Ward 5
(Weekly)

MINUTES – Continued:

He noted that the Cleveland Clinic would not be coming to the 61 acres because they chose to develop a heart institute in Cleveland. They could not undertake two projects.

(11:02 – 11:06)

2-820

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Doreen Kathleen Allan-Murphy, 3020 Roseville Way, Las Vegas, Nevada 89102

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 54, 55, and 78, Hold Items 65 and 66 in **ABEYANCE** to 8/4/2004, and Hold Item 69 in **ABEYANCE** to 8/18/2004 – **UNANIMOUS**

MINUTES:

There was no discussion.

(9:35 – 9:37)

1-886

RECEIVED
CITY CLERK

2004 JUL -8 P 2:57

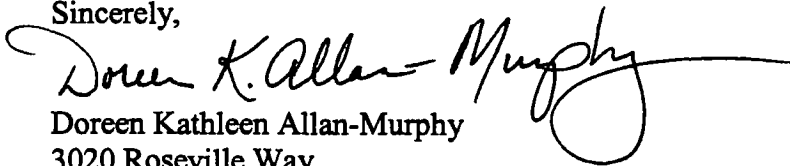
July 8, 2004

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

To Whom It May Concern:

I wish to appeal the Metropolitan Police Department's denial of my Work Card application to the Las Vegas City Council.

Sincerely,

A handwritten signature in black ink, reading "Doreen K. Allan-Murphy". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Doreen Kathleen Allan-Murphy
3020 Roseville Way
Las Vegas, NV 89102



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

July 8, 2004

Doreen Kathleen Allan-Murphy
3020 Roseville Way
Las Vegas, NV 89102

Re: **WORK CARD APPEAL**

Dear Ms. Allan-Murphy:

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 **July 21, 2004**.

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

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

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

Sincerely,

Gabriela Portillo-Brenner
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/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
18112-001-8/04

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Carlos Catania, 2108 Calville #104, Las Vegas, Nevada 89129

Fiscal Impact

☒

No Impact

☐

Budget Funds Available

☐

Augmentation Required

Amount:

Dept./Division:

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 54, 55, and 78, Hold Items 65 and 66 in ABEYANCE to 8/4/2004, and Hold Item 69 in ABEYANCE to 8/18/2004 – UNANIMOUS

MINUTES:

There was no discussion.

(9:35 – 9:37)

1-886

RECEIVED
CITY CLERK

2004 JUL -9 A 9:48

July 9, 2004

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

To Whom It May Concern:

I wish to appeal the Metropolitan Police Department's denial of my Work Card application to the Las Vegas City Council.

Sincerely,



Carlos Catania
2108 Calville #104
Las Vegas, NV 89129



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY

MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

July 9 2004

Carlos Catania
2108 Calville #104
Las Vegas, NV 89129

Re: **WORK CARD APPEAL**

Dear Mr. Catania:

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 **July 21, 2004**.

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

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

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

Sincerely,


Gabriela Portillo-Brenner
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/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
18112-001-6/04

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action regarding the City Attorney's subgrant from the Violence Against Women Act (VAWA) in the amount of \$55,000 (Grant Special Revenue Fund) with \$18,333 in-kind City match coming from General Fund for a total of \$73,333

Fiscal Impact

☐

No Impact

Amount: \$73,333

☒

Budget Funds Available

Dept./Division: CAO/Criminal

☐

Augmentation Required

Funding Source: Grant Special Revenue Fund

PURPOSE/BACKGROUND:

The City Attorney's Office has been a VAWA grant recipient for seven years. This grant application is to continue funding for a domestic violence investigator. Federal guidelines require a minimum 25% match. The in-kind match is a City-funded investigator assisting the domestic violence investigator on serious domestic violence cases and victim location.

RECOMMENDATION:

It is the recommendation of the City Attorney's Office that the City Council approve this grant application.

BACKUP DOCUMENTATION:

Grant Award and Special Conditions

MOTION:

REESE – APPROVED as recommended – UNANIMOUS with MACK not voting

MINUTES:

CITY ATTORNEY JERBIC indicated that once again his office received this grant. It will enable him to hire another domestic violence investigator. They have been working full-time since this program was started. He requested approval.

(11:06 – 11:07)

2-993

STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
FY 2004 VIOLENCE AGAINST WOMEN GRANT

GRANT AWARD

SUBGRANTEE: Las Vegas City Attorney ADDRESS: 400 East Stewart Avenue, 9 th Floor Las Vegas, Nevada 89101 PROJECT TITLE: Domestic Violence Investigator GRANT PERIOD: July 1, 2004 - June 30, 2005 CATEGORY: Prosecution	SUBGRANT NO.: 2004-STOP-13 CFDA NO.: 16.588 FEDERAL AWD.# 2004-WF-AX-0037 FEDERAL FUNDS : \$ 55,000.00 MATCHING FUNDS: \$ 18,333.00 TOTAL GRANT AWD: \$ 73,333.00

APPROVED BUDGET FOR PROJECT

CATEGORY	TOTAL PROJECT COSTS
PERSONNEL	55,000.00
CONSULTANT/CONTRACTS	
TRAVEL	
SUPPLIES/OPERATING	
EQUIPMENT	
TRAINING	
OTHER	
MATCH	18,333.00
TOTAL	73,333.00

This award is subject to the federal guidelines established by the Violence Against Women Grants Office, Office of Justice Programs.

☒ **Special Conditions:** This project is approved subject to such special conditions or limitations as set forth on the attached page(s).

AGENCY APPROVAL	SUBGRANTEE ACCEPTANCE
Brian Sandoval, Attorney General	Oscar B. Goodman, Mayor, City of Las Vegas
Name and title of Appointing Official	Name and title of Authorized Official
X  Signature of Approving Official Date: 6-25-4	X  Signature of Authorized Official Date:

Attest:

By 

By: Beverly K. Bridges
 Chief Deputy City Clerk

**STATE OF NEVADA
OFFICE OF THE ATTORNEY GENERAL
FY 2004 VIOLENCE AGAINST WOMEN GRANT**

SPECIAL CONDITIONS

General Conditions

1. Subgrantee agrees to comply with the financial and administrative requirements outlined in the RFP to which this grant proposal was submitted. Subgrantee further agrees to comply with all provisions of the Office of Justice Programs Financial Guide, a copy of which can be found at www.ojp.usdoj.gov/oc. In that regard, recipient agrees to submit monthly financial reports as well as semi-annual progress reports. The subgrant/project award number must appear on all documents submitted to the Attorney General.
2. Each subgrantee that receives \$25,000 or more in STOP funding and has 50 or more employees is required to maintain an Equal Employment Opportunity Plan (EEO) on file for review by the Department of Justice, Office of Civil Rights, upon request. If an agency has fewer than 50 employees, regardless of the amount of an award, no EEO is required. All recipients, regardless of their type, the monetary amount awarded, or the number of employees in their workforce, are subject to the prohibitions against discrimination in any funded program or activity. Failure to comply as appropriate may result in suspension or termination of funding.
3. Recipient agrees to submit to the Office of the Attorney General a semi-annual progress report using the forms mandated by the Office on Violence Against Women. Said forms are provided to subgrantee with their award packet but may also be found at the following website:
www.muskie.usm.maine.edu/vawamei.
4. Funding for this grant will be on a reimbursement basis only. Recipient agrees to submit financial claims to the Office of the Attorney General c/o Elaine Spiess, 100 N. Carson Street, Carson City, Nevada 89701-4717, within 30 days of the close of the previous month (i.e., January request must be submitted by the end of February, etc.). Reimbursement claims must have supporting documentation attached. The Nevada Attorney General's Office, as funding agency, reserves the right to refuse reimbursement on claims submitted in excess of 30 days from the close of a month.
5. Recipient agrees to implement their funded project within 60 days of the award date unless otherwise indicated. If the recipient is unable to begin the funded project within that time, written justification must be submitted to and approved by the Office of the Attorney General prior to the 60-day deadline. Failure to apply for and receive an extension under this special condition may result in forfeiture of your grant award.
6. Recipient agrees that any request for an extension of this award, beyond the expiration date listed on the award documents, will be submitted at least 60 days prior to the expiration of the award period. This extension request must be submitted to the administrator herein, together with a written explanation supporting the extension.

7. Recipient agrees that no funds will be used to supplant existing funds that would otherwise be made available for the stated purpose of the subgrant. This means that grant money may not be used to fund positions or operations that are currently funded by existing local governmental funds.
8. Recipient understands that matching expenditures cannot be derived from federal funds except for Indian tribes who may use funds appropriated by Congress for the activities of any agency of an Indian tribal government or for the activities of the Bureau of Indian Affairs performing law enforcement functions on any Indian lands. All matching funds are restricted to the same uses as VAWA funds and must be expended within the grant period. Expenditures that are to be applied as matching funds for other federal grants may not be double-counted as matching funds for this subgrant.
9. Recipient certifies that a written policy is in place prohibiting the disclosure of a victim's name, address, telephone number, or any other identifying information without the prior voluntary written consent of the victim. By accepting these special conditions, subgrantee certifies that the policies they have adopted comport with the confidentiality and privacy rights and obligations created by any federal or state law, court rules, or rules of professional conduct applicable to the work performed by the subgrantees. Additionally, subgrantee certifies that it will abide by these policies and conditions.
10. Recipient understands that the intent of STOP dollars is to help establish new services addressing violence against women and that future funding is not guaranteed. Any governmental unit receiving support or benefit from the STOP grant program should not anticipate long-term future funding and, if supplemental funding is received, should be prepared to fully absorb the funded program within three years of the original subgrant award.
11. Recipient agrees to provide, to the awarding agency or any representative of the awarding agency, information required for the evaluation, assessment or audit of any activities within this project.
12. If publications (brochures, training materials, flyers, etc.) are printed in relation to a stated project, a copy must be provided to the grant administrator. Additionally, whether or not paid for with grant funds, these publications must include the following language:

This project was supported by Grant No. 2004-WF-AX-0037, awarded by the Violence Against Women Grants Office, Office of Justice Programs, U.S. Department of Justice. Points of view in this document are those of the author and do not necessarily represent the official position or policies of the U.S. Department of Justice.

13. Recipient understands that all services provided to minors must show a direct link to counseling and/or services provided to the adult victim of domestic violence.
14. Subgrantee acknowledges that this award is not an approval of any consultant rate in excess of \$450 per day. Any request for consideration of a consultant rate in excess of the \$450 per day allowed by this grant must be submitted separately in writing with a detailed justification for such higher rate. The request must be approved by the Nevada Attorney General's Office and the U.S. Office on Violence Against Women prior to obligation or expenditure of such funds.
15. Recipients must represent that their grant-funded employees possess corresponding domestic violence and/or sexual assault background, experience and/or training or will obtain this training at the outset of this grant period to carry out their duties funded with STOP dollars. Subgrantees must provide resumes and/or other documentation reflecting this experience and/or training.

GRANT RECIPIENT ACCEPTANCE OF
SPECIAL CONDITIONS.

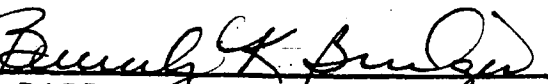


DATED: _____

Project Award No. 2004-VAWG- 13

Council Action 7-21-2004 Item #67

Attest:

By 

BARBARA JO RONEMUS, City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

PLEASE RETAIN A COPY OF THIS DOCUMENT AND THE GRANT AWARD FOR YOUR RECORDS. PLEASE SEND THE SIGNED ORIGINALS TO THE OFFICE OF THE ATTORNEY GENERAL, c/o DORENE WHITWORTH, 100 N. CARSON STREET, CARSON CITY, NV 89701-4717.

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: OB Sports F/B Management, LLC, Philip J. Green, Mgr, Mmbr, 50%, Jamie K. Cook, Mgr, Mmbr, 50%, Jeffrey S. Robin, Key Employee, To: Angel Park Golf, LLC, dba Angel Park Golf Club, 100 South Rampart Boulevard, David M. Bogue, Mgr, Las Vegas Golf I, LLC, Mmbr, 100%, David M. Bogue, Mgr, Pacific Life Insurance Company, Mmbr, 100%, OB Sports Golf Management (AP), LLC, Key Employee, Philip J. Green, Mgr, Mmbr, 17.5%, Jamie K. Cook, Mgr, Mmbr, 15%, Orrin D. Vincent, Jr., Mmbr, 60%, Jeffrey S. Robin, Key Employee - Ward 2 (Wolfson)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Scott Eaton

MOTION:

WOLFSON – 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 **MACK** not voting

MINUTES:

ATTORNEY SCOTT EATON appeared on behalf of Pacific Life Insurance Company.

MARK VINCENT, Director, Business Services, indicated that about six months ago Pacific Life took over the interest in the operating contract at Angel Park. One of the issues the City had was that O.B. Sports, the operator and actual liquor license holder, did not have any representation on it. This action would change the tavern license from O.B. Sports to Angel Park Golf, LLC. The 100 percent owner would be Las Vegas Golf I, which is a division of Pacific Life, with O.B. Sports as the key employee/operator.

CITY COUNCIL MEETING OF JULY 21, 2004

Finance and Business Services

Item 68 - Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: OB Sports F/B Management, LLC, Philip J. Green, Mgr, Mmbr, 50%, Jamie K. Cook, Mgr, Mmbr, 50%, Jeffrey S. Robin, Key Employee, To: Angel Park Golf, LLC, dba Angel Park Golf Club, 100 South Rampart Boulevard, David M. Bogue, Mgr, Las Vegas Golf I, LLC, Mmbr, 100%, David M. Bogue, Mgr, Pacific Life Insurance Company, Mmbr, 100%, OB Sports Golf Management (AP), LLC, Key Employee, Philip J. Green, Mgr, Mmbr, 17.5%, Jamie K. Cook, Mgr, Mmbr, 15%, Orrin D. Vincent, Jr., Mmbr, 60%, Jeffrey S. Robin, Key Employee - Ward 2 (Wolfson)

MINUTES - Continued:

COUNCILMAN WOLFSON confirmed with ATTORNEY EATON that he had some dialogue with ASSISTANT CITY ATTORNEY JOHN REDLEIN, and he would be completing some minor unfinished business.

(11:07 - 11:10)

2-993

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, To: Angel Park Golf, LLC, dba Angel Park Golf Club, 100 South Rampart 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 28, 2004 from Scott A. Eaton, counsel for the applicant, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on June 8, 2004. Although David M. Bogue, Manager, has not been investigated previously, all of the other individuals have been investigated and approved for suitability in conjunction with alcoholic beverage licenses issued to prior owners at this location. The most recent approval was on November 19, 2003. Based upon this license history and a review of the Scope printouts for Messrs. Bogue and Vincent, we have determined the applicant is preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

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

LAW OFFICES OF
JOHN R. BAILEY

A PROFESSIONAL CORPORATION

CITY CENTER WEST, SUITE 108
7201 WEST LAKE MEAD BOULEVARD
LAS VEGAS, NEVADA 89128-8354

TELEPHONE (702) 562-8820
FACSIMILE (702) 562-8821
Scott@JohnBaileyLaw.com

SCOTT A. EATON

May 28, 2004

Via Hand Delivery

Eddie Raines
Senior License Officer
City of Las Vegas, Business Services
400 Stewart Avenue
Las Vegas, NV 89101

Re: Angel Park Golf, LLC – Application for Liquor and Business Licenses

Dear Mr. Raines:

As you are aware, Las Vegas Golf I, LLC, a wholly-owned subsidiary of Pacific Life Insurance Company, became a party last year to that certain Management Agreement with the City of Las Vegas for the operation of Angel Park Golf Club. Due to the unusual circumstances surrounding this change in parties to the Angel Park Golf Club Management Agreement, the City of Las Vegas approved a certain arrangement of companies and licenses for the project to enable Angel Park Golf Club to continue operations while a long-term plan was developed for the project that addressed the concerns of Pacific Life Insurance Company, as well as the City of Las Vegas. At a recent meeting with city officials, we outlined the proposed long-term arrangement of parties and licenses for this project. This letter and the enclosures shall constitute the applications for the necessary liquor and other business licenses for this proposed new structure. Concurrent with this filing, we are also applying to the City of Las Vegas Real Estate & Assets Division for the necessary approvals for this new arrangement. We would ask that these various applications be processed concurrently for consideration by the Las Vegas City Council at the same meeting, keeping in mind the current expiration date in June for the existing approvals. More specifically, we are enclosing the following:

1. Check Payable to City of Las Vegas for the processing fee \$ 30.00
2. Check Payable to Las Vegas METRO for the master application (1 Princ.) \$350.00
3. Check Payable to Las Vegas METRO for the key emp. app. (1 Princ.) \$150.00
4. Nevada Business Registration with City of Las Vegas Supplement
5. City of Las Vegas Wastewater Profile
6. File-stamped copy of Certificate of Fictitious Firm Name
7. Packet of documentation concerning proposed new operating entity, including the following:
 - a. Articles of Organization
 - b. Amendment to Articles of Organization
 - c. Amendment to Articles of Organization
 - d. Limited Liability Company Charter

- e. Certificate of Existence with Status in Good Standing
 - f. File-stamped copy of Annual List
 - g. Operating Agreement
8. Packet of documentation concerning proposed intermediary company, including the following:
- a. Certificate of Formation
 - b. Certificate of Amendment to Certificate of Formation (name)
 - c. Certificate of Amendment to Certificate of Formation (name)
 - d. Good Standing Certificate from Delaware Secretary of State
 - e. Limited Liability Company Agreement
 - f. File-stamped copy of Application for Registration in Nevada
 - g. Certificate of Registration in Nevada
9. Packet of documentation concerning proposed parent company, including the following:
- a. Amended and Restated Articles of Incorporation with associated documentation
 - b. Current Annual Report with financials
 - c. Current Report to Members with financials
 - d. Good Standing Certificate from California Secretary of State
 - e. Ratings Reports from four (4) sources
 - f. Two (2) 2003 Annual Statements of Accounts
10. Organizational chart showing applicant, parent, and related entities, as proposed
11. Personal Suitability Application of David Bouge as Manager of Angel Park Golf, LLC, and of Las Vegas Golf I, LLC, including the following:
- a. Personal History Questionnaire, with attachments
 - b. Current color passport-style photograph (attached to Personal History Questionnaire)
 - c. Copy of birth certificate
 - d. Military discharge records
 - e. Two (2) Authorizations to Release Information
 - f. Personal Financial Questionnaire
 - g. Three (3) most recent years' personal federal income tax returns
12. Personal Suitability Application for General Manager of location as key employee. OB Sports Golf Management (AP), LLC serves in this role. The Managers of this LLC, Philip J. Green and Jamie Cook, recently completed a personal suitability investigation to be found suitable as principals on the liquor license at Angel Park Golf Club. In addition, the current key employee on that liquor license, Jeff Robin, shall continue to serve as the Director of Food and Beverage at the facility so we would also request that Mr. Robin remain on the liquor license for the facility. The only other Principal of this key employee entity is Orrin Vincent. The following

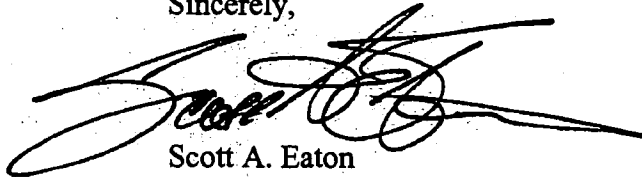
Eddie Raines
May 28, 2004
Page 3

materials are enclosed as the personal suitability application of Mr. Vincent:

- a. Personal History Questionnaire, with attachments
 - b. Current color passport-style photograph (attached to Personal History Questionnaire)
 - c. Copy of birth certificate
 - d. Two (2) Authorizations to Release Information
 - e. Personal Financial Questionnaire
 - f. Three (3) most recent years' personal federal income tax returns
 - g. Copy of Family Trust
- 13. Articles of Organization of Key Employee
 - 14. Amendment to Articles of Organization of Key Employee
 - 15. Current List of Managers of Key Employee
 - 16. Amended and Restated Operating Agreement of Key Employee
 - 17. Complete copy of application concurrently submitted to the Real Estate & Assets Division, including a copy of the Operational Services Provider Agreement for the Key Employee
 - 18. Liquor License Transfer Authorization
 - 19. Affirmation of Compliance with Industrial Insurance Requirements (operating entity)

We trust this is satisfactory for your purposes at this time. Please advise should there be any questions or a need for anything additional. Thank you for your assistance and cooperation in this matter.

Sincerely,



Scott A. Eaton

SAE/rck

Enclosures

cc: Dale Hawley, Esq. (w/o enclosures)

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Discussion and possible action regarding Change of Ownership and Business Name for a Package License subject to the provisions of the fire codes and Health Dept. regulations, From: H & H Discount Liquor dba H & H Discount Liquor, Falah E. Hamika, Ptnr, 50%, Maher Alsafar, Ptnr, 50%, To: S & S, Inc., dba H & H Discount Liquors, 1916 North Decatur Boulevard, Najah A. Sitto, Dir, Pres, Treas, 50%, Nabil H. Somo, Dir, Secy, 50% - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Change of Ownership and Business Name for a Package License

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

MOTION:

REESE – Motion to bring forward and STRIKE Items 54, 55, and 78, Hold Items 65 and 66 in ABEYANCE to 8/4/2004, and Hold Item 69 in ABEYANCE to 8/18/2004 –
•UNANIMOUS

MINUTES:

There was no discussion.

(9:35 – 9:37)

1-886

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Discussion and possible action regarding a Six Month Review of a Hypnotist License, Alameda Ventures, LLC, dba Hypnoadvantage, LLC, 5111 Telegraph Avenue, #272, Oakland, California, Carol M. Adams, Mmbr, 88% - California

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Hypnotist License

RECOMMENDATION:

Recommend approval without further review

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE – DENIED – UNANIMOUS with MACK not voting

MINUTES:

The applicant was not present.

MARK VINCENT, Director, Finance and Business Services, explained that the applicant obtained the license to provide her services at seminars, but she has never done that and has not paid the license fee. MR. VINCENT recommended the license be denied.

(11:10 – 11:11)

2-1078

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Hypnotist License, Alameda Ventures, LLC, dba Hypnadvantage, LLC, 5111 Telegraph Avenue, #272, Oakland, California

On July 16, 2003 the City Council granted temporary approval of this license subject to a six-month review due to Councilman Reese's concern that the license was not site specific. In addition, the motion allowed the Department to issue a permanent license upon receipt of a favorable police report. A favorable police report was received on August 14, 2003.

On January 21, 2004 the City Council conducted the review and approved the license subject to another six-month review.

Departmental records reflect no derogatory information or complaints on this license since it was approved.

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Locksmith License, From: National Safe & Vault, Inc., dba Clark County Safe & Lock, 6818 West Cheyenne Avenue, Sheila L. Rossman, Pres, Treas, 50%, George P. Rossman, Secy, 50%, To: Clark County Safe & Lock, LLC, dba Clark County Safe & Lock, LLC, 10417 Morning Drop Avenue, Michael N. Rossman, Mgr, 100% - Ward 4 (Brown)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Locksmith License

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

BROWN – APPROVED the temporary license, subject to provisions as recommended, with the manager of Business Services granted the authority to approve the permanent license after completion of appropriate process – **UNANIMOUS**

MINUTES:

The applicant was present and requested approval. He took over the seven-year family business.

MARK VINCENT, Director, Finance and Business Services, reported that there were no areas of concern and suggested approval as recommended.

(11:11 – 11:13)

2-1194

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Locksmith License, To: Clark County Safe & Lock, LLC, dba Clark County Safe & Lock, LLC, 10417 Morning Drop Avenue

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

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

- (1) The applicant's fitness for a license; and
- (2) The appropriateness of the applicant's business location.

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

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

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

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

The attached letter dated July 1, 2004 from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on July 1, 2004. Based on a review of the SCOPE printout furnished to this Department and the fact that Mr. Rossman was previously investigated and approved by the City Council on August 15, 2001 as the manager for the Rossman's business, we have determined that he is preliminarily suitable to hold a temporary locksmith 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.

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

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CONSENT

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DISCUSSION

SUBJECT:

Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning codes, Nevcorp Consultants, Inc., dba MANYI, 3900 North Rancho Drive, Suite 107, Thomas E. Wilson, Pres, Secy, Treas, 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 a new Massage Establishment License

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Map
2. Submitted after final agenda – Support letter from Thomas E. Wilson, President of Nevcorp

MOTION:

MACK – APPROVED the temporary license, subject to the following conditions: a six-month (1/19/2005) review, the applicant must report in writing to the Business License manager any arrests or citations within 48 hours, the hours of operation shall be from 8:00 a.m. to 9:00 p.m., with the last customer being taken at 8:30 and finished by 9:00 p.m., and the Business Licensing manager shall have the authority to immediately suspend or revoke the license should any conditions be violated. – UNANIMOUS

MINUTES:

The applicant was present and requested approval.

MARK VINCENT, Director, Finance and Business Services, deferred to STACEY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), who indicated that the Confidential Report reflects two incidents where two individuals were cited for prostitution at related sites. One of those cases is pending adjudication before the courts, and the other was discharged and sealed. MR. VINCENT recommended a six-month review on a temporary license with operating hours of 8:00 a.m. to 9:00 p.m., that the applicant be required to report in writing to the Business License manager any arrests or citations within 48 hours, and that the Business License manager be authorized to immediately suspend or revoke the license should any of the imposed conditions be violated.

CITY COUNCIL MEETING OF JULY 21, 2004

Finance and Business Services

Item 72 – Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning codes, Nevcorp Consultants, Inc., dba MANYI, 3900 North Rancho Drive, Suite 107, Thomas E. Wilson, Pres, Secy, Treas, 100% - Ward 6 (Mack)

MINUTES – Continued:

COUNCILMAN WOLFSON asked if the hours of operation should be clarified, especially since at the previous Council meeting there was a case where there was an issue with a detective receiving massage service after 9:00 p.m. Should MR. WILSON be required to close the doors at 9:00 and finish up service on remaining customers, or should any remaining customers be asked to leave by 9:00 p.m.? MR. WILSON indicated that he certainly would like the hours of operation established and clarified.

MESSRS. VINCENT and RODD and the Council held oscillating conversation as to the appropriate hours of operation, given that massages could take from half an hour to an hour and a half. COUNCILMAN REESE insisted that any businessman has a right to make a dollar. COUNCILMAN BROWN and MR. VINCENT indicated that the massage industry is regulated and the Council has the right to set the hours. ASSISTANT CITY ATTORNEY JOHN REDLEIN interjected that a tavern, which is also a regulated business, that must close at 2:00 a.m. does not pour a drink after 2:00 a.m.

MR. WILSON insisted that he would accept whatever hours are set, as long as they are clarified, because he does not want an undercover detective coming in right after 9:00 p.m. and being cited for finishing up a client after 9:00 p.m. COUNCILMAN MACK indicated that MR. WILSON could accept clients up to 9:00 p.m. and none after. COUNCILMAN BROWN opposed that, stating that this involves a privileged license and the owner has the responsibility to manage his business with the hours established. MR. VINCENT indicated that the easiest way to clarify it would be to not allow any massage after 9:00 p.m. COUNCILMAN MACK decided to allow MR. WILSON to take the last customer at 8:30 and be finished by 9:00 p.m. DETECTIVE RODD indicated that if a customer is finishing up getting dressed right after 9:00 p.m. or is in the restroom, the undercover detectives will exercise common sense.

TOM McGOWAN, Las Vegas resident, recommended the applicant be given at least three minutes, which is the time the public gets to make comments.

(11:13 – 11:31)

2-1194

Manyi



0 200 400 Feet



CITY COUNCIL Meeting of 07/21/04, 9am**Item #72 - Supporting Documentation**

I will speak in support of the Business License Application for Nevcorp, dba MANYI.

As you are aware, from reviewing the application, I have another business, Jade Garden Massage and Oriental Therapy. Our cliental is made up of Couples. Men. Women. and some Moms bring their daughters along for a massage, as well.

MANYI is to be a business of both Acupuncture and Massage. It too will serve a mix of cliental.

I personally take an active roll in the management of the business. In this capacity I have;

- 1) Placed Video Security in the reception area.
- 2) Established rules, **against any unlawful acts.**
- 3) Independent Massage Therapist (IMT) sign an agreement prior to working at Jade Garden.

This agreement stipulates that IMT(s) are to perform **ONLY LEGAL MASSAGE** in accordance with City of Las Vegas code 6.52.

- 4) The menu of massage techniques contains a **NON-SEXUAL** statement.

NON-SEXUAL is also stenciled on the door leading from the reception area to the massage rooms, for all to see.

Legal Council has advised Jade Garden that video or audio surveillance cannot be placed in massage rooms. Therefore, I cannot actually have knowledge of what an Independent Massage Therapist may do during a Therapeutic Massage Session, as that would intrude on the clients privacy, according to Council.

Now, I will address the three (3) items cited within the Police Investigative Report, which is a part of the application process for MANYI. That report does not provide any details or resolutions to those non-compliances.

The first Non-Compliance states, that I "did allow"...IMT to solicit.

I take exception to that wording and state that **I did not allow.**

The American Heritage Dictionary defines "ALLOW" as "To let do or happen, permit".

As stated above I have done those things permitted by law to prevent unlawful acts from occurring.

Resolution of Non-Compliance – Following the arrest of a masseuse on 07/09/2003, Jade Garden quickly established a "First Arrest Rule". Simply put, it states, from this date forward, that any IMT being arrested (first time) will have their Agreement (Contract) with Jade Garden terminated. They will no longer be allowed to work at Jade Garden. With this policy in place, and upon the arrest of the second IMT on 10/21/2003, that individual was terminated that very day and has not worked at Jade Garden since. There have been no other such occurrences in the eight months following.

Support

Submitted after final agenda

Date 7/19/04 Item # 72

The second Non-Compliance has to do with the proper display of a license. License had not yet been relocated following the recent location of a Shoji wall.

Resolution of Non-Compliance – Relocated license to area providing a more public view.

The third Non-Compliance states that I allowed an IMT to work without a Health Card. The Clark County Code states that an IMT is to have a valid Health Card prior to performing massage.

The Las Vegas Dept. of Finance & Business Services requires that an Establishment maintain an "Employee Listing", which Jade Garden does maintain and did make available to the officer who issued the Non-Compliance. When an IMT contracts with Jade Garden, we verify that they have a valid Health Card and put the expiration date on the "Employee Listing", as the form requires.

Resolution of Non-Compliance – Jade Garden has always and continues to verify Health Cards and continues to maintain the required "Employee Listing". It is the responsibility of the IMT to have the Health Card with them when working.

In reference to IMT being cited for working without having a Health Card; The IMT was on the "Employee Listing" as having a current and un-expired Health Card. This was accurate and exactly what Jade Garden was responsible to do.

Action – Jade Garden held a meeting, and along with other items discussed, reminded and advised all IMT(s) to have their License and Health Cards with them at all times, when working.

Jade Garden has acted promptly and decisively in resolution of all non-compliances. Jade Garden has sought out legal council to assure that we remain compliant while not infringing upon the rights of our clients or the IMT(s).

I will exercise the same high level of responsibility and management at MANYI, the new business location.

The Planning Commission recommended approval, this body has approved the Special Use Permit and I ask that the Council now approve this business license application, as well.

I thank you all, for your attention.

Thomas E. Wilson
Pres. of Nevcorp

Thomas E. Wilson
07/19/04

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-132-2004 – Discussion and possible action regarding a Resolution Supporting the Public Safety Advisory Question to Be Placed by the Board of County Commissioners of Clark County, Nevada on the Ballot at the General Election to Be Held on November 2, 2004

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The Board of County Commissioners proposes to place on the ballot for the November 2, 2004, general election a public safety advisory question concerning an increase in the sales and use tax in the County for the purpose of hiring and equipping more police officers. The City Council has been requested to indicate its support of the submission of the question, as well as its passage, by means of this Resolution.

RECOMMENDATION:

It is recommended that the City Council approve this Resolution and authorize its execution on behalf of the City.

BACKUP DOCUMENTATION:

Resolution No. R-132-2004

MOTION:

REESE – APPROVED as recommended and incorporating all comments made –
UNANIMOUS

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

BILL YOUNG, Sheriff

GARY REESE, Councilman

MICHAEL MACK, Councilman

STEVE WOLFSON, Councilman

JANET MONCRIEF, Councilwoman

CITY COUNCIL MEETING OF JULY 21, 2004

Resolutions

Item 73 – R-132-2004

APPEARANCES – Continued:

LAWRENCE WEEKLY, Councilman

LARRY BROWN, Councilman

TOM MCGOWAN, Las Vegas resident

ISAAC HENDERSON

GARY HUNTER, Pastor, Greater St. James Baptist Church

(9:56 – 10:31)

1-1640

**RESOLUTION SUPPORTING THE PUBLIC SAFETY ADVISORY QUESTION
TO BE PLACED BY THE BOARD OF COUNTY COMMISSIONERS
OF CLARK COUNTY, NEVADA ON THE BALLOT AT THE GENERAL ELECTION
TO BE HELD ON NOVEMBER 2, 2004**

WHEREAS, the County of Clark is a county established by, and operating as a county under, the laws of the State of Nevada; and

WHEREAS, the Board of County Commissioners of Clark County, Nevada (the "Board") is authorized pursuant to NRS 293.482 to place an advisory question on the ballot at a general election asking the advice of the registered voters within its jurisdiction on any question which it has under consideration; and

WHEREAS, the Board proposes to place on the ballot for the November 2, 2004, general election a public safety advisory question concerning an increase in the sales and use tax in the County for the purpose of hiring and equipping more police officers; and

WHEREAS, the City Council has been requested to support the Board's submission of that question to the qualified electors of the County at the November 2, 2004, general election, and to support passage of the question; and

WHEREAS, the public safety of the residents and tourists of the County and incorporated cities within the County's boundaries is of utmost importance; and

WHEREAS, the number of police officers throughout the County is well below the national average for the size of the resident and tourist population served by the police departments throughout the County; and

WHEREAS, the funding of the various police departments within the County is insufficient to keep up with the demand for public safety services given the population growth and the rising crime rate in the County.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas to support the placement on the ballot, at the general election to be held on November 2, 2004,

///

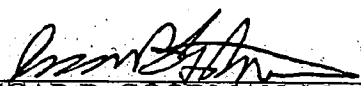
///

///

1 the public safety advisory question referred to above, in substantially the form attached hereto as
2 Exhibit A, and to support passage of the question.

3 PASSED, ADOPTED, AND APPROVED this 21 day of July, 2004.

4 CITY OF LAS VEGAS

5
6 BY 
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 
11 BARBARA J. RONEMUS, City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

12 APPROVED AS TO FORM

13 Val Steel 7-8-04
14 Date

EXHIBIT A

[Information to Be Included in Sample Ballot]

ADVISORY BALLOT QUESTION NO.

This question is advisory only: Do you support an increase in the sales and use tax in Clark County of up to ½ of 1% for the purpose of hiring and equipping more police officers to protect the citizens of Clark County?

Yes / /
No / /

Explanation: With voter support of this question, Clark County will seek authorization from the Nevada State Legislature to levy an additional sales and use tax of up to ½ of 1%. The proposed increase would initially be ¼ of 1%, beginning July 1, 2005, and would increase to a maximum of ½ of 1% beginning July 1, 2009. Food for home consumption, prescription drugs and medical supplies are not subject to sales and use taxes. Revenue generated would be allocated for use by the Las Vegas Metropolitan Police Department and the police departments of Boulder City, Henderson, Mesquite and North Las Vegas to hire and equip additional police officers.

The actual number of officers for each jurisdiction may vary, depending on future economic growth. It is estimated that within the first 10 years, sufficient revenue will be generated to enable the agencies within Clark County to hire and equip the following number of officers: Boulder City 16, Henderson 227, Las Vegas Metropolitan Police Department 1,278, Mesquite 14, and North Las Vegas 151.

[Insert in Sample Ballot Arguments For and Against the Bond Question and Rebuttals to those Arguments prepared in accordance with NRS 295.121]

Fiscal Note: The sales and use tax increase would continue until no longer required to support additional police officers. The average cost to a payer of sales and use tax in Clark County for the initial ¼ of 1% increase is expected to be \$12.50 per year, based on \$5,000 in annual expenditures on goods that are subject to sales and use tax. The annual cost of the maximum ½ of 1% increase to a payer of sales and use tax in Clark County would be \$25, based on \$5,000 in annual expenditures on goods that are subject to sales and use tax. Additional expenses are expected to be incurred to pay for civilian staff and facilities required to support the additional police officers, which will be funded through the regular operating budgets of each respective agency.

[End of Information to Be Included in Sample Ballot]

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

**Verbatim Transcript: ITEM 73 – R-132-2004 – Discussion and possible action regarding a
Resolution Supporting the Public Safety Advisory Question**

APPEARANCE LIST

OSCAR GOODMAN, Mayor

BILL YOUNG, Sheriff

GARY REESE, Councilman

MICHAEL MACK, Councilman

STEVE WOLFSON, Councilman

JANET MONCRIEF, Councilwoman

LAWRENCE WEEKLY, Councilman

LARRY BROWN, Councilman

TOM McGOWAN, Las Vegas resident

ISAAC HENDERSON

GARY HUNTER, Pastor, Greater St. James Baptist Church

(9:56 – 10:31)

1-1640

35 Minutes

Typed by: Gabriela S. Portillo-Brenner

Proofed by: Angela Crolli

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

26 **MAYOR GOODMAN**

27 There's been a request to pull forward Item No. 73, and I will grant that request. Item 73 is R-
28 132-2004, discussion and possible action regarding a Resolution Supporting the Public Safety
29 Advisory Question to be placed by the Board of County Commissioners of Clark County,
30 Nevada, on the Ballot at the General Election to be held on November 2nd, 2004. The
31 background of this is a Board of County Commissioners proposes to place on the ballot for the
32 November 2nd, 2004, general election a public safety advisory question concerning an increase in
33 the sales and use tax in the County for the purpose of hiring and equipping more police officers.
34 The City Council has been requested to indicate its support of the submission of the question, as
35 well as its passage, by the means of this Resolution. So, with that, I'd very much like to hear
36 from our good Sheriff.

37

38 **BILL YOUNG**

39 Good morning, Mayor, City Council, Boy Scout communications folks here, congratulations.
40 Thank you for giving me a few minutes to talk about this. As, I've met with all of you individual,
41 individually, in the last few weeks regarding this subject, so I won't cover all that ground.
42 Hopefully, I answered all your questions. But, as you all know, on November 2nd, our
43 community will have many, many questions facing it at the Presidential Election Ballot that we
44 have this year. One of, a very important question here in our community is the level of service
45 and number of police officers that we have now could potentially be increased with the approval
46 of an advisory question that we will take forward, asking our community if they would be
47 willing to pay an additional quarter of a cent for four years, and then an additional quarter of a
48 cent those years after, for a total of a half cent, additional to our current sales tax of seven and a
49 half cents.

50 What this would do for our community would over a 30-year period, we estimate, allow all cities
51 in Clark County, as well as the unincorporated Clark County area of Metro's jurisdiction, to hire
52 approximately twenty-three hundred additional police officers. Seventeen hundred of those
53 officers could be hired in the first ten years, if this advisory question was approved and the
54 Legislature were to go on and endorse that approval by enabling legislation for the County
55 Commission to levy the tax.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

56 I know that sounds rather complicated. The process really hinges on the public and the voting
57 taxpayers' recommendation of this question, and they're saying it's their money and they're the
58 citizens that pay this, our salaries, all of us. And, I believe, that the citizens have an opportunity
59 and a right to make and send a clear message to those of us in elected positions how they'd like
60 to spend their money and what level of public safety we need here.

61 As we all know, we have a very unique environment, with many, many different neighborhoods
62 in the City, in the County. We have the number one visited tourist corridor in America on Las
63 Vegas Boulevard and in Fremont, Fremont Street area. And, we have a lot to lose by having a
64 high-crime rate or the, you know, inevitable question arising from terrorism in today's day and
65 age, what can we do to protect that environment and ensure that Las Vegas remains the – safest
66 City that it possibly can be.

67 And a final note is –, what I'd like to put on the record is our agency is understaffed. It is clear to
68 me that the need is there. We have had to successive years of double-digit crime rate increases;
69 12% in two thousand and two, 13% additional crime rate increase in two thousand and three, for
70 a total, in the last two years, of 25% more crime in our community than we had in two thousand
71 and one, and that is unacceptable to all of us, everybody – here understands the need.

72 Or, also, to coincide with that need and that crime rate increase, is a documented, understaffed
73 police – agency with an average ratio of 1.7 officers per thousand citizens, while the national
74 average of all cities is 2.5 officers per thousand. So, we're – operating very lean. Our level of
75 service is going down. And what the taxpayers and the voters could buy, and expect to get by
76 approval of this question, is better service, quicker response times, less crime, lower crime rate,
77 and, in my vision, and the vision of the men and women of Metro, an opportunity for our officers
78 to start doing, once again, proactive police work. Spend a little time patrolling the
79 neighborhoods. Stop on occasion and visit a business owner, a small business owner, see how
80 things are going. Driving through a neighborhood and waving at a citizen and stopping and say,
81 hey, what's going on in your neighborhood? We don't do that anymore. It's call to call to call to
82 call, with three more holding when you go to the one that you're on. And it's just, it's a symptom
83 of the growth, and it's no different than why I-95 is bumper to bumper and we have three-hour
84 waits to get a drivers license. And you can't go anywhere and drive the streets of our community,
85 City, County, even in the rural areas, where there's not road construction, more roads, more

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

86 buildings, and more places for the Metropolitan Police Department, your police department, to
87 keep safe.

88 So, I would sincerely ask for your support in our endeavor to get this ballot initiative passed.
89 And, I believe, as the elected representatives for the people, that your opinion matters and that
90 your support of this advisory question means a lot when the voters go into the voting booth, that
91 they know that their City Council has the, has their best interest at heart. And, even though taxes
92 are very, very difficult to raise and it's an ugly question, I believe that the cause is noble. It's a
93 very noble cause, and at the end of the day the public desires and wishes to be the safest
94 community in America. Thank you.

95

96 **MAYOR GOODMAN**

97 Thank you, Sheriff.

98

99 **BILL YOUNG**

100 Any questions that I can answer I'd be happy to do so.

101

102 **MAYOR GOODMAN**

103 All right. Councilman Reese?

104

105 **COUNCILMAN REESE**

106 Yes. Thank you, Your Honor. Sheriff, if you could, could you just kinda state, for the record, just
107 exactly what this money's gonna be spend on. I think it's a very – important part of this ballot
108 question. To my knowledge, the way I understand it, this money is gonna be just to hire police
109 officers, not gonna go for new buildings or –

110

111 **BILL YOUNG**

112 Right. I think the two or three important points about this question, Councilman, is, number one,
113 it's advisory only. In other words, in my opinion, it's a very respectful way of going to the voting
114 taxpaying public rather than just arbitrarily raising taxes, putting out the problem, which is crime
115 rate and growth and response time and giving them an opportunity to say, yes, we're willing to

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

116 spend our hard earned money for this, and then allowing them the next step of the process.
117 Number one, it's advisory. Two, an advisory question and my commitment, and the commitment
118 of at least the majority of the police chiefs in the community, to include Police Chief Mike
119 Mayberry. Yesterday, he and I spoke on the radio for an hour about this. What voters will
120 understand when they go into that booth is that the money can only be used, and our
121 recommendation in the advisory question, for the hiring of police officers, their salaries, their
122 car, their badge, their gun, and their uniform. No fancy buildings, no administrators, no high-tech
123 gear. This is a cop and a beat. A cop connected to a radio and a black and white patrolling the
124 neighborhoods. That's where the money goes. More traffic cops, more cops in our neighborhood
125 substations. People don't wanna hear about high-tech or brick and mortar or that. What we need
126 to do at Metro is increase our staffing. We just don't have the right number of employees.
127 So, Councilman, those are the two key things. This is advisory only. And, finally, the money is
128 for cops, not equipment.

129

130 **COUNCILMAN REESE**

131 Thank you very much, Sheriff. Mayor, if I could. I've had probably five or six different
132 neighborhood meetings since our Sheriff's come up with this idea. And, probably 90% of my
133 meeting is taken up with police issues or police matters. And every person that's attended my
134 neighborhood meetings, we've talked about this initiative. And, I – can dare say, I would
135 probably say 99.9% of those constituents that are out there, they want better police service in
136 their – community, and they all, without a doubt in my mind, support what we're trying to do
137 here.

138 And, like I say, this is just my area. I don't know how other – parts of the Valley's gonna feel
139 about this. But I do know that it is a necessity, and I've said from day one we tried to, the City's
140 tried to do their fair share in making sure that we have police services provided in our
141 neighborhood. I feel like the last budget that the Sheriff asked for was very substantial, but I felt
142 like that we needed to support that. And, again, he had to go back and change that request for his
143 needs and stuff to, so, I guess, to get the support from our – brothers and our sisters in the
144 County.

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

145 So, I don't feel like this here is something that we can question. I think this is just automatic. We
146 have to support this. And, like I say, Sheriff, if you need me at any time to go out and – talk to
147 any constituents anywhere, anytime, I'm available. I think it's very, very necessary, if we're
148 gonna continue to have the growth that we have, to make sure that our – people that live, or
149 coming here are safe. To make sure those people that haven't been here for a long time, are safe,
150 and that our community, that our communities, that those people that live in these communities
151 feel safe in living in their houses. So, I support it a thousand percent, and, whenever you need
152 me, I'm there.

53

154 **BILL YOUNG**

155 Thank you, Councilman Reese. I appreciate that.

156

157 **MAYOR GOODMAN**

158 Thank you, Councilman. Councilman Mack?

159

160 **COUNCILMAN MACK**

161 Thank you, Your Honor. I personally feel that this is a hill to die for. When you compare our per
162 capita to the City of Orlando, and their tourist corridor. Sheriff, I'm sure you have those numbers
53 readily available. But a drast comparison, how Las Vegas compares to Orlando, many of you
164 know of the tragedy that happened in Florida years ago with the German tourists. And, the
165 devastation that had on the tourism in the State of Florida, not just then, but to this date. We talk
166 about taxes and – the opportunity to take taxes away, well, we won't have taxes if we have one
167 of those tragedies hit this – Valley, with no tourists coming to this – Valley.

168 I think, you know, Mayor Pro Tem, you hit a really strong point. The level of service is – going
169 down. But, the level of service is similar to what happened to us right before our fire bond
170 initiative. A lot of residents said, well, we have a fire station near us; we don't need another fire
171 station. What was happening is – a lot o f the new growth area, such as mine and Councilman
172 Wolfson's, and Councilman Brown's, as we see the growth and the spurts, the level of service in
173 our areas is going down as well. But it was spreading it so thin, so, if we had a fire in the
174 northwest, it would take the level of service away from the more urban core areas, and it's the

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

175 same thing that's happening here. We don't have service in the northwest like we would. We
176 don't have the patrol, patrolmen patrolling the neighborhood, saying hello to businesses or
177 neighbors. They don't see a black and white. Why? Because when these cops get in their cars,
178 they're getting numbers of calls and requests and they're jumping their cars and they're hitting
179 the more – urban core areas.

180 So, it's very rare in the northwest where you'll see a black and white patrolling or writing a
181 traffic ticket. One of the biggest complaints I hear in the northwest is we don't have someone
182 patrolling these – speed limits. We can't. It really is – a tough task. We just did this new scooter
183 ordinance, or skateboard ordinance, where you can't have motorized scoot, skateboards on the
184 streets. We can't – enforce it. We just don't have enough men and women on the streets. So, I
185 wholeheartedly support getting more black and whites and men and women on the streets, and
186 I'll do anything I can, as well, to help support this cause.

187

188 **BILL YOUNG**

189 Thank you, Councilman.

190

191 **MAYOR GOODMAN**

192 All right. Anybody else?

193

194 **COUNCILMAN WOLFSON**

195 Yes, Your Honor.

196

197 **MAYOR GOODMAN**

198 Councilman Wolfson?

199

200 **COUNCILMAN WOLFSON**

201 Thank you, Your Honor. Certainly, I'd like to echo a lot of the comments made by Sheriff
202 Young and my colleagues on the bench. Just make a couple new observations. I did have
203 occasion to walk some precincts recently and talked to a lot of voters out there, and I never met
204 one that wasn't for the idea of putting more police officers out there. I think everybody,

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

205 generally, is in agreement with that. But, what I like about this a lot is that it's going to
206 encourage and invite a lot of debate on how we pay for more police officers. Nobody was against
207 more police officers, but there were a lot of opinions about how we pay for them. So, I think this
208 advisory question is going to, by nature, with the media and with the advertising, etc., and the
209 invitation for all sides to provide input, it's going to naturally invite a lot of people to discuss the
210 various ways and which is the right way to pay.

211 But, I am certainly behind you all the way, Sheriff Young, and I'm gonna support this. Thank
212 you.

13

214 **BILL YOUNG**

215 Thank you, Councilman.

216

217 **MAYOR GOODMAN**

218 Anybody else? Councilwoman? Pardon me, Sir.

219

220 **COUNCILWOMAN MONCRIEF**

221 Thank you. In my town hall meetings also I have probably 90% of all my issues were related to
222 crime, traffic, everything related to needing more police officers. The one thing that I like about
223 this, Sheriff, is that it's selective purchasing, as we spoke. Our elderly are the big concerns a lot
224 of times with tax increases. But property taxes, sometimes they're on such a strict income they
225 can't afford property taxes, even as our income, excuse me, as our housing increases in the price.
226 But this is selective purchasing. So, I just wanna make a comment and the fact that elderly, they
227 buy food, they buy prescriptions, they go to doctors' visits, and none of those will be taxed. So,
228 if they do wanna buy a new refrigerator, that's selective purchasing. So, I'm – very supportive of
229 this.

230

231 **BILL YOUNG**

232 Very good point. And thank you, Councilwoman.

233

234

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

235 **COUNCILMAN WEEKLY**

236 And, finally, Your Honor.

237

238 **MAYOR GOODMAN**

239 Not finally, 'cause Councilman Brown –

240

241 **COUNCILMAN WEEKLY**

242 Oh, Councilman Brown. Okay. Thank you very much. We had a briefing the other day with the
243 Sheriff and his staff, and we appreciate you taking the time out to come and share with us and let
244 us share with you the concerns that we've been receiving from many of our constituents
245 throughout Ward 5. And, we're very excited about the fact that we just recently opened the
246 Downtown Area Command, which will provide great service to many of the – residents in this
247 area and also too what we get from the Bolden Area Command station, over in West Las Vegas,
248 that services a huge span of Ward 5 also.

249 But we also, too, wanna put on the record that some of the feedback we've gotten from our
250 constituents as it relates to supporting this particular issue is that we wanna ensure that we will
251 expand our scope as far as minority outreach and making sure that we try and get men and
252 women to help, get involved in the process, but also to become a part of the force. Many times,
253 and I know in many of the neighborhoods I represent, many people have a different opinion
254 about law enforcement. Law enforcement works with those who will work with them. And, so,
255 we're doing our part in making sure that we get that message out there, that it's something that's
256 open for everybody.

257 And, so, I do appreciate you taking the time to share with us your issue here, and whatever we
258 can do to support you, we're here for you.

259

260 **BILL YOUNG**

261 Thank you, Councilman.

262

263 **MAYOR GOODMAN**

264 Thank you. Councilman Brown?

CITY COUNCIL MEETING OF
July 21, 2004

VERBATIM TRANSCRIPT – ITEM 73

265

266 **COUNCILMAN BROWN**

267 Thank you, Your Honor, and thank you, Sheriff, for coming today. My comment would be more,
268 if you could provide information, a lot of the feedback we're getting, since things are gonna be
269 so busy on the November Ballot, if we can get people to focus on your question, your issue, and
270 why you feel it's justified, where can the constituents call for more information today and not
271 wait for that advisory to – hit the newspapers? So they can start getting information now. Is there
272 outreach out of your department or –

73

274 **BILL YOUNG**

275 Well, unfortunately, because of the election laws and the rules, nobody at the Metropolitan
276 Police Department, with the exception of the elected position that I hold, is allowed to speak
277 about this during a business day or do any campaigning or political work while on duty or on the
278 clock or in their uniform, or under the guise of the Metropolitan Police Department. Even though
279 it is that noble cause and we are Metro, those are the rules and I've made it clear since day one
280 that those rules have to be followed. So, most of this has been done by myself and some
281 volunteers on the department off-duty on their time. And what we've done is we've scheduled a
282 series of meetings with various groups. For example, we're meeting with all the homeowners
33 associations in Summerlin and Sun City, and we've attended every single, at every request of
284 any town hall meeting. I have a series scheduled with Councilman Wolfson. He's getting his
285 kicked off where either myself or a representative will be there. We've been to Councilman
286 Mack's, Councilman, yours, Councilwoman Moncrief's having 'em.

287 And, as you may or may not noticed, if you drive, driven the streets, we started erecting our
288 billboards this week, over a hundred of 'em. They all have a "More Cops" on the top, and then a
289 reason why to vote for this line. And we have five or six different reasons that we're spreading
290 around there. And, I believe, you'll see a very viable and well thought out and reasoned
291 television campaign that we'll – be cranking up here in September.

292 So, anybody's certainly able to contact my office or e-mail me, and I'm able, under the law, to
293 speak about it at all times. And, if somebody wants somebody to come and speak to a group or
294 neighborhood meeting, we're at your beck and call. I don't have a website, unfortunately. I

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295 mean, that's probably a good idea that maybe we throw one up, because I know a lot of people
296 are, look for information that way, but due to the limitations in grassroots of this and a finite
297 amount of budget, we don't have a lot of, we don't have an office, or we don't have any
298 handbills or literature out there as well.

299 So, there's been a lot of debate in the paper, and there's gonna continue to be. I met with the Sun
300 Editorial Board the day before yesterday, and, for a good two hours, and was with the R-J for an
301 hour and a half yesterday, and, I believe, that there'll be a lot of information out there available
302 for the public long before the actual November sec, election. But, I'm easy to find and anyone of
303 you certainly can point me in the right direction when you have people that have some questions,
304 Councilman.

305

306 **COUNCILMAN BROWN**

307 Thank you.

308

309 **COUNCILWOMAN MONCRIEF**

310 Excuse me, Your Honor.

311

312 **MAYOR GOODMAN**

313 Yes, Councilwoman.

314

315 **COUNCILWOMAN MONCRIEF**

316 Just one, Sheriff, could you please explain how much per year you estimate compared to what
317 purchases they makes on the record, so that they would know what the increase would be.

318

319 **BILL YOUNG**

320 Well, it's – a quarter of a cent for four years on – taxable goods, and, after four years, it would be
321 another quarter of a cent, for a total of a half cent. So, as you correctly pointed out, one of the
322 planks of this is the ability to spread the pain more equitably and not hit any one sector overly
323 hard; whereas, property tax, of course, as you mentioned, particularly with these supposed huge

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324 increases in assessed valuations, to not hire this number of officers, we estimated it'd be in the
325 hundreds of dollars a year for a homeowner in, you know, which is substantial.

326 Sales tax, in balancing our taxation, we –, Metro's funded from a combination of sales property
327 and self generated revenues. We don't have as much sales tax as we believe we need to – balance
328 the – funding of the Metropolitan Police Department, and this kind of equalizes it somehow.

329 But, for an example, to be more specific to an average person and, if you, you know, average is –
330 different. It depends on your income and what your discretionary spending is, but this hits a lot
331 of discretionary spending issues. As you correctly pointed out, the necessities, the majority of the
332 hardcore necessities, food, medicine, doctors, eyeglasses, gasoline do not have sales tax. So we
333 did not wanna hit people on fixed incomes overly hard. It does hit discretionary items, such as,
334 you know, big-ticket items, vehicles, refrigerators, washers, dryers, clothing, and a myriad of
335 other things.

336 But, if – an individual spent \$5,000 a year on discretionary items, that's one person, \$600 a
337 month on discretionary items, the first four years that'd be an additional \$12.50 a year. After
338 that, after the fourth year and fifth year on, that same amount would be \$25 a year. So, if a
339 person spent \$10,000 a year, the first four years it would be \$25 a year, and so on and so forth.
340 So those folks that can most afford it and are spending a lot of discretionary monies certainly
341 would pay more.

342 The other nice thing about the sales tax is we analyzed what our taxation is in this community.
343 Sales tax has a balance of commercial businesses. They pay 20% of our sales tax in Clark
344 County. Our property owners and homeowners pay 40% of our sales tax. And the other 40% is
345 paid by our tourists. So, in essence, with this tax, we're able to hit the people that are visiting
346 here and using our services, and somewhat gives our community a 40% discount on the cost of
347 these officers, when out-of-Stators and people visiting this community are spending, you know,
348 anything discretionary they buy; restaurant food, entertainment. Purchases they make while
349 they're here is all taxed under our sales tax. So, it gives that, our community that 40% discount.
350 Whereas, if we assume this all by property tax, we bear it all. We, when I say "we," we that own
351 homes. And, mind you, those that rent. Because, if anybody's naïve enough to believe that low-
352 income folks that are paying rent would escape this, and I've heard people make that comment,
353 this is a regressive tax here, the people that can't afford to pay with sales tax, believe me the

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354 property owners are gonna pass that property tax increase on to their renters. And we all know
355 that, those of us that are, educated ourselves in this.

356 So, while sales tax can be described in some ways as being regressive, I think that the impact on
357 the average person and the lower income people, you can make a very good case that this is the
358 least pain for anybody.

359 And, finally, you know, crime is regressive. I mean, the facts are irrefutable, folks. Our lower-
360 income folks suffer from crime more than us that are fortunate enough to live in a gated
361 community like I do in Summerlin. I got two armed guards out in front of my gate and very little
62 crime, and I don't see or feel crime when I go in those boundaries. Thank God I spent 26 years
363 here patrolling the streets of this community and understand what crime is like in downtown or
364 in the eastern swath of our Valley, or in West Las Vegas, and, as the Sheriff of this community,
365 I'm not afraid to tell those folks that are living in the gated communities and have come here and
366 moved here to enjoy our lifestyle and what, the people that built this community and – have been
367 able to build and they enjoy a wonderful environment, but I'm not afraid to tell them folks we're
368 all in this together, and we need, whether you're retired and have moved here and raised your
369 kids and paid taxes in California and moved here and enjoying our lifestyle, not everybody's that
370 fortunate in this community.

371 But I know one thing, and Councilman Mack talked a little bit about it. There's a goose that laid
72 the golden egg in this community that's irrefutable, and it's that four miles of Las Vegas
373 Boulevard and a few block on Fremont Street that, if that did not exist or we had a devastating
374 hit to it either due to an act of terrorism or some unfortunate crime issues, such as what happened
375 in South Florida, causing billions of dollars of lost tourist revenue, life will change for all of us
376 and will change for everybody in this community. And I'm not gonna stand on my hands while
377 the crime rate's going up double digit year after year after year and people continue to move
378 here. Action has to be taken. No taxes are popular, but this is the one that I think we can sell, and
379 I've got a lot of information, and I'm happy to provide you why I believe that, from polling to
380 analyzations to a lot of the issues that Councilman Wolfson brought up.

381

382

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382 **MAYOR GOODMAN**

383 All right, before I make my comments, I see some folks who are standing up. We'll put a one-
384 minute timer on this, since this is not a – public-comment item. Yes.

385

386 **BILL YOUNG**

387 I wanna thank you all for letting me speak, too. I – really appreciate it.

388

389 **MAYOR GOODMAN**

90 Right. Don't leave.

391

392 **BILL YOUNG**

393 Okay.

394

395 **MAYOR GOODMAN**

396 I wanna talk to you.

397

398 **TOM McGOWAN**

399 Tom McGowan, Las Vegas resident. I wholeheartedly recommend and request that the Council
400 unanimously support this resolution and more. The City and the County must immediately, it's
401 categorically imperative, increase the funding of Metro Police Department not for what they ask,
402 but for far beyond that. There are 23 million illegal aliens in this country today, including in
403 Southern Nevada, Southern California. The Super Speed Train will bring them in 90 minutes,
404 from Anaheim to here. A CAT Bus connector and the monorail system will bring them from the
405 airport all the way to downtown right here. They're coming in by the tens of thousands every day
406 and night; you know it, so do I. The public doesn't. You need to educate this public as to why
407 they need to increase Metro's budget not in November, but immediately, as a matter of fact,
408 yesterday. You're, the first responsibility and duty of government is to protect the public
409 interests. You are the responsible party. Thank you.

410

411

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412 **MAYOR GOODMAN**

413 Yes, Sir. Clock, please.

414

415 **ISAAC HENDERSON**

416 God bless all of you. God bless our police department, the Sheriff, CIA, FBI, and all other fellow
417 agencies that support each other.

418

419 **MAYOR GOODMAN**

20 You have to identify yourself –.

421

422 **ISAAC HENDERSON**

423 What I would like to suggest that –

424

425 **MAYOR GOODMAN**

426 Please identify yourself.

427

428 **ISAAC HENDERSON**

429 Oh, Isaac Henderson. What I'd like to suggest is that since we all have to be under the umbrella
30 of enforcement to be protected as citizens, there are ways to fund the police departments besides
431 taxes. We got other le, like bonds, we have tax issued bonds, Municipal bonds that we could
432 cater to them and to all the other forces that, who might like to be funded through those bonds.
433 We also have letter of intents that we can use in order to maintain a certain funding until they do
434 get the actual cash. And then you have the (inaudible) memorandums, which you have presented
435 to the Council some time ago, of understanding, which is you can make those out to certain
436 individuals that in a position to utilize the money. God bless you all.

437

438 **MAYOR GOODMAN**

439 Thank you.

440

441

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442 **GARY HUNTER**

443 Your Honor, Pastor Gary Hunter of Greater St. James Baptist Church. Good morning, and
444 welcome to, I haven't had a chance to welcome Councilman Wolfson. Forgive me if I messed
445 your name up. I stand here in support. The first time we hear taxes we always just wanna run
446 from it. The first time we hear any kind of initiative that would cost us money we all wanna run
447 from it. But we all know, I'm a resident going on five years, that this community is in an
448 abundance of growth. We want the growth, but we don't want some of the pains that go with it.
449 So, I stand in full support. And I say to the Sheriff, the Mayor, and the Council, whatever we can
50 do as a community to, as Councilman Brown said, to put out the – necessary message for people
451 to understand it. We have to understand that, and I have to say, while on the record, Sheriff, your
452 officers have been more than kind. I have to say to the Chief of the fire department we have
453 some of the finest officers, and I, God knows, as a civil rights activist, I've seen some nasty ones.
454 I've seen some dogs; I've seen some (inaudible) sticks and everything. I have to say that every
455 time I've been in the process, I mean, in – the presence of officers, Mr. Mayor, on the west side,
456 they have been kind, respectful, and they mediate as opposed to dictate. And I have to say before
457 this Council that in Councilman Weekly's Ward, and I appreciate his bold stand, they have been
458 respectful; they have been dignified. We either want safety, or we want no police. No policing
459 and some people claim about they pull folk over, but I'd rather them pull folk over than keep on
60 breaking in and robbing and stealing.

461 So, to the Mayor and this Council, I stand, as a community leader, as a pastor saying that we
462 need to support the Sheriff's more budget.

463

464 **MAYOR GOODMAN**

465 Thank you. Anybody else wanna be heard? Okay, Sheriff, and I'm gonna say this respectfully.
466 You got a rough way to go, buddy. We have –

467

468 **BILL YOUNG**

469 Nobody said it was gonna be easy, Mayor.

470

471

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472 **MAYOR GOODMAN**

473 That's right. We have a track record in this community that when there are items of public
474 safety, which everybody concedes are vital to the quality of life that we enjoy here. For some
475 reason there is an attitude on the part of opinion shapers that, if you're going to address the issue,
476 you shouldn't talk about a new tax. And, I think we went through that experience as a City here
477 with our fire bond. There was no question that we needed more fire stations. We needed more
478 equipment. We were addressing issues of quality of life of people, because 85% of our Fire and
479 Rescue Services do is to save lives of people who have medical problems, it's not putting out
80 fires. And, we made that by the skin of our teeth, when we should have made it by lapse.

481 But, you have something going here that's a little different than what's happened in the past. It is
482 a different town. I've lived here 40 years. I know you have lived your whole life here, and it's
483 changed dramatically. We live in an age of uncertainty, with a potential enemy that we don't see
484 and that we don't hear, and we don't feel but we know is out there, and I agree with everything
485 that was said, that, if, in fact, there was an act of destruction that took place in our community,
486 we'd become virtually a ghost town overnight. So, it's important to me that – never takes place,
487 at least under my watch as the Mayor of the City of Las Vegas.

488 But I disagree with you in one respect when you made your comparison between various
489 neighborhoods, where you talked about the gated communities perhaps having a sense of more
90 security than an ungated community. I appreciate what my colleagues on the Council have said
491 because they all represent their Wards and represent them well, but I'm out there hearing the
492 whole City and not necessarily individual pockets. And it doesn't matter whether you live behind
493 a gate – anymore. No one is immune. No one is immune from the acts that are taking place in the
494 community by common criminals and everybody has a fear, of being a victim. It crosses all
495 bounds of wealth, of color, of socio-economics. This isn't anyone person's problem; it's all of
496 our problem. I told you what I'll do, as far as this request is concerned, I'll be there by your side.
497 Because I think in order for us to be the kind of City that all of us want, a major league City, a
498 first class City, that we have to have a police department that's out there making sure that at least
499 the public safety aspect of our community is – in good shape. But, don't – ever pretend that
500 anybody's immune from this.

501

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502 **BILL YOUNG**

503 Well –

504

505 **MAYOR GOODMAN**

506 This – is an issue that touches all of us that we all feel, and that is the potential of crime –

507

508 **BILL YOUNG**

509 Well, we're not in disagreement with that, Mayor, and maybe I should have chosen my words
510 more carefully. But, crime is on the upswing everywhere. Summerlin, in certain areas, has had a
511 tremendous number of stolen cars in the last two years. It doesn't matter who you are, rich, poor.
512 It doesn't matter. A car is not attached to a human being necessarily. You go outside and your
513 car is gone. So, I –, I'm in agreement with you.

514

515 **MAYOR GOODMAN**

516 Okay. I – think that was important –

517

518 **BILL YOUNG**

519 I just, there's – some folks, you know, at least where I live, that I've had a lot of debate with.
520 You know, I'm – out there going to these community meetings and stuff, and they – don't feel
521 and sense the crime like I do, or you do, because they're not community-wide. And I think that's
522 where we need to take the message and hopefully our advertising campaign will do that.

523

524 **MAYOR GOODMAN**

525 Well, I'll tell you, in my neighborhood, and I don't exactly live in a poor part of town –

526

527 **BILL YOUNG**

528 I know where you live.

529

530

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530 **MAYOR GOODMAN**

531 – everybody's been hit. The entire neighborhood's been hit, one after another, virtually every
532 night. And, the way to stop that, of course, is to have a black and white go through the
533 neighborhood. But I – think that that's probably an issue that affects everybody in this Valley.
534 And you can't have black and whites going through all these neighborhoods, unless you have
535 enough people to drive them –

536

537 **BILL YOUNG**

538 Exactly.

539

540 **MAYOR GOODMAN**

541 – and – enough cars to be banned. So, you have a righteous cause. That's what you have on your
542 side on this one. This is – very, this is righteous. So, I think, even though it's gonna be a tough
543 haul, I think you're gonna make it.

544

545 **BILL YOUNG**

546 Thank you, Mayor.

547

548 **MAYOR GOODMAN**

549 All right. Could I have a motion, please.

550

551 **COUNCILMAN REESE**

552 Yes, Your Honor. **I think I'd like to incorporate all the comments that has been made here**
553 **today into my motion.** I think it's very important that the word gets out that the City Council
554 and the Mayor wholeheartedly endorses this proposal. And that would be my motion.

555

556 **MAYOR GOODMAN**

557 All right. Let's vote, please. Post. Motion carries. **(Motion carried unanimously.)** Good luck.

558

559

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560 **BILL YOUNG**

561 Thank you all.

562

563 **MAYOR GOODMAN**

564 Thank you.

565 **(END OF DISCUSSION)**

566 /gpb;ac

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-133-2004 - Public hearing and possible action on a resolution authorizing the issuance of a medium term obligation, not to exceed \$20,000,000, for the purpose of acquiring, improving and equipping a recreational project (Centennial Hills Park) for the City and the forwarding of materials to the State Department of Taxation - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The City proposes to incur medium-term obligations in an amount up to \$20,000,000, under Chapter 350 of Nevada Revised Statutes (NRS), in order to finance the cost of acquiring, improving and equipping a recreational project (Centennial Hills Park) in the City as defined in NRS 268.710. The debt is expected to be repaid using the Las Vegas Convention and Visitor's Authority Grant Fund.

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R- 133-2004

MOTION:

MACK – APPROVED as recommended – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, was present.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(11:31 – 11:32)

2-1894

Summary - a resolution authorizing medium-term obligations and the forwarding of materials to the State Department of Taxation.

RESOLUTION NO.R-133-2004

A RESOLUTION AUTHORIZING MEDIUM-TERM OBLIGATIONS IN AN AMOUNT OF UP TO \$20,000,000, FOR THE PURPOSE OF ACQUIRING, IMPROVING AND EQUIPPING A RECREATIONAL PROJECT FOR THE CITY; DIRECTING THE OFFICERS OF THE CITY TO FORWARD MATERIALS TO THE DEPARTMENT OF TAXATION OF THE STATE OF NEVADA; PROVIDING CERTAIN DETAILS IN CONNECTION THEREWITH; AUTHORIZING THE SALE OF THE CITY OF LAS VEGAS, NEVADA, GENERAL OBLIGATION MEDIUM-TERM OBLIGATIONS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$20,000,000; AND PROVIDING THE EFFECTIVE DATE HEREOF.

WHEREAS, the City Council of the City of Las Vegas, Nevada (the "Council," "City," and "State", respectively) proposes to incur medium-term obligations of the City in an amount up to \$20,000,000, under Chapter 350 of Nevada Revised Statutes ("NRS"), in order to finance the cost of acquiring, improving and equipping a recreational project in the City as defined in NRS ' 268.710 (the "Project"); the financing to bear interest at a rate or rates which do not exceed by more than 3% the "Index of Twenty Bonds" most recently published in The Bond Buyer before bids are received for such medium-term obligations or negotiated offers are accepted, and to mature within 10 years of the date of issuance thereof, in order to pay the costs of the Project (the "Proposal"); and

WHEREAS, the Council has determined that legally available funds of the City will at least equal the amount required in each year for the payment of interest and principal on such medium-term obligations; and

WHEREAS, NRS § 350.087 requires that a notice of intention to authorize medium-term obligations be published not less than 10 days prior to the consideration of a resolution authorizing a medium-term obligations; and

WHEREAS, a notice of intention to act upon the resolution authorizing such medium-term obligations has been duly published in a newspaper of general circulation in the

City not less than 10 days prior to the date of a public hearing thereon, and such public hearing was held prior to adoption of this resolution; and

WHEREAS, all comments made at the public hearing have been duly considered by the Council and the minutes of such public hearing are attached hereto as Exhibit "C".

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA:

Section 1. This resolution is hereby designated by the short title the "2004 Medium-Term Recreational Project (Centennial Hills Project) Authorization Resolution" (the "Resolution").

Section 2. The Council hereby finds and determines that the public interest requires medium-term obligations to finance the costs of the Project, in an amount not exceeding \$20,000,000.

Section 3. The facts upon which the finding stated in § 2 above are:

(a) There is a need to acquire, improve and equip the Project in the City for the health, safety and welfare of the City's residents and visitors.

(b) It is in the best interests of the City and its inhabitants, and would best serve the health, safety and welfare thereof, if the Project is now accomplished, thereby assisting in alleviating the needs mentioned in (a) above;

(c) It is not feasible to finance the Project from other funds of the City, among other reasons, because of restraints on the City's budget for the current fiscal year and other demands on and needs for existing funds of the City.

Section 4. The City proposes to borrow a sum not to exceed \$20,000,000 at an annual interest rate estimated to be 6.0% to be repaid over a period of not more than 10 years. Such medium-term obligations shall be evidenced by the issuance by the City of negotiable notes or medium-term negotiable bonds which mature not later than 10 years after the date of issuance (which term does not exceed the useful life of the Project), and the interest rate shall not exceed by more than 3 percent the "Index of Twenty Bonds" which is most recently published in The Bond Buyer before bids are received or a negotiated offer is accepted.

Section 5. The Director of Finance and Business Services of the City or his designee (the "Finance Director") is hereby authorized to arrange for the issuance and sale of the financing in an amount not more than \$20,000,000, and to carry out the Project, subject to ratification by Council. The medium-term notes or bonds issued to effect the Project shall be issued on such other terms and conditions as the Council determines, all as provided in NRS §§ 350.087 to 350.095, inclusive (the "Note Act"), NRS §§ 350.500 to 350.720, inclusive (the "Bond Act"), and as authorized by the Finance Director at the time of sale of such medium-term notes or bonds and thereafter ratified by the Council as set forth in this Resolution.

Section 6. The medium-term obligations shall not be paid in whole or in part from a levy of a special tax exempt from the limitations on the levy of ad valorem tax, but shall be paid from other legally available funds of the City, including, without limitation, monies in the City's Special Revenue Fund received from the Las Vegas Convention and Visitors Authority estimated to range from \$2,300,000 and \$2,700,000 per year.

Section 7. The officers of the City be and the same hereby are authorized and directed to take all action necessary to effectuate the provisions of this Resolution, including, without limitation, forwarding all necessary documents to the Executive Director, Department of Taxation, Carson City, Nevada, and, if necessary, amending the City's capital improvement plan to include the Project.

Section 8. The Finance Director is authorized to offer for sale the City's medium-term notes or bonds in the maximum aggregate principal amount of \$20,000,000 (the "Obligations") for sale in such manner as he shall determine, and he is authorized to specify the terms and details of the Obligations, including, without limitation, the maturity date or dates, the interest rate or rates, the redemption features, if any, and the other terms and conditions thereof, all subject to ratification by the Council by adoption of an ordinance authorizing the issuance of the Obligations (the "Ordinance").

Section 9. The officers of the City are hereby authorized to take all action necessary or appropriate to effectuate the provisions of this Resolution, including without limitation, assembling of financial and other information concerning the City, the Project and the Obligations, and preparing and circulating an official statement for the Obligations or negotiating the terms of sale of the Obligations, and, if deemed appropriate by the Finance Director, preparing and circulating a preliminary official statement, a notice of sale for the Obligations, or

both, in the forms specified by the Finance Director. The Finance Director is authorized to deem the official statement or preliminary official statement to be a "final" official statement on behalf of the City for the purposes of Rule 15(c)2-12 of the Securities and Exchange Commission.

Section 10. The Finance Director shall, after arranging for the sale of the Obligations and after approval of the medium-term obligations by the Executive Director of the Department of Taxation of the State of Nevada, present the proposed final terms of the Obligations to the Council for its approval by adoption of the Ordinance.

Section 11. 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 12. All resolutions, or parts thereof, in conflict with the provisions of this Resolution, are hereby repealed to the extent only of such inconsistency. This repealer shall not be constructed to revive any resolution, or part thereof, heretofore repealed.

Section 13. If any section, paragraph, clause or other 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 other provision shall not affect any of the remaining provisions of this Resolution.

Section 14. This Resolution shall become effective upon passage and approval, except for Sections 8 and 9 of this Resolution which shall become effective upon the approval hereof by the Executive Director of the Department of Taxation of the State of Nevada as provided in NRS § 350.089, which approval shall be recorded in the minutes of the Council in conjunction with the adoption of the Ordinance.

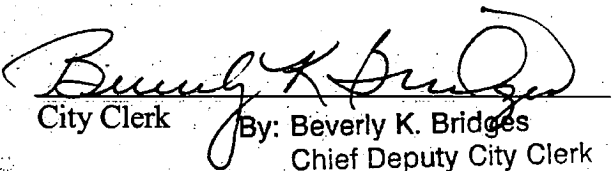
PASSED AND ADOPTED AND APPROVED BY AN AFFIRMATIVE VOTE OF AT LEAST TWO-THIRDS OF THE MEMBERS OF THE CITY COUNCIL OF THE CITY OF LAS VEGAS, NEVADA, THIS JULY 21, 2004.

(SEAL)



Mayor

Attest:



City Clerk

By: Beverly K. Bridges
Chief Deputy City Clerk

STATE OF NEVADA)
)
CLARK COUNTY) ss.
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen and qualified City Clerk of Las Vegas (the "City"), 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 (the "Council") at a meeting held on July 21, 2004.

2. The adoption of the resolution was duly moved and seconded and the resolution was adopted by an affirmative vote of a two-thirds majority of the members of Council as follows:

Those Voting Aye:	Mayor:	Oscar Goodman
	Councilmembers:	Gary Reese
		Larry Brown
		Lawrence Weekly
		Michael Mack
		Janet Moncrief
		Steve Wolfson

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 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 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

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:

i) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada;

(ii) City Hall Plaza
City Clerk's Bulletin Board, 2nd Floor Skybridge
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; and

(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. 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 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. A copy of such notice so given of the meeting of the Council on July 21, 2004 is attached to this certificate as Exhibit "A". A copy of the affidavit of publication of the notice of public hearing is attached hereto as Exhibit "B", and a copy of the minutes of the public hearing held on July 21, 2004, prior to adoption of the resolution is attached hereto as Exhibit "C."

IN WITNESS WHEREOF, I have hereunto set my hand on this July 26 2004.

(SEAL)

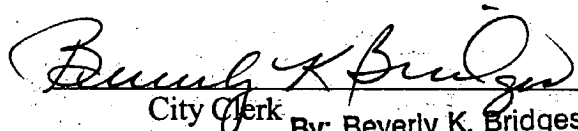

City Clerk By: Beverly K. Bridges
Chief Deputy City Clerk

EXHIBIT "A"

(Attach Copy of Notice of Meeting)

City of Las Vegas

CITY COUNCIL AGENDA

JULY 21, 2004

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City of Las Vegas

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), LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6),
JANET MONCRIEF (Ward 1), STEVE WOLFSON (Ward 2),

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.

JULY 21, 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 – REVEREND GARD JAMESON
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE EMPLOYEE OF THE MONTH
- RECOGNITION OF STAR NURSERY
- RECOGNITION OF REHABILITATION PROJECT VOLUNTEERS
- RECOGNITION OF THE LANCE ARMSTRONG CANCER AWARENESS PROGRAM IN CONJUNCTION WITH NIKE TOWN
- RECOGNITION OF NEVADA LEAGUE OF CITIES YOUTH AWARD RECIPIENTS
- RECOGNITION OF PUBLIC WORKS DEPARTMENT AWARDS

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. Approval of the Final Minutes by reference of the Regular City Council Meeting of May 19, 2004 and Special City Council Meetings of February 25, 2004, April 28, 2004 and May 11, 2004 and the Special Joint City Council and Redevelopment Agency Meeting of May 18, 2004

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

3. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
4. Approval of a report by the City Treasurer of the June 29, 2004 sale of properties subject to the lien of a delinquent assessment in Special Improvement District 505 and multiple other districts - Wards 3 and 6 (Reese and Mack)
5. Approval of a Special Event License for Northshore Entertainment Group, LLC, Location: Steiner's A Nevada Style Pub, 8410 West Cheyenne Avenue, Parking Lot, Date: July 22, 2004, Type: Special Event Beer/Wine, Event: KOMP 92.3 Mini-Kegger, Responsible Person in Charge: Roger Sachs - Ward 4 (Brown)
6. Approval of a Special Event License for Maria Quiroz, Location: East Las Vegas Community Senior Center, 250 North Eastern Avenue, Date: December 11, 2004, Type: Special Event Beer/Wine/Cooler, Event: Sweet Fifteen Party, Responsible Person in Charge: Hector Lopez - Ward 3 (Reese)
7. Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Props Mongolian Grill, LLC, dba Props Mongolian Grill, LLC, 6750 West Sahara Avenue, Nicholas S. Kalair, Mmbr, 100% - Ward 1 (Moncrief)
8. Approval of Rescission of the May 19, 2004 City Council Temporary Approval of Change of Ownership and Business Name for a Package License, From: Mario's Northtown Market, Incorporated, dba Mario's Westside Market, Samuel G. Johnson, Jr. Dir, Pres and Carol A. Johnson, Dir, Secy, Treas, 100% jointly as husband and wife, To: Mario's Westside Market, LLC, dba Mario's Westside Market, LLC, 1960 North Martin L. King Boulevard, Marulio Berlanga, Jr., Mmbr, 50%, William R. O'Connor, Mmbr, 50% - Ward 5 (Weekly)
9. Approval of Change of Business Name for a Tavern License, Artisan Cafe, LLC, dba From: Artisan Cafe, LLC, To: Aruba Hotel Lounge, 1215 Las Vegas Boulevard South, Audrey N. DaSilva, Mgr, Mmbr, 100%, Douglas B. DaSilva, Principal - Ward 3 (Reese)
10. Approval of Change of Ownership for a Hypnotist License, From: Life Designs, LLC, 948659 Alberta Ltd., Mmbr, 100%, Christina M. McIntyre, Dir, Pres, To: Lifehead, LLC, dba Positive Changes Hypnosis Centers, 4750 West Sahara Avenue, Suite 34, Maria L. Blanding, Mgr, 100% - Ward 1 (Moncrief)
11. Approval of a new Locksmith License, Kevin N. Fishberg, dba Anytime Lock & Key, 8340 Carmen Boulevard, Kevin N. Fishberg, 100% - Ward 4 (Brown)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

12. Approval of Change of Location for a Martial Arts Instruction Business License, Chinese Kickboxing International USA, LLC, dba Chinese Kickboxing International USA, LLC, From: 4241 West Charleston Boulevard, Suite E, To: 4331 West Charleston Boulevard, William E. Garness, 100% - Ward 1 (Moncrief)
13. Preapproval of award of Bid Number 04.1730.19-LED, Alexander/Hualapai Road Improvements Cimarron to Cheyenne to the lowest responsive and responsible or best bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works (\$15,000,000 - Road and Flood Capital Projects Fund) - Ward 4 (Brown)
14. Approval of award of Bid No. 04.1730.15-CW, Durango Drive, Westcliff to Vegas Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: FREHNER CONSTRUCTION COMPANY, INC. (\$14,280,493.30 - Road and Flood Capital Projects Fund) - Wards 2 and 4 (Wolfson and Brown)
15. Approval of rejection of bid and award of Bid No. 04.53541.31-CW, Contract 31, Security and Landscaping Improvements - Water Pollution Control Facility (WPCF), 6005 East Vegas Valley Drive and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: CAPRIATI CORPORATION (\$2,495,000 - Sanitation Enterprise Fund) - County
16. Approval of award of Bid Number 04.1730.09-CW, PM-10/CMAQ Roadway Improvements, Phase 2B and approve the construction and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: SOUTHWEST IRON, INC. (\$1,883,083.56 - Motor Vehicle Fuel Taxes, Regional Transportation Commission, CMAQ, Sanitary Sewer Fund) - Wards 1, 3, 5 and 6 (Moncrief, Reese, Weekly and Mack)
17. Approval of authorization to use State of Nevada WSCA Master Price Agreement 12-00115 for Wireless Communication Services and Equipment - Department of Information Technologies - Awarded to: NEXTEL WEST CORP. (\$550,000 - General Fund and Communications Internal Service Fund)
18. Approval of award of Bid No. 04.1730.02-LED, Intersection Improvements, Charleston Blvd. at Shadow Lane and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: WELLS CARGO, INC. (\$518,052 - Traffic Improvements Capital Projects Fund) - Wards 1 and 5 (Moncrief and Weekly)
19. Approval of an annual requirements ordering agreement for Detroit Diesel Engine, Allison Transmission and Donaldson Filter OEM Parts and Service - Departments of Field Operations and Fire and Rescue - Award recommended to: WW WILLIAMS CO. (Estimated annual amount of \$100,000 - Automotive Operations Internal Service Fund and General Fund)
20. Approval of issuance of a purchase order for the purchase of 800 megahertz radios and equipment - Department of Fire and Rescue - Award recommended to: MOTOROLA, INC. (\$40,000 - Multi-Purpose Special Revenue Fund)
21. Approval of award of Bid No. 04.1730.21-LED, Sahara Avenue and Teddy Drive Sign Relocations and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: YOUNG ELECTRIC SIGN COMPANY (\$37,058.30 - Traffic Improvements Capital Projects Fund) - Ward 1 (Moncrief)

FIRE AND RESCUE DEPARTMENT - CONSENT

22. Approval authorizing the acceptance of a grant award from the Nevada Division of Emergency Management for receipt of homeland security funds from the FY04 U.S. Office of Domestic Preparedness Citizen Corps Program - All Wards
23. Approval authorizing the acceptance of a grant award from the Nevada Division of Emergency Management for receipt of homeland security funds from the FY04 U.S. Office of Domestic Preparedness Law Enforcement Terrorism Prevention Program - All Wards

FIRE AND RESCUE DEPARTMENT - CONSENT

24. Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with Mercy Air, Inc. for the transfer of interoperable radio equipment for public safety communications - All Wards
25. Approval authorizing the acceptance of a grant award from the Nevada Division of Emergency Management for receipt of homeland security funds from the FY04 U.S. Office of Domestic Preparedness State Homeland Security Program - All Wards
26. Approval of a Designated Services Agreement between the City of Las Vegas and LVE, LLC, to perform special inspection services for the construction of Fire Station #8 located at Mojave Road and Harris Avenue (\$82,000 - Capital Projects Fire & Rescue) - Ward 3 (Reese)

HUMAN RESOURCES DEPARTMENT - CONSENT

27. Approval of Excess Workers' Compensation Insurance Coverage for FY2004-2005 (\$499,753 - Workers' Compensation Self-insured Trust)

LEISURE SERVICES DEPARTMENT - CONSENT

28. Approval of grant award in the amount of \$10,000 from the State Bar of Nevada to the Senior Citizens Law Project for developing Public Service/Law Related Activities (\$10,000 - Special Revenue Fund) - All Wards

NEIGHBORHOOD SERVICES DEPARTMENT - CONSENT

29. Approval of a Deferred Loan Agreement expending \$55,000 of HOME Investment Partnership Program (HOME) funds for housing rehabilitation activities at 4005 Via Vaquero Avenue - Ward 1 (Moncrief)

PLANNING & DEVELOPMENT DEPARTMENT - CONSENT

30. Approval of the formal naming of Lone Mountain Trail and Bonanza Trail - Wards 1, 2, 4 and 5 (Moncrief, Wolfson, Brown and Weekly)

PUBLIC WORKS DEPARTMENT - CONSENT

31. Approval of Fifth Supplemental Interlocal Contract #295e - Durango/El Capitan, Lone Mountain Road to US-95 between the City of Las Vegas, Clark County and the Regional Transportation Commission to increase total project funding (\$1,400,000 - Regional Transportation Commission) - Ward 6 (Mack)
32. Approval to file a Right-of-Way Grant with the Bureau of Land Management for sanitary sewer purposes on portions of land lying within the Northwest Quarter of Section 1, the North Half and the South Half of Sections 2 and 3 and the Northeast Quarter of Section 4, Township 19 South, Range 60 East, Mount Diablo Meridian, generally located on the north side of the Log Cabin Way alignment between the Jones Boulevard alignment and the Durango Drive alignment and on the west side of the Jones Boulevard alignment between the Log Cabin Way alignment and the Iron Mountain Road alignment, APNs 125-01-001-001, 125-02-001-001, 125-02-002-001, 125-03-001-001, 125-03-002-002 and 125-04-001-004 - County
33. Approval of two Dedication documents to Clark County for portions of the Southwest Quarter of Section 10, Township 21 South, Range 62 East, Mount Diablo Meridian, for public street purposes located at the Water Pollution Control

Facility on the south side of Vegas Valley Drive, east of Stephanie Street and an access easement located on the north side of Desert Inn Road, east of Stephanie Street, APN 161-10-401-004 – County

PUBLIC WORKS DEPARTMENT - CONSENT

34. Approval of a Dedication from the City of Las Vegas for portions of the South Half of Section 25, Township 20 South, Range 61 East, Mount Diablo Meridian, for a drainage easement located at the Animal Foundation Regional Campus on Mojave Road, south of Harris Avenue, APNs 139-25-405-008 and 139-25-801-004 – Ward 3 (Reese)
35. Approval of an Encroachment Request from Tetra Tech, Incorporated, on behalf of Richmond American Homes Nevada, owner (Alexander Road west of Vegas Vista Trail) - Ward 4 (Brown)
36. Approval of an Encroachment Request from Day Star Ventures, LLC, owner (southeast corner of Fort Apache Road and Alexander Road) - Ward 4 (Brown)
37. Approval of an Encroachment Request from Tetra Tech, Incorporated, on behalf of Richmond American Homes Nevada, owner (area bound by Grand Montecito Parkway, Deer Springs Way, Riley Street and Rome Boulevard) - Ward 6 (Mack)
38. Approval of an Encroachment Request from Jacobs Facilities on behalf of Clark County, Nevada, owner (Lewis Avenue at Third Street) - Ward 1 (Moncrief)
39. Approval of funding for relocation of Southwest Gas Corporation facilities located adjacent to the Water Pollution Control Facility on Vegas Valley Drive (\$55,000 - Sanitation Fund) – County
40. Approval of a Request to Install Speed Humps on Whispering Sands Drive between Jones Boulevard and Bradley Road (\$13,000 - Neighborhood Traffic Management Program) - Ward 6 (Mack)
41. Approval of the Installation of Speed Humps on Walnut Avenue between 21st Street and Eastern Avenue (\$7,800 - Neighborhood Traffic Management Program) - Ward 3 (Reese)

RESOLUTIONS - CONSENT

42. R-121-2004 - Approval of a Resolution directing the City Treasurer to prepare the Eightieth Assessment Lien Apportionment Report for Special Improvement District No. 707 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
43. R-122-2004 - Approval of a Resolution approving the Eightieth Assessment Lien Apportionment Report for Special Improvement District No. 707 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
44. R-123-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-Third Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
45. R-124-2004 - Approval of a Resolution approving the Sixty-Third Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
46. R-125-2004 - Approval of a Resolution directing the City Treasurer to prepare the Sixty-Fourth Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
47. R-126-2004 - Approval of a Resolution approving the Sixty-Fourth Assessment Lien Apportionment Report for Special Improvement District No. 808 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)

48. R-127-2004 - Approval of a Resolution directing the City Treasurer to prepare the Thirteenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
49. R-128-2004 - Approval of a Resolution approving the Thirteenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)

RESOLUTIONS - CONSENT

50. R-129-2004 - Approval of a Resolution directing the City Treasurer to prepare the Fourteenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
51. R-130-2004 - Approval of a Resolution approving the Fourteenth Assessment Lien Apportionment Report for Special Improvement District No. 809 - Summerlin Area (Levy Assessments) - Ward 2 (Wolfson)
52. R-131-2004 - Approval of a Resolution designating an area for evaluation as the first step in amending the Redevelopment Plan - Wards 1, 3 and 5 (Moncrief, Reese and Weekly)

REAL ESTATE COMMITTEE - CONSENT

53. Approval of a Memorandum of Understanding between the City of Las Vegas and the City's Neighborhood Services Department's Educational and Vocational Opportunities Leading to Valuable Experience (EVOLVE) Research and Referral Center at the Las Vegas Business Center (\$60,500.04 revenue/12 months-Las Vegas Business Center Operations Fund) - Ward 5 (Weekly)
54. Approval of Angel Park Golf, LLC, to become the current holder and "Party" of the Management Agreement for the Angel Park Golf Course - Ward 2 (Wolfson)
55. Approval to extend the temporary Operational and Services Provider Agreement to January 19, 2005, between O.B. Sports Golf Management, LLC, and Las Vegas Golf I, LLC, at Angel Park Golf Course for management and oversight duties - Ward 2 (Wolfson)
56. Approval of the occupancy of Las Vegas FACT (Fighting Aids in the Community Today) as a tenant within the Enterprise Health Care and Dental Center located at 1750 Wheeler Peak Drive in the Las Vegas Enterprise Business Park - Ward 5 (Weekly)
57. Approval of a Grant of Easement between the City of Las Vegas and Nevada Power Company for a power transformer site located west of the Water Pollution Control Facility, APN 161-10-701-001 - County (near Ward 3 - Reese)
58. Approval of an Easement and Rights-of-Way between the City of Las Vegas and Clark County for a multi-purpose trail located near the Las Vegas Wash, APN 161-15-702-001 - County (near Ward 3 - Reese)
59. 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 125-12-301-002 to service the Horse and Bradley Park Site - Ward 6 (Mack)
60. Approval of a Grant, Bargain, Sale Deed from the City of Las Vegas to the County of Clark for approximately 32,033 square feet of land located in the vicinity of Desert Inn Road and Hollywood Boulevard, APN 161-15-702-001 - County (near Ward 3 - Reese)
61. Approval of entering into negotiations with multiple cellular companies for Land Lease Agreements for cellular towers to be located at Pavilion Park and Mountain Ridge Park - Wards 2 and 6 (Wolfson and Mack)

62. Approval of a Land Lease Agreement between the City of Las Vegas and Pacific Wireless, LLC, d/b/a Cingular Wireless for a wireless communications system located on approximately 300 square feet of property at 2801 West Oakey Boulevard commonly known as Bob Baskin Park (\$515,784 revenue for duration of contract - Park Enterprise Fund) - Ward 1 (Moncrief)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

63. Discussion and possible action regarding the status of the Memorandum of Understanding between Sher Development, LLC, and the City of Las Vegas for the development of a zoo at Floyd Lamb State Park - Ward 6 (Mack)
64. Report on the status of the 61-acre (Union Park) design and development - Ward 5 (Weekly)

CITY ATTORNEY - DISCUSSION

65. Discussion and possible action on Appeal of Work Card Denial: Doreen Kathleen Allan-Murphy, 3020 Roseville Way, Las Vegas, Nevada 89102
66. Discussion and possible action on Appeal of Work Card Denial: Carlos Catania, 2108 Calville #104, Las Vegas, Nevada 89129
67. Discussion and possible action regarding the City Attorney's subgrant from the Violence Against Women Act (VAWA) in the amount of \$55,000 (Grant Special Revenue Fund) with \$18,333 in-kind City match coming from General Fund for a total of \$73,333

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

68. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Tavern License subject to the provisions of the fire codes and Health Dept. regulations, From: OB Sports F/B Management, LLC, Philip J. Green, Mgr, Mmbr, 50%, Jamie K. Cook, Mgr, Mmbr, 50%, Jeffrey S. Robin, Key Employee, To: Angel Park Golf, LLC, dba Angel Park Golf Club, 100 South Rampart Boulevard, David M. Bogue, Mgr, Las Vegas Golf I, LLC, Mmbr, 100%, David M. Bogue, Mgr, Pacific Life Insurance Company, Mmbr, 100%, OB Sports Golf Management (AP), LLC, Key Employee, Philip J. Green, Mgr, Mmbr, 17.5%, Jamie K. Cook, Mgr, Mmbr, 15%, Orrin D. Vincent, Jr., Mmbr, 60%, Jeffrey S. Robin, Key Employee - Ward 2 (Wolfson)
69. Discussion and possible action regarding Change of Ownership and Business Name for a Package License subject to the provisions of the fire codes and Health Dept. regulations, From: H & H Discount Liquor dba H & H Discount Liquor, Falah E. Hamika, Ptnr, 50%, Maher Alsafar, Ptnr, 50%, To: S & S, Inc., dba H & H Discount Liquors, 1916 North Decatur Boulevard, Najah A. Sitto, Dir, Pres, Treas, 50%, Nabil H. Somo, Dir, Secy, 50% - Ward 5 (Weekly)
70. Discussion and possible action regarding a Six Month Review of a Hypnotist License, Alameda Ventures, LLC, dba Hypnadvantage, LLC, 5111 Telegraph Avenue, #272, Oakland, California, Carol M. Adams, Mmbr, 88% - California
71. Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Locksmith License, From: National Safe & Vault, Inc., dba Clark County Safe & Lock, 6818 West Cheyenne Avenue, Sheila L. Rossman, Pres, Treas, 50%, George P. Rossman, Secy, 50%, To: Clark County Safe & Lock, LLC, dba Clark County Safe & Lock, LLC, 10417 Morning Drop Avenue, Michael N. Rossman, Mgr, 100% - Ward 4 (Brown)
72. Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning codes, Nevcorp Consultants, Inc., dba MANYI, 3900 North Rancho Drive, Suite 107, Thomas E. Wilson, Pres, Secy, Treas, 100% - Ward 6 (Mack)

RESOLUTIONS - DISCUSSION

73. R-132-2004 – Discussion and possible action regarding a Resolution Supporting the Public Safety Advisory Question to Be Placed by the Board of County Commissioners of Clark County, Nevada on the Ballot at the General Election to Be Held on November 2, 2004

RESOLUTIONS - DISCUSSION

74. R-133-2004 - Public hearing and possible action on a resolution authorizing the issuance of a medium term obligation, not to exceed \$20,000,000, for the purpose of acquiring, improving and equipping a recreational project (Centennial Hills Park) for the City and the forwarding of materials to the State Department of Taxation - Ward 6 (Mack)

BOARDS & COMMISSIONS - DISCUSSION

75. ABEYANCE ITEM - CHILD CARE LICENSING BOARD – Steven J. Greco, Term Expiration 6-2005 (Resigned)
76. CITIZENS PRIORITY ADVISORY COMMITTEE (CPAC) – John Medina, Term Expiration 6-2007 (Resigned)
77. Discussion and possible action on appointments of Council members to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

78. Bill No. 2004-43 – Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

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.

79. Bill No. 2004-47 – Annexation No. ANX-4245 – Property location: On the south side of Grand Teton Drive, 660 feet east of Puli Drive; Petitioned by: Southwest Desert Equities, LLC; Acreage: 5.20 acres; Zoned: R-U (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack
80. Bill No. 2004-48 – Annexation No. ANX-4428 – Property location: On the north side of Log Cabin Way between Durango Drive and El Capitan Way; Petitioned by: William Miller, et al; Acreage: 5.79 acres; Zoned: R-A (County zoning), R-E and R-PD2 (City equivalents). Sponsored by: Councilman Michael Mack
81. Bill No. 2004-49 – Annexation No. ANX-4451 – Property location: On the southeast corner of Hualapai Way and Dorrell Lane; Petitioned by: Hualapai Nevada, LLC; Acreage: 5.39 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Michael Mack
82. Bill No. 2004-50 – Establishes standards and procedures, in accordance with State law, to ensure that adequate infrastructure and public facilities are available to serve the eventual development of undeveloped areas. Proposed by: Douglas Selby, City Manager
83. Bill No. Z-2004-3 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Robert S. Genzer, Director of Planning and Development

84. Bill No. Z-2004-4 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Robert S. Genzer, Director of Planning and Development

1:00 P.M. - AFTERNOON SESSION

85. 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

86. Public hearing on local improvement district regarding: Special Improvement District No. 1499 - Alexander Road (US-95 to Rancho Drive) (\$78,002.48 - Capital Projects Fund/Special Assessments) - Ward 6 (Mack)
87. ABEYANCE ITEM - Review the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Mattie Wormwood regarding the property at 412 Jefferson Avenue. PROPERTY OWNER: MATTIE WORMWOOD - Ward 5 (Weekly)
88. ABEYANCE ITEM - Review the appeal from the Zoning Violations/Nuisance Notice and Order to Comply filed by Brian J. Pinegar regarding the property at 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)
89. ABEYANCE ITEM - Review the appeal to the Ten Day Notice and Order to Abate Dangerous Building/Demolition filed by Marion D. Bennett regarding the property located at 709 Jackson Avenue. PROPERTY OWNER: MARION D. BENNETT - 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.

90. EXTENSION OF TIME - REZONING - EOT-4589 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY - Request for an Extension of Time for an approved Rezoning (Z-0024-02) FROM: U (Undeveloped) [DR (Desert Rural) General Plan Designation] TO: R-PD2 (Residential Planned Development - 2 Units per Acre) on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way (APN: 138-03-305-006), Ward 4 (Brown). Staff recommends APPROVAL
91. EXTENSION OF TIME RELATED TO EOT-4589 - SITE DEVELOPMENT PLAN REVIEW - EOT-4591 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY - Request for an Extension of Time for an approved Site Development Plan Review [Z-0024-02(1)] FOR A 10-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way (APN: 138-03-305-006), U (Undeveloped) Zone [DR (Desert Rural) General Plan Designation] under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units per Acre), Ward 4 (Brown). Staff recommends APPROVAL

92. EXTENSION OF TIME - REZONING - EOT-4650 - APPLICANT/OWNER: WEST GOWAN, LIMITED LIABILITY COMPANY - Request for a second Extension of Time for an approved Rezoning (Z-0058-00) FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: PD (Planned Development) on 4.1 acres adjacent to the south side of Gowan Road, approximately 660 feet east of Novat Street (APN: 137-12-301-007), Ward 4 (Brown). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

93. REQUIRED SIX MONTH REVIEW - REVIEW OF CONDITION - PUBLIC HEARING - RQR-4585 - APPLICANT: SPEEDEE MART - OWNER: MVR CORPORATION - Request for a Required Six-Month Review of an approved Review of Condition (ROC-3313) TO ALLOW THE SALE OF INDIVIDUAL CONTAINERS OF BEER, WINE, OR SCREW CAP WINE LARGER THAN 16 OUNCES IN SIZE for an approved Special Use Permit (U-146-99) which ALLOWED A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) at 1602 West Oakley Boulevard (APN: 162-04-602-008 and 009), M (Industrial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL
94. REVIEW OF CONDITION - PUBLIC HEARING - ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY - Request for a Review of Condition Number 4 requiring 24" box trees along the property lines adjacent to single-family residences of an approved Site Development Plan Review [Z-0096-00(1)] FOR A 300 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 15.31 acres located adjacent to the northwest corner of Rancho Drive and Coran Lane (portion of APN: 139-19-113-001, 139-19-601-004 and 139-19-611-004), C-2 (General Commercial) Zone under Resolution of Intent to R-3 (Medium Density Residential), Ward 5 (Weekly). Staff recommends DENIAL
95. REVIEW OF CONDITION - PUBLIC HEARING - ROC-4662 - APPLICANT: THE KEITH COMPANIES - OWNERS: RANCHO POINT, LIMITED LIABILITY COMPANY AND HELEN SLAVIN - Request for a Review of Condition Numbers 15 and 16 requiring construction of half-street improvements on Rancho Drive and Alexander Road and provide new public street improvements of an approved Site Development Plan Review (SDR-3452) FOR A 23,000 SQUARE FOOT COMMERCIAL DEVELOPMENT on 2.55 acres adjacent to the east side of Rancho Drive, approximately 300 feet south of Alexander Road (APN: 138-12-110-011 and a portion of 138-12-102-001), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL
96. REVIEW OF CONDITION - PUBLIC HEARING - ROC-4666 - APPLICANT: CITY OF LAS VEGAS - Request for a Review of Condition No. 1 correcting language as to the portion of the site to be designated C-1 of an approved Rezoning (ZON-1364) of 3.67 acres located on the southwest corner of Rancho Drive and Red Coach Avenue (APN 138-02-202-011), C-2 (General Commercial) and C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends APPROVAL
97. VACATION - PUBLIC HEARING - VAC-4457 - APPLICANT: WESTMARK HOMES - OWNER: LARRY AND MARY S. KEEVER - Request for a Petition to vacate a Public Drainage Easement at 9525 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
98. VACATION - PUBLIC HEARING - VAC-4460 - APPLICANT: WESTMARK HOMES - OWNER: ALEXANDER AND PAULA SPARKUHL - Request for a Petition to vacate a Public Drainage Easement at 9333 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
99. VACATION - PUBLIC HEARING - VAC-4463 - APPLICANT: WESTMARK HOMES - OWNER: MARTIN AND SIV ADAMS - Request for a Petition to vacate a Public Drainage Easement at 9421 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL
100. VACATION - PUBLIC HEARING - VAC-4472 - APPLICANT: WARMINGTON HOMES NEVADA - OWNER: WARMINGTON MOUNTAIN VIEW ASSOCIATION - Request for a Petition to vacate the south 10 feet of an existing BLM Grant of Easement generally located south of Alexander Road, east of Vegas Vista Trail, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

101. VARIANCE - PUBLIC HEARING - VAR-4397 - APPLICANT: SUNRISE ADULT DAY CARE, INC. - OWNER: KINDER CARE LEARNING CENTER, INC. - Request for a Variance TO ALLOW 10 PARKING SPACES WHERE 19 SPACES IS THE MINIMUM REQUIRED on 0.54 acres at 4944 Vegas Drive (APN: 138-24-803-022), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
102. SPECIAL USE PERMIT RELATED TO VAR-4397 - PUBLIC HEARING - SUP-4382 - APPLICANT: SUNRISE ADULT DAY CARE, INC. - OWNER: KINDER CARE LEARNING CENTER, INC. - Request for a Special Use Permit FOR A PROPOSED SOCIAL SERVICE PROVIDER IN AN EXISTING BUILDING located at 4944 Vegas Drive (APN: 138-24-803-022), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

103. VARIANCE - PUBLIC HEARING - VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA - Request for a Variance TO ALLOW A ZERO SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND FOR A WAIVER OF THE REQUIRED LANDSCAPING on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
104. SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4456 - PUBLIC HEARING - SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA - Request for a Site Development Plan Review FOR A PROPOSED 3,000 SQUARE FOOT BUILDING FOR MINOR AUTO REPAIR GARAGE on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
105. VARIANCE - PUBLIC HEARING - VAR-4467 - APPLICANT/OWNER: RICHARD SHEHANE - Request for a Variance TO ALLOW AN EXISTING 3,600 SQUARE FOOT ACCESSORY STRUCTURE TO EXCEED THE SQUARE FOOTAGE OF THE 2,400 SQUARE FOOT MAIN DWELLING at 6225 Fisher Avenue (APN: 125-35-605-001), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
106. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-3152 - REAGAN NATIONAL ADVERTISING ON BEHALF OF NORIKO TAKADA OBA QUALIFIED TRUST - Appeal filed by the applicant 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 at 5300 West Sahara Avenue (APN: 163-01-804-006), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-0 vote) and staff recommend DENIAL
107. 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
108. ABEYANCE ITEM - SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4137 - APPLICANT: VINCENT YALDO - OWNER: THOMAS E. PATRICK, LIVING TRUST - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE at 4921 Vegas Drive (APN: 138-25-502-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-2 vote) recommends APPROVAL
109. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4423 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Special Use Permit FOR AN ELECTRIC SUBSTATION approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

- 110.VARIANCE RELATED TO SUP-4423 - PUBLIC HEARING - VAR-4424 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Variance TO ALLOW A 16 FOOT TALL BLOCK WALL WHERE EIGHT FEET IS ALLOWED FOR A PROPOSED ELECTRIC SUB-STATION, approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 111.SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4423 AND VAR-4424 - PUBLIC HEARING - SDR-4422 - APPLICANT: NEVADA POWER COMPANY - OWNER: BUREAU OF LAND MANAGEMENT - Request for a Site Development Plan Review FOR AN ELECTRIC SUB-STATION on 3.4 acres approximately 270 feet north of Elkhorn Road and 200 feet east of Fort Apache Road (a portion of APN: 125-17-401-007 and 008), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

- 112.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4442 - APPLICANT: TIM AYALA - OWNER: MARTIN M. PADILLA - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 FEET IS REQUIRED FROM A RESIDENTIAL PROPERTY, A SEPARATION OF 700 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE AND A BUILDING SIZE OF 1,200 SQUARE FEET WHERE 1,500 SQUARE FEET IS THE MINIMUM SIZE at 701 North Eastern Avenue (APN: 139-26-811-070), C-D (Designed Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend DENIAL
- 113.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4443 - APPLICANT: JAMES AND LAURA VESLI - OWNER DUCKS LAKE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A 3,000 SQUARE FOOT RESTAURANT WITH SERVICE BAR at 2400 South Jones Boulevard, Suites 12 and 13 (APN: 163-01-401-011), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
- 114.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4444 - APPLICANT: CASH BACK PAYDAY LOANS - OWNER: FARLEY M. ANDERSON, LIMITED PARTNERSHIP - Appeal filed by the Applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED WITH A SEPARATION OF ZERO FEET WHERE 200 IS REQUIRED FROM A RESIDENTIAL PROPERTY AND A SEPARATION OF 280 FEET WHERE 1,000 FEET IS REQUIRED FROM A SIMILAR USE on the north side of Lake Mead Boulevard, between James Bilbray Drive and Torrey Pines Drive (APN: 138-23-201-008), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL
- 115.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4464 - APPLICANT: AHERN RENTALS - OWNER: MKP MANAGEMENT COMPANY, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RENTAL STORE WITH OUTSIDE STORAGE at 4655 North Rancho Drive (APN: 138-02-101-009), C-2 (General Commercial), Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
- 116.REZONING - PUBLIC HEARING - ZON-4219 - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Rezoning FROM: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] TO: R-PD2 (Residential Planned Development - 2 Units Per Acre) on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL
- 117.VARIANCE RELATED TO ZON-4219 - PUBLIC HEARING - VAR-4590 - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Variance TO ALLOW ZERO OPEN SPACE WHERE 0.21 ACRES ARE REQUIRED FOR A SINGLE FAMILY DEVELOPMENT adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL

118. WAIVER OF TITLE 18 RELATED TO ZON-4219 & VAR-4590 - PUBLIC HEARING - WVR-4596 - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 180 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL
119. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4219, VAR-4590 AND WVR-4596 - PUBLIC HEARING - SDR-4222 - APPLICANT/OWNER: HORIZON HOMES, INC. - Request for a Site Development Plan Review FOR A 13-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 5.23 acres adjacent to the southeast corner of Craig Road and Tioga Way (APN: 138-03-302-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 4 (Brown). The Planning Commission (4-3 vote) and staff recommend DENIAL

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

120. REZONING - PUBLIC HEARING - ZON-4288 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
121. SPECIAL USE PERMIT RELATED TO ZON-4288 - PUBLIC HEARING - SUP-4289 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST - Request for a Special Use Permit FOR A RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
122. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4288 AND SUP-4289 - PUBLIC HEARING - SDR-4291 - APPLICANT/OWNER: WEST EDNA ASSOCIATION, LIMITED PROFIT SHARING PLAN & THE 1981 MARTIN FAMILY TRUST - Request for a Site Development Plan Review and WAIVERS OF THE LANDSCAPING AND COMMERCIAL REQUIREMENTS FOR A RECREATIONAL VEHICLE AND BOAT STORAGE FACILITY on 0.97 acres adjacent to the southeast corner of Jones Boulevard and Verde Way (APN: 125-36-402-011), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
123. GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-3670 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: L (LOW DENSITY RESIDENTIAL) TO: M (MEDIUM DENSITY RESIDENTIAL) on 2.09 acres adjacent to the northwest corner of Effinger Lane and Poppy Lane (APN: 139-25-410-007, 042, and 043), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
124. REZONING RELATED TO GPA-3670 - PUBLIC HEARING - ZON-3672 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-3 (MEDIUM DENSITY RESIDENTIAL) on 2.09 acres adjacent to the northwest corner of Effinger Lane and Poppy Lane (APN: 139-25-410-007, 042, and 043), Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL
125. SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3670 AND ZON-3672 - PUBLIC HEARING - SDR-3958 - APPLICANT: R M PROPERTY HOLDINGS - OWNER: R M PROPERTY HOLDINGS, LIMITED LIABILITY COMPANY, ET AL - Request for a Site Development Plan Review and a Reduction in the Amount of Required Perimeter Landscaping FOR A PROPOSED 50-UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 2.09 acres adjacent to the northwest corner of Effinger Lane and Poppy Lane (APN: 139-25-410-007, 042, and 043),

R-E (Residence Estates) Zone [PROPOSED: R-3 (Medium Density Residential)], Ward 3 (Reese). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

126.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

PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE CITY COUNCIL. NO SUBJECT MAY BE ACTED UPON BY THE CITY COUNCIL UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

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

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
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

EXHIBIT "B"

(Attach Affidavit of Publication and Notice of Public Hearing)

RECEIVED
CITY CLERK

2004 JUL 15 A 10:37

AFFP DISTRICT COURT
Clark County, Nevada
AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Donna Stark, being 1st duly sworn, deposes and says:

That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

LV CITY CLERK
3458619

2296311LV

was continuously published in said Las Vegas Review Journal and/or Las Vegas Sun in 1 edition(s) of said newspaper issued from 07/10/2004 to 07/10/2004, on the following days: JULY 10, 2004

Signed: Donna Stark

SUBSCRIBED AND SWORN BEFORE ME THIS THE 13

day of July 2004

Mary B. Sheffield
Notary Public

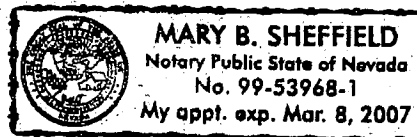


EXHIBIT "C"

(Minutes of Public Hearing)

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

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RESOLUTIONS:

R-133-2004 - Public hearing and possible action on a resolution authorizing the issuance of a medium term obligation, not to exceed \$20,000,000, for the purpose of acquiring, improving and equipping a recreational project (Centennial Hills Park) for the City and the forwarding of materials to the State Department of Taxation - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

☐

Budget Funds Available

☐

Augmentation Required

Amount:

Dept./Division:

Funding Source:

PURPOSE/BACKGROUND:

The City proposes to incur medium-term obligations in an amount up to \$20,000,000, under Chapter 350 of Nevada Revised Statutes (NRS), in order to finance the cost of acquiring, improving and equipping a recreational project (Centennial Hills Park) in the City as defined in NRS 268.710. The debt is expected to be repaid using the Las Vegas Convention and Visitor's Authority Grant Fund.

RECOMMENDATION:

It is recommended that the City Council adopt this resolution.

BACKUP DOCUMENTATION:

Resolution No. R- 133-2004.

MOTION:

MACK – APPROVED as recommended – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

MARK VINCENT, Director, Finance and Business Services, was present.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(11:31 – 11:32)

2-1894

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

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

ABEYANCE ITEM - CHILD CARE LICENSING BOARD – Steven J. Greco, Term
Expiration 6-2005 (Resigned)

Fiscal Impact

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

PURPOSE/BACKGROUND:

As a candidate in the 2004 Special Election, Mr. Greco resigned his position with the Child Care Licensing Board, effective July 7, 2004, pursuant to LVMC 2.53.010, which requires any official serving as an appointee on a City board to render a resignation in order to be eligible to file for election to any other City office. Mr. Greco was the coterminous Ward 2 appointee. All members of this board must be City residents and fill unexpired terms. Additionally, no fewer than one and no more than three members must be currently licensed as owners or operators of child care facilities within the City. The other four citizen members are not required to fill a specific category. It will be necessary to fill this unexpired term. At the Council Meeting of July 7, 2004, this item was abeyed to July 21, 2004.

RECOMMENDATION:

Procedure for this Board is recommendation of a city resident by the Ward 2 Councilman, with concurrence of Council, to fill this unexpired term. The appointee may be a licensed operator of a child care facility or may be a citizen member.

BACKUP DOCUMENTATION:

1. Resignation letter from Steven J. Greco
2. Current Listing and Authority – Child Care Licensing Board
3. Board Interest Form – Tanya Ruddy

MOTION:

WOLFSON – ABEYANCE to 8/4/2004 – UNANIMOUS

MINUTES:

There was no discussion.

(11:32)
2-1924

05-17-04

City of Las Vegas
City Clerk's Office
400 Stewart Avenue
Las Vegas, NV 89101

Please be advised that I, Steve J. Greco am a candidate for the "Special Election" for the Ward 2 vacancy.

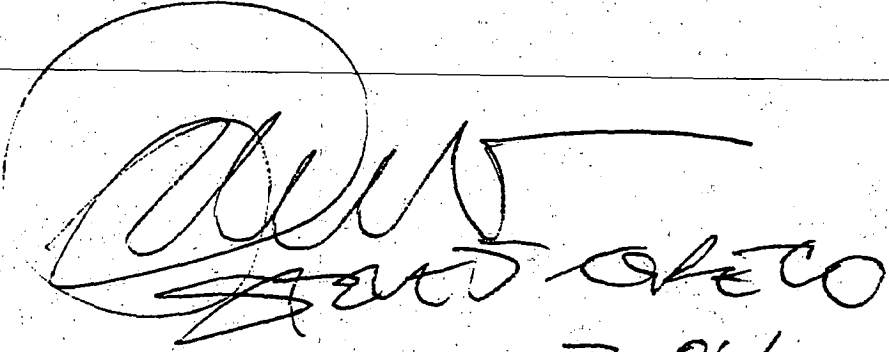
I currently serve on The City of Las Vegas Child Care Licensing Board. Please be advised that with this letter, I am providing notice that I will be resigning from this Board, under current law and information that was provided to myself from City Clerk's office.

This registration will become effective when the new Councilperson is sworn into office for Ward 2.

Sincerely,

Steve J Greco
1212 Enderly Lane
Las Vegas, NV 89144

702-304-1555
702-498-1720



STEVE GRECO
05-17-04

CHILD CARE LICENSING BOARD

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1) HAYES, MARY JANE * (Brown appointment)	2612 Ashby Avenue (Ward 4) Licensed Operator of Child Care Facility Representative	02	10-3-2001	6-2005
~~2) GRECO, STEVEN J. (L. B. McDonald appointment)~~	~~1212 Enderly Lane (Ward 2)~~	~~44~~	~~10-29-2003~~ Resigned 7-7-2004	~~6-2005~~
3) CLODT, TERRY D. (Mayor Goodman appointment) (Mayor Pro-Tem Reese appointed for Mayor Goodman)	6936 Rosinwood St. (Ward 6)	31	12-17-2003	6-2007
~~4) SALM, MARYANNE (Reese appointment)~~	~~1047 East Oakley Blvd. (Ward 3)~~	~~04~~	~~6-18-2003~~ Resigned 6-30-2004	~~6-2007~~
5) PROUD, JULIE (Moncrief appointment)	2509 Callita Court (Ward 1)	02	12-5-2001 (Reappt. 7-2-2003)	6-2007
6) BRUMWELL, LILLIANE G. (Weekly appointment) (Replaced Lolanda Bunch, resigned 3/10/2004)	9900 Shiloh School Lane Licensed Operator of Child Care Facility Representative	29	5-19-2004	6-1-2007
7) JUNE GUNDERSON (Mack's appointment)	5409 Lucky Clover Street (Ward 6)	49	12-17-2003	6-2005

AUTHORITY: L.V.M.C. 6.24. Created by Ord. #860, 8-10-60. Bill #92-7, Ord. 3631, 3-4-92, restructured board. Bill #2001-70, Ord. 5346, 8-1-01, financial disclosure statement. Bill #2003-77; Ord. 5635 First Amendment; expanded and defined membership and amended licensing provisions. Ord. 5664 further defined restrictions on membership concerning childcare licensees.

MEMBERS: 7 MEMBERS appointed by the City Council, with each member of the Council making one appointment.

TERM: 4 years, with term to run concurrent with term of the elected official who made the appointment.

NOTES: **MUST BE CITY RESIDENT. MUST FILL UNEXPIRED TERMS IF APPROPRIATE. NO LIMIT TO NUMBER OF TERMS, WHICH MAY BE SERVED.**
(City Financial Disclosure no longer required due to adoption of Bill #2001-70, Ord. #5346, adopted 8-1-01. State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Boards no longer required to file State form.) (Council to give special consideration to the background of appointees - qualifications, ability, education, experience, training, profession or occupation, availability and willingness to serve, etc.)

RESTRICTION: *No fewer than one and no more than three members must be currently licensed as owners or operators of child care facilities within the City, with an owner/operator who transfers or terminates ownership eligible to complete their term. The other four citizen members are not required to fill a specific category

PURPOSE: Hears all applications for child care facility licenses and advises the City Council, and makes recommendations on amendments to the Child Care Chapter of the City Code.

MEETINGS: Meets second Wednesday of each month, 3:00 p.m., Council Chambers.



**City of Las Vegas
Board, Commission, or Committee Interest Form**

RECEIVED
CITY CLERK

2004 MAY -4 A 9:25

Name: Tanya Ruddy
Home Street Address: 1231 Darmak Dr.
City: Las Vegas ZIP Code: 89102
Work Street Address: 324 E. Essex
City: Las Vegas ZIP Code: 89107
Employer: CCSD Occupation: Special Education Teacher
Home Phone Number: 877-9188 Work Phone Number: 799-4200
Other Phone Number: 379-3046 Email Address: _____

Please list the boards, commissions, or committees that you are interested in serving on:

The Child Care Licensing
Board

For office use only

CLV (Y) N

Ward 1

Date 5-4-04

Please list any boards, commissions, or committees that you serve on, or have served on in the past (Use additional pages, if necessary):

N/A

Please discuss your qualifications to serve on any boards, commissions, or committees (Use additional pages, if necessary):

Currently, I have a degree in special
Education, and I am working on a
Masters in General Education.

Please list any of your relatives or friends that work for the entity in which you would be serving:

N/A

Feel free to attach a resume to this form. Upon submitting this form, all information will be considered public information. This form will be kept on file for 6 months from date of submittal. It is the applicant's responsibility to submit a new form after that time. This form does not constitute an application for employment. Please do not to submit this form electronically. It should be printed, completed and mailed along with a letter and resume.

Please submit to:

**City Clerk
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101**

Fax: (702) 382-4803

**You may be required to be resident of the City of Las Vegas to serve certain boards, committees, or commissions.*

CHILD CARE LICENSING BOARD

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1) HAYES, MARY JANE * (Brown appointment)	2612 Ashby Avenue (Ward 4) Licensed Operator of Child Care Facility Representative	02	10-3-2001	6-2005
2) GRECO, STEVEN J.. ~~(L. B. McDonald appointment)~~	~~1212 Enderly Lane (Ward 2)~~	44	~~10-29-2003~~ Resigned 7-7-2004	~~6-2005~~
3) CLODT, TERRY D. (Mayor Goodman appointment) (Mayor Pro-Tem Reese appointed for Mayor Goodman)	6936 Rosinwood St. (Ward 6)	31	12-17-2003	6-2007
4) SALM, MARYANNE ~~(Reese appointment)~~	~~1047 East Oakley Blvd. (Ward 3)~~	04	~~6-18-2003~~ Resigned 6-30-2004	~~6-2007~~
5) PROUD, JULIE (Moncrief appointment)	2509 Callita Court (Ward 1)	02	12-5-2001 (Reappt. 7-2-2003)	6-2007
6) BRUMWELL, LILLIANE G. (Weekly appointment) (Replaced Lolanda Bunch, resigned 3/10/2004)	9900 Shiloh School Lane Licensed Operator of Child Care Facility Representative	29	5-19-2004	6-1-2007
7.) JUNE GUNDERSON (Mack's appointment)	5409 Lucky Clover Street (Ward 6)	49	12-17-2003	6-2005

AUTHORITY: L.V.M.C. 6.24. Created by Ord. #860, 8-10-60. Bill #92-7, Ord. 3631, 3-4-92, restructured board. Bill #2001-70, Ord. 5346, 8-1-01, financial disclosure statement. Bill #2003-77; Ord. 5635 First Amendment; expanded and defined membership and amended licensing provisions. Ord. 5664 further defined restrictions on membership concerning childcare licensees.

MEMBERS: 7 MEMBERS appointed by the City Council, with each member of the Council making one appointment.

TERM: 4 years, with term to run concurrent with term of the elected official who made the appointment.

NOTES: **MUST BE CITY RESIDENT. MUST FILL UNEXPIRED TERMS IF APPROPRIATE. NO LIMIT TO NUMBER OF TERMS, WHICH MAY BE SERVED.**
(City Financial Disclosure no longer required due to adoption of Bill #2001-70, Ord. #5346, adopted 8-1-01. State Financial Disclosure no longer required due to passage of AB611 during 1999 Nevada State Legislature stipulating uncompensated Boards no longer required to file State form.) (Council to give special consideration to the background of appointees - qualifications, ability, education, experience, training, profession or occupation, availability and willingness to serve, etc.)

RESTRICTION: *No fewer than one and no more than three members must be currently licensed as owners or operators of child care facilities within the City, with an owner/operator who transfers or terminates ownership eligible to complete their term. The other four citizen members are not required to fill a specific category

PURPOSE: Hears all applications for child care facility licenses and advises the City Council, and makes recommendations on amendments to the Child Care Chapter of the City Code.

MEETINGS: Meets second Wednesday of each month, 3:00 p.m., Council Chambers.

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

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

CITIZENS PRIORITY ADVISORY COMMITTEE (CPAC) – John Medina, Term Expiration 6-2007 (Resigned)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Terms of appointment on the Citizens Priority Advisory Committee (CPAC) are coterminous with the Councilmembers making the appointment. Members must be City residents and there is no limit to the number of terms, which may be served. Mr. Medina resigned because he is no longer a resident of the city.

RECOMMENDATION:

Procedure for this Board is coterminous appointment by the appropriate member of Council. It will be necessary for Mayor Goodman to appoint a new representative to fill this unexpired term.

BACKUP DOCUMENTATION:

1. Resignation letter from John Medina
2. Current Listing and Authority – CPAC

MOTION:

GOODMAN – ABEYANCE to 8/4/2004 – UNANIMOUS with BROWN voting NO

MINUTES:

MAYOR GOODMAN encouraged any interested persons to contact his office and submit a resume.

(11:32 – 11:33)
2-1946

Donna Willey

Subject: FW: Letter of Resignation

-----Original Message-----

From: Ann Bonk

Sent: Thursday, July 01, 2004 3:34 PM

To: Donna Willey

Subject: FW: Letter of Resignation

-----Original Message-----

From: Medina, John [mailto:MedinaJA@nv.doe.gov]

Sent: Wednesday, June 30, 2004 4:33 PM

To: abonk@LasVegasNevada.GOV

Subject: Letter of Resignation

Mark: Please accept this e-mail, as my letter of my resignation from the Citizens Priority Advisory Committee. I will be leaving the City of Las Vegas in a few weeks and therefore cannot continue to serve on the board. Please extend to Mayor Goodman my sincere appreciation for giving me the opportunity to serve on the Committee and working with you, your staff and the other Board Members. It has been an honor and privilege and I am grateful to have been given the opportunity. Again Thank You Very Much for the opportunity and I wish you, the Committee and the City of Las Vegas much success in the future.....Best Regards.....John

2-18-2004

**C.P.A.C.
CITIZENS PRIORITY ADVISORY COMMITTEE
(Budget review)**

<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1. DUNCAN R. LEE (L. Boggs-McDonald Appointment)(Ward 2)	9631 Orient Express Court	145	6-20-01	6-2005 (Coterminous term with elected official)
2. PEARSON, BRIAN CRAIG (Brown's Appointment)	542 Artola Street (Ward 5)	144	3-9-98 (Reapp. 6-20-2001)	6-2005 (Coterminous term with elected official)
3. JUDD, BEN (Reese's Appointment)	1008 James Street (Ward 3)	101	10-18-00 (Reapp. 6-18-2003)	6-2007 (Coterminous term with elected official)
4. BUTTERS, RONALD L. (Moncrief's Appointment)	1208 Ventura Hills Street (Ward 2)	134	4-13-98 (Reapp. 9-1-1999)(Reapp. 7-2-2003)	6-2007 (Coterminous term with elected official)
~~5. MEDINA, JOHN (Goodman's Appointment)~~	~~109 Hyman Place (Ward 2)~~	~~128~~	~~9-1-99 (Reapp. 7-16-2003)~~	~~6-2007 (Coterminous term with elected official)~~ Resigned 6-30-2004
6. SAYLES, JOSEPH (Weekly's Appointment)	316 Mike Circle (Ward 5)	106	10-4-00 (Reapp. 5-16-2001) (Reapp. 7-16-2003)	6-2007 (Coterminous term with elected official)
7. HARRISON, LORI (Mack's Appointment)	7300 Heggie Avenue (Ward 6)	131	9-20-00 (Reapp. 5-16-2001)	6-2005 (Coterminous term with elected official)

AUTHORITY:

Simple Council action on 11-20-91 and 12-4-91 to disband CPAC as it existed under Resolution dated 11-7-84, and restructure such that: committee consists of 5 members - 1 appointed by each Council member - with terms of the appointees running concurrent with the term of office of the elected official who made the appointment. **Amended by Council action 4-5-2000 to increase the membership to 7 members due to increase by two Councilpersons (Wards 5 and 6).**

TERM:

Must run concurrent with term of elected official who made appointment. No limit to the number of terms.

NOTES:

MUST BE CITY RESIDENT per Bill 90-51, Ordinance 3527.

Must be residents of City, but not necessarily the Ward of the appointing Council member.

No financial disclosure requirement.

DEPARTMENT SUPPORT:

Finance

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

DEPARTMENT: CITY CLERK

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

SUBJECT:

BOARDS & COMMISSIONS:

Discussion and possible action on appointments of Council members to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities

Fiscal Impact

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. City Council Appointment Listing
2. Submitted after meeting: revised Appointment Listing

MOTION:

GOODMAN – made the **APPOINTMENTS** as indicated on the revised Appointment Listing included in the backup – **UNANIMOUS**

MINUTES:

TOM McGOWAN, Las Vegas resident, suggested the Council be proactive and establish a secure borders committee to monitor all the borders to the United States.

COUNCILMAN WEEKLY requested he be appointed as an alternate on the Real Estate Committee. **MAYOR GOODMAN** then appointed **COUNCILMEMBERS MONCRIEF** and **WOLFSON** to the Real Estate Committee, with **COUNCILWOMAN MONCRIEF** as the Chair, **COUNCILMAN WEEKLY** as first alternate and **COUNCILMAN REESE** as second alternate.

COUNCILMAN MACK indicated his interest in serving on the Las Vegas Springs Preserve Committee. The Mayor said he would investigate if he could also appoint **COUNCILMAN MACK**.

(11:33 – 11:40)

2-1986

CITY COUNCIL APPOINTMENTS

BOARD NAME	APPT(S)	TERM	CURRENT REPRESENTATION	ORIGINAL APPT. DATE	EXPIRATION/NOTES
Chief Local Elected Officials Consortium (Formerly Nevada Business Services [NBS] Job Training Board)	1	Until replaced	Councilman L. Weekly	1-19-2000	
~~CLV Audit Oversight Committee~~	~~2~~	~~2 yrs.~~	~~Councilman L. Weekly~~	~~6-18-2003~~	~~Exp. June 2005~~
~~(These board appointments may not fall during the Election"~~					
~~cycle appointment process for Council members)~~					
			Councilman L. Brown	7-3-2002	Exp. 7-3-2004
				<u>Must fill unexpired term</u>	
Cl. Co. District Bd. of Health	1	2 yrs.	Councilman G. Reese	6-21-1995	Exp. June 2005
Clean Water Coalition		Until replaced	Councilman L. Brown	10-16-2002	
		"	Councilman M. Mack (Alt)	10-16-2002	
Debt Management Commission (Formerly General Obligation Bond Comm.)	1	2 yrs.	Mayor Goodman	6-2-2004	Exp. June 2005 (Fills unexpired term)
Economic Opportunity Bd. Cl. Co.	1	Until replaced	Councilman L. Weekly	7-14-1997	
Emergency Operations, Mgmt. Comm.	1	Until replaced	Mayor O. Goodman	6-20-2001	
		"	Councilman M. Mack	6-18-2003	
Las Vegas Convention and and Visitors Authority	2	Term of Office	Mayor O. Goodman	6-28-1999	Exp. June 2007
		"	Councilman L. Brown	6-18-2003	Exp. June 2005
Las Vegas Springs Preserve- Board of Trustees	1	Term of Office	Mayor O. Goodman	8-20-2003	Exp. June 2007
Local Law Enforcement Advisory Committee	1	Until replaced	Councilman L. Weekly	1-19-2000	
Mayor Pro Tempore	1	Until replaced	Councilman G. Reese	11-16-2000	Council elects
Metropolitan Police Committee on Fiscal Affairs	2	Until replaced	Councilman G. Reese	7-14-1997	
		"	Councilman Mack	6-2-2004	
Nellis Civilian Military Council Executive Board	2	Until Replaced	Mayor O. Goodman	9-17-2003	
			Alt- Councilman Larry Brown		
Nevada Development Authority	1	2 yrs.	Mayor O. Goodman	6-28-1999	Exp. June 2005
Nevada League of Cities	1	2 yrs.	Vacant		Exp. June 2005
~~Oversight Panel for School Facilities~~	~~1~~	~~2 yrs.~~	~~Councilman L. Brown~~	~~9-22-1997~~	~~Exp. 12-31-2004~~
Real Estate Committee	2	2 yr.	Councilman L. Weekly (Chair)	1-19-2000	Exp. June 2005
		"	Councilwoman J. Moncrief	6-18-2003	Exp. June 2005
		Alternate - Vacant			Exp. June 2005
		Alternate - Councilman G. Reese		4-18-2001	Exp. June 2005
Regional Flood Control District (Members are the same as those appointed to RTC and terms should coincide.)	2	2 yrs.	Councilman M. Mack	1-17-2001	Exp. 6-30-2005
		"	Councilman L. Brown	6-23-1997	Exp. 6-30-2005
Regional Transportation Commission (Expiration date set by NRS)	2	2 yrs.	Councilman M. Mack	1-17-2001	Exp. 6-30-2005
		"	Councilman L. Brown	6-23-1997	Exp. 6-30-2005
Regional Jail Commission	2	Until replaced	Councilwoman J. Moncrief (Pri)	6-18-2003	
	(1 Primary, 1 Alternate)		Councilman G. Reese (Alt)	6-28-1999	
	(Change to Primary & Alternate on 10/2/96)				
So. Nev. Regional Planning Coalition (Formerly So. Nev. Gov't Efficiency Committee)	2	Until replaced	Mayor O. Goodman	6-28-1999	
		"	Councilman L. Weekly	6-18-2003	
		Alternate -	Councilwoman Moncrief	12-18-2003	
So. Nev. Water Authority	2	Until replaced	Mayor O. Goodman	6-20-2001	
	(1 Member, 1 Alternate)		Councilman M. Mack (Alt)	6-18-2003	
Yucca Mnt. Nuclear Repository Com.	2	Until replaced	Councilwoman J. Moncrief	6-18-2003	City Mgr. or designee also serves
		"	Councilman G. Reese	6-18-2003	

CITY COUNCIL APPOINTMENTS

<u>BOARD NAME</u>	<u>APPT(S)</u>	<u>TERM</u>	<u>CURRENT REPRESENTATION</u>	<u>ORIGINAL APPT. DATE</u>	<u>EXPIRATION/NOTES</u>
Chief Local Elected Officials Consortium (Formerly Nevada Business Services [NBS] Job Training Board)	1	Until replaced	Councilman L. Weekly	1-19-2000	
CLV Audit Oversight Committee (These board appointments may not fall during the Election " cycle appointment process for Council members)	2	2 yrs.	Councilman L. Weekly	6-18-2003	Exp. June 2005
			Councilman L. Brown	7-3-2002	Exp. 7-7-2006 <u>Must fill unexpired term</u>
Cl. Co. District Bd. of Health	1	2 yrs.	Councilman G. Reese	6-21-1995	Exp. June 2005
Clean Water Coalition		Until replaced "	Councilman L. Brown Councilman M. Mack (Alt)	10-16-2002 10-16-2002	
Debt Management Commission (Formerly General Obligation Bond Comm.)	1	2 yrs.	Mayor Goodman	6-2-2004	Exp. June 2005 (Fills unexpired term)
Economic Opportunity Bd. Cl. Co.	1	Until replaced	Councilman L. Weekly	7-14-1997	
Emergency Operations, Mgmt. Comm.	1	Until replaced "	Mayor O. Goodman Councilman S. Wolfson	6-20-2001 7-21-2004	
Las Vegas Convention and and Visitors Authority	2	Term of Office "	Mayor O. Goodman Councilman L. Brown	6-28-1999 6-18-2003	Exp. June 2007 Exp. June 2005
Las Vegas Springs Preserve- Board of Trustees	1	Term of Office	Mayor O. Goodman	8-20-2003	Exp. June 2007
Local Law Enforcement Advisory Committee	1	Until replaced	Councilman L. Weekly	1-19-2000	
Mayor Pro Tempore	1	Until replaced	Councilman G. Reese	11-16-2000	Council elects
Metropolitan Police Committee on Fiscal Affairs	2	Until replaced "	Councilman G. Reese Councilman Mack	7-14-1997 6-2-2004	
Nellis Civilian Military Council Executive Board	2	Until Replaced (Mayor and Alt.)	Councilman L. Brown Alt.- Councilman S. Wolfson	9-17-2003 7-21-2004	
Nevada Development Authority	1	2 yrs.	Mayor O. Goodman	6-28-1999	Exp. June 2005
Nevada League of Cities	1	2 yrs.	Councilwoman J. Moncrief	7-21-2004	Exp. June 2005
Oversight Panel for School Facilities	1	2 yrs.	Councilman L. Brown	9-22-1997	Exp. 12-31-2004
Real Estate Committee	2	2 yr. " Alternate - Alternate -	Councilwoman J. Moncrief (Chair) - Councilman S. Wolfson Councilman L. Weekly Councilman G. Reese	6-18-2003 7-21-2004 1-19-2000 4-18-2001	Exp. June 2005 Exp. June 2005 Exp. June 2005 Exp. June 2005
Regional Flood Control District (Members are the same as those appointed to RTC and terms should coincide.)	2	2 yrs. "	Councilman M. Mack Councilman L. Brown	1-17-2001 6-23-1997	Exp. 6-30-2005 Exp. 6-30-2005
Regional Transportation Commission (Expiration date set by NRS)	2	2 yrs. "	Councilman M. Mack Councilman L. Brown	1-17-2001 6-23-1997	Exp. 6-30-2005 Exp. 6-30-2005
Regional Jail Commission	2 (1 Primary, 1 Alternate) (Change to Primary & Alternate on 10/2/96)	Until replaced	Councilwoman J. Moncrief (Pri) Councilman S. Wolfson (Alt)	6-18-2003 7-21-2004	
So. Nev. Regional Planning Coalition (Formerly So. Nev. Gov't Efficiency Committee)	2	Until replaced " Alternate -	Mayor O. Goodman Councilman L. Weekly Councilwoman Moncrief	6-28-1999 6-18-2003 12-18-2003	
So. Nev. Water Authority	2 (1 Member, 1 Alternate)	Until replaced	Mayor O. Goodman Councilman M. Mack (Alt)	6-20-2001 6-18-2003	
Yucca Mnt. Nuclear Repository Com.	2	Until replaced "	Councilwoman J. Moncrief Councilman S. Wolfson	6-18-2003 7-21-2004	City Mgr. or designee also serves

7/21/04 CC
Atty. #77

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

**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:

STRIKE at 7/21/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 6/16/2004; First Publication – 7/9/2004

(NOTE: This item was inadvertently omitted from the 7/6/2004 Recommending Committee agenda and appeared instead on the 7/19/2004 Recommending Committee agenda).

BACKUP DOCUMENTATION:

Bill No. 2004-43

MOTION:

REESE – Motion to bring forward and STRIKE Items 54, 55, and 78, Hold Items 65 and 66 in ABEYANCE to 8/4/2004, and Hold Item 69 in ABEYANCE to 8/18/2004 – UNANIMOUS

MINUTES:

There was no discussion.

(9:35 – 9:37)

1-886

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-47 – Annexation No. ANX-4245 – Property location: On the south side of Grand Teton Drive, 660 feet east of Puli Drive; Petitioned by: Southwest Desert Equities, LLC; Acreage: 5.20 acres; Zoned: R-U (County zoning), U (PCD) (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 south side of Grand Teton Drive, 660 feet east of Puli 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 (August, 13, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-48 – Annexation No. ANX-4428 – Property location: On the north side of Log Cabin Way between Durango Drive and El Capitan Way; Petitioned by: William Miller, et al; Acreage: 5.79 acres; Zoned: R-A (County zoning), R-E and R-PD2 (City equivalents).
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 north side of Log Cabin Way between Durango Drive and El Capitan Way. The annexation is at the request of the property owners, but is part of a combined effort by the City, the County and the property owners to correct mapping errors that created lots bisected by the City-County boundary line. The annexation process has now been completed in accordance with the NRS and the final date of annexation (August 13, 2004) is set by this ordinance.

NOTE: The property is predominantly developed with single-family homes.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-49 – Annexation No. ANX-4451 – Property location: On the southeast corner of Hualapai Way and Dorrell Lane; Petitioned by: Hualapai Nevada, LLC; Acreage: 5.39 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 southeast corner of Hualapai Way and Dorrell Lane. 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 (August 13, 2004) is set by this ordinance.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. 2004-50 – Establishes standards and procedures, in accordance with State law, to ensure that adequate infrastructure and public facilities are available to serve the eventual development of undeveloped areas. Proposed by: Douglas Selby, City Manager

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

State law authorizes local governments to enter into development agreements to provide for infrastructure and public facilities in areas that are "relatively undeveloped and likely to become developed." Typical of such areas are those in which property is available for purchase from the Bureau of Land Management. This bill will require development in such areas to be in accordance with a development agreement that makes adequate provision for infrastructure and public facilities.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT**

☒ **DISCUSSION**

SUBJECT:

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

Bill No. Z-2004-3 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

This bill will amend the zoning map to change the zoning designations of approximately 156 parcels. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

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

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

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

Bill No. Z-2004-4 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will amend the zoning map to change the zoning designations of approximately 2,282 parcels. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

RECOMMENDATION:

ADOPTION at 8/4/2004 City Council meeting pursuant to the 7/19/2004 Recommending Committee.

First Reading – 7/7/2004; First Publication – 7/23/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

8/4/2004 Council Agenda

THE MORNING SESSION RECESSED AT 11:40 A.M.

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

DEPARTMENT: CITY CLERK

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

SUBJECT:

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

MOTION:

REESE – Motion to HOLD IN ABEYANCE Item 107 [SUP-3394] to 9/1/2004, STRIKE Item 88 [6012 Iron Kettle Street] and Item 89 [709 Jackson Avenue] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 94 [ROC-4500] – UNANIMOUS with MONCRIEF excused

MINUTES:

MAYOR GOODMAN stated that in the past he has abstained from voting on billboard related items because his son Eric represents billboard companies and members of his law office negotiate with billboard companies. Item 107 [SUP-3394] pertains to a billboard sign; however, he would feel comfortable voting since he has no vested interest in any billboard matters at this time and he has made full disclosure.

(2:01 – 2:03)

4-7

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

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD D. GOECKE

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Public hearing on local improvement district regarding: Special Improvement District No. 1499
- Alexander Road (US-95 to Rancho Drive) (\$78,002.48 - Capital Projects Fund/Special Assessments) - Ward 6 (Mack)

Fiscal Impact

☐

No Impact

Amount: \$78,002.48

☒

Budget Funds Available

Dept./Division: Public Works/SID

☐

Augmentation Required

Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Public hearing on the Final Assessment Roll for the construction and installation of pavement, "L" type curb and gutter, sidewalk, water laterals, and streetlights.

RECOMMENDATION:

Public Hearing only; no action required.

BACKUP DOCUMENTATION:

Notice of Hearing

MOTION:

None required. Public Hearing held.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

RICHARD GOECKE, Director, Public Works Department, explained that this assessment district would remedy the situation resulting from one property owner not having off-site improvements as part of this \$2.3 million dollar project. The property owner will be assessed \$78,002.48. The property owner sent a letter to the City stating they were on vacation and did not oppose the assessment. He indicated the assessment was in order.

MAYOR GOODMAN declared the Public Hearing closed.

(2:03 – 2:04)

4-70

NOTICE OF THE FILING OF FINAL ASSESSMENT ROLL, OF THE OPPORTUNITY TO FILE WRITTEN COMPLAINTS, PROTESTS, OR OBJECTIONS, AND OF THE ASSESSMENT HEARING, ALL CONCERNING THAT CERTAIN AREA TO BE ASSESSED FOR IMPROVEMENTS WITHIN THE CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE).

NOTICE IS HEREBY GIVEN, that the Final Assessment Roll No. 2004-8 for City of Las Vegas, Nevada, Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive) (hereinafter the "District") in and for the City of Las Vegas in the County of Clark, State of Nevada, which has been made out by the City Council of City of Las Vegas, together with the City Engineer, has been filed on June 16, 2004, in the office of the City Clerk and since such date, the final assessment roll has been, and now is available for examination by any interested person during regular office hours, Monday through Friday 8:00 a.m. until 5:00 p.m. The boundaries of the District are described in the Special Improvement District No. 1499 Creation Ordinance heretofore adopted (hereinafter the "Creation Ordinance"). 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 fronting a cul-de-sac which abuts or fronts a street to be improved by the improvements. The streets to be improved by the improvements are:

Alexander Road (SOUTH SIDE) - from the centerline of Rancho Drive westerly along Alexander Road approximately 692-feet (100-foot of right-of-way).

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 tracts of lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are to be equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways and street lights and on a square foot method for the installation of commercial driveways, provided those tracts which front a cul-de-sac and which abut or front a street or streets being improved will be assessed on a "unit lot" basis, i.e., all lots abutting the cul-de-sac are to be assessed the same amount based upon the front footage of those lots abutting the streets or streets being improved which also abut the cul-de-sac. Each property owner will be assessed for the cost of an eight foot (8') wide street pavement section, curb and gutter, sidewalks, driveway approaches and streetlights, where not already existing. The owners of property who elected to have water or sewer laterals installed will be assessed per foot of lateral installed on a per service or unit lot basis. Potable water and sewer main extensions will be assessed on a front foot basis. 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.

Such basis of assessments has been designated by the City Council in the Creation Ordinance heretofore adopted. The portion of the costs to be assessed against, and the maximum amount of benefits estimated to be conferred upon each lot, tract or parcel of land or property in the District is stated in the final assessment roll. The City Council has determined that each of these tracts will receive special benefits (and corresponding market value increases) from the improvements in the Project.

The City Council will meet to hear and consider all complaints, protests, and objections to said final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District. Any person interested and any parties aggrieved by such assessments may be heard on Wednesday, July 21, 2004, at 1:00 p. m. at the City of Las Vegas Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada. Any complaint, protest, or objection to the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount thereof levied on each lot, tract or parcel of land, shall be deemed waived unless filed in writing with the City Clerk, on or before Friday, July 16, 2004, i.e., at least three days prior to the date set for the assessment hearing.

At the time and place so designated for the hearing, the City Council shall hear and determine all complaints, protests, and objections to the regularity of the proceedings in making such assessments, the correctness of such assessments, the amount levied on any particular lot, tract or parcel of land to be assessed, the amount of the benefits and corresponding market value increases, which have been so made in writing or verbally. The City Council shall further have the power to adjourn such hearing from time to time, and by resolution shall have power, in its discretion, to revise, correct, confirm, or set aside any assessment and to order that such assessment may be made de novo. The owners of the property to be assessed are advised that this is the final chance to present any evidence as to the amount of the assessments (or other matters to be considered at the hearing) to the City Council. If a person objects to the final assessment roll or to the proposed assessments:

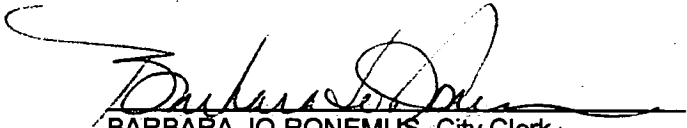
- (1) He is entitled to be represented by counsel at the hearing;
- (2) Any evidence he desires to present on these issues must be presented at the hearing; and
- (3) Evidence on these issues that is not presented at the hearing may not thereafter be presented in an action brought pursuant to NRS 271.395.

Assessments shall be due and payable at the office of the City Treasurer without interest and without demand within 30 days after the ordinance levying the assessments becomes effective. All or any part of such assessments may also, at the election of the owner, be paid thereafter in twenty (20) substantially equal semi-annual installments of principal and interest. After the adoption of the assessment ordinance and before assessment bonds are issued (or if bonds are not issued) the City Council shall by resolution provide the maximum rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, such rate will not exceed by more than one percent (1%) the highest rate of interest on 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 by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the time bids for such bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. Penalties (at a rate not exceeding two percent (2%) per month on the unpaid balance of the assessment and accrued interest, or at any higher rate authorized by statute) shall be due for delinquencies. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any installment of the unpaid principal with interest accruing thereon to the next interest payment date.

Pursuant to NRS 271.357, the City has established a procedure to allow any person whose principal residence will be included in the District to apply for a hardship determination. A person whose application for a hardship determination has been approved by the City Council is entitled to have the principal amount of the assessment postponed, but is required to pay the interest on the unpaid balance of the assessment at the same rate and upon the same terms as established by the City Council for the assessments. A person desiring to apply for a hardship determination shall file an application no later than July 16, 2004, with the Clark County Department of Social Services (CCSS), 1600 Pinto Lane, Las Vegas, Nevada 89106. Please contact CCSS at (702) 455-8687 for a pre-qualification screening.

Pursuant to NRS 271.395, within 15 days immediately succeeding the effective date of the assessment ordinance to be adopted following the hearing, any person who has filed a complaint, protest, or objection in writing shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity, and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, and of the amount of the assessment levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation, shall be perpetually barred.

Dated this June 16, 2004.



BARBARA JO RONEMUS, City Clerk

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

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - Review the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Mattie Wormwood regarding the property at 412 Jefferson Avenue. PROPERTY OWNER: MATTIE WORMWOOD - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in the 1997 Uniform Code for the Abatement of Dangerous Buildings, Sections 102, 202, and 302. A Notice and Order to Abate Dangerous Building/Demolition was mailed to the property owner to demolish the structure(s), clean the property, and post "No Trespassing" signs. Today's hearing is to review the appeal to the Notice and Order to Abate Dangerous Building/Demolition filed by Mattie Wormwood

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Notice and Order to Abate Dangerous Building/Demolition
4. Notice of Appeal
5. Notice of Hearing
6. Submitted After Hearing – City Council Notice of Denial of Appeal
7. Pictures Shown But Not Submitted

MOTION:

WEEKLY – APPROVED Nuisance and Order to Abate Dangerous Building/Demolition – UNANIMOUS

MINUTES:

DAVID SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services, showed some photos and indicated that some raking was the only visible improvement on the property since this item was abeyed two weeks ago. He explained that the back building is still easily accessed, the property is still in decline and the building dangerous. He reminded Council

CITY COUNCIL MEETING OF JULY 21, 2004
Neighborhood Services Department
Item 87 – 412 Jefferson Avenue

MINUTES Continued:

that MS. WORMWOOD was given the opportunity to contact COUNCILMAN WEEKLY'S office and to his knowledge, that was not done.

MR. SEMENZA indicated he had tried to contact MS. WORMWOOD through a representative named BEATRICE TURNER to arrange a meeting and that attempt failed. It was his understanding that MS. WORMWOOD only wanted to speak before Council at this meeting.

MATTIE WORMWOOD stated she had not spoken with MR. SEMENZA since the July 7, 2004 Council Meeting. She said the property is in the process of being sold and that the buyer went to the Building Department but could not get a permit issued to him. She reiterated that she had evicted the tenants for their actions. When she got the property, she paid the sewer bills and tax bills that were past due. She accused staff of lying and claimed there has been a conspiracy against her regarding this property. MS. WORMWOOD had six companies come to the property and give estimates on repair. These estimates ranged from \$15,000 to \$22,000.

Subsequent to the vote, MS. WORMWOOD emphasized that the Council action was not right and that the building is repairable and in the process of being sold. She asked what could be done to reverse the decision of the Council. MAYOR GOODMAN asked ORLANDO SANCHEZ, Director, Neighborhood Services Department, to speak with MS. WORMWOOD and explain the action to her. COUNCILMAN WEEKLY informed MS. WORMWOOD that she must be more responsive. At the July 7th Council meeting, BEATRICE TURNER stated she would be assisting MS. WORMWOOD in clean up efforts. MS. TURNER indicated to COUNCILMAN WEEKLY that MS. WORMWOOD was not cooperative with her and she had to discontinue her assistance efforts.

(2:04 – 2:11)

4-101

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

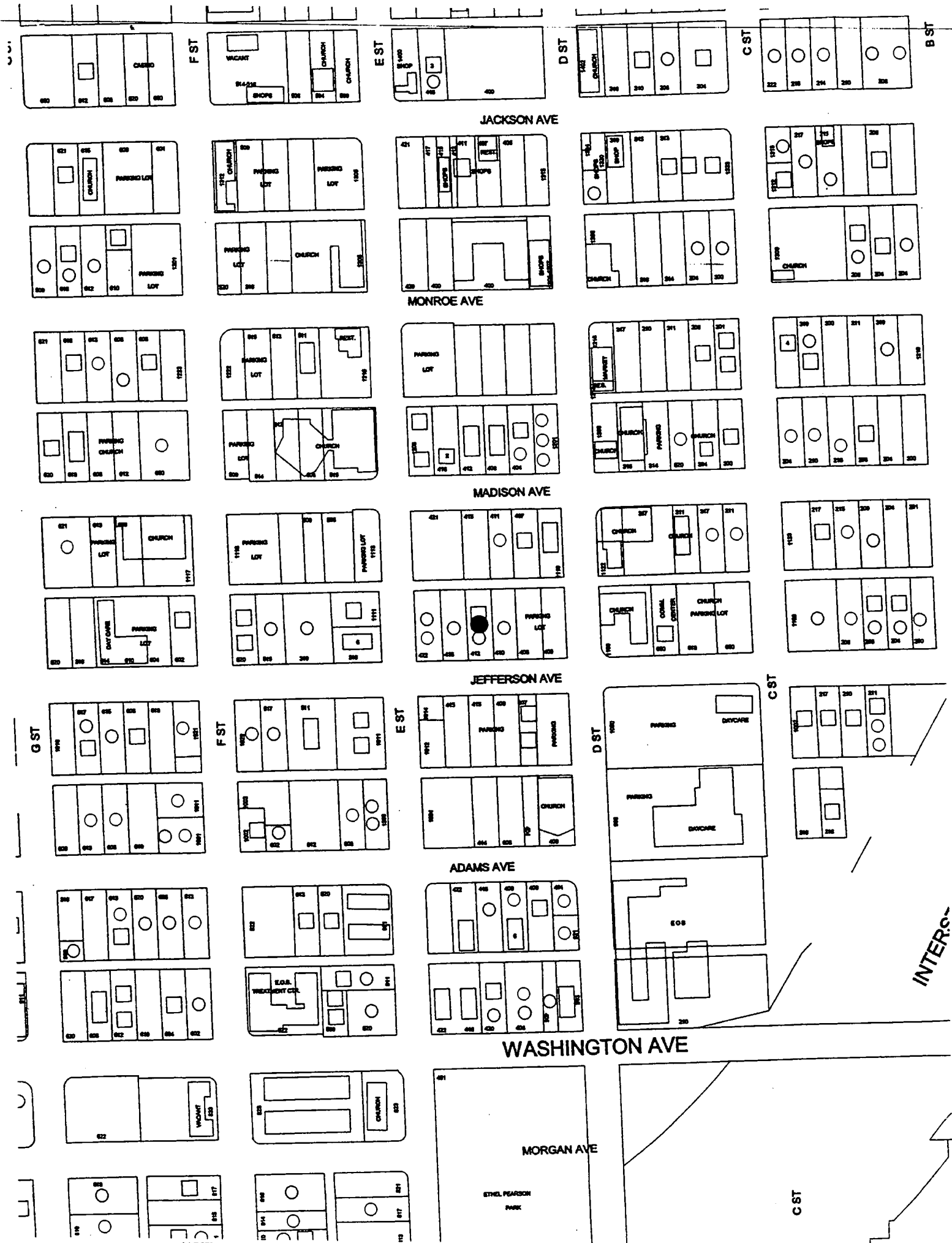
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the appeal to the Notice and Order to Abate Dangerous Building/Demolition filed by Mattie Wormwod regarding the property located at 412 Jefferson Avenue. PROPERTY OWNER: MATTIE WORMWOOD - Ward 5 (Weekly)

The subject property was deemed to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 102, 202, and 302 - Unsafe Buildings or Structures of the 1997 Uniform Building Code.

A Notice and Order to Abate Dangerous Building/Demolition was sent to the property owner by regular and certified mail recommending that they demolish the structure(s), clean the property, and post "No Trespassing" signs on the property. A copy of the notice was also posted on the property.

Today's public hearing is to review the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Mattie Wormwood.





LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Case #12925
May 17, 2004
Certified/Regular Mail
Return Receipt Requested

Mattie Merle Wormwood, et al
2725 Revere St.
N Las Vegas, NV 89030-3888

**TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS
BUILDING/DEMOLITION**

You are hereby notified as record owner(s) of the property located at 412 Jefferson Ave, Las Vegas, Nevada, Parcel #139-27-210-057, the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1992 Edition, Section 202, and is also a dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(7) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Rev 9/20/99

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(19) Whenever any building or structure, or portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others, or have a deleterious effect on the value of neighboring properties.

And, under Section 102 of the 1997 Uniform Building Code.
Section 102 - - Unsafe Buildings or Structures

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

To correct this condition, you need to obtain a permit to demolish the structure(s) and cause the property to be cleaned and install "No Trespassing" signs on the property within ten (10) days from the date of the receipt of this Notice and Order.

Once you have been officially notified that this condition exists and you fail to respond, court citations could be issued with each day constituting a separated offense.

If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the

property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, A Lien of Assessment shall be filed with the County Recorder's office, certified copies of the lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the council's designee, in cases where a owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.
2. That this Notice and Order or a copy therefore be presented to the Department of Building and Safety when purchasing a demolition permit, or Neighborhood Services Department when boarding a building.
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. The City will send a contractor out to abate the problem without further notice.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions at your earliest convenience.

Sincerely,



Paul K. Wilkins, Director
Department of Building and Safety

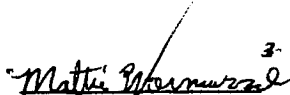
PW:DS:ld

May 26, 2004

Neighborhood Response Division
City of Las Vegas
400 Stewart Avenue
Las Vegas, NV 89101

Mr. Semenza,

I am writing in regards to the Ten (10) Day Abate/Demolition Notice (#12925) dated May 17, 2004 regarding property located at 412 W. Jefferson Avenue, Las Vegas, NV 89106. I wish to appeal this notice. Thank you for your attention, in this most important matter.


Mattie Wormwood

RECEIVED
CITY CLERK
2004 MAY 28 A 10:31

C.C. Paul Wilkins – Building Department
C.C. Las Vegas City Council



June 24, 2004

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Mattie Wormwood
2725 Revere Street
North Las Vegas, Nevada 89030

Re: Notice of Appeal Hearing - Notice and Order to Abate Dangerous Building on property located at 412 West Jefferson Avenue

Dear Ms. Wormwood:

You are hereby notified that a hearing will be held before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 7th day of July, 2004, at the hour of 1:00 p.m., upon the notice and order to abate dangerous buildings on property located at 412 West Jefferson Avenue.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of book, documents or other things by filing an affidavit therefore with the City Clerk on behalf of the Las Vegas City Council.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,



Barbara Jo Ronemus, CMC
City Clerk

BJR/bb

cc: Orlando Sanchez, Director, Neighborhood Services
Dave Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building and Safety
Kelly Benavidez, Ward 5 Liaison Officer

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov



July 26, 2003

CERTIFIED & REGULAR MAIL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Ms. Mattie Wormwood
2725 Revere Street
North Las Vegas, Nevada 89030-3888

Re: ~~Appeal Hearing on the Ten Day Notice and Order to Abate Dangerous~~
Building/Demolition on property located at 412 Jefferson Avenue

Dear Ms. Wormwood:

On July 21, 2004 the Las Vegas City Council **APPROVED** the Ten Day Notice and Order to Abate Dangerous Building/Demolition thereby **DENYING** your appeal on property located at 412 Jefferson Avenue.

If you would like more information please contact David Semenza, Manager of Neighborhood Response, Neighborhood Services at 229-6615.

Sincerely,

A handwritten signature in black ink, appearing to read "Beverly K. Bridges".

Beverly K. Bridges
Chief Deputy City Clerk

BKB

cc: Councilman Lawrence Weekly
Kelly Benevidez, Ward 5 Liaison
Orlando Sanchez, Director, Neighborhood Services
Paul Wilkins, Director, Department of Building and Safety
David Semenza, Manager, Neighborhood Response
Dan Still, Deputy City Attorney

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

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov
18112-001-6/04

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

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - Review the appeal from the Zoning Violations/Nuisance Notice and Order to Comply filed by Brian J. Pinegar regarding the property at 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances. A Zoning Violations/Nuisance Notice and Order to Comply was mailed to the property owners to correct the nuisance; Title 19.08.040 (B) (1) (d) (1) regarding the bike/skateboard ramp accessory structure. Today's hearing is to review the appeal to the Notice and Order to Comply filed by Brian J. Pinegar

RECOMMENDATION:

That the City Council approve the Zoning Violations/Nuisance Notice and Order to Comply

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Zoning Violations/Nuisance Notice and Order to Comply
4. Notice of Appeal
5. Notice of Hearing

MOTION:

REESE - Motion to **HOLD IN ABEYANCE** Item 107 [SUP-3394] to 9/1/2004, **STRIKE** Item 88 [6012 Iron Kettle Street] and Item 89 [709 Jackson Avenue] and Accept the **WITHDRAWAL WITHOUT PREJUDICE** of Item 94 [ROC-4500] - **UNANIMOUS** with **MONCRIEF** excused

MINUTES:

There was no discussion.

(2:01 - 2:03)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

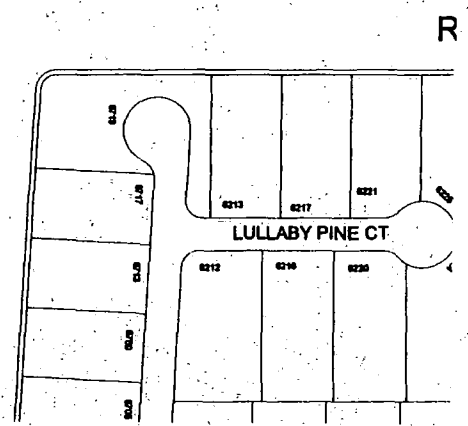
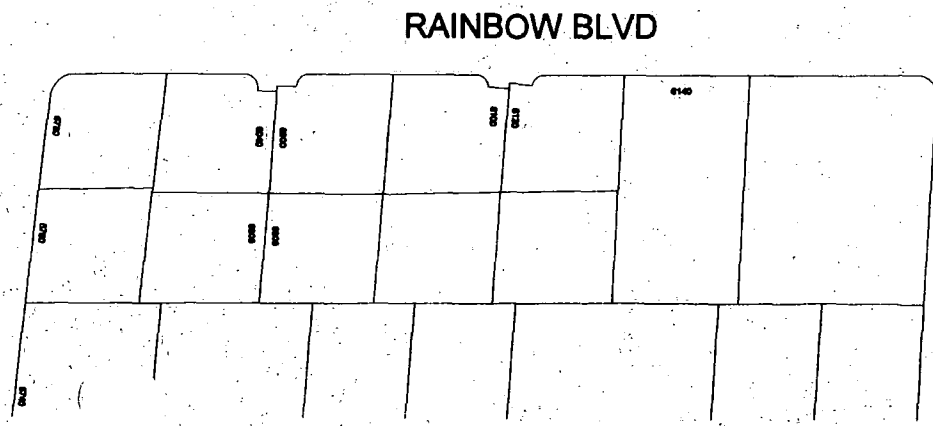
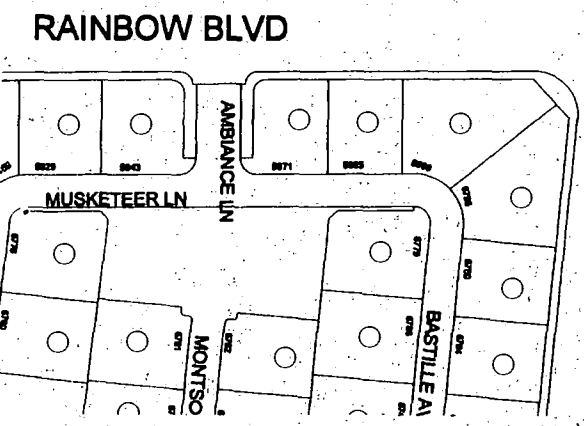
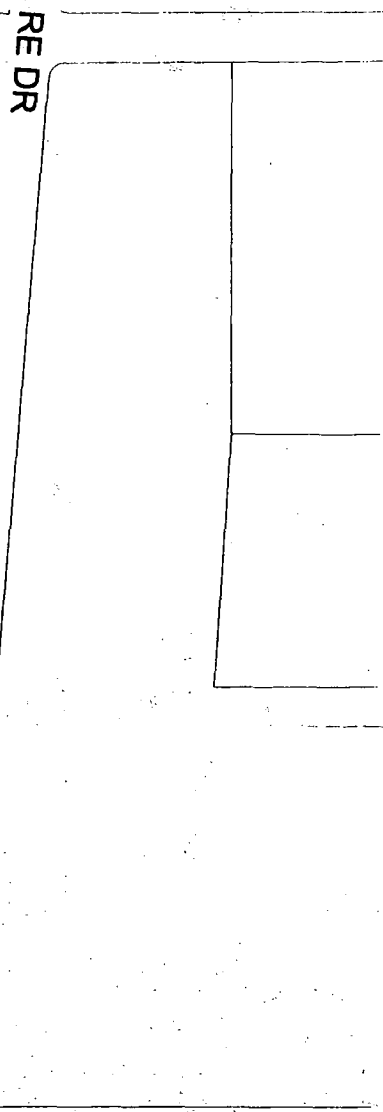
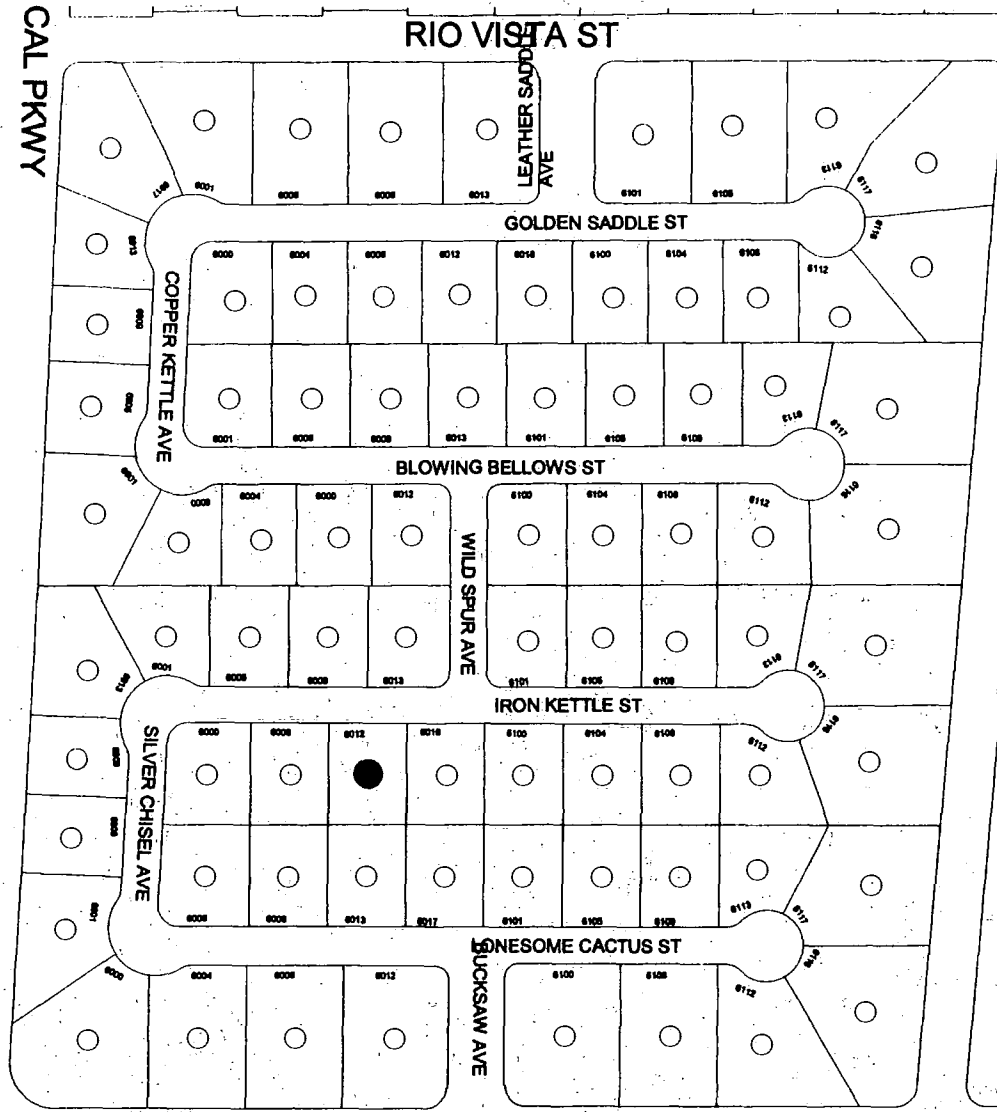
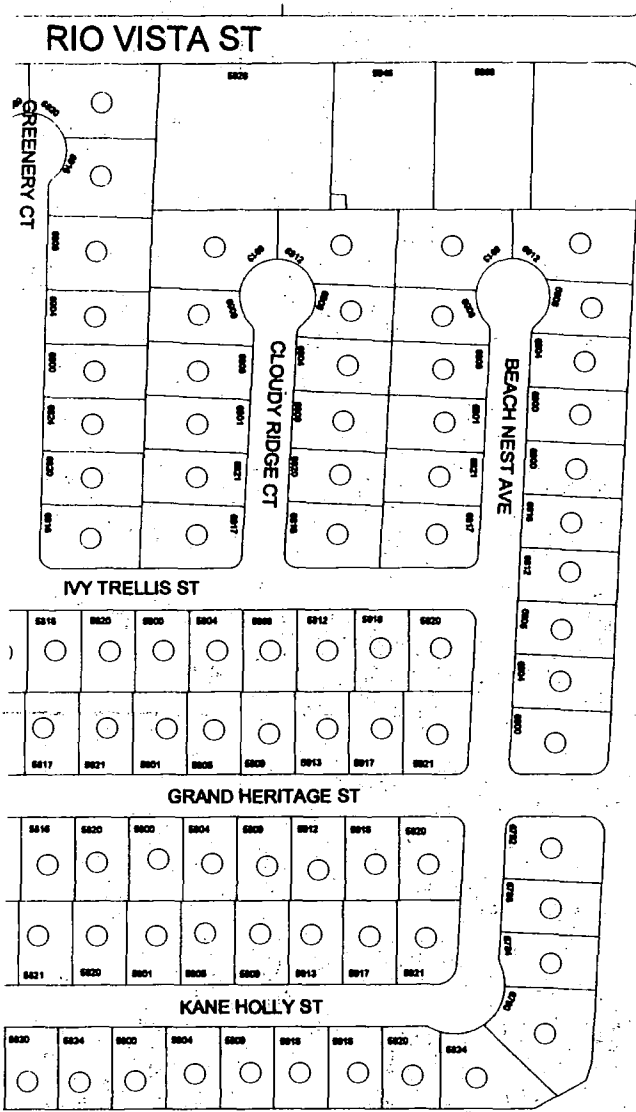
DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Hearing to consider the appeal regarding the Zoning Violations/Nuisance Notice and Order to Comply regarding 6012 Iron Kettle Street. PROPERTY OWNERS: BRIAN J. & JANECE PINEGAR FAM TR - Ward 6 (Mack)

The subject property was deemed to be a public nuisance as defined in Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.

A Zoning Violations/Nuisance Notice and Order to Comply was sent to the property owners by regular and certified mail requesting they correct the nuisance regarding the bike/skateboard ramp accessory structure. The notice advised that "detached, accessory structures (except patio covers) in the rear yard must be located a minimum distance of three feet from the side and rear property lines..." A copy of the notice was also posted on the property.

Today's hearing is to review the appeal from Zoning Violations/Nuisance Notice and Order to Comply filed by Brian J. Pinegar.



April 14, 2004

Reference # 11546
Certified/Regular Mail
Return Receipt Requested

Brian & Janece Pinegar
6012 Iron Kettle
Las Vegas, NV 89103

ZONING VIOLATIONS/NUISANCE NOTICE AND ORDER
TO COMPLY

Dear Mr. & Mrs. Pinegar:

We have looked into the recourse provided for in the Zoning Code. We have decided the best approach is to allow you an appeal before City Council. For this to take place, I am sending you this formal Notice and Order for zoning compliance which allows you to follow the appeal procedure at no cost to you. Additionally, there can be no enforcement until your appeal is heard. The following information is our boilerplate nuisance notice; please don't be offended by it.

You are hereby notified as owner(s) of the property located at **6012 Iron Kettle, Las Vegas, NV, Parcel # 12527611016**, that you are in violation of **Las Vegas Municipal Code, Title 9, Chapter 12, dealing with nuisances.**

Las Vegas Municipal Code 9.04.045 authorizes the City of Las Vegas to access and collect a re-inspection fee of \$75.00 if the violation(s) are not brought into compliance by the re-inspection date on this notice. An additional fee of \$45.00 per hour, one-hour minimum (not to be pro-rated), will be charged for each additional inspection after the initial re-inspection.

**Reference: 11546
6012 Iron Kettle St
Page 2**

**You are hereby ordered to correct the nuisance; Title 19.08.040(B) (1) (d)
(1)**

“detached, accessory structures (except patio covers) in the rear yard must be located a minimum distance of three feet from the side and rear property lines.....”

If you disagree with the assessment of Neighborhood Response, then within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the Council's designee, in cases where a designee hears an appeal and no further appeal is taken, shall be final and conclusive. An owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.

Failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions with regard to the referenced property at your earliest convenience.

Sincerely,

A handwritten signature in black ink, appearing to read "David Semenza", with a stylized flourish at the end.

David Semenza, Manager
Department of Neighborhood Services
Neighborhood Response Division

Cc: Michael Mack

FAX FLASH!

Date and Time:	Friday, April 23, 2004 3:55 PM
To:	Attention: Beverly 702-229-6311
Company:	Las Vegas City Clerk
Fax No.:	702-382-4803 <i>384-9964 Purchased Fax</i>
From:	Brian J. Pinegar <i>[Signature]</i>
Company:	
Phone No.:	702-604-5869 [cell phone]
Fax No.:	702-398-4475
No. of Pages:	10, including cover

Message:

Dear Beverly:

Per our recent telephone conversation, I disagree with the assessment of Neighborhood Response [Reference #: 11546] regarding our BMX / skateboard ramps in our back yard. I would like to appeal their response before the Las Vegas City Council.

I am including in this fax the following: 1. The "Notice and Order" letter that I received from Mr. David Semenza dated April 14, 2004. 2. Copy of the "Nuisance Correction Notice" Reference #: 11546. 3. My letter to Mr. Eddie Dichter dated March 30, 2004. 4. Two pictures of the ramps. 5. The "approval" notification that I received from the Tropical Meadows Homeowners Association regarding the ramps. 6. An E-mail letter that I sent to Lisa Campbell [a representative in Councilman Michael Mack's office] dated April 14, 2004.

If you are in need of additional information or items, please notify me ASAP. Please contact me at your earliest convenience to inform me of what my next step or responsibility will be. I can be contacted at 702-604-5869 [cell phone].

Thank you again for your assistance.

Brian J. Pinegar

6012 Iron Kettle Street

Las Vegas, Nevada 89130

2004 APR 26 A 8:02

RECEIVED
CITY CLERK

4-23-04

16:15 Faxed to LVCC. *① Stacy, a Fax Jammed + out of paper*
16:20 RE-Faxed, *Rec'd 10 pages 345 BLANK. Stacy, replacing paper*
16:20 *CONTINUED.*



June 4, 2004

CERTIFIED & REGULAR MAIL

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

Brian J. and Janece Pinegar
6012 Iron Kettle Street
Las Vegas, Nevada 89130

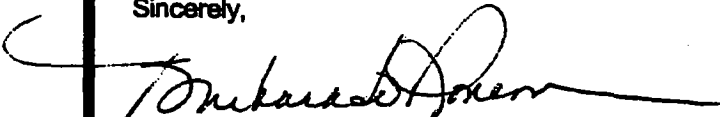
Re: Notice of Appeal Hearing – Notice and Order to Abate a Nuisance on property located at 6012 Iron Kettle Street.

Dear Property Owners:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 16th day of June, 2004, at the hour of 1:00 p.m. This hearing is in response to your letter dated April 23, 2004 requesting the same, concerning the Notice and Order to Abate a Nuisance on property located at 6012 Iron Kettle Street.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,


Barbara Jo Ronemus, CMC
City Clerk

BJR/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Leni Skaar, Ward 6 Liaison

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: JULY 21, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐

CONSENT

☒

DISCUSSION

SUBJECT:

ABEYANCE ITEM - Review the appeal to the Ten Day Notice and Order to Abate Dangerous Building/Demolition filed by Marion D. Bennett regarding the property located at 709 Jackson Avenue. PROPERTY OWNER: MARION D. BENNETT - Ward 5 (Weekly)

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The subject property was determined to be a dangerous building as defined in the 1997 Uniform Code for the Abatement of Dangerous Buildings, Sections 102, 202, and 302. A Notice and Order to Abate Dangerous Building/Demolition was mailed to the property owner to demolish the structure(s), clean the property, and post "No Trespassing" signs. Today's hearing is to review the appeal to the Notice and Order filed by Marion D. Bennett

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Map
3. Notice and Order to Abate Dangerous Building/Demolition
4. Notice of Appeal
5. Notice of Hearing

MOTION:

REESE - Motion to **HOLD IN ABEYANCE** Item 107 [SUP-3394] to 9/1/2004, **STRIKE** Item 88 [6012 Iron Kettle Street] and Item 89 [709 Jackson Avenue] and Accept the **WITHDRAWAL WITHOUT PREJUDICE** of Item 94 [ROC-4500] - **UNANIMOUS** with **MONCRIEF** excused

MINUTES:

There was no discussion.

(2:01 - 2:03)

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: Neighborhood Services

ITEM DESCRIPTION: Public Hearing to consider the appeal to the Notice and Order to Abate Dangerous Building/Demolition filed by Marion D. Bennett regarding the property located at 709 Jackson Avenue. PROPERTY OWNER: MARION D. BENNETT - Ward 5 (Weekly)

The subject property was deemed to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1997 Edition, Sections 102, 202, and 302 - Unsafe Buildings or Structures, of the 1997 Uniform Building Code.

A Notice and Order to Abate Dangerous Building/Demolition was sent to the property owner by regular and certified mail recommending that they demolish the structure(s), clean the property, and post "No Trespassing" signs on the property. A copy of the notice was also posted on the property.

Today's public hearing is to review the appeal from the Notice and Order to Abate Dangerous Building/Demolition filed by Marion D. Bennett.



JACKSON AVE

MONROE AVE

MADISON AVE

JEFFERSON AVE

ADAMS AVE

WASHINGTON AVE

MORGAN AVE

ETHEL PEARSON
PARK

INTER-



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

Case #12925
May 17, 2004
Certified/Regular Mail
Return Receipt Requested

Mattie Merle Wormwood, et al
2725 Revere St.
N Las Vegas, NV 89030-3888

**TEN (10) DAY NOTICE AND ORDER TO ABATE DANGEROUS
BUILDING/DEMOLITION**

You are hereby notified as recorded owner(s) of the property located at 412 Jefferson Ave, Las Vegas, Nevada, Parcel #139-27-210-057, the structure(s) has been found to be a public nuisance as defined in the Uniform Code of Abatement of Dangerous Buildings, 1994 Edition, Section 202, and is also a dangerous building under 302 of the same code.

The building(s) is deemed to be a dangerous building under Section 302 for the following reasons:

(4) Whenever any portion thereof has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that the structural strength or stability thereof is materially less than it was before such catastrophe and is less than the minimum requirements of the Building Code for new buildings of similar structure, purpose or location.

(7) Whenever any portion thereof has cracked, warped, buckled or settled to such an extent that walls or other structural portions have materially less resistance to winds or earthquakes than is required in the case of similar new construction.

(12) Whenever the building or structure has been so damaged by fire, wind, earthquake or flood, or has become so dilapidated or deteriorated as to become (i) an attractive nuisance to children; (ii) a harbor for vagrants, criminals or immoral persons; or as to (iii) enable persons to resort thereto for the purpose of committing unlawful or immoral acts.

(16) Whenever any building or structure, because of obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause, is determined by the fire marshal to be a fire hazard.

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

Rev 9/20/99

(17) Whenever any building or structure is in such a condition as to constitute a public nuisance known to the common law or in equity jurisprudence.

(19) Whenever any building or structure, or portion thereof, whether partially or completely constructed, has become so dilapidated or deteriorated in condition or appearance, or is maintained in such a condition as to endanger the safety of the public, be injurious to the senses, obstruct the free use of property of others, or have a deleterious effect on the value of neighboring properties.

And, under Section 102 of the 1997 Uniform Building Code.

Section 102 - - Unsafe Buildings or Structures

All buildings or structures regulated by this code that are structurally unsafe or not provided with adequate egress, or that constitute a fire hazard, or are otherwise dangerous to human life are, for the purpose of this section, unsafe. Any use of buildings or structures constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is, for the purpose of this section, an unsafe use. Parapet walls, cornices, spires, towers, tanks, statuary and other appendages or structural members that are supported by, attached to, or a part of a building and that are in deteriorated condition or otherwise unable to sustain the design loads that are specified in this code are hereby designated as unsafe building appendages.

All such unsafe buildings, structures or appendages are hereby declared to be public nuisances and shall be abated by repair, rehabilitation, demolition or removal in accordance with the procedures set forth in the Dangerous Buildings Code or such alternate procedures as may have been or as may be adopted by this jurisdiction. As an alternative, the building official, or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct or abate the violation.

To correct this condition, you need to obtain a permit to demolish the structure(s) and cause the property to be cleaned and install "No Trespassing" signs on the property within ten (10) days from the date of the receipt of this Notice and Order.

Once you have been officially notified that this condition exists and you fail to respond, court citations could be issued with each day constituting a separated offense.

If the problem still exists after this ten (10) day Notice and Order, the City will hire a licensed contractor to remove the nuisance and hazard either by demolition or safely securing the structure and cleaning the premises. As the

property owner(s), you will be responsible for all costs incurred, including a fifteen (15%) administrative processing fee. You will be notified of a public hearing to be conducted by the City Council to review the costs, and their decision shall be final and conclusive. Upon approval of the costs by the City Council, A Lien of Assessment shall be filed with the County Recorder's office, certified copies of the lien given to the County Treasurer, and the amount of the Lien of Assessment shall then be collected at the same time and in the same manner as ordinary taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to such assessment.

Moreover, you are hereby given notice:

1. Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council. Such appeal shall be in writing and shall be filed with the City Clerk. Within fifteen days after the appeal has been filed, the appellant shall be given written notice of the procedure and time frame for the hearing of the appeal. The appeal shall be heard by the City Council or by the Council's designee, with a right of final appeal to the Council. The decision of the City Council or the council's designee, in cases where a owner or responsible party failing to appeal as provided in this Section shall be deemed to have waived any and all objections to the existence of a public nuisance and the abatement of such nuisance.
2. That this Notice and Order or a copy therefore be presented to the Department of Building and Safety when purchasing a demolition permit, or Neighborhood Services Department when boarding a building.
3. That failure to appeal will constitute a waiver of all rights to an administrative hearing and determination of the matter. The City will send a contractor out to abate the problem without further notice.

It is recommended that you contact the Department of Neighborhood Services, Neighborhood Response Division, by telephoning (702) 229-6615 concerning your intentions at your earliest convenience.

Sincerely,



Paul K. Wilkins, Director
Department of Building and Safety

PW:DS:ld

598-3938

MARION D. BENNETT
1911 Goldhill Avenue
Las Vegas, Nevada 89106
(702)648-1205
(702)648-7806

June 1, 2004

VIA CERTIFIED MAIL
7000 0600 0024 3508 8762

Paul K. Wilkins, Director
Department of Building & Safety
City of Las Vegas
400 East Stewart Avenue
Las Vegas, Nevada 89101

RECEIVED
CITY CLERK
2004 JUN -4 P 2:53

RE: 709 Jackson Avenue, Las Vegas, Nevada
Parcel #139-27-110-103

Dear Mr. Wilkins:

This letter is written in response to your correspondence dated May 17, 2004, postmarked May 20, 2004 and received by me on May 24, 2004. Please be advised that it is my intention to rehab the above referenced parcel. I have obtained the necessary engineering reports and an inspector from your office has inspected the premises and provided a report accordingly. Unfortunately, my efforts have been routinely interrupted by ongoing vandalism. As a result, I am in the process of renewing the rehab permit. Therefore, the demolition proposed in your letter is not necessary.

If it is the intention of your office to proceed with demolition, despite my documented efforts, please consider this letter as formal notification of my intent to appeal your determination to the City Council.

Should you have any questions or concerns please do not hesitate to contact me.

Sincerely,



Marion D. Bennett

cc: John Bailey, Esq.



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

June 24, 2004

CERTIFIED & REGULAR MAIL

Marion D. Bennett
1911 Goldhill Avenue
Las Vegas, Nevada 89106

Re: Notice of Appeal Hearing – Notice and Order on property located at 709 Jackson Avenue

Dear Mr. Bennett:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 7th day of July, 2004, at the hour of 1:00 p.m. This hearing is in response to your letter dated June 1, 2004 requesting the same, concerning the Notice and Order on property located at 709 Jackson Avenue.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of books, documents or other things by filing an affidavit therefore with the City Clerk on behalf of the Las Vegas City Council.

If you have any questions or need further information please do not hesitate to contact our office at 229-6311.

Sincerely,


Barbara Jo Ronemus, CMC
City Clerk

BJR/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Kelly Benavidez, Ward 5 Liaison

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: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - REZONING

- 90 **EOT-4589** - Applicant/Owner: RSC Holding, Limited Liability Company

EXTENSION OF TIME RELATED TO EOT-4589 - SITE DEVELOPMENT PLAN REVIEW

- 91 **EOT-4591** - Applicant/Owner: RSC Holdings, Limited Liability Company

EXTENSION OF TIME - REZONING

- 92 **EOT-4650** - Applicant/Owner: West Gowan, Limited Liability Company

DISCUSSION/ACTION ITEMS

REQUIRED SIX MONTH REVIEW - REVIEW OF CONDITION - PUBLIC HEARING

- 93 **RQR-4585** - Applicant: Speedee Mart – Owner: MVR Corporation

REVIEW OF CONDITION - PUBLIC HEARING

- 94 **ROC-4500** - Applicant/Owner: BHP Investors, Limited Liability Company

- 95 **ROC-4662** - Applicant: The Keith Companies – Owners: Rancho Point, Limited Liability Company and Helen Slavin

- 96 **ROC-4666** - Applicant: City of Las Vegas

VACATION - PUBLIC HEARING

- 97 **VAC-4457** - Applicant: Westmark Homes – Owner: Larry and Mary S. Keever

- 98 **VAC-4460** - Applicant: Westmark Homes – Owner: Alexander and Paula Sparkuhl

- 99 **VAC-4463** - Applicant: Westmark Homes – Owner: Martin and Siv Adams

- 100 **VAC-4472** - Applicant: Warmington Homes Nevada – Owner: Warmington Mountain View Association

VARIANCE - PUBLIC HEARING

- 101 **VAR-4397** - Applicant: Sunrise Adult Day Care, Inc. – Owner: Kinder Care Learning Center, Inc.

City of Las Vegas

PLANNING & DEVELOPMENT - Page Two

INDEX

City Council Meeting of July 21, 2004

SPECIAL USE PERMIT RELATED TO VAR-4397 - PUBLIC HEARING

- 102 **SUP-4382** - Applicant: Sunrise Adult Day Care, Inc. - Owner: Kinder Care Learning Center, Inc.

VARIANCE - PUBLIC HEARING

- 103 **VAR-4456** - Applicant/Owner: Krassimir Teofilov and Darina Staneva

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4456 - PUBLIC HEARING

- 104 **SDR-4458** - Applicant/Owner: Krassimir Teofilov and Darina Staneva

VARIANCE - PUBLIC HEARING

- 105 **VAR-4467** - Applicant/Owner: Richard Shehane

SPECIAL USE PERMIT - PUBLIC HEARING

- 106 **ABEYANCE ITEM - SUP-3152** - Applicant: Noriko Takada Oba Qualified Trust - Owner: Reagan National Advertising

- 107 **ABEYANCE ITEM - SUP-3394** Las Vegas Billboards on behalf of West Sahara Associated, Limited Partnership

- 108 **ABEYANCE ITEM - SUP-4137** - Applicant: Vincent Yaldo - Owner: Thomas E. Patrick, Living Trust

- 109 **SUP-4423** - Applicant: Nevada Power Company - Owner: Bureau of Land Management

VARIANCE RELATED TO SUP-4423 - PUBLIC HEARING

- 110 **VAR-4424** - Applicant: Nevada Power Company - Owner: Bureau of Land Management

SITE DEVELOPMENT PLAN REVIEW RELATED TO SUP-4423 AND VAR-4424 - PUBLIC HEARING

- 111 **SDR-4422** - Applicant: Nevada Power Company - Owner: Bureau of Land Management

SPECIAL USE PERMIT - PUBLIC HEARING

- 112 **SUP-4442** - Applicant: Tim Ayala - Owner: Martin M. Padilla

- 113 **SUP-4443** - Applicant: James and Laura Vesli - Owner: Ducks Lake, Limited Liability Company

- 114 **SUP-4444** - Applicant: Cash Back Payday Loans - Owner: Farley M. Anderson, Limited Partnership

- 115 **SUP-4464** - Applicant: Ahern Rentals - Owner: MKP Management Company, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Three

INDEX

City Council Meeting of July 21, 2004

- REZONING - PUBLIC HEARING
116 **ZON-4219** - Applicant/Owner: Horizon Homes, Inc.
- VARIANCE RELATED TO ZON-4219 - PUBLIC HEARING
117 **VAR-4590** - Applicant/Owner: Horizon Homes, Inc.
- WAIVER OF TITLE 18 RELATED TO ZON-4219 AND VAR-4590 - PUBLIC HEARING
118 **WVR-4596** - Applicant/Owner: Horizon Homes, Inc.
- SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4219, VAR-4590 AND WVR-4596 - PUBLIC HEARING
119 **SDR-4222** - Applicant/Owner: Horizon Homes, Inc.
- REZONING - PUBLIC HEARING
120 **ZON-4288** - Applicant/Owner: West Edna Association, Limited Profit Sharing Plan & The 1981 Martin Family Trust
- SPECIAL USE PERMIT RELATED TO ZON-4288 - PUBLIC HEARING
121 **SUP-4289** - Applicant/Owner: West Edna Association, Limited Profit Sharing Plan & The 1981 Martin Family Trust
- SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4288 AND SUP-4289 - PUBLIC HEARING
122 **SDR-4291** - Applicant/Owner: West Edna Association, Limited Profit Sharing Plan & The 1981 Martin Family Trust
- GENERAL PLAN AMENDMENT - PUBLIC HEARING
123 **GPA-3670** - Applicant: R M Property Holdings – Owner: R M Property Holdings, Limited Liability Company, et al
- REZONING RELATED TO GPA-3670 - PUBLIC HEARING
124 **ZON-3672** - Applicant: R M Property Holdings – Owner: R M Property Holdings, Limited Liability Company, et al
- SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-3670 AND ZON-3672 - PUBLIC HEARING
125 **SDR-3958** - Applicant: R M Property Holdings – Owner: R M Property Holdings, Limited Liability Company, et al

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME - REZONING - EOT-4589 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY - Request for an Extension of Time for an approved Rezoning (Z-0024-02) FROM: U (Undeveloped) [DR (Desert Rural) General Plan Designation] TO: R-PD2 (Residential Planned Development - 2 Units per Acre) on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way (APN: 138-03-305-006), Ward 4 (Brown). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 90 [EOT-4589], Item 91 [EOT-4491], and Item 92 [EOT-4650] subject to conditions – UNANIMOUS

MINUTES:

There was no discussion.

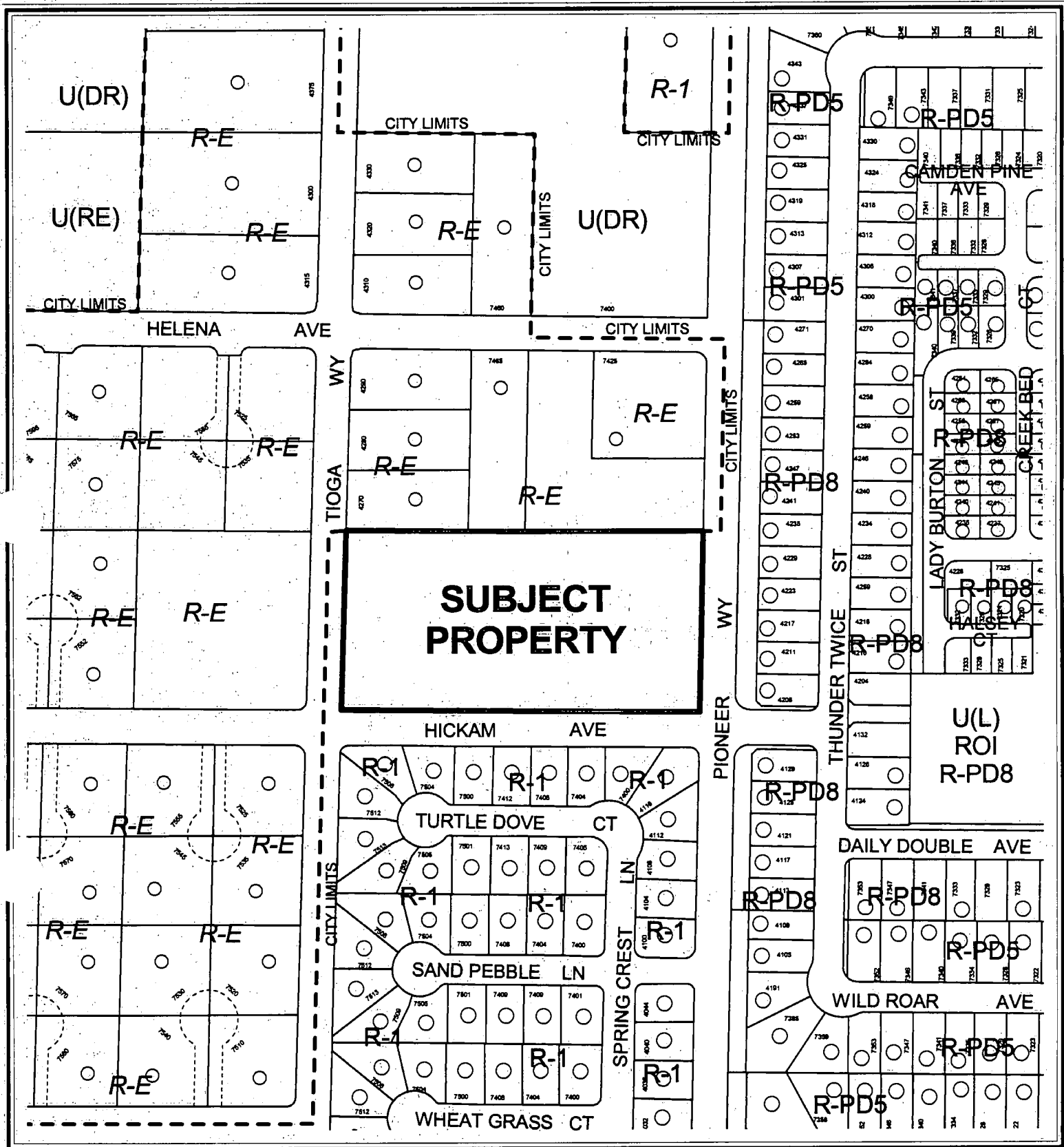
(2:11– 2:11)

4-304

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0024-02, Site Development Plan Review Z-0024-02(1), the Tentative Map for Primrose Estates (TM-0057-02) and the Final Map for Primrose Estates (FMP-2462).

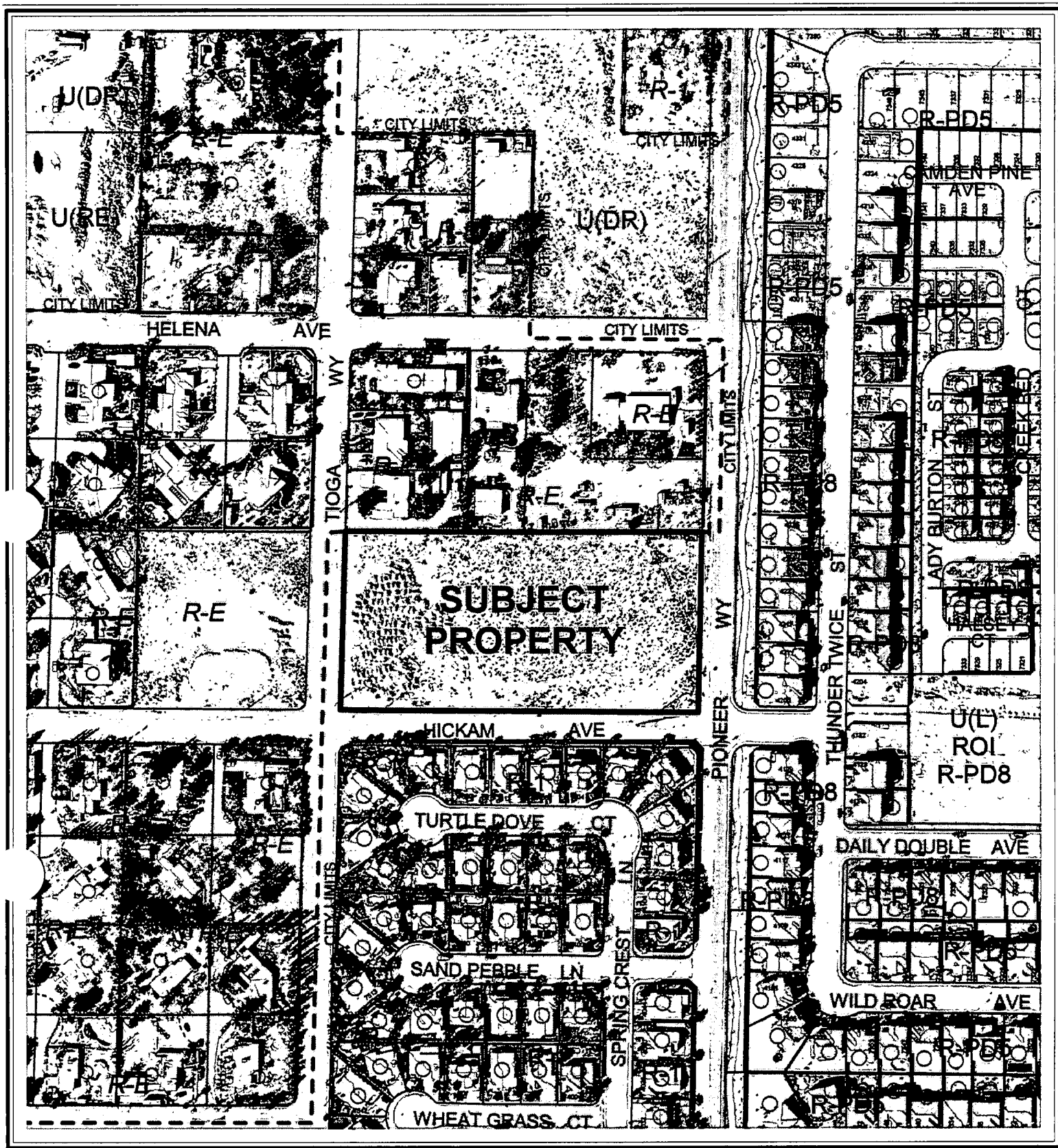


CASE: EOT-4589

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [DR (DESERT RURAL) GENERAL PLAN DESIGNATION] UNDER
RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2
UNITS PER ACRE)





0 200 400 Feet

CASE: EOT-4589

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [DR (DESERT RURAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4589 - APPLICANT/OWNER: RSC HOLDINGS,
LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0024-02, Site Development Plan Review Z-0024-02(1), the Tentative Map for Primrose Estates (TM-0057-02 and the Final Map for Primrose Estates (FMP-2462).

**** STAFF REPORT ****

APPLICATION REQUEST

A) *Action Requested*

This is a request for an Extension of Time on an approved Rezoning (Z-0024-02) from U (Undeveloped) [DR (Desert Rural) General Plan Designation] to R-PD2 (Residential Planned Development - 2 Units Per Acre) on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way

B) *Applicant's Justification*

The applicant's justification letter indicates they have had some legal issues come up and will not be recording the map until they have been resolved.

BACKGROUND INFORMATION

A) *Previous Actions*

- 06/05/02 The City Council approved a Rezoning (Z-0024-02) to R-PD2 (Residential Planned Development - 2 Units Per Acre) and a Site Development Plan Review [Z-0024-02(1)] for a 10 lot single family residential development on this site. The Planning Commission and staff recommended approval on April 25, 2002.
- 10/10/02 The Planning Commission approved a Tentative Map for Primrose Estates (TM-0057-02) for a 10 lot single family residential subdivision on this site. The Planning and Development Department recommendation was for approval.
- 06/19/03 The Planning and Development Department administratively approved a Final Map for Primrose Estates (FMP-2462) for a 10 lot single family residential subdivision on this site, which has not been recorded.
- 07/21/04 The City Council will consider a request for an Extension of Time (EOT-4591) for the approved Site Development Plan Review [Z-0024-02(1)] for the 10 lot single family subdivision on this site.

B) *Pre-Application Meeting*

A pre-application meeting is not required for this application.

C) *Neighborhood Meetings*

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.0

B) *Existing Land Use*

Subject Property: Undeveloped
 North: Single Family Residences
 South: Single Family Residences
 East: Single Family Residences
 West: Undeveloped

C) *Planned Land Use*

Subject Property: DR (Desert Rural Density Residential)
 North: RE (Rural Estates)
 South: L (Low Density Residential)
 East: L (Low Density Residential)
 West: RE (Rural Estates)

D) *Existing Zoning*

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
 North: Unincorporated Clark County
 South: R-1 (Single Family Residential)
 East: R-PD8 (Residential Planned Development – 8 Units Per Acre)
 West: Unincorporated Clark County

E) *General Plan Compliance*

The site is designated DR (Desert Rural Density Residential) on the Southwest Sector Plan Map of the General Plan. The approved R-PD2 (Residential Planned Development – 2 Units Per Acre) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not within any special plan areas or districts.

ANALYSIS

A) Zoning Code Compliance

The subject site shall conform the requirements set forth with the approval of the Site Development Plan Review Z-0024-02(1), the Tentative Map for Primrose Estates (TM-0057-02) and Final Map for Primrose Estates (FMP-2462).

B) General Analysis and Discussion

City Council found, in approving the initial request, that the proposed single family development allowed in the R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning district would be compatible with the surrounding residential land uses. Staff still finds the R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning continues to be appropriate.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. **“The proposal conforms to the General Plan.”**

The R-PD2 (Residential Planned Development- 2 Units Per Acre) zoning is in conformance with the DR (Desert Rural Density) General Plan designation and remains appropriate at this location.

2. **“The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.”**

The proposed single family development at 2 units per acre is compatible with the surrounding single family residential land uses.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

The rezoning to R-PD2 (Residential Planned Development) is appropriate in that it allows a density of 2 units per acre which is compatible with the single family residential uses in the area.

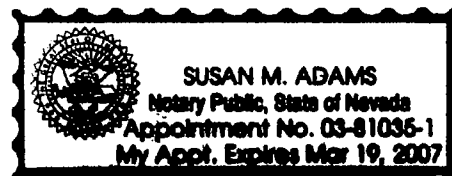
4. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.”**

The existing street and highway facilities will provide adequate traffic capacity to service the subject site.

NOTICES MAILED N/A

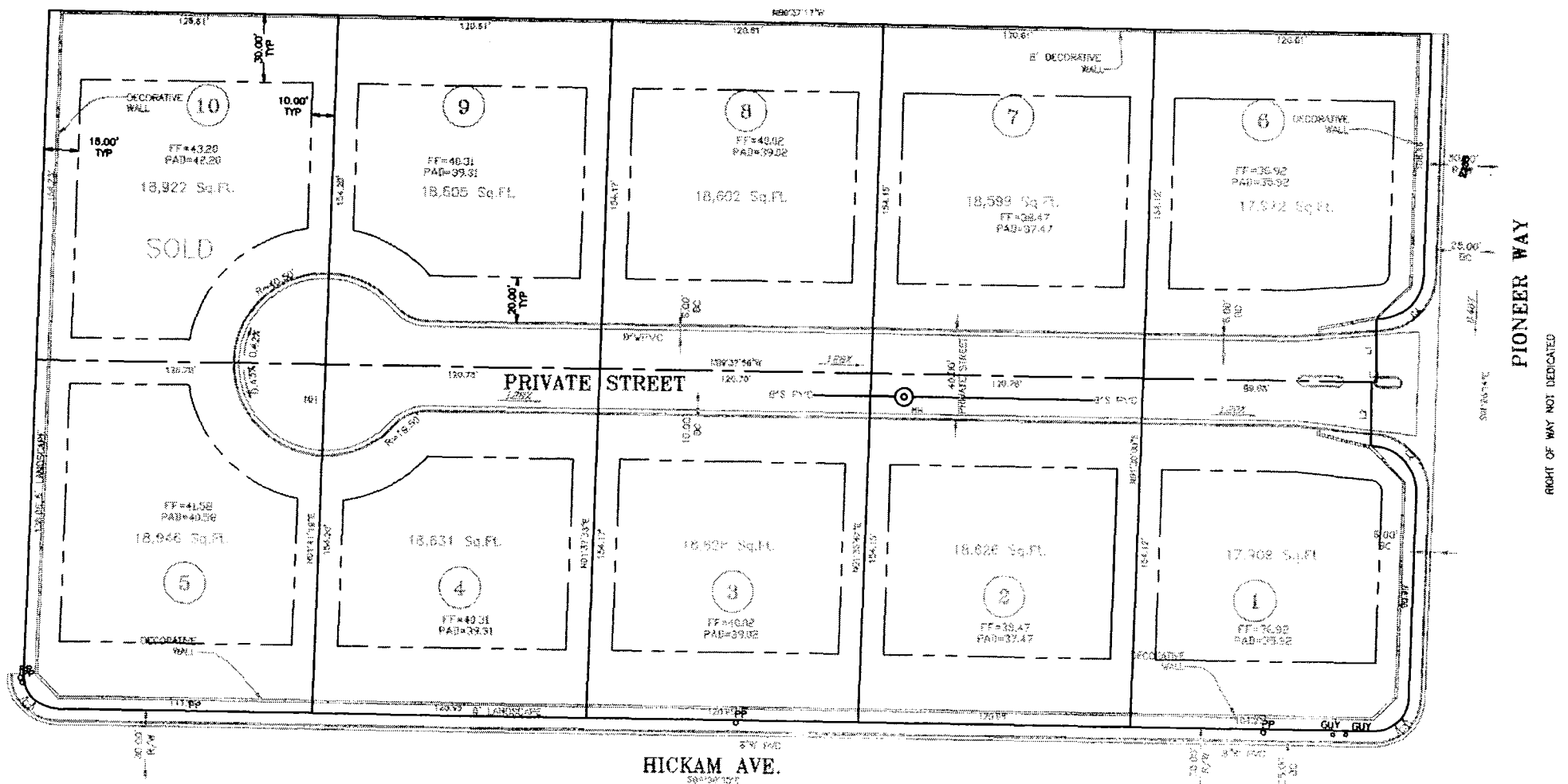
APPROVALS 0

PROTESTS 0



EOT-4589

7-21-04 CC



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

☐

DISCUSSION

SUBJECT:

EXTENSION OF TIME RELATED TO EOT-4589 - SITE DEVELOPMENT PLAN REVIEW
- **EOT-4591 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY** - Request for an Extension of Time for an approved Site Development Plan Review [Z-0024-02(1)] FOR A 10-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way (APN: 138-03-305-006), U (Undeveloped) Zone [DR (Desert Rural) General Plan Designation] under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units per Acre], Ward 4 (Brown). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 90 [EOT-4589], Item 91 [EOT-4491], and Item 92 [EOT-4650] subject to conditions – UNANIMOUS

MINUTES:

There was no discussion.

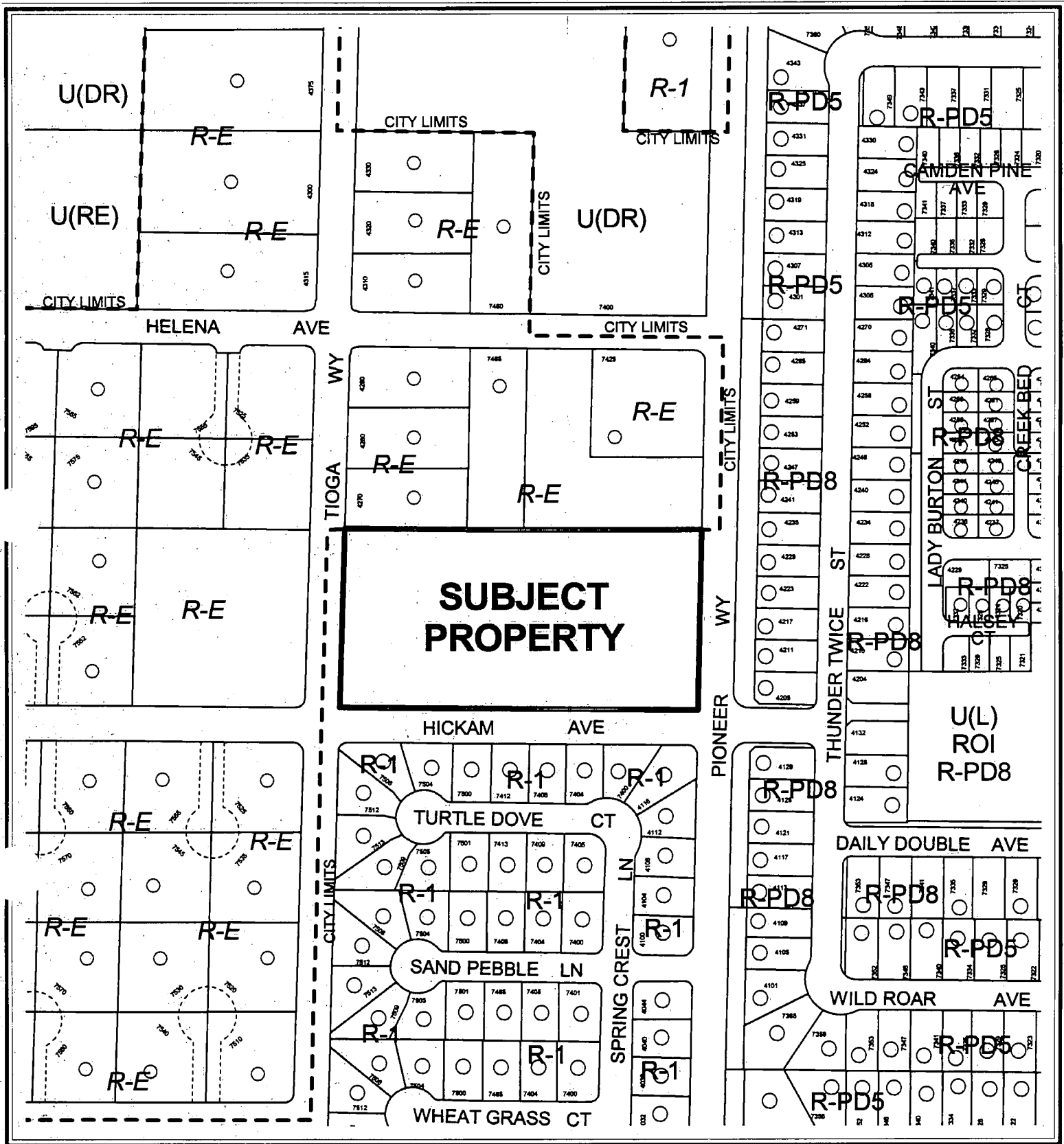
(2:11– 2:11)

4-304

CONDITIONS:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0024-02, Site Development Plan Review Z-0024-02(1), the Tentative Map for Primrose Estates (TM-0057-02 and the Final Map for Primrose Estates (FMP-2462).

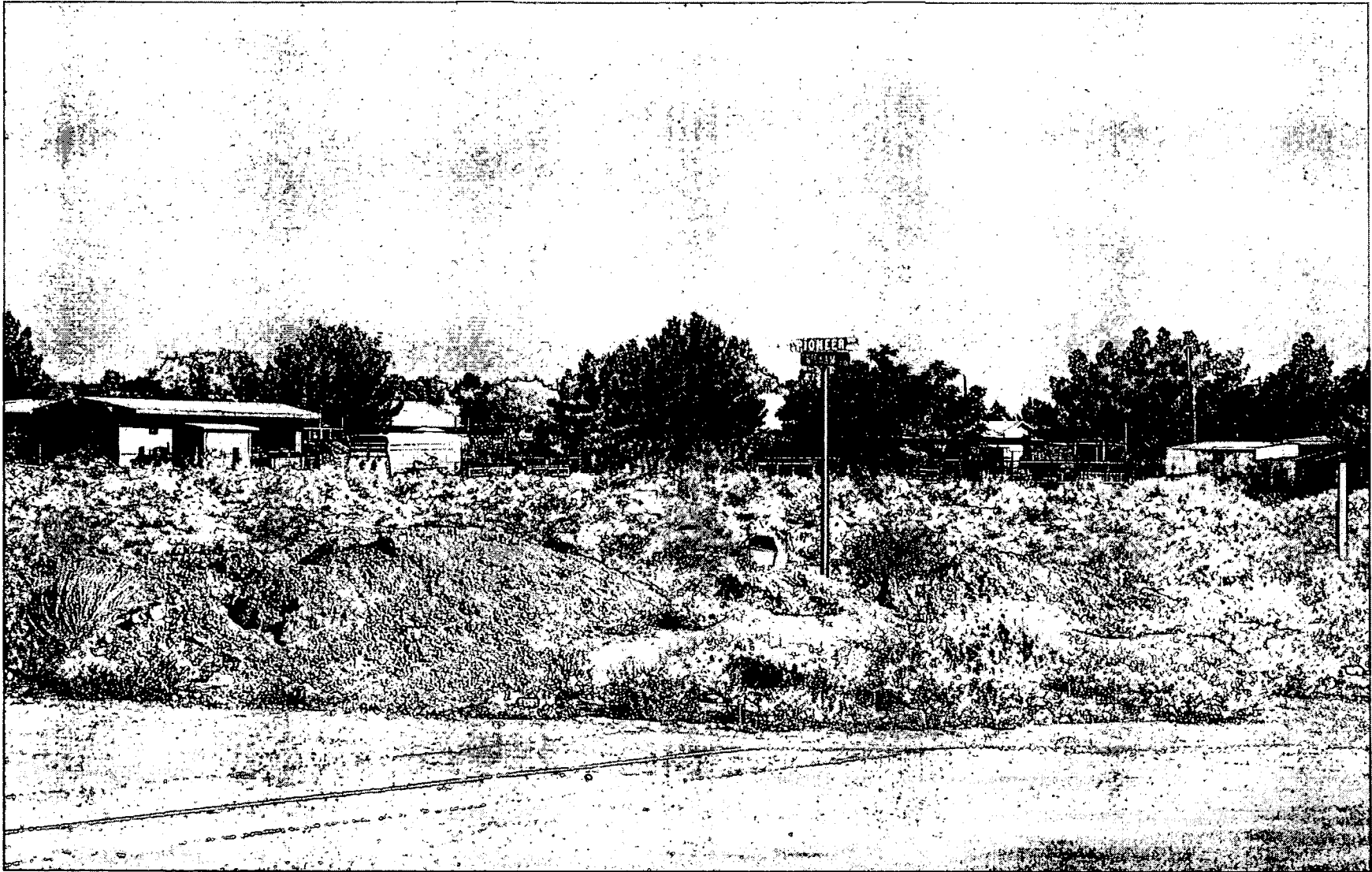


CASE: EOT-4591

ZONING OF SUBJECT PROPERTY:

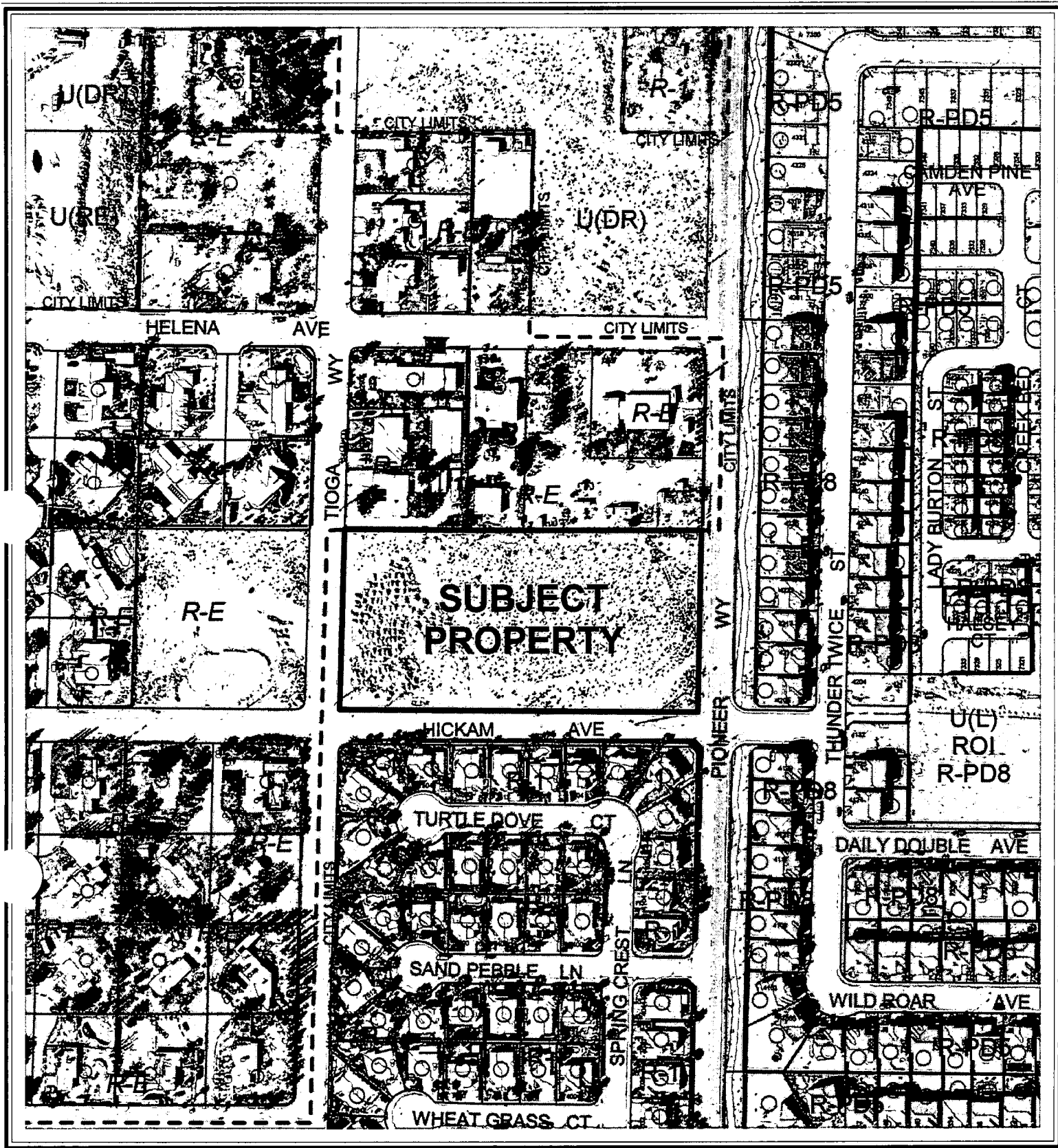
U (UNDEVELOPED) [DR (DESERT RURAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)





EOT-4589 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY
Northwest corner of Hickam Avenue and Pioneer Way
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



CASE: EOT-4591

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [DR (DESERT RURAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4591 - APPLICANT/OWNER: RSC HOLDINGS,
LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time will expire on June 5, 2006 unless another Extension of Time is approved by the City Council.
2. Conformance to the Conditions of Approval for Rezoning Z-0024-02, Site Development Plan Review Z-0024-02(1), the Tentative Map for Primrose Estates (TM-0057-02 and the Final Map for Primrose Estates (FMP-2462).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Site Development Plan Review [Z-0024-02(1)] for a 10 lot single family residential development on 5.00 acres adjacent to the northwest corner of Hickam Avenue and Pioneer Way

B) Applicant's Justification

The applicant's justification letter indicates they have had some legal issues come up and will not be recording the map until they have been resolved.

BACKGROUND INFORMATION

A) Previous Actions

- 06/05/02 The City Council approved a Rezoning (Z-0024-02) to R-PD2 (Residential Planned Development – 2 Units Per Acre) and a Site Development Plan Review [Z-0024-02(1)] for a 10 lot single family residential development on this site. The Planning Commission and staff recommended approval on April 25, 2002.
- 10/10/02 The Planning Commission approved a Tentative Map for Primrose Estates (TM-0057-02) for a 10 lot single family residential subdivision on this site. The Planning and Development Department recommendation was for approval.
- 06/19/03 The Planning and Development Department administratively approved a Final Map for Primrose Estates (FMP-2462) for a 10 lot single family residential subdivision on this site, which has not been recorded.
- 07/21/04 The City Council will consider a request for an Extension of Time (EOT-4589) for the approved Rezoning (Z-0024-02) to R-PD2 (Residential Planned Development – 2 Units Per Acre) on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 5.00

B) *Existing Land Use*

Subject Property: Undeveloped
 North: Single Family Residences
 South: Single Family Residences
 East: Single Family Residences
 West: Undeveloped

C) *Planned Land Use*

Subject Property: DR (Desert Rural Density Residential)
 North: RE (Rural Estates)
 South: L (Low Density Residential)
 East: L (Low Density Residential)
 West: RE (Rural Estates)

D) *Existing Zoning*

Subject Property: U (Undeveloped) [DR (Desert Rural Density Residential) General Plan Designation] under Resolution of Intent to R-PD2 (Residential Planned Development – 2 Units Per Acre)
 North: Unincorporated Clark County
 South: R-1 (Single Family Residential)
 East: R-PD8 (Residential Planned Development – 8 Units Per Acre)
 West: Unincorporated Clark County

E) *General Plan Compliance*

The site is designated DR (Desert Rural Density Residential) on the Southwest Sector Plan Map of the General Plan. The approved R-PD2 (Residential Planned Development – 2 Units Per Acre) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is not within any special plan areas or districts.

PROJECT DESCRIPTION

The approved Site Development Plan Review allowed for a 10 lot single family subdivision on this 5.00 acre site. A condition has been added requiring the development conform to all conditions of approval for the approved Rezoning (Z-0024-02) and Site Development Plan Review [Z-0024-02(1)].

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

With the implementation of the conditions of approval imposed on the approved Rezoning and Site Development Plan Review, the proposed development remains in compliance with applicable code requirements and standards.

B) General Analysis and Discussion

- **Zoning**

The approved R-PD2 (Residential Planned Development – 2 Units Per Acre) zoning, which allows the 10 lot single family development, remains appropriate for this site and is compatible with the existing residential development in the surrounding area.

- **Site Plan**

The approved site plan depicts a single family development that with the implementation of the Conditions of Approval of Z-0024-02(1) remains appropriate at this location and is compatible with the existing residential development in the surrounding area.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **“The proposed development is compatible with adjacent development and development in the area;”**

The density of the approved subdivision is 2.0 dwelling units per acre, which is comparable to the densities of the properties to the north and west, and compatible with the residential development in the surrounding area.

2. **“The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;”**

The proposed residential development will be consistent with the General Plan, Title 19, The Design Standards Manual, and other applicable design standards with the approved conditions regarding setbacks and perimeter landscaping.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The street network adjacent to the subject site will have adequate capacity to accommodate traffic generated by the proposed development.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed project will incorporate appropriate building elevations and materials for the area. The proposed landscape materials will also be appropriate for the area.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The building elevations are typical of single-family developments and will be compatible with other single-family subdivisions in the area.

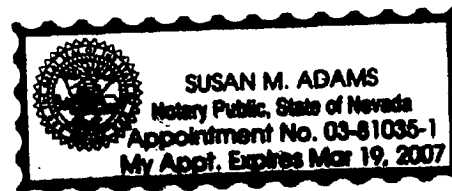
6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

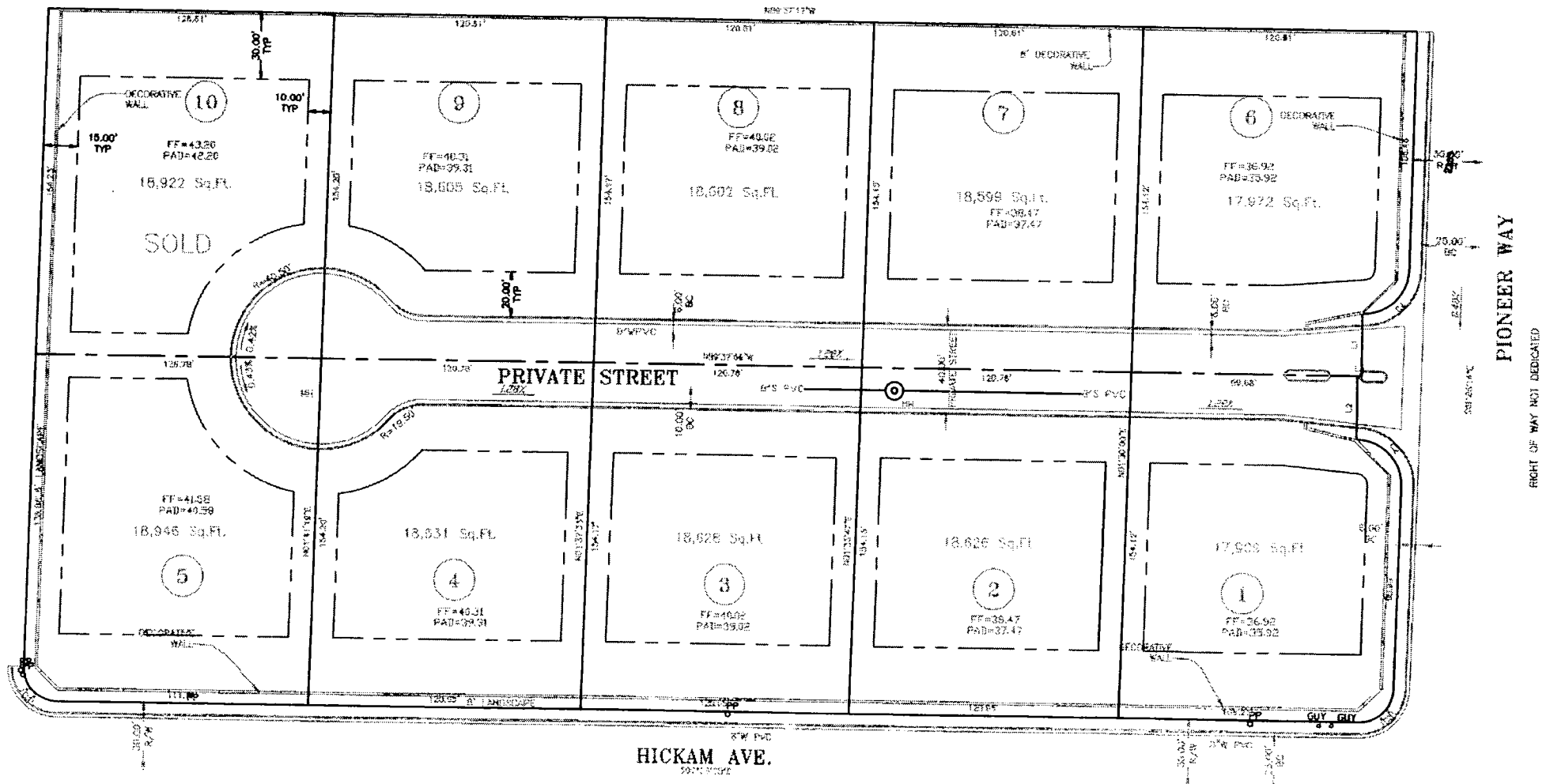
NOTICES MAILED N/A

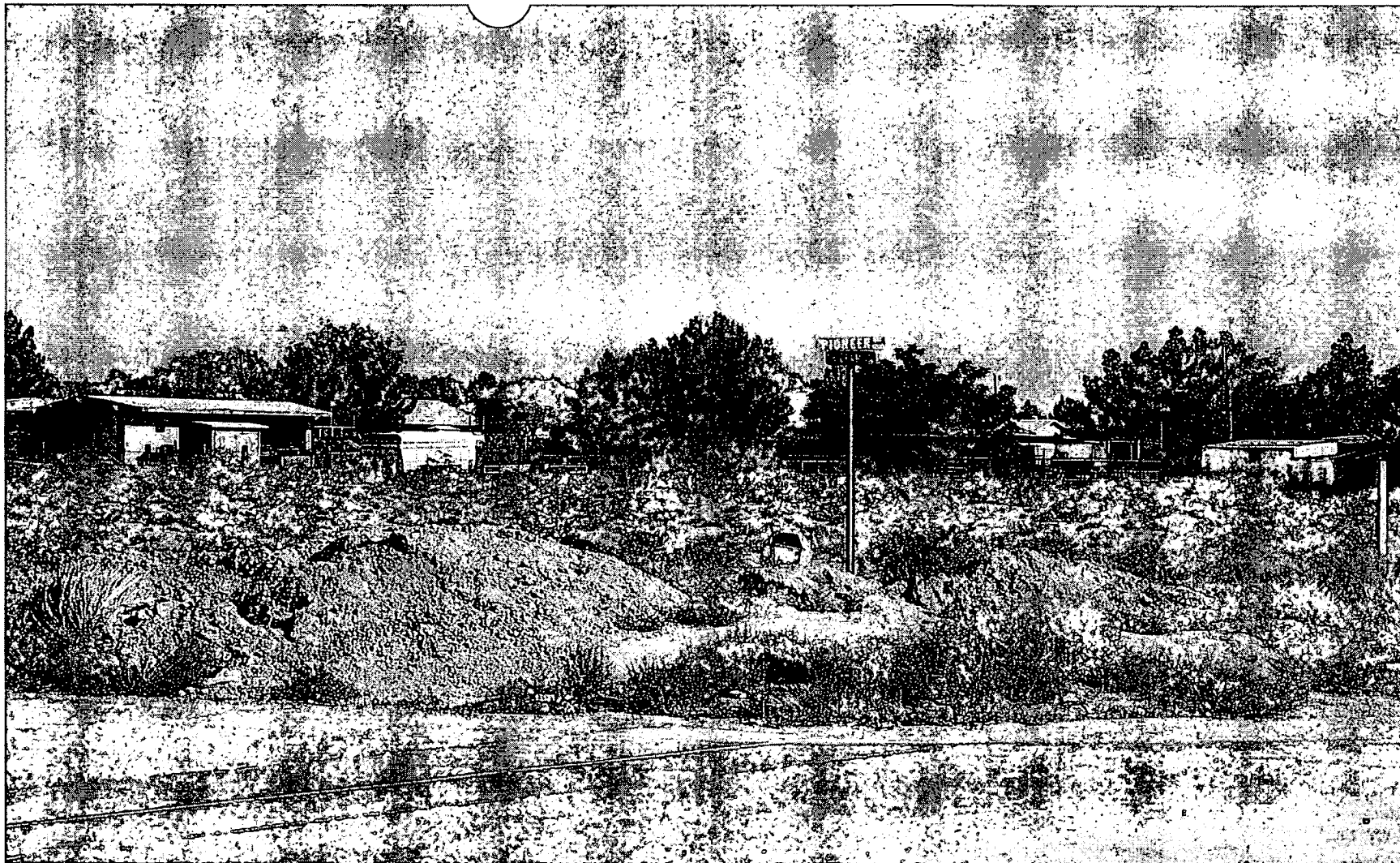
APPROVALS 0

PROTESTS 0



EOT-4591
7-21-04 CC





EOT-4591 - APPLICANT/OWNER: RSC HOLDINGS, LIMITED LIABILITY COMPANY
Northwest corner of Hickam Avenue and Pioneer Way
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☒

CONSENT

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DISCUSSION

SUBJECT:

EXTENSION OF TIME - REZONING - EOT-4650 - APPLICANT/OWNER: WEST GOWAN, LIMITED LIABILITY COMPANY - Request for a second Extension of Time for an approved Rezoning (Z-0058-00) FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: PD (Planned Development) on 4.1 acres adjacent to the south side of Gowan Road, approximately 660 feet east of Novat Street (APN: 137-12-301-007), Ward 4 (Brown). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 90 [EOT-4589], Item 91 [EOT-4491], and Item 92 [EOT-4650] subject to conditions – UNANIMOUS

MINUTES:

There was no discussion.

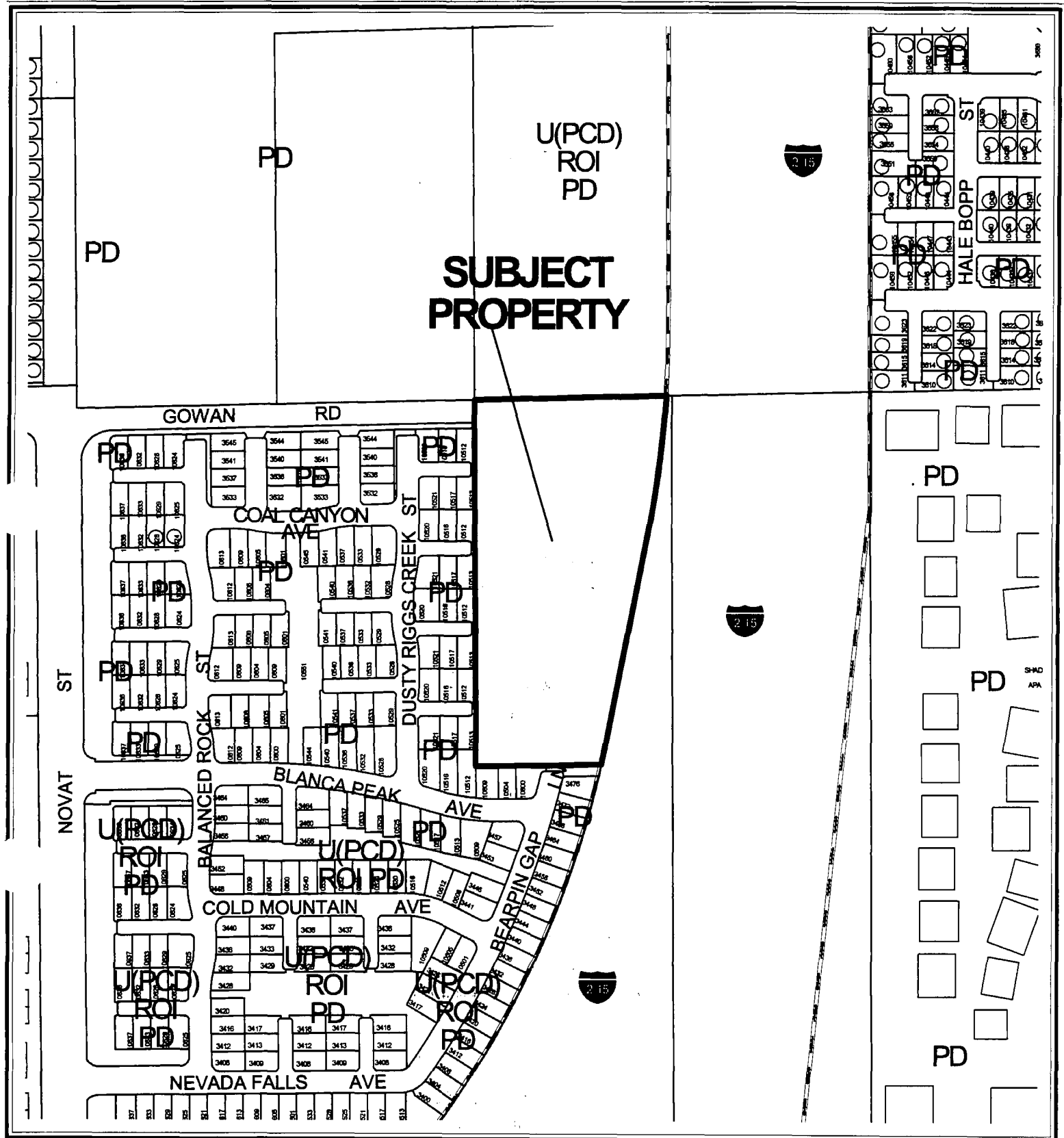
(2:11– 2:11)

4-304

CONDITIONS:

Planning and Development

1. A Resolution of Intent with no time limit.
2. Conformance to the Conditions of Approval for Rezoning Z-0058-00, and Site Development Plan Reviews Z-0058-00(1) and Z-0058-00(2).

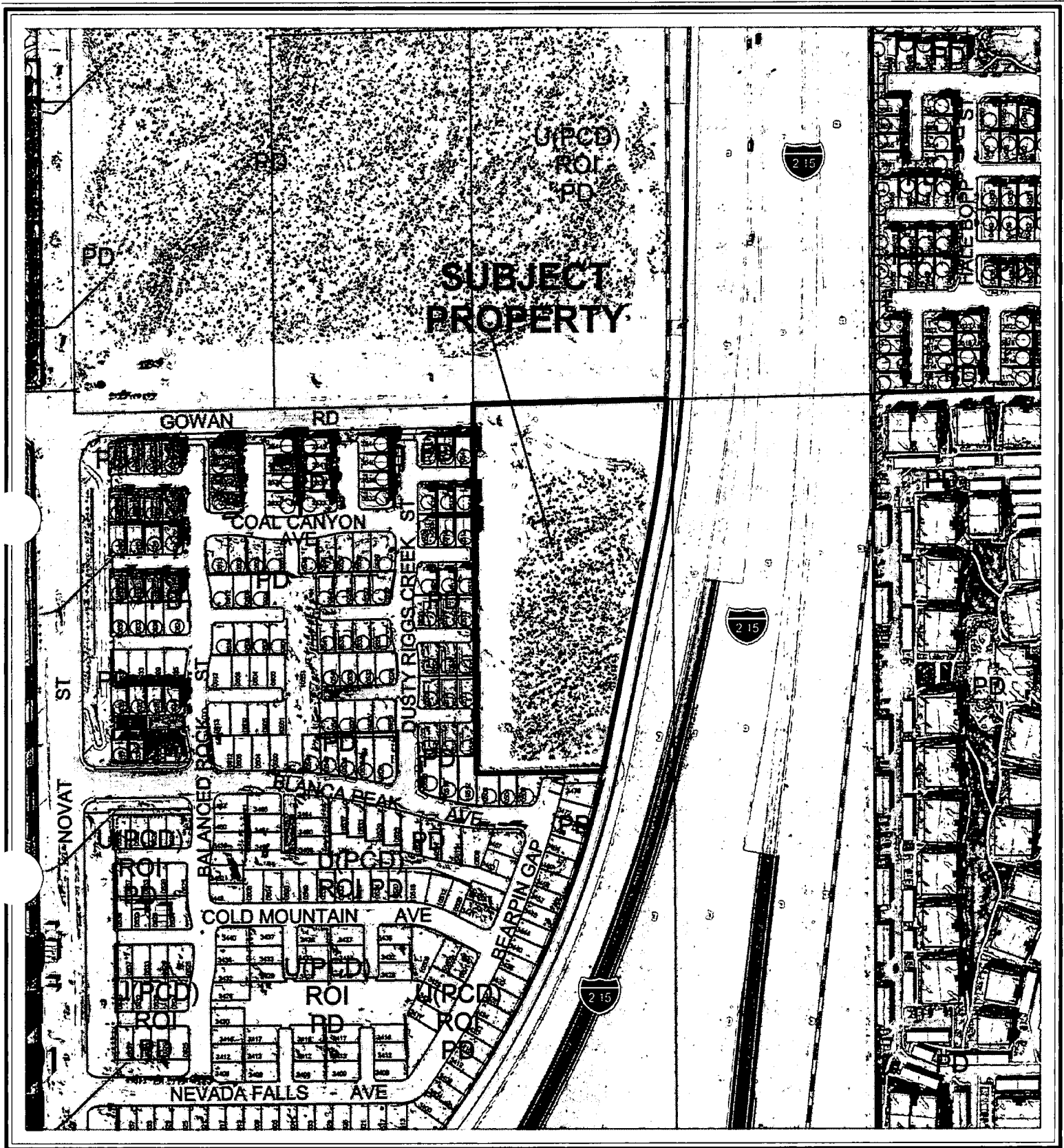


CASE: E0T-4650

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT)





CASE: E0T-4650

ZONING OF SUBJECT PROPERTY:

U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO PD (PLANNED DEVELOPMENT)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4650 - APPLICANT/OWNER: WEST GOWAN, LIMITED
LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. A Resolution of Intent with no time limit.
2. Conformance to the Conditions of Approval for Rezoning Z-0058-00, and Site Development Plan Reviews Z-0058-00(1) and Z-0058-00(2).

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This is a request for an Extension of Time on an approved Rezoning (Z-0058-00) from U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] to PD (Planned Development) on 4.1 acres adjacent to the south side of Gowan Road, approximately 660 feet east of Novat Street.

B) Applicant's Justification

The applicant's justification letter indicates additional time is needed to continue to secure necessary utilities, flood control and infrastructure to the area.

BACKGROUND INFORMATION

A) Previous Actions

- 11/01/00 The City Council approved a Rezoning (Z-0058-00) to PD (Planned Development) on this site. The Planning Commission and staff recommended approval on September 28, 2000.
- 12/06/00 The City Council approved a Site Development Plan Review [Z-0058-00(1)] for a 60,840 square foot office development on this site. The Planning Commission recommended denial on October 26, 2000. The Planning and Development Department recommendation was for approval.
- 06/05/02 The City Council approved a Revised Site Development Plan Review [Z-0058-00(2)] for the redesign of a previously approved office development on this site. The Planning Commission and staff recommended denial on April 25, 2002.
- 09/04/02 The City Council approved an Extension of Time [Z-0058-00(2)] for the Rezoning (Z-0058-02) to PD (Planned Development) on this site with an expiration date of November 1, 2004. The Planning Commission and staff recommended denial on August 8, 2002.

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Gross Acres: 4.1

B) *Existing Land Use*

Subject Property: Undeveloped
 North: Undeveloped
 South: Single Family Residences (Under Construction)
 East: I-215 Beltway
 West: Single Family Residences (Under Construction)

C) *Planned Land Use*

Subject Property: PCD (Planned Community Development)
 North: PCD (Planned Community Development)
 South: PCD (Planned Community Development)
 East: ROW (Right-of-Way)
 West: PCD (Planned Community Development)

D) *Existing Zoning*

Subject Property: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under resolution of intent to PD (Planned Development)
 North: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] under resolution of intent to PD (Planned Development)
 South: PD (Planned Development)
 East: I-215 Beltway
 West: PD (Planned Development)

E) *General Plan Compliance*

The site is designated PCD (Planned Community Development) on the Centennial Hills Interlocal Plan Map of the General Plan. The approved PD (Planned Development) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan	X	
Lone Mountain West	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located within the Lone Mountain West Master Plan Area. The PD (Planned Development) zoning allows this site to be included in the Master Plan.

ANALYSIS

A) Zoning Code Compliance

The subject site shall conform the requirements set forth with the approval of the Site Development Plan Reviews Z-0058-00(1) and Z-0058-00(2).

B) General Analysis and Discussion

City Council found, in approving the initial request, that the PD (Planned Development) zoning district would be compatible with the surrounding land uses within the Lone Mountain West Master Plan area. Staff still finds the PD (Planned Development) zoning continues to be appropriate and allows for the inclusion of this site in the Lone Mountain West Master. Additionally, since this site is located in a master plan, it is recommended this Extension of Time be approved with no further time limits.

FINDINGS

In order to approve a Rezoning application, pursuant to Title 19.18.040, the Planning Commission or City Council must affirm the following:

1. "The proposal conforms to the General Plan."

The PD (Planned Development) zoning is in conformance with the PCD (Planned Community Development) General Plan designation and remains appropriate at this location.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The proposed office development as approved by Site Development Plan Reviews Z-0058-00(1) and Z-0058-00(2) is compatible with the surrounding uses.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

The rezoning to PD (Planned Development) is appropriate in that it allows inclusion of this site in the Lone Mountain West Master Plan area.

4. "Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district."

The existing street and highway facilities will provide adequate traffic capacity to service the subject site.

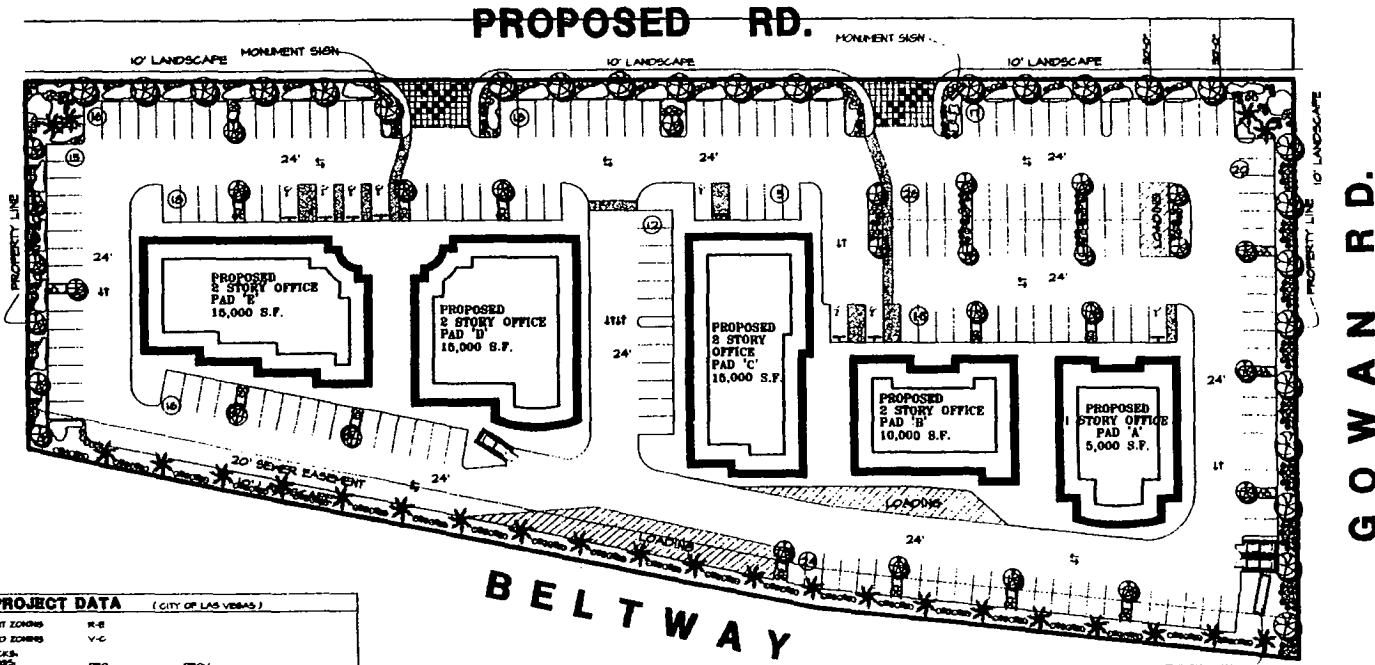
NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0



EOT-4650
7-21-04 CC

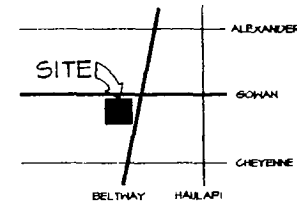


PROJECT DATA (CITY OF LAS VEGAS)			
CURRENT ZONING	R-E		
DESIRED ZONING	V-C		
SETBACKS:			
BUILDINGS	20'-0"	PROV. 37'-0"	NORTH PROPERTY LINE
PARKING	10'-0"	7'-0"	WEST PROPERTY LINE
SIDE CORNER	5'-0"	5'-0"	NORTHWEST PROPERTY LINE
REAR	5'-0"	60'-0"	EAST PROPERTY LINE
ACCESSORY PARCELS	151-12-301-001		
NET SITE AREA	10,000 S.F.		
COVERED	4.0 ACRES		ACTUAL M2 R
BUILDING HEIGHT	ALLOWABLE 25' 59'-0"	PROVIDED 25' 59'-0"	
BUILDING DATA			
BUILDING NAME	BUILDING AREA	BUILDING HEIGHT	
BUILDING 'A'	5,000 S.F.	11	
BUILDING 'B'	10,000 S.F.	24	
BUILDING 'C'	10,000 S.F.	50	
BUILDING 'D'	10,000 S.F.	50	
BUILDING 'E'	5,000 S.F.	50	
TOTAL	50,000 S.F.	201	
ON SITE PARKING			
REQUIRED			
HANDICAP SPACES	1	201 SPACES (TOTAL SITE)	
PROVIDED			
0		205 SPACES	

PLANT SCHEDULE				
SYMBOL	BOTANICAL NAME	COMMON NAME	SIZE	REMARKS
	ACACIA RESOLENS	CREOSOTE ACACIA	1 GAL	
	SAGEBRUSH	DESERT BLOOM	3-6 FT.	
	LARREA SPECIES	JANNEY	3 FT.	
	MOSS SPECIES	DEAR GRASS	3-6 FT.	
	PALM TREE	PALM TREE	20 FT.	
	ULMUS PARVIFOLIA	EVERGREEN ELM	20-30 FEET	
	YUCCA CALICA	EVERGREEN ELM	20-30 FEET	

NOTE: THIS PLAN WAS DRAWN WITHOUT THE USE OF AN EXISTING PLAN. THE USE OF AN ENGINEER'S SURVEY OR REQUIREMENTS SET FORTH BY THE JURISDICTIONS.

COPYRIGHT 2000. ALL RIGHTS RESERVED. ROBERT KUBICEK ARCHITECT. THIS DRAWING IS AN INSTRUMENT OF SERVICE. IT IS THE PROPERTY OF ROBERT KUBICEK ARCHITECT AND MAY NOT BE REPRODUCED OR REPRODUCED HERE OF USED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.



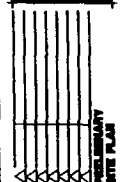
PRELIMINARY SITE PLAN
SCALE: 1" = 50'-0"



VICINITY MAP



ROBERT KUBICEK ARCHITECTS AND ASSOCIATES
5190 SOUTH VALLEY VIEW, SUITE 108
LAS VEGAS, NEVADA 89118
FAX NO. (702) 798-4300



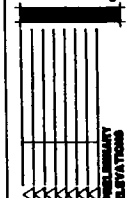
WEST GOWAN OFFICE PARK
JAN BERNARD REALTY
5190 SOUTH VALLEY VIEW, SUITE 108
LAS VEGAS, NEVADA

Design: []
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of
JOB NO. []

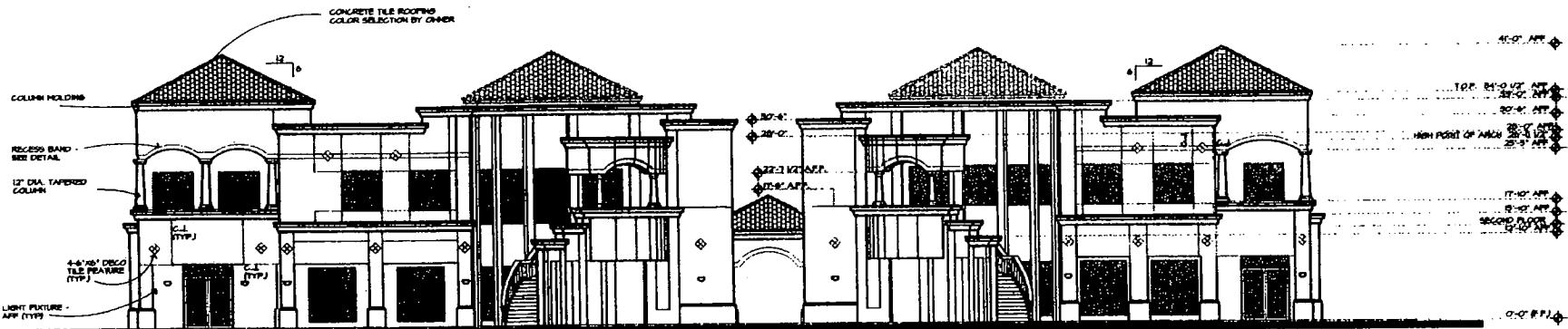
EOT-4650
7-21-04 CC



**ROBERT KUBICEK ARCHITECTS
AND ASSOCIATES**
5190 SOUTH VALLEY VIEW, SUITE 108
LAS VEGAS, NEVADA 89118
FAX NO. (702) 798-3753
(702) 798-4300

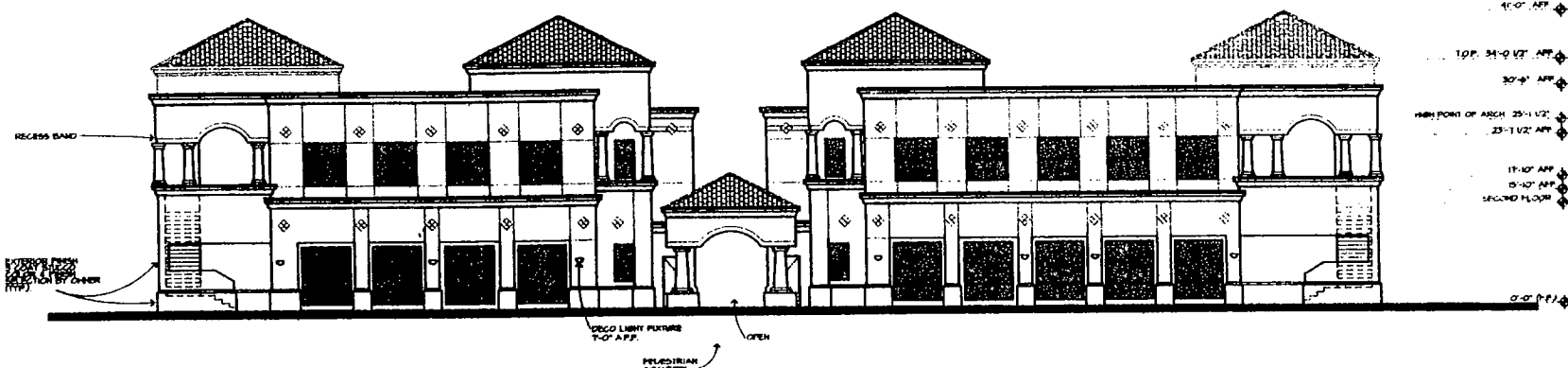


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check sheet



SOUTH ELEVATION AT BUILDING A AND B

SCALE: 1/8" = 1'-0"

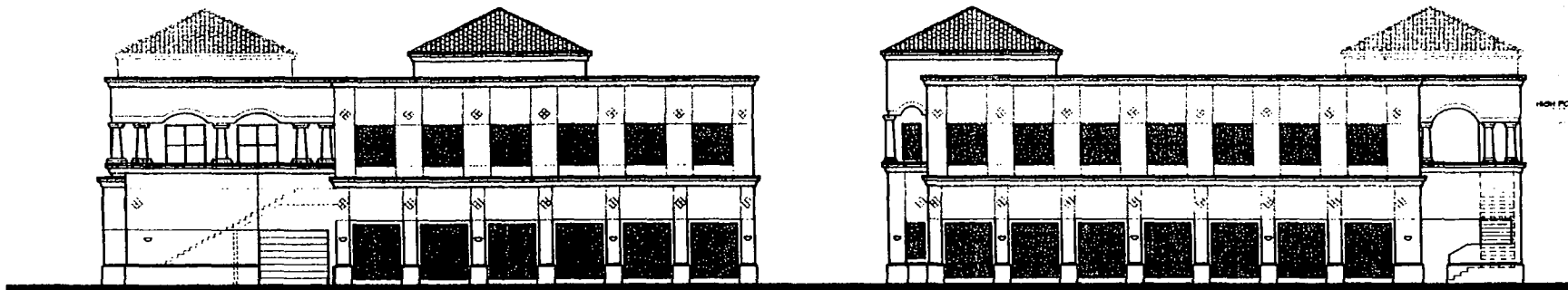


**NORTH ELEVATION AT BUILDING A AND B
WEST ELEVATION AT BUILDING A AND C SIM.**

SCALE: 1/8" = 1'-0"

EOT-4650

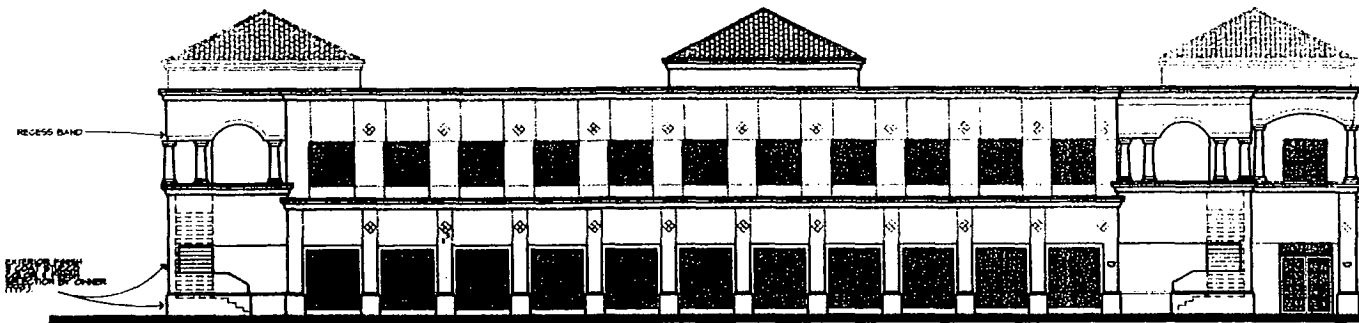
7-21-04 CC



41'-0" AFF
TOP 34'-0 1/2" AFF
30'-6" AFF
HIGH POINT OF ARCH 25'-1 1/2"
23'-1 1/2" AFF
17'-10" AFF
15'-10" AFF
SECOND FLOOR
0'-0" (P.F.)

EAST ELEVATION AT BUILDING B AND C

SCALE: 1/8" = 1'-0"



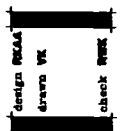
41'-0" AFF
TOP 34'-0 1/2" AFF
30'-6" AFF
HIGH POINT OF ARCH 25'-1 1/2"
23'-1 1/2" AFF
17'-10" AFF
15'-10" AFF
SECOND FLOOR
0'-0" (P.F.)

SOUTH ELEVATION AT BUILDING C

SCALE: 1/8" = 1'-0"

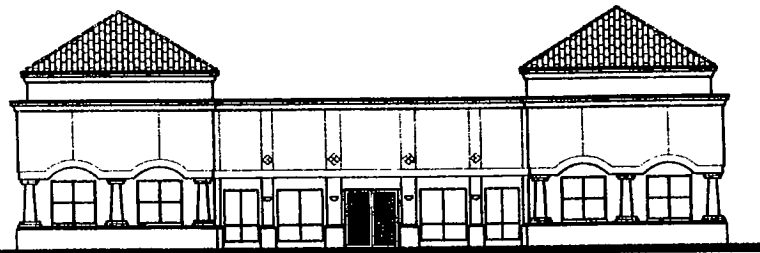


ROBERT KUBICEK ARCHITECTS
AND ASSOCIATES
5190 SOUTH VALLEY VIEW, SUITE 108
LAS VEGAS, NEVADA 89118
FAX NO. (702) 798-3755
(702) 798-4300



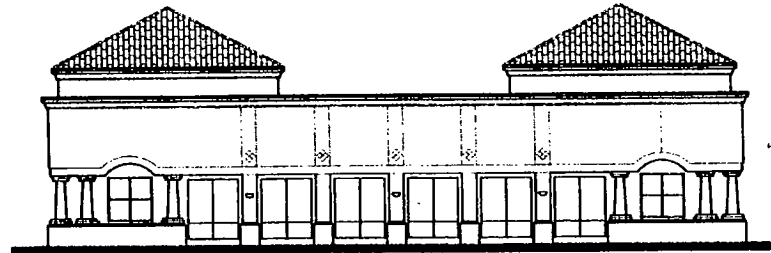
EOT-4650

7-21-04 CC



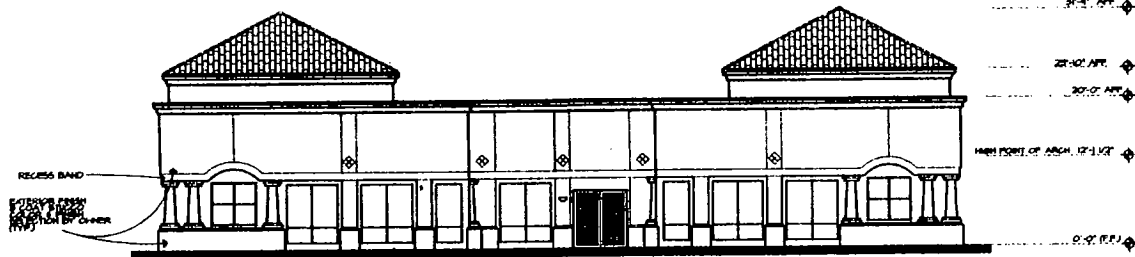
WEST ELEVATION AT BUILDING D

SCALE: 1/8" = 1'-0"



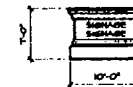
EAST ELEVATION AT BUILDING D

SCALE: 1/8" = 1'-0"



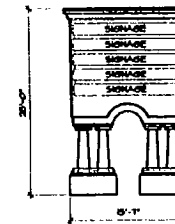
NORTH AND SOUTH ELEVATION AT BUILDING D

SCALE: 1/8" = 1'-0"

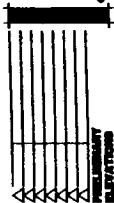


SIGNAGE

SCALE: 1/8" = 1'-0"



ROBERT KUBICEK ARCHITECTS
AND ASSOCIATES
5190 SOUTH VALLEY VIEW, SUITE 108
LAS VEGAS, NEVADA 89119
TEL: (702) 798-4315
FAX NO. (702) 798-4300



sheet	design	drawn	checked
A2.3	MAA	W	W
of			
job			



EOT-4650 - APPLICANT/OWNER: WEST GOWAN, LIMITED LIABILITY COMPANY
South side of Gowan Road, approximately 660 feet east of Novat Street
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/24/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REQUIRED SIX MONTH REVIEW - REVIEW OF CONDITION - PUBLIC HEARING - RQR-4585 - APPLICANT: SPEEDEE MART - OWNER: MVR CORPORATION - Request for a Required Six-Month Review of an approved Review of Condition (ROC-3313) TO ALLOW THE SALE OF INDIVIDUAL CONTAINERS OF BEER, WINE, OR SCREW CAP WINE LARGER THAN 16 OUNCES IN SIZE for an approved Special Use Permit (U-146-99) which ALLOWED A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) at 1602 West Oakey Boulevard (APN: 162-04-602-008 and 009), M (Industrial) Zone, Ward 1 (Moncrief). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

0

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MONCRIEF – APPROVED subject to condition and adding a condition that no further reviews are required on this application unless there is a problem– **UNANIMOUS**

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

ATTORNEY ROBERT GRONAUER, Kummer Kaempfer Bonner & Renshaw, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and agreed with the condition.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

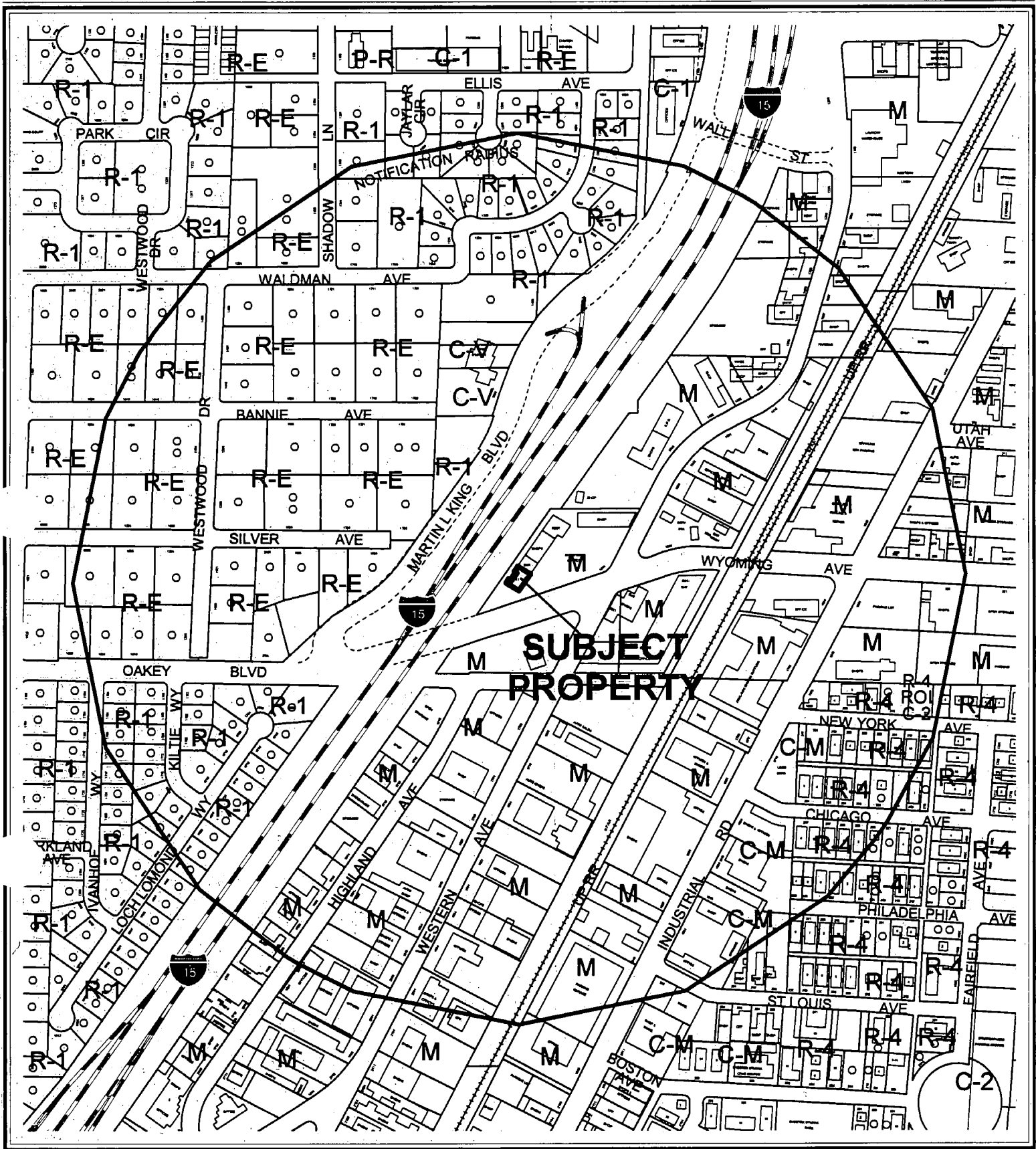
(2:14– 2:15)

4-403

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit U-146-99.



CASE: RQR-4585

RADIUS: 1500 FT

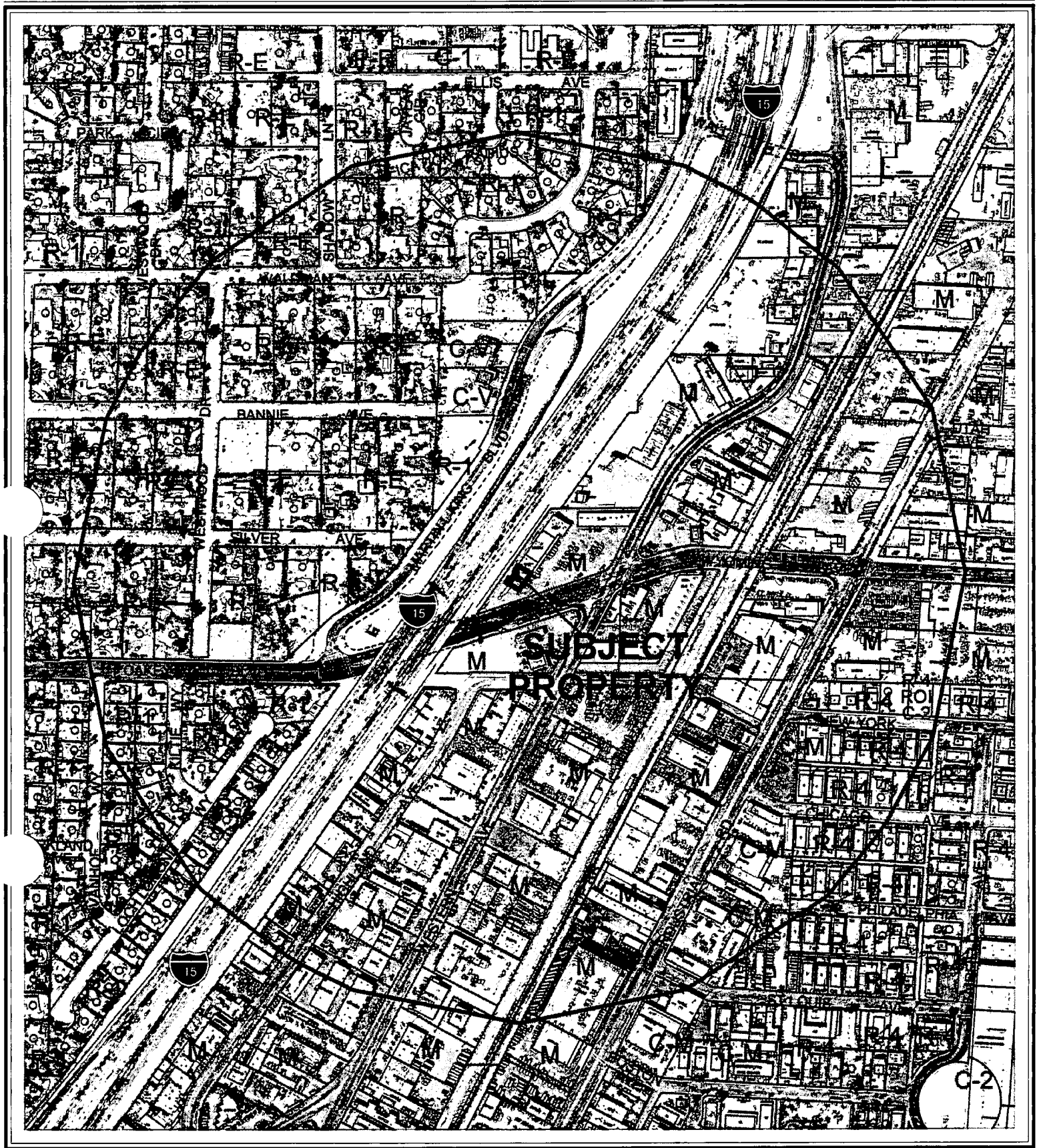
ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 400 800 Feet



93





CASE: RQR-4585

RADIUS: 1500 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 400 800 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: RQR-4585 - APPLICANT: SPEEDEE MART – OWNER: MVR CORPORATION

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit U-146-99.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a for a Required Six-Month Review of an approved Review of Condition (ROC-3313) to allow the sale of individual containers of beer, wine, or screw cap wine larger than 16 ounces in size for an approved Special Use Permit (U-146-99) which allowed a liquor establishment (off-premise consumption) at 1602 West Oakey Boulevard.

B) Applicant's Justification

A justification letter is not required for this application.

BACKGROUND INFORMATION

A) Previous Actions

- 04/05/00 The City Council approved the Special Use Permit (u-146-99) to allow the sale of beer in conjunction with a proposed 2,400 square foot convenience store subject to a condition that restricted the sale of single containers of beer and wine. The Planning Commission and staff recommended denial on January 13, 2000.
- 01/21/04 The City Council approved a Review of Condition (ROC-3313) of Special Use Permit (U-146-99) to allow the sale of individual containers of beer, wine, or screw cap wine larger than 16 ounces in size subject to a Six-Month Review. The Planning Commission recommended approval on December 18, 2003. The Planning and Development Department recommendation was for denial.

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.06 acres

B) Existing Land Use

Subject Property: Mini Mart
 North: Tavern/Shops
 South: Mini Mart
 East: Gas Station/Mini Mart/Shops
 West: Interstate 15

C) Planned Land Use

Subject Property: LI/R (Light Industrial/Research)
 North: LI/R (Light Industrial/Research)
 South: LI/R (Light Industrial/Research)
 East: LI/R (Light Industrial/Research)
 West: Right-of-Way

D) Existing Zoning

Subject Property: M (Industrial)
 North: M (Industrial)
 South: M (Industrial)
 East: M (Industrial)
 West: Right-of-Way

E) General Plan Compliance

The site is designated LI/R (Light Industrial/Research) on the Southeast Sector Plan Map of the General Plan. The existing M (Industrial) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

There is a multi-use trail along the north side of Oakey Boulevard. The trail is not be affected by this Required Review.

ANALYSIS

A) Zoning Code Compliance

Pursuant to Title 19.04.050, the following Standards apply to the subject proposal:

Standards	Code Requirement	Provided
Liquor Establishment (Off-Premise Consumption)	Cannot be located within 400-feet of any church, synagogue, school, child care facility licensed for more than 12 children or city park	Meeting 400-foot distance separation from protected properties

A minimum 400-foot separation is required for a Liquor Establishment (Off-Premise Consumption) from any church, synagogue, and school, childcare facility licensed for more than 12 children or City Park. No protected uses were found within the 400-foot radius from the subject property.

A report received from the Las Vegas Metropolitan Police Department indicates they responded to the following incidents at this location from January 4, 2004 to June 22, 2004:

<u>Incident</u>	<u>Number of Occurrences</u>
Unknown Problem	1
911 Disconnect	1
Robbery	1
Grand Larceny	1
Other Disturbance	3
Mentally Ill Person	1
Suspicious Vehicle	2
Civil Matter	1

The Las Vegas Metropolitan Police Department has indicated they cannot confirm a relationship between above incidents and the single sales of beer and wine at this location.

B) General Analysis and Discussion

- Zoning

The sale of beer and wine for off-premises consumption M (Industrial) zoning district with the approval of a Special Use Permit.

- Use

Title 19 requires that all off-premise beer and wine sales be a minimum distance of 400 feet from any church, synagogue, school, child care facility licensed for more than twelve children or City park. The distance requirement is measured from property line to property line. In this case, the proposed use meets the minimum distance separation requirements as no protected uses exists within 400 feet of this proposal.

- Conditions

Because there is no evidence that the single sales of beer and wine has created a nuisance in this area, the recommendation for this request is approval with no further reviews being required.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The single sales of beer and wine for off-premises consumption is a use typically associated with a convenience store in a commercial area, and has been conducted in a manner compatible with commercial development in the surrounding area.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The subject site has no physical constraints to the sale of beer and wine for off-premises consumption.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

The use is located within an existing commercial development and will not require any additional access provisions. Surrounding streets are fully developed.

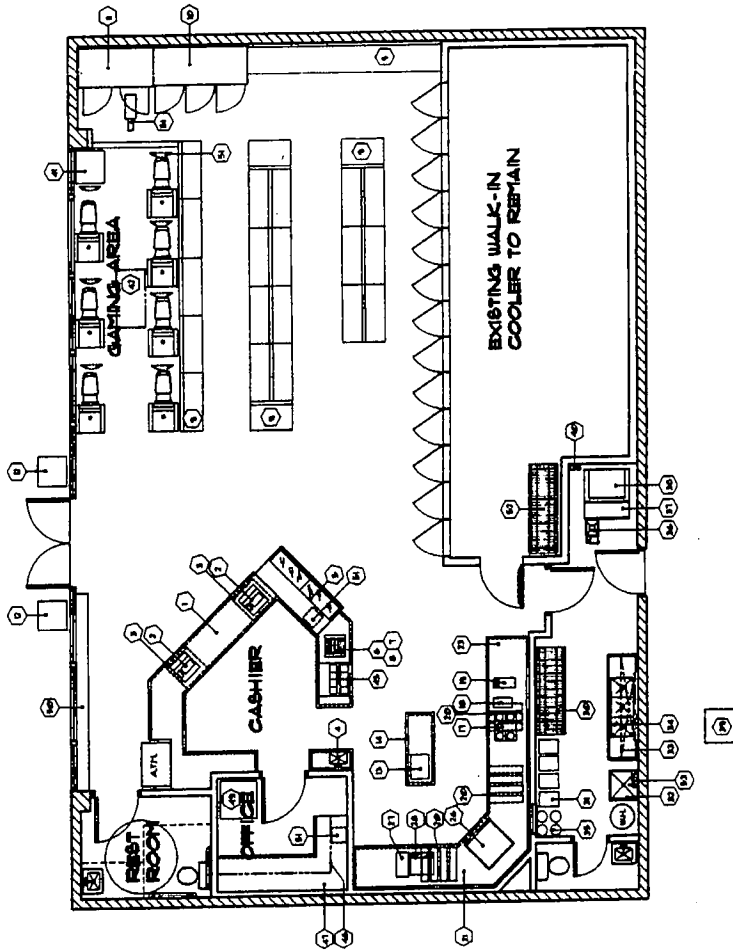
4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The is subject to the regular inspection for business licensing, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED 217 by Planning Department

APPROVALS 0

PROTESTS 0



RQR-4585
7-21-04 CC

- GENERAL NOTES:**
1. THESE PLANS AND THE DESIGNS CONTAINED HEREIN ARE THE PROPERTY OF THE ARCHITECT. NO PART OF THIS DOCUMENT IS TO BE REPRODUCED OR USED BY ANYONE WITHOUT THE WRITTEN PERMISSION OF THE ARCHITECT.
 2. KITCHEN EQUIPMENT CONTRACTOR (K.E.C.) TO SUPPLY ALL LABOR, TOOLS, EQUIPMENT, MATERIALS, AND INSTALLATION NECESSARY TO COMPLETE THE INSTALLATION OF ALL FOODSERVICE EQUIPMENT SHOWN ON THESE DRAWINGS, UNLESS OTHERWISE NOTED.
 3. K.E.C. SHALL DELIVER ALL EQUIPMENT TO THE JOB SITE, UNCRATE, SET IN PLACE, AND MAKE GOOD ALL CRATING & PACKING FROM THE JOB DATE.
 4. ALL FINAL CONNECTIONS TO EXISTING UTILITIES (ELECTRICAL, MECHANICAL, PLUMBING) SHALL BE BY OTHERS AS PER ALL LOCAL CODES.
 5. ONCE ALL EQUIPMENT IS CONNECTED TO SERVICE, K.E.C. SHALL RETURN TO THE JOB SITE TO VERIFY THE LOCATION, AS PER DRAWINGS, AND SEAL TO WALLS WHERE APPLICABLE.
 6. IT SHALL BE THE K.E.C.'S RESPONSIBILITY TO VERIFY ALL DIMENSIONS AND TO MAKE GOOD TO INSTALLATION OF FOODSERVICE EQUIPMENT.

- LIST OF DRAWINGS:**
- K-1 EQUIPMENT PLAN
 - K-2 EQUIPMENT SCHEDULE
 - K-3 BUILDING REQUIREMENTS PLAN
 - K-4 PLUMBING PLAN
 - K-5 ELECTRICAL PLAN

SHEET NO. K-1
SCALE: 1/4" = 1'-0"
DATE: 10-1-04
DRAWN BY: JH
JOB: 000004
FILE: D-0000

SPEDDER MART
1604 OAKLEY BLVD
LAS VEGAS, NEVADA
EQUIPMENT PLAN

Architect
LAS VEGAS, NV 89102
PHONE: 702/735-1000
FAX: 702/735-1001

REVISION	DATE	BY	CHK
1	10-1-04	JH	
2	10-1-04	JH	
3	10-1-04	JH	
4	10-1-04	JH	
5	10-1-04	JH	
6	10-1-04	JH	
7	10-1-04	JH	
8	10-1-04	JH	
9	10-1-04	JH	
10	10-1-04	JH	



RQR-4585 - APPLICANT: SPEEDEE MART - OWNER: MVR CORPORATION
1602 West Oakey Boulevard
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/24/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REVIEW OF CONDITION - PUBLIC HEARING - ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY - Request for a Review of Condition Number 4 requiring 24" box trees along the property lines adjacent to single-family residences of an approved Site Development Plan Review [Z-0096-00(1)] FOR A 300 UNIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT on 15.31 acres located adjacent to the northwest corner of Rancho Drive and Coran Lane (portion of APN: 139-19-113-001, 139-19-601-004 and 139-19-611-004), C-2 (General Commercial) Zone under Resolution of Intent to R-3 (Medium Density Residential), Ward 5 (Weekly). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application - Not Applicable
3. Staff Report
4. Letter requesting Withdrawal Without Prejudice from the applicant

MOTION:

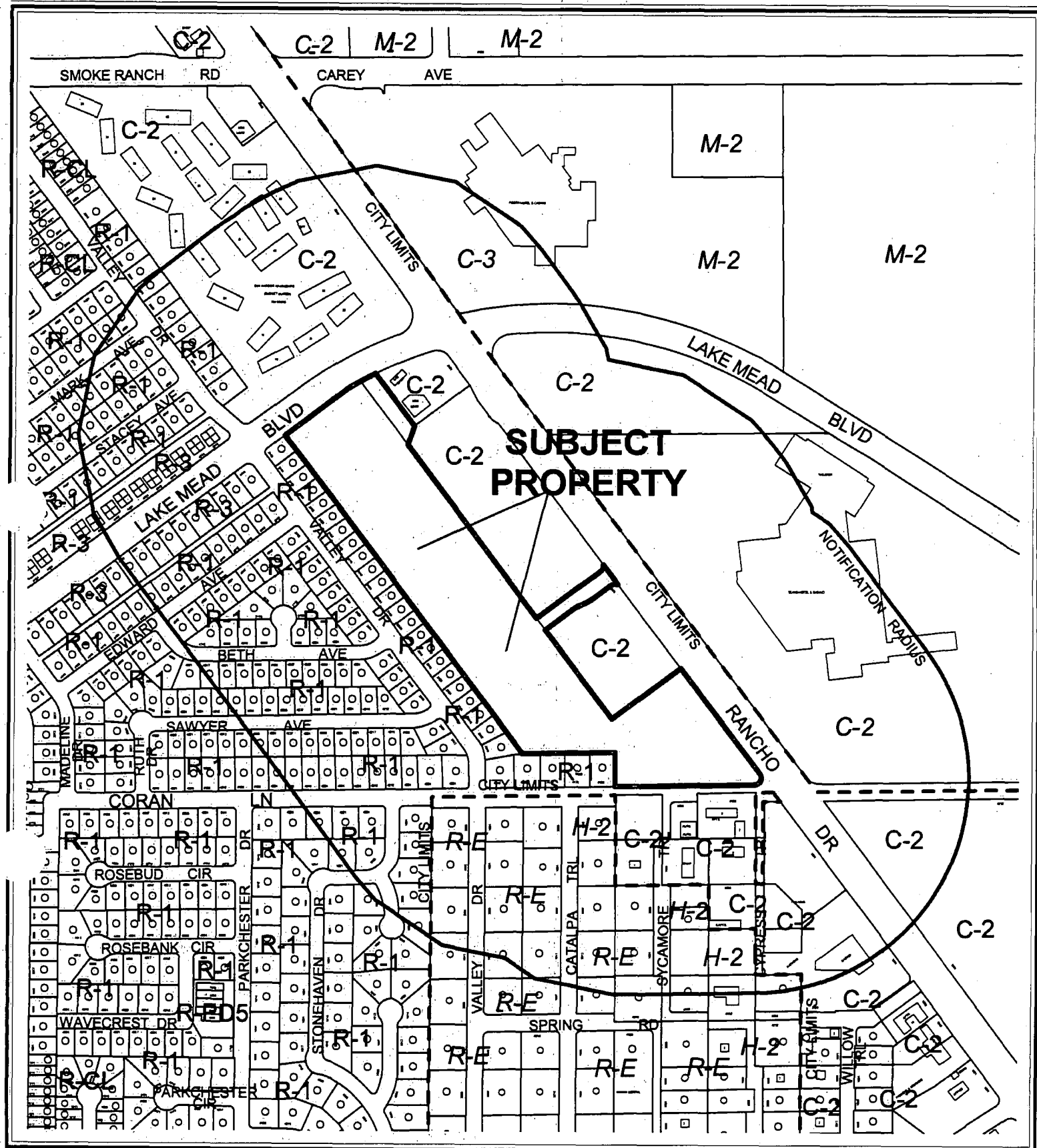
REESE - Motion to HOLD IN ABEYANCE Item 107 [SUP-3394] to 9/1/2004, STRIKE Item 88 [6012 Iron Kettle Street] and Item 89 [709 Jackson Avenue] and Accept the WITHDRAWAL WITHOUT PREJUDICE of Item 94 [ROC-4500] - UNANIMOUS with MONCRIEF excused

MINUTES:

There was no discussion.

(2:01 - 2:03)

4-7



CASE: ROC-4500

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) UNDER RESOLUTION OF INTENT TO R-3 (MEDIUM DENSITY RESIDENTIAL)

0 400 800 Feet



91



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4500 - APPLICANT/OWNER: BHP INVESTORS,
LIMITED LIABILITY COMPANY

**** CONDITIONS ****

Staff recommends DENIAL.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Condition Number 4 of a an approved Site Development Plan review [Z-0096-00 (1)] for a 300 unit multi-family residential development on 15.31 acres located adjacent to the northwest corner of Rancho Drive and Coran Lane

B) Applicant's Justification

The applicant's justification letter indicates they are requesting a review of Condition of Approval number 4 for the approved Site development Plan Review Z-0096-00 (1) that requires 24 inch box trees along the property lines adjacent to the existing single family residences.

A letter from Nevada Power, supplied with the application request for the Review of Condition, supports the applicant's position that no trees planted near the existing power lines on the site. The letter requests that no trees be used within three feet in either direction of the existing pole line. The letter states that trees under power facilities create maintenance and safety concerns.

BACKGROUND INFORMATION

A) Previous Actions

07/18/01 The City Council approved a Rezoning (Z-0096-00) to R-3 (Medium Density Residential) on this site. The Planning Commission and staff recommended approval on April 26, 2001.

06/05/02 The City Council approved a Site Development Plan Review [Z-0096-00 (1)] for the 300 unit multi-family residential development on this site. The Planning Commission and staff recommended approval on April 25, 2002.

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 16.09

B) Existing Land Use

Subject Property: Apartments (Under Construction)
 North: Apartments
 South: Single Family Residences, Apartments, Automotive Shop and Undeveloped
 East: Undeveloped, Convenience Store and Hotel/Casino
 West: Single Family Residences

C) Planned Land Use

Subject Property: M (Medium Density Residential)
 North: GC (General Commercial)
 South: M (Medium Density Residential) and GC (General Commercial)
 East: GC (General Commercial) and City of North Las Vegas
 West: L (Low Density Residential)

D) Existing Zoning

Subject Property: C-2 (General Commercial) under Resolution of Intent to R-3 (Medium Density Residential)
 North: C-2 (General Commercial)
 South: R-1 (Single Family Residential and C-2 (General Commercial)
 East: C-2 (General Commercial) and City of North Las Vegas
 West: R-1 (Single Family Residential)

E) General Plan Compliance

The site is designated M (Medium Density Residential) on the Southeast Sector Plan Map of the General Plan. The existing R-3 (Medium Density Residential) Zoning designation is in conformance with the General Plan.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area	X	
Rancho Corridor	X	
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located within the Rancho Corridor study area. There are no special requirements from the study that affect this request.

PROJECT DESCRIPTION

The approved Site Development Plan Review allowed for the development of a 300-unit multi-family development on this site. Condition of Approval number 4 required 24-inch box trees a minimum of 20 feet on center adjacent to the single family residences, which the applicant is requesting be eliminated.

ANALYSIS

A) Zoning Code Compliance

A4) Landscape and Open Space Standards

Per Condition of Approval number 4 for the Site Development Plan Review, 24-inch box trees spaced no more than 20 feet on center are required whenever this project is adjacent to single family residences. The submitted landscape/site plan depicts an 8-foot wide planter with shrubs and ground cover without the required trees.

B) General Analysis and Discussion

The proposed landscape change is not appropriate will affect this project's compatibility with the adjacent single-family residences. By not providing the required trees, an adequate buffer is not created between the multi-family and single-family developments. Therefore, the recommendation for this request is denial.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

- 1. "The proposed development is compatible with adjacent development and development in the area;"**

The proposed landscape change will affect this project's compatibility with the adjacent single-family residences. By not providing the required trees, an adequate buffer is not created between the multi-family and single-family developments. Therefore, the recommendation for this request is denial.

- 2. "The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The request to change to eliminate the requirements for 24-inch box trees is not consistent with requirements of the standards. The intent of the required landscaping is to provide a buffer between the multi-family and single-family developments.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The proposed condition change will not affect site circulation and traffic in the area.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed landscape change to eliminate the required trees is not appropriate as adequate buffering will not be provided.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed landscape change to eliminate the required trees will negatively affect this project’s appearance and compatibility with the adjacent single-family development.

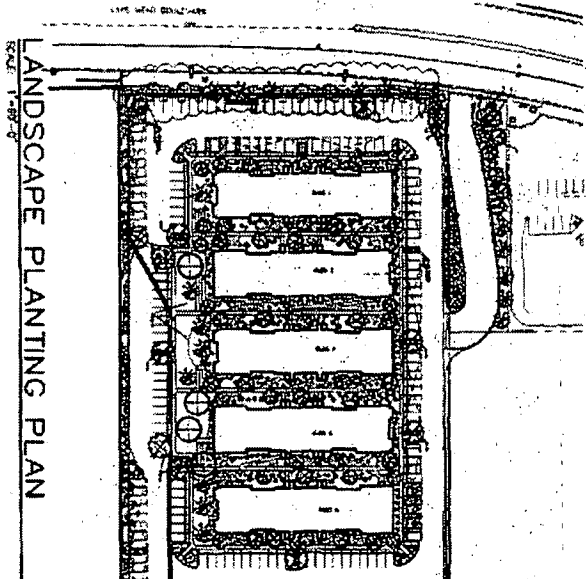
6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

NOTICES MAILED 288 by Planning Department

APPROVALS 0

PROTESTS 0



ROC-4500
7-7-04 CC

7-28-04 CC

LAS VEGAS, NEVADA

018 SHARP CIR.
RD LAS VEGAS NV 89032
OFFICE (702) 433-6368
FAX (702) 433-2033

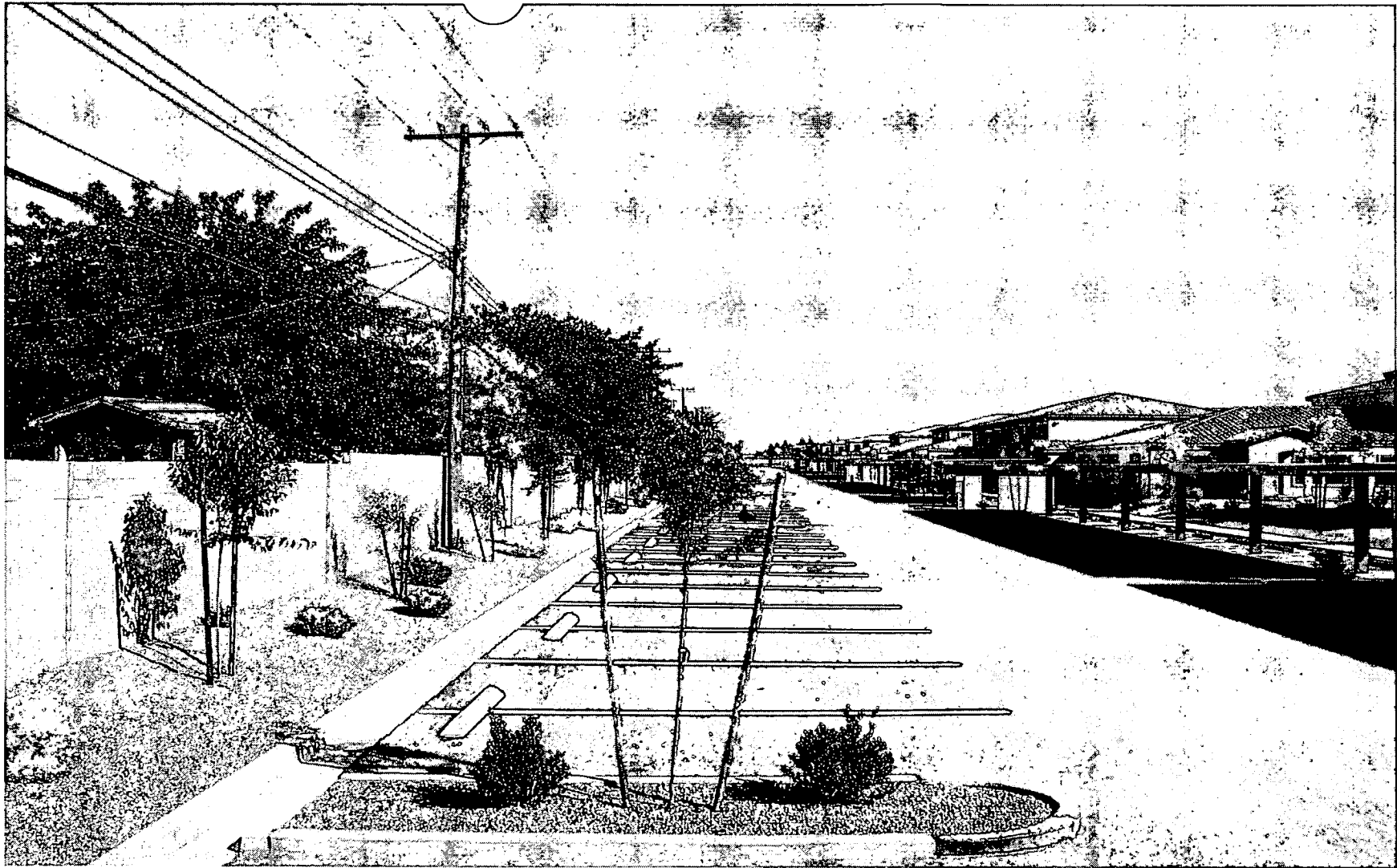
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4	4.00	4.00	4.00	4.00	4.00
5	5.00	5.00	5.00	5.00	5.00
6	6.00	6.00	6.00	6.00	6.00
7	7.00	7.00	7.00	7.00	7.00
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99	99.00	99.00	99.00	99.00	99.00
100	100.00	100.00	100.00	100.00	100.00

1. General Information: This report was prepared by the [redacted] on [redacted] at [redacted]. The purpose of this report is to provide a detailed account of the [redacted] conducted on [redacted].
2. Objectives: The primary objective of this study was to determine the [redacted] of the [redacted] under various conditions. Secondary objectives included [redacted] and [redacted].
3. Methodology: The study employed a [redacted] design, involving [redacted] and [redacted]. Data was collected through [redacted] and [redacted].
4. Results: The results of the study indicate that [redacted] and [redacted]. These findings are consistent with previous research on [redacted].
5. Conclusions: Based on the results, it is concluded that [redacted]. These findings have implications for [redacted] and [redacted].
6. Recommendations: Further research is recommended to explore [redacted] and [redacted].
7. References: [redacted]
8. Appendices: [redacted]
9. Signatures: [redacted]
10. Notes: [redacted]



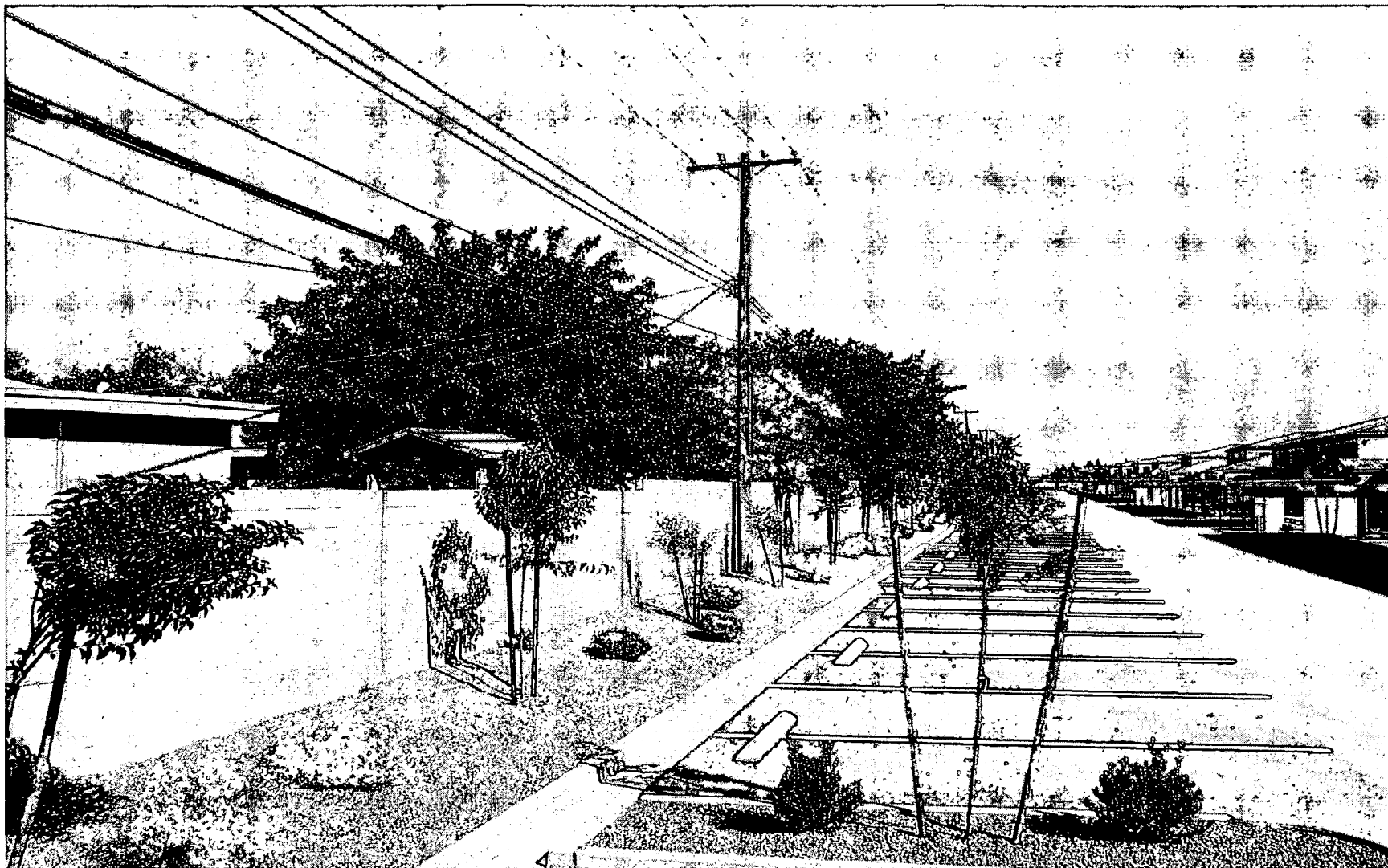
L1.06

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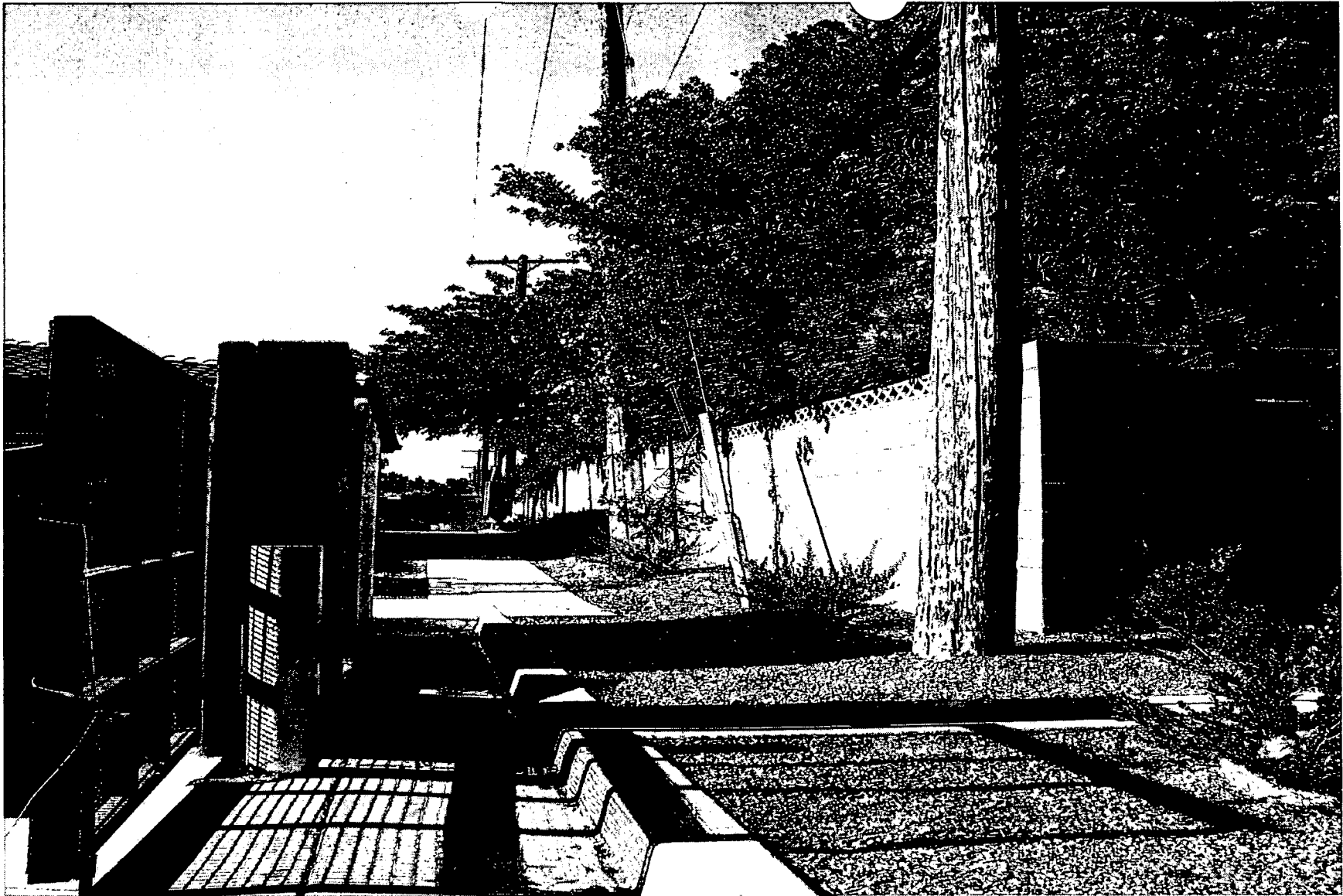
ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



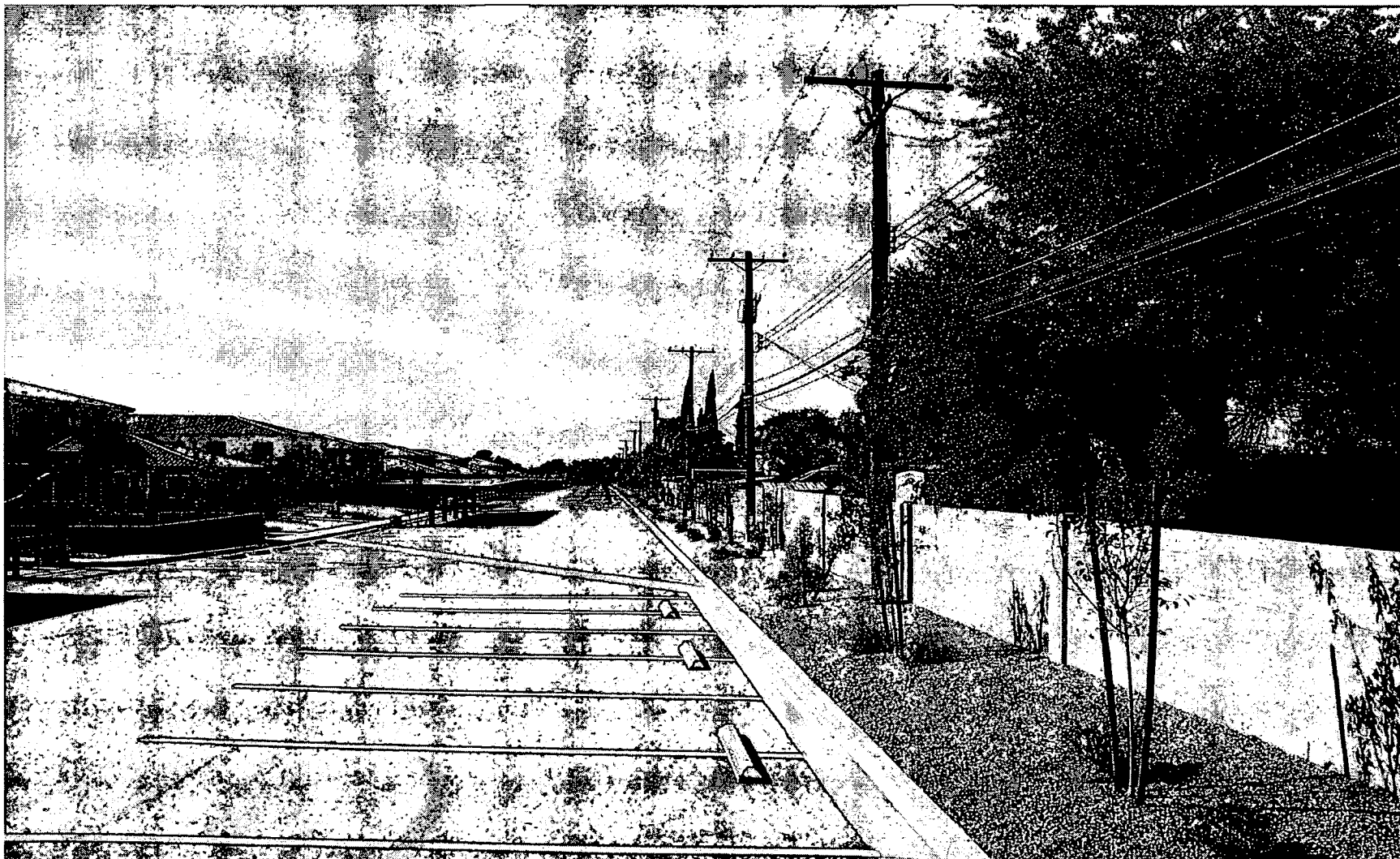
ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



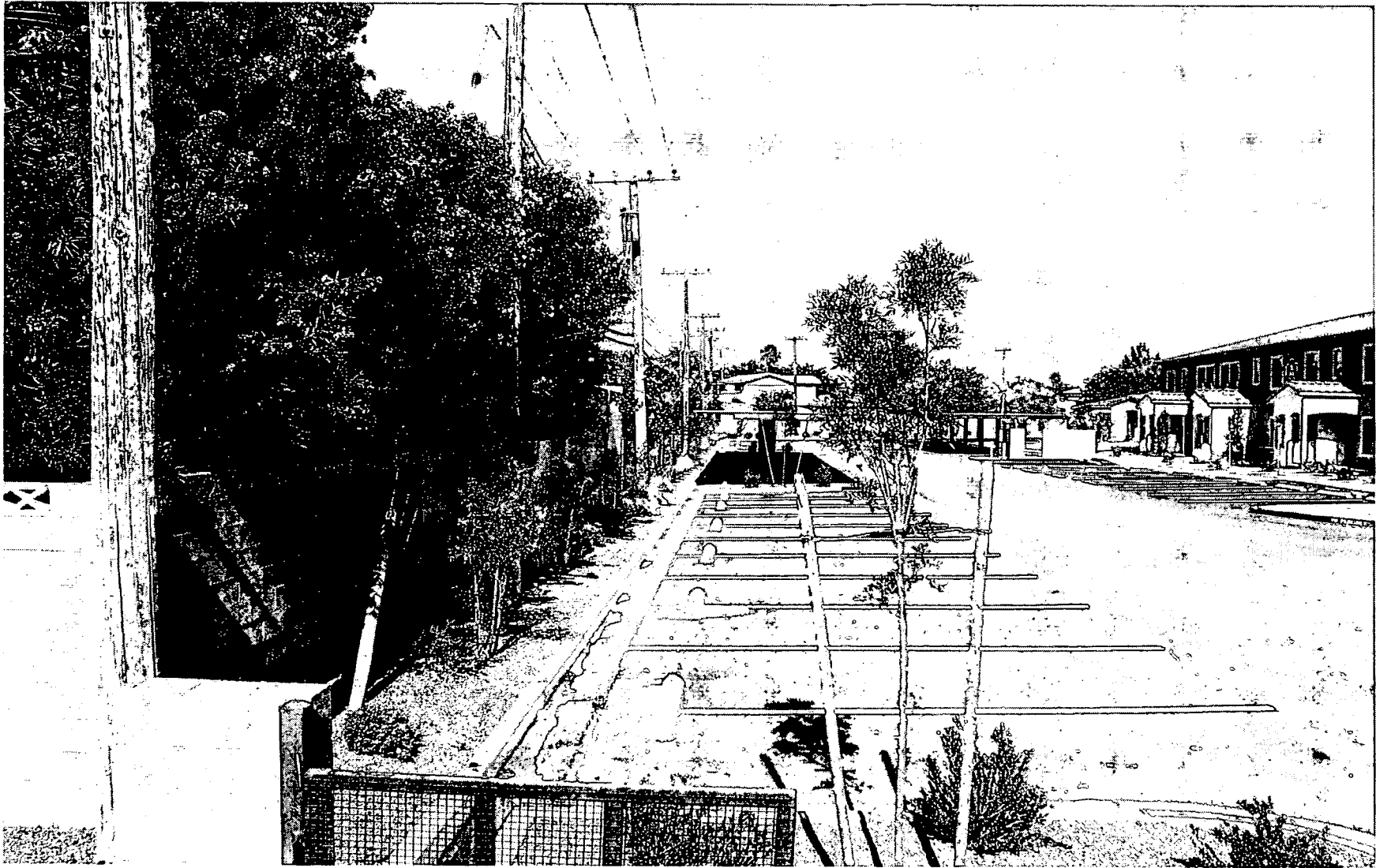
ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



ROC-4500 - APPLICANT/OWNER: BHP INVESTORS, LIMITED LIABILITY COMPANY
Northwest corner of Rancho Drive and Coran Lane
JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04

BHP Developers & General Contractors

6370 Annie Oakley
Las Vegas, NV 89120

(702) 914-9480
Fax (702) 896-0690

July 13, 2004

Roni Ronemus
City of Las Vegas
Office of City Clerk
400 Stewart Avenue
Las Vegas, NV 89101
FAX # 382-4803

2004 JUL 15 A 10:35

RECEIVED
CITY CLERK

Reference: Rancho Lake Apartments

Subject: Review of Condition – Public Hearing – ROC-4500

Dear Ms. Ronemus:

We are hereby withdrawing, Without Prejudice, the above mentioned Hearing. We are withdrawing due to the fact that we have complied with the original conditions on the above referenced property.

We thank you for your time and consideration taken on this subject.

If you have any further questions, please feel free to call.

Sincerely,
BHP Investors, LLC



James Hagen
Member/Partner

JH/dm

CC: Shelly
FAX # 385-7268

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

REVIEW OF CONDITION - PUBLIC HEARING - ROC-4662 - APPLICANT: THE KEITH COMPANIES - OWNERS: RANCHO POINT, LIMITED LIABILITY COMPANY AND HELEN SLAVIN - Request for a Review of Condition Numbers 15 and 16 requiring construction of half-street improvements on Rancho Drive and Alexander Road and provide new public street improvements of an approved Site Development Plan Review (SDR-3452) FOR A 23,000 SQUARE FOOT COMMERCIAL DEVELOPMENT on 2.55 acres adjacent to the east side of Rancho Drive, approximately 300 feet south of Alexander Road (APN: 138-12-110-011 and a portion of 138-12-102-001), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends DENIAL.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CINDY GEE, Keith Companies, 444 East Warm Springs, Suite 110, appeared on behalf of the applicant and explained the request is to temporarily defer the installation of the off-site improvements on Alexander Road heading towards Rancho Drive. The applicant is currently in a lease situation with another property owner, and installation of the off-site improvements would not be economically feasible at this time. The applicant would install the improvements up to the site development boundary, accommodate the trail and sign a restrictive covenant stating that as the property is improved, the off-site improvements would be constructed.

COUNCILMAN MACK thanked staff for working with the applicant in finding conditions amenable to both the applicant and the City.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 95 – ROC-4662

MINUTES Continued:

MAYOR GOODMAN declared the Public Hearing closed.
(2:15 – 2:17)
4-442

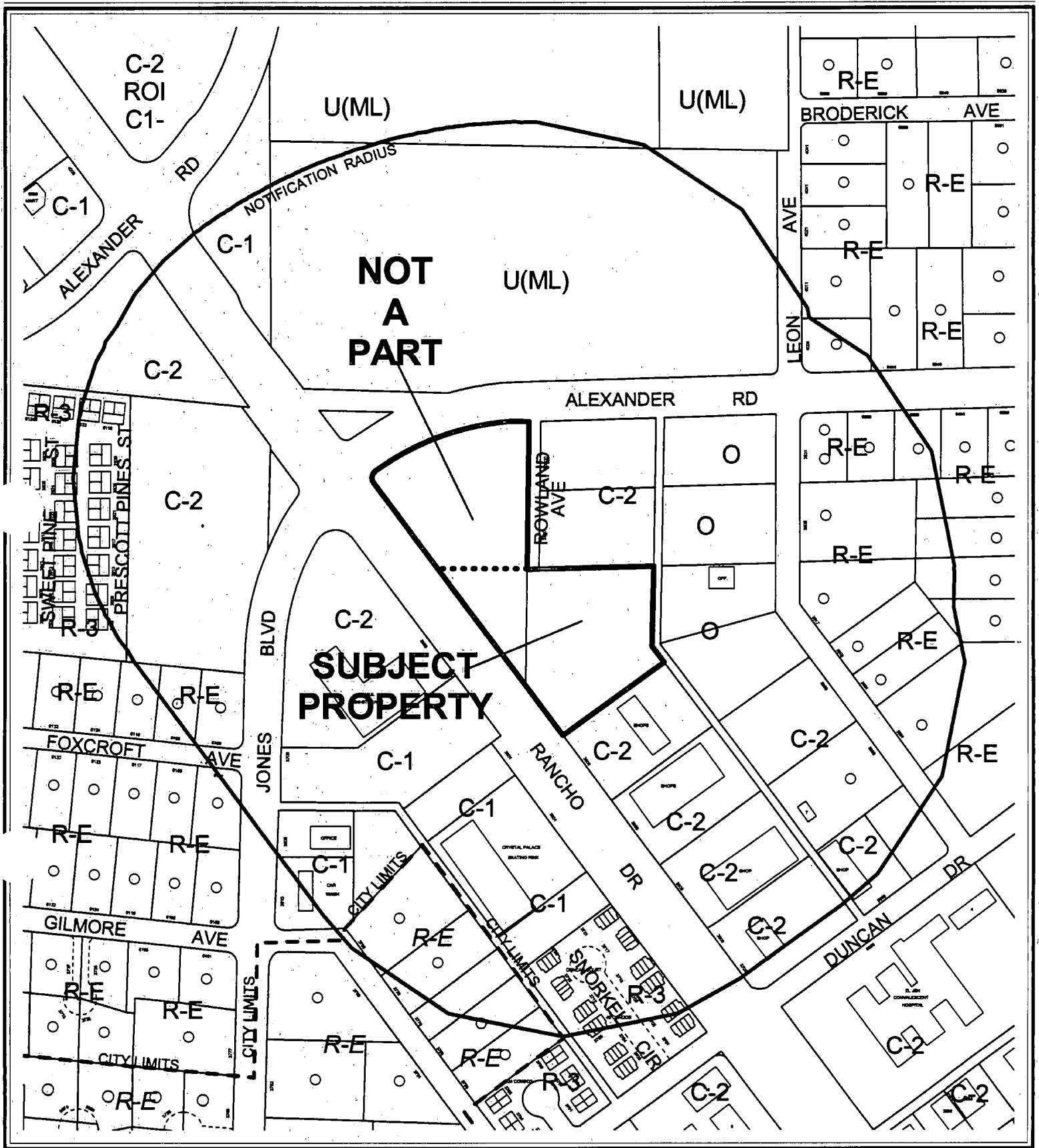
CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit U-116-97, Site Development Plan Review SDR-3452 and Variance VAR-3711.
2. A revised site plan that shows a 20-foot wide multi-use trail along the Rancho Drive side of the site shall be submitted to the Planning and Development Department for review prior to the submittal of an application for a Tentative Map.

Public Works

3. Construct all incomplete half-street improvements on Rancho Drive adjacent to the portion of this site proposed to be developed as shown on approved site plan SDR-3452 concurrent with development. Half street improvements along Rancho Drive from the northern edge of such development to Alexander Road and along Alexander Road adjacent to this site may be deferred at this time; sign and record a covenant running with the land for all half street improvements not completed at this time on Rancho Drive and Alexander Road. This site shall be subject to a required 2-year review at which time completion of deferred improvements will be evaluated. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.



CASE: ROC-4662

RADIUS: 750 FT

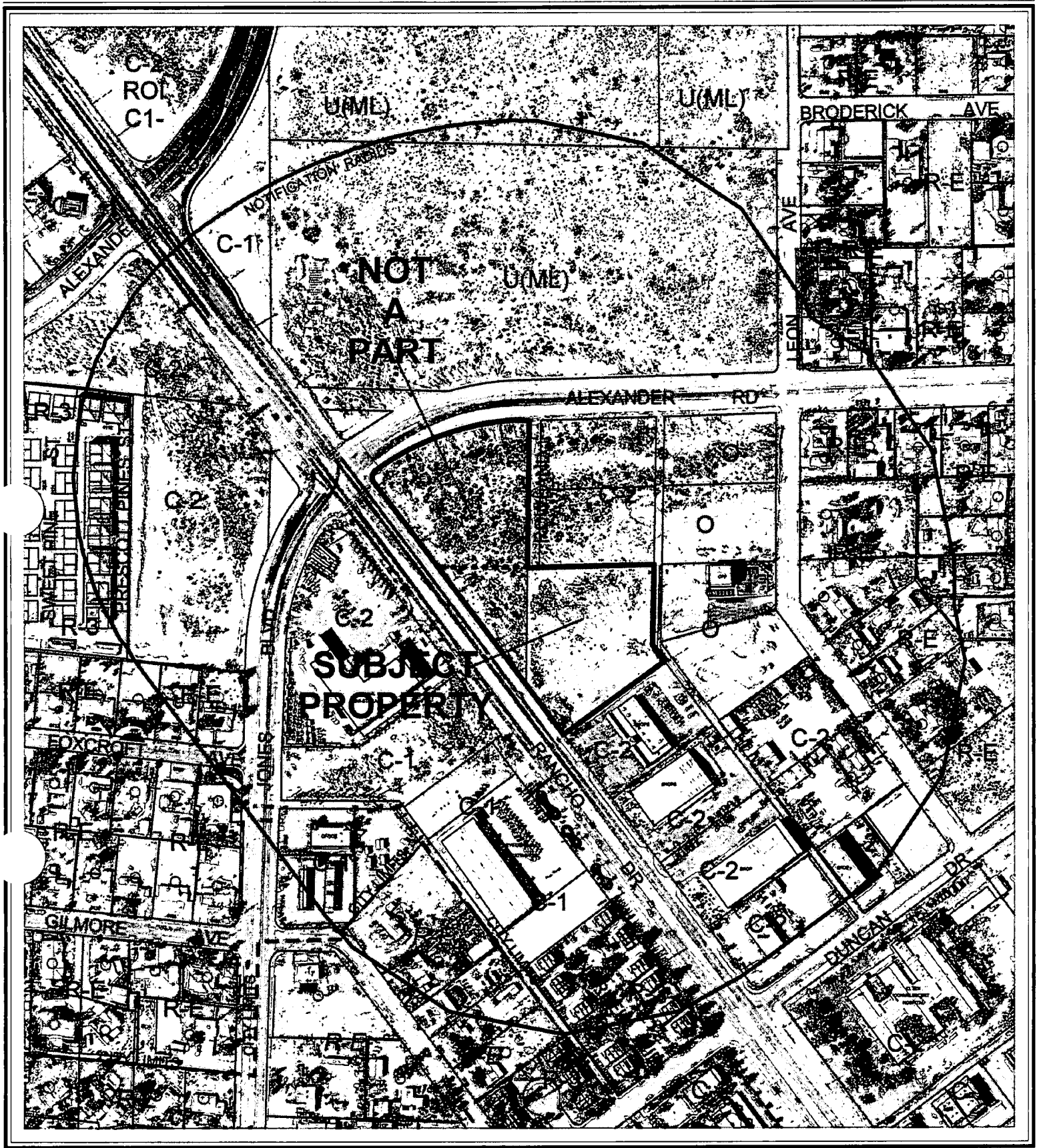
ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet



95





CASE: ROC-4662

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4662 - APPLICANT: THE KEITH COMPANIES –
OWNERS: RANCHO POINT, LIMITED LIABILITY COMPANY AND HELEN SLAVIN

**** CONDITIONS ****

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. Conformance to the Conditions of Approval for Special Use Permit U-116-97, Site Development Plan Review SDR-3452 and Variance VAR-3711.
2. A revised site plan that shows a 20-foot wide multi-use trail along the Rancho Drive side of the site shall be submitted to the Planning and Development Department for review prior to the submittal of an application for a Tentative Map.

Public Works

3. Construct all incomplete half-street improvements on Rancho Drive adjacent to the portion of this site proposed to be developed as shown on approved site plan SDR-3452 concurrent with development. Half street improvements along Rancho Drive from the northern edge of such development to Alexander Road and along Alexander Road adjacent to this site may be deferred at this time; sign and record a covenant running with the land for all half street improvements not completed at this time on Rancho Drive and Alexander Road. This site shall be subject to a required 2-year review at which time completion of deferred improvements will be evaluated. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Review of Conditions Number 15 and 16 regarding offsite improvements for an approved Site Development Plan Review (SDR-3452) for a 23,000 square foot commercial development on 2.55 acres adjacent to the east side of Rancho Drive, approximately 300 feet south of Alexander Road.

B) Applicant's Justification

The applicant's justification letter indicates they are requesting deferral of the offsite improvements along Rancho Drive and Alexander Road until such time as plans for the northern portion of the site are finalized.

BACKGROUND INFORMATION

A) Previous Actions

12/15/97	The City Council approved a Special Use Permit (U-116-97) for a Tavern on this site. The Planning Commission and staff recommended approval on November 20, 1997.
04/02/03	The City Council approved a General Plan Amendment (GPA-1363) to GC (General Commercial) on this site as part of the Rancho Corridor Study Phase 1. The Planning Commission and staff recommended approval on February 27, 2003.
04/07/04	The City Council approved a Site Development Plan Review (SDR-3452) for a 23,000 square foot commercial development and a Variance (VAR-3711) to allow 134 parking spaces where 199 spaces are required for the proposed commercial development on this site. The Planning Commission and staff recommended denial on February 27, 2003.

B) Pre-Application Meeting

A pre-application meeting is not required for this application.

C) Neighborhood Meetings

A neighborhood meeting is not required for this application.

DETAILS OF APPLICATION REQUEST

A) *Site Area*

Net Acres: 2.55

B) *Existing Land Use*

Subject Property: Undeveloped
 North: Undeveloped
 South: Commercial
 East: Undeveloped and Offices
 West: Undeveloped and Commercial

C) *Planned Land Use*

Subject Property: GC (General Commercial)
 North: GC (General Commercial)
 South: SC (Service Commercial)
 East: O (Office)
 West: SC (Service Commercial)

D) *Existing Zoning*

Subject Property: C-2 (General Commercial)
 North: C-2 (General Commercial)
 South: C-2 (General Commercial)
 East: R-E (Residence Estates) and C-2 (General Commercial) under Resolution of Intent to O (Office) and O (Office)
 West: C-1 (Limited Commercial) and C-2 (General Commercial)

E) *General Plan Compliance*

The site is designated GC (General Commercial) on the Centennial Hills Interlocal Land Use Plan Map of the General Plan. The existing C-2 (General Commercial) Zoning designation is in conformance with the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails	X	
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

A 20-foot wide multi-use transportation trail is required along Rancho Drive. The submitted plans do not provide the required trail, therefore a condition has been added requiring the trail as part of this development.

PROJECT DESCRIPTION

The applicant is requesting a Review of Public Works Condition Nos. 15 and 16 of Site Development Plan Review SDR-3452. These conditions were:

15. Construct all incomplete half-street improvements on Rancho Drive and Alexander Road adjacent to this site concurrent with development. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.
16. Remove all substandard public street improvements, if any, adjacent to this site and replace with new improvements meeting current City Standards concurrent with on-site development activities.

ANALYSIS

Public Works recommends **DENIAL** of the Request for a Review of Condition No. 15 and 16 of Site Development Plan Review SDR-3452. However, if approved, they recommend the following Condition of Approval be imposed at this time:

Construct all incomplete half-street improvements on Rancho Drive adjacent to the portion of this site proposed to be developed as shown on approved site plan SDR-3452 concurrent with development. Half street improvements along Rancho Drive from the northern edge of such development to Alexander Road and along Alexander Road adjacent to this site may be deferred at this time; sign and record a covenant running with the land for all half street improvements not completed at this time on Rancho Drive and Alexander Road. This site shall be subject to a required 2-year review at which time completion of deferred improvements will be evaluated. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed deferral of offsite improvements does not affect this projects compatibility with other commercial developments in the area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The request to defer offsite improvements does not affect the approved project with regards to compliance with development codes and standards.

3. **“Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;”**

The proposed condition change could affect site circulation and traffic in the area as adequate street improvements may not be provided.

4. **“Building and landscape materials are appropriate for the areas and for the City;”**

The proposed deferral of offsite improvements does not affect the approved landscape and building materials for this development.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed deferral of offsite improvements does not affect the approved design and architectural characteristics for this development.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to inspection by the City and will not compromise the health safety and welfare of the general public.

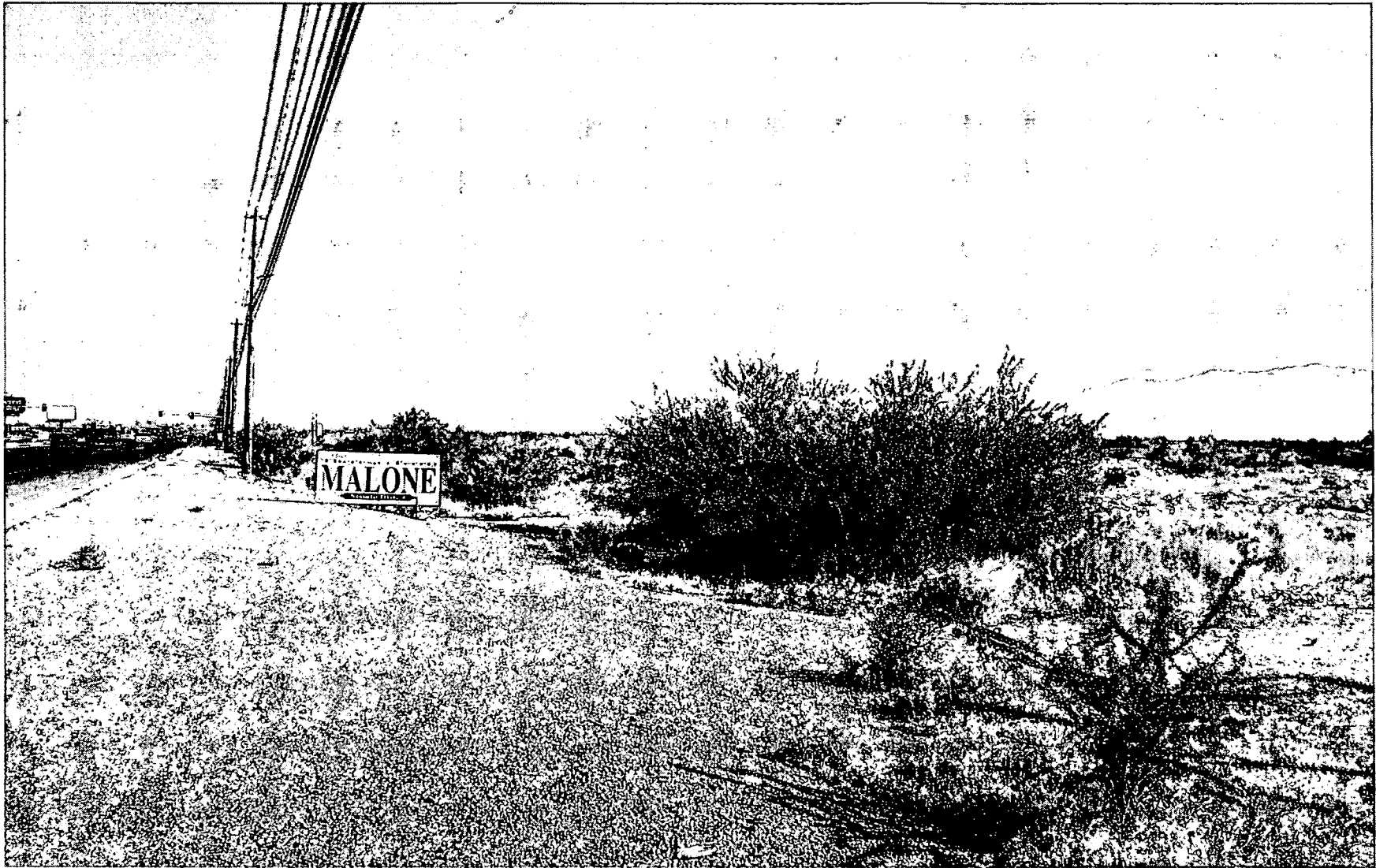
NOTICES MAILED 109 by Planning Department

APPROVALS 0

PROTESTS 0





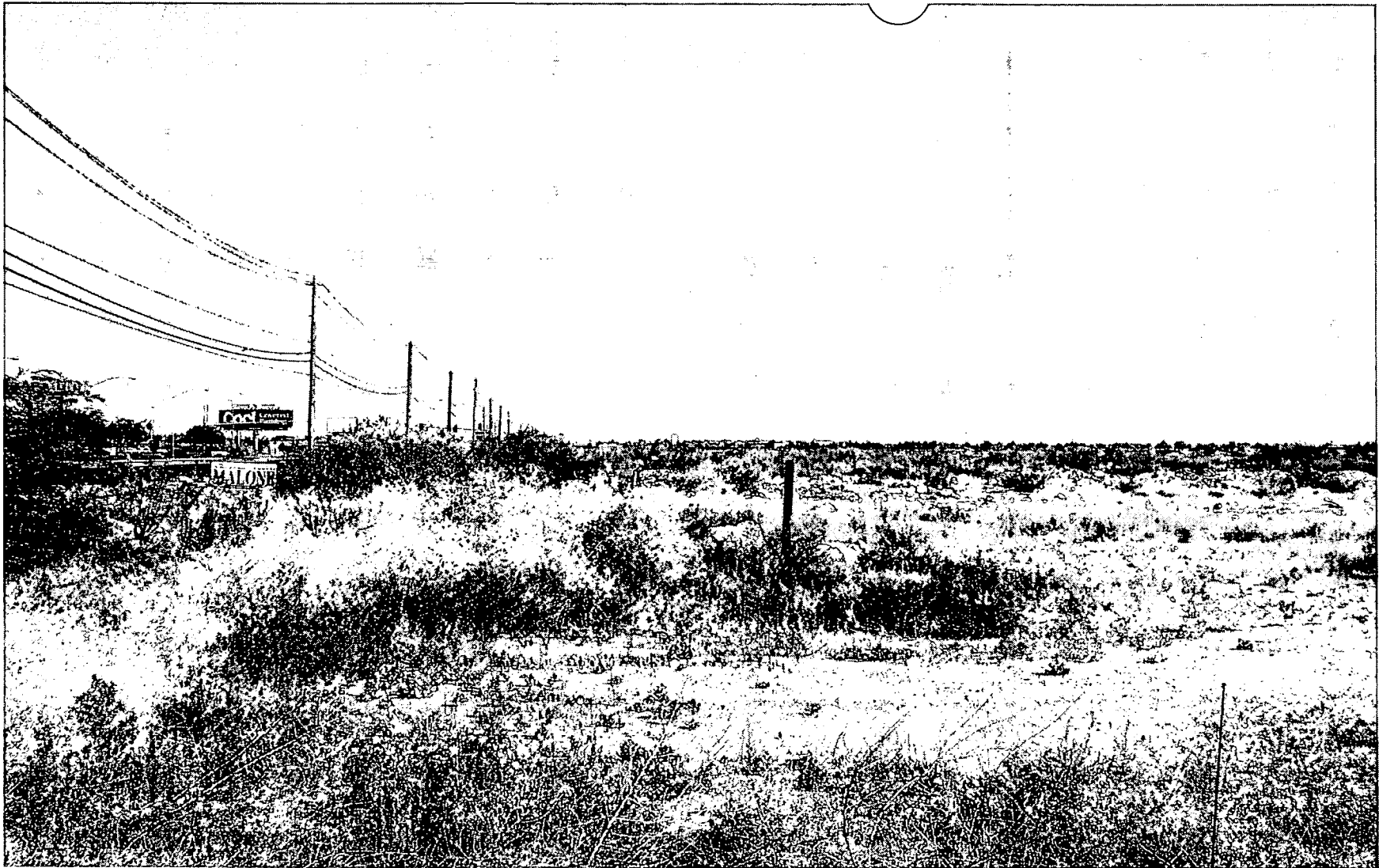


**ROC-4662 - APPLICANT: THE KEITH COMPANIES – OWNERS: RANCHO POINT,
LIMITED LIABILITY COMPANY AND HELEN SLAVIN**

East side of Rancho Drive, approximately 300 feet south of Alexander Road

JULY 21, 2004 CITY COUNCIL MEETING

Picture taken 06/25/04



**ROC-4662 - APPLICANT: THE KEITH COMPANIES – OWNERS: RANCHO POINT,
LIMITED LIABILITY COMPANY AND HELEN SLAVIN
East side of Rancho Drive, approximately 300 feet south of Alexander Road
JULY 21, 2004 CITY COUNCIL MEETING**

Picture taken 06/25/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

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CONSENT

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DISCUSSION

SUBJECT:

REVIEW OF CONDITION - PUBLIC HEARING - ROC-4666 - APPLICANT: CITY OF LAS VEGAS - Request for a Review of Condition No. 1 correcting language as to the portion of the site to be designated C-1 of an approved Rezoning (ZON-1364) of 3.67 acres located on the southwest corner of Rancho Drive and Red Coach Avenue (APN 138-02-202-011), C-2 (General Commercial) and C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends **APPROVAL**

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends **APPROVAL**, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

MACK – APPROVED subject to conditions – UNANIMOUS

NOTE: COUNCILMAN MACK disclosed that although he abstained from voting on the rezoning of this property in April of 2003, he would be participating in this application. ZON-1364 was a City initiated application that covered a large portion of the Rancho Corridor including a parcel owned by his brother STEVEN MACK which contains a SuperPawn. Because the SuperPawn is located over 3600 feet from this parcel and since he has not spoken with his brother about this application, he is comfortable voting on the item.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

LOIS HARDIN, 4095 North Chieftain Street, owner of the property, appeared and stated that she understood the change was to correspond with the adjacent C2 properties.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:17 – 2:19)

4-508

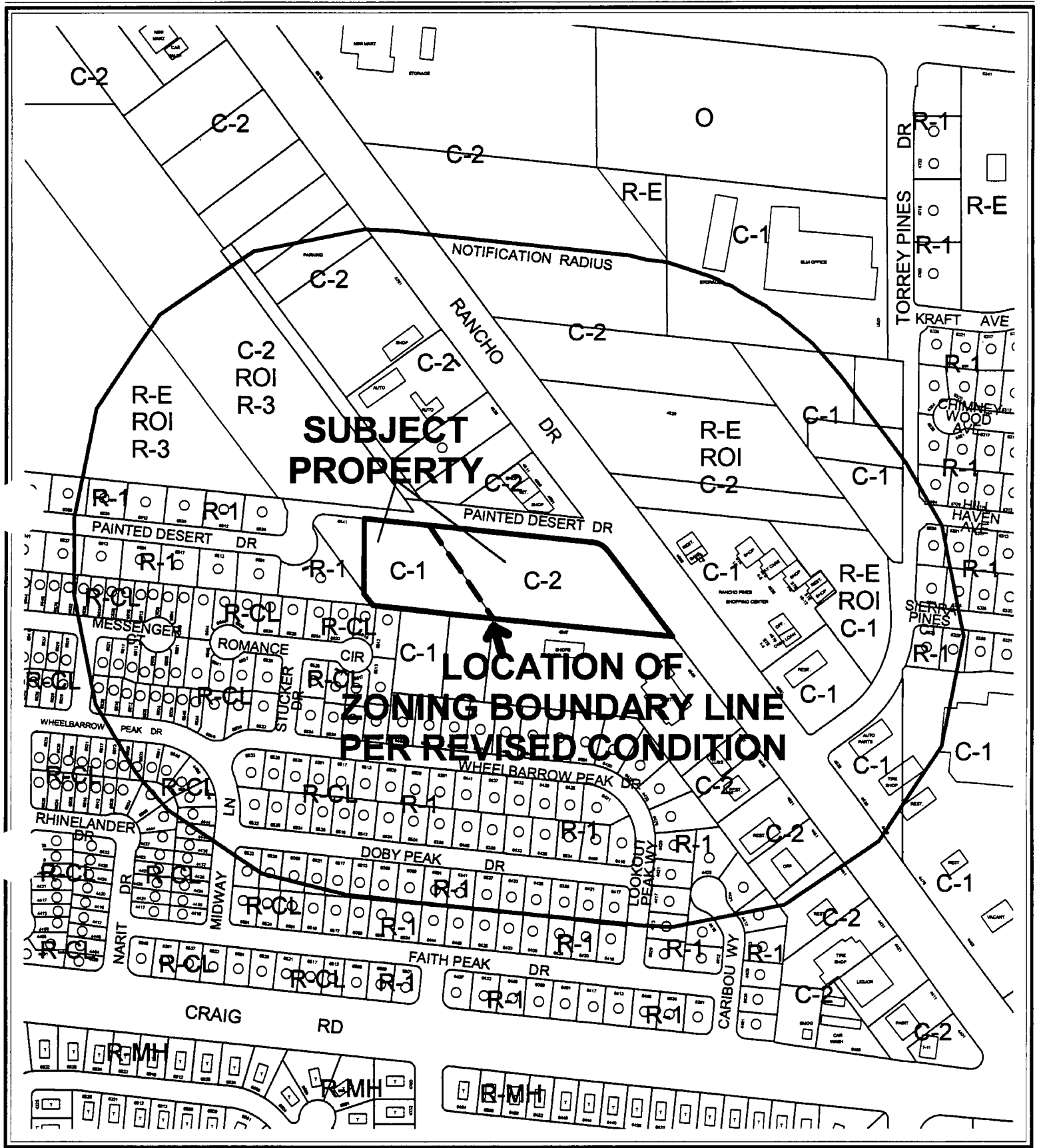
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 96 – ROC-4666

CONDITIONS:

1. Condition 1 of ZON-1364 shall be revised as follows:

For Assessor's Parcel Number 138-02-202-011, the application shall be amended to show a boundary line between C-1 (Limited Commercial) and C-2 (General Commercial) zoning which matches that of the real properties adjacent to APN 138-02-202-011, which is approximately 465 feet from Rancho Drive. The portion of APN 138-02-202-011 to the west of that boundary line shall be zoned C-1, and the portion of the property to the east of that boundary line shall be zoned C-2.

2. Conformance to the remaining conditions of approval for ZON-1364.



CASE: ROC-4666

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY:

C-2 (GENERAL COMMERCIAL) AND C-1 (LIMITED COMMERCIAL)

0 300 600 Feet



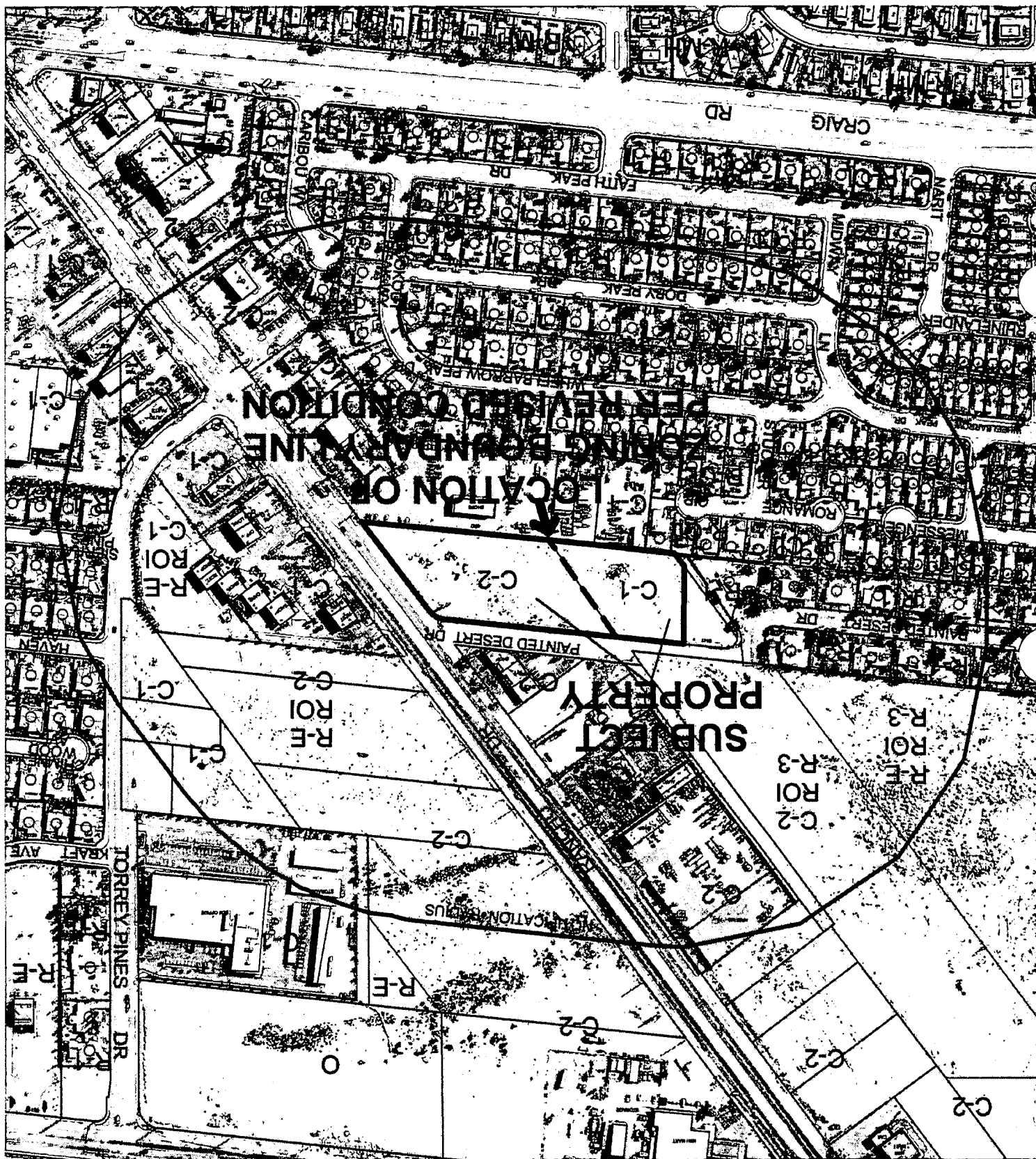


C-2 (GENERAL COMMERCIAL) AND C-1 (LIMITED COMMERCIAL)
ZONING OF SUBJECT PROPERTY:

RADIUS: 750 FT

CASE: ROC-4666

0 300 600 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ROC-4666 - CITY OF LAS VEGAS

**** CONDITIONS ****

Staff recommends APPROVAL, subject to:

1. Condition 1 of ZON-1364 shall be revised as follows:

For Assessor's Parcel Number 138-02-202-011, the application shall be amended to show a boundary line between C-1 (Limited Commercial) and C-2 (General Commercial) zoning which matches that of the real properties adjacent to APN 138-02-202-011, which is approximately 465 feet from Rancho Drive. The portion of APN 138-02-202-011 to the west of that boundary line shall be zoned C-1, and the portion of the property to the east of that boundary line shall be zoned C-2.

2. Conformance to the remaining conditions of approval for ZON-1364.

**** STAFF REPORT ****

APPLICATION REQUEST

At the April 2, 2003 City Council meeting, Planning and Development Department staff presented a rezoning application (ZON-1364) to change the zoning designations of several properties located on, or in close proximity to, both sides of Rancho Drive from Gowan Road to the northern City limits at Moccasin Road. In regard to the subject property (Assessor's Parcel Number 138-02-202-011), located at the southwest corner of Rancho Drive and Red Coach Avenue, staff recommended that the zoning be changed to C-1 (Limited Commercial).

At the April 2, 2003 meeting, the City Council approved ZON-1364, but included a condition which placed C-2 (General Commercial) on the east port of the subject site and C-1 (Limited Commercial) on the west portion. However, because there has been confusion regarding the location of the line which divides the C-2 and C-1 portions of the site, staff is bringing this item back before Council.

FINDINGS

The revised condition will be compatible with the existing adjacent land uses and zoning districts because it will place undeveloped C-2 (General Commercial) properties in the east portion of the property where typical C-2 (General Commercial) uses such as such as major auto repair, auto sales lots, and hotel/motels can occur without adversely impacting residential development. Additionally, the rezoning of the west portion of the parcel to C-1 (Limited Commercial) will buffer residential properties from the C-2 (General Commercial) portion of the site. Additionally, the revised condition support Policy 2.1.2 of the 2020 Master Plan, which states that development on vacant or underutilized lots be sensitive in use and design to surrounding development.

NOTICES MAILED: 173 by Planning Department

APPROVALS: 0

PROTESTS: 0

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4457 - **APPLICANT: WESTMARK HOMES - OWNER: LARRY AND MARY S. KEEVER** - Request for a Petition to vacate a Public Drainage Easement at 9525 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED subject to conditions – **UNANIMOUS** with **WOLFSON** abstaining in an abundance of caution as the applicant may be his insurance agent, with whom he has had a relationship for many years.

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 97 [VAC-4457], Item 98 [VAC-4460] and Item 99 [VAC-4463].

LISA FREESTONE, PBS&J, 2270 Corporate Circle Suite #100, appeared on behalf of the applicant and agreed with staff recommendation and conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed on Item 97 [VAC-4457], Item 98 [VAC-4460] and Item 99 [VAC-4463].

NOTE: All discussion for Item 97 [VAC-4457], Item 98 [VAC-4460] and Item 99 [VAC-4463] was held under Item 97 [VAC-4457].

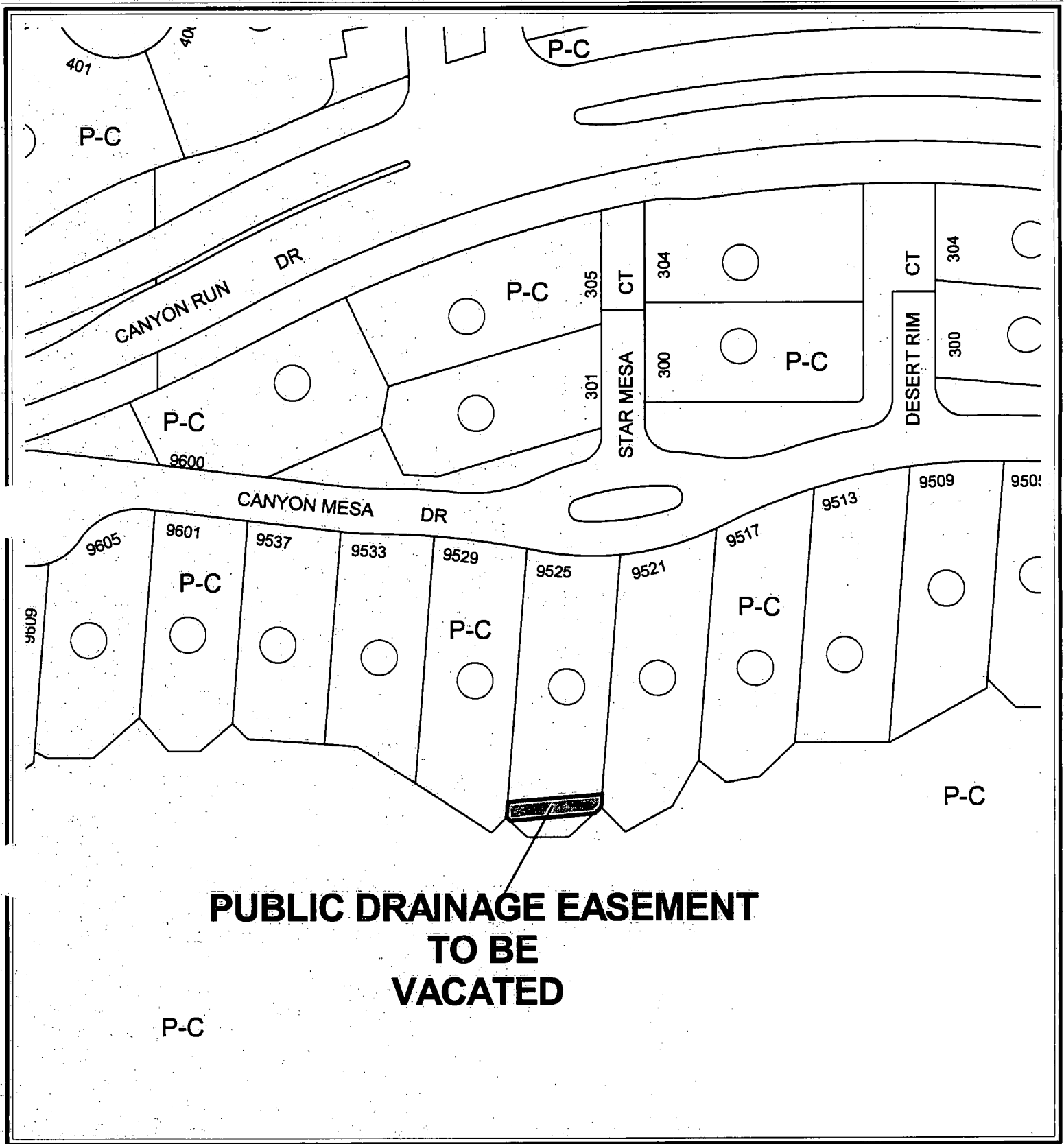
(2:19 – 2:19)

4-572

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 97 – VAC-4457

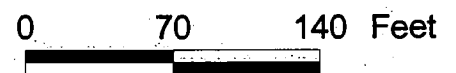
CONDITIONS:

1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



**PUBLIC DRAINAGE EASEMENT
TO BE
VACATED**

P-C

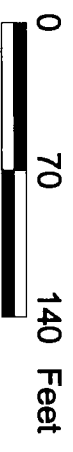


CASE: VAC-4457





CASE: VAC-4457



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4457 - APPLICANT: WESTMARK HOMES - OWNER:
LARRY AND MARY S. KEEVER

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Petition to Vacate a 10-foot public drainage easement at 9525 Canyon Mesa Drive.

B) Applicant's Justification

The applicant's justification letter indicates the storm drain has been relocated and the public drainage easement is not necessary in its current configuration.

BACKGROUND INFORMATION

A) Previous Actions

- 06/03/87 The City Council approved a Rezoning (Z-44-87) to P-C (Planned Community) on this site as part of a larger request. The Planning Commission and staff recommended approval on May 26, 1987.
- 06/03/87 The Planning Commission approved the Final Map for Summerlin Village 3 – Unit No. 1B Canyon Terrace (FM-119-98) on this site, which was subsequently recorded creating the subject easement. The Planning and Development recommendation was for approval.
- 06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #15/mp).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a public drainage easement located in the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 30, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing public drainage easement because it is no longer needed in its current configuration. This request is appropriate, as the subject easement is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

This Vacation application proposes to only vacate a City of Las Vegas public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

NOTICES MAILED 4 by City Clerk

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-4457** APN: 138-30-815-06A
Name of Property Owner: LARRY KEEVER
Name of Applicant: Westmark Homes

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

Yes

 No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

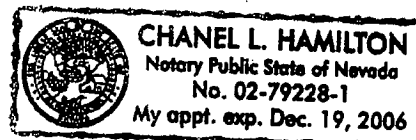
Signature of Property Owner/Authorized Agent: Luis Roa *

Print Name: LARRY KEEVER

Subscribed and sworn before me

This 15th day of April, 2004

Chanel Y. Hamilton
Notary Public in and for said County and State



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4460 - APPLICANT: WESTMARK HOMES - OWNER: ALEXANDER AND PAULA SPARKUHL - Request for a Petition to vacate a Public Drainage Easement at 9333 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WOLFSON – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 97 [VAC-4457] for all related discussion.

(2:19 – 2:21)

4-585

CONDITIONS:

1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 98 – VAC-4463

CONDITIONS Continued:

security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4460 - APPLICANT: WESTMARK HOMES - OWNER:
ALEXANDER AND PAULA SPARKUHL

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, conditions that require modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Petition to Vacate a 10-foot public drainage easement at 9333 Canyon Mesa Drive.

B) Applicant's Justification

The applicant's justification letter indicates the storm drain has been relocated and the public drainage easement is not necessary in its current configuration.

BACKGROUND INFORMATION

A) Previous Actions

- 06/03/87 The City Council approved a Rezoning (Z-44-87) to P-C (Planned Community) on this site as part of a larger request. The Planning Commission and staff recommended approval on May 26, 1987.
- 06/03/87 The Planning Commission approved the Final Map for Summerlin Village 3 – Unit No. 1B Canyon Terrace (FM-119-98) on this site, which was subsequently recorded creating the subject easement. The Planning and Development recommendation was for approval.
- 06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #16/mp).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a public drainage easement located in the Southeast Quarter (SE¼) Southeast Quarter (SE¼) of Section 30, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing public drainage easement because it is no longer needed in its current configuration. This request is appropriate, as the subject easement is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

This Vacation application proposes to only vacate a City of Las Vegas public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this Vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

NOTICES MAILED 4 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-4460** APN: 138-30-815-045
Name of Property Owner: Alexander & Paula Sparkuhl
Name of Applicant: Westmark Homes

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

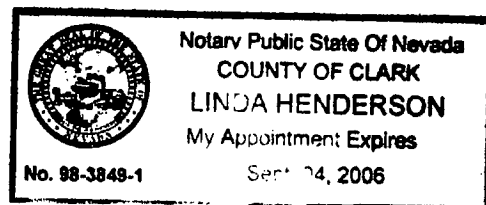
APN: _____

Signature of Property Owner/Authorized Agent: _____

Print Name: SPARKUHL

Subscribed and sworn before me

This 11 day of May, 2004
Linda Henderson
Notary Public in and for said County and State



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4463 - APPLICANT: WESTMARK HOMES -
OWNER: MARTIN AND SIV ADAMS - Request for a Petition to vacate a Public Drainage
Easement at 9421 Canyon Mesa Drive, Ward 2 (Wolfson). The Planning Commission (7-0 vote)
and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WOLFSON – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 97 [VAC-4457] for all related discussion.

(2:21 – 2:21)

4-647

CONDITIONS:

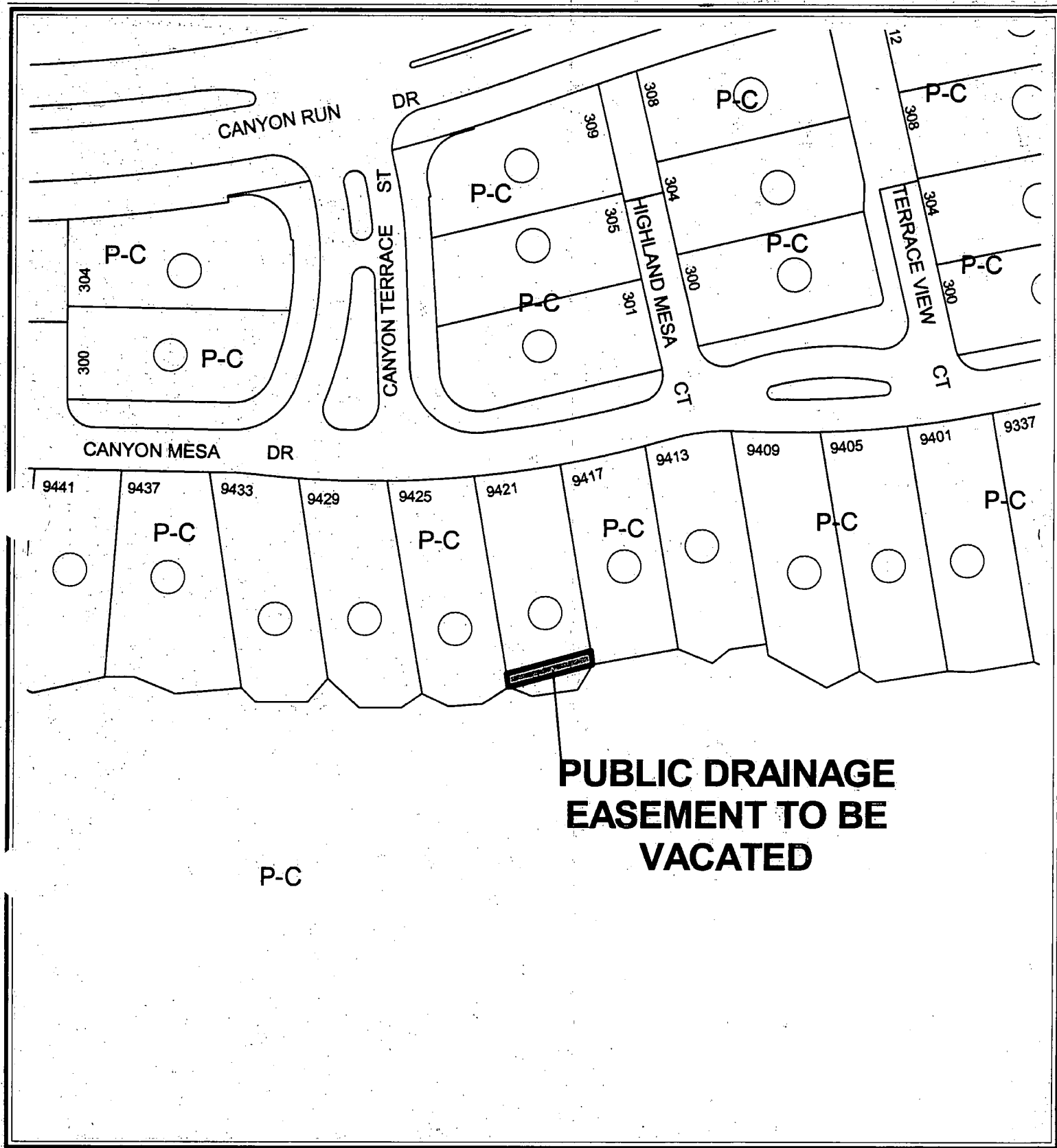
1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition #6 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 99 – VAC-4463

CONDITIONS Continued:

Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.

5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

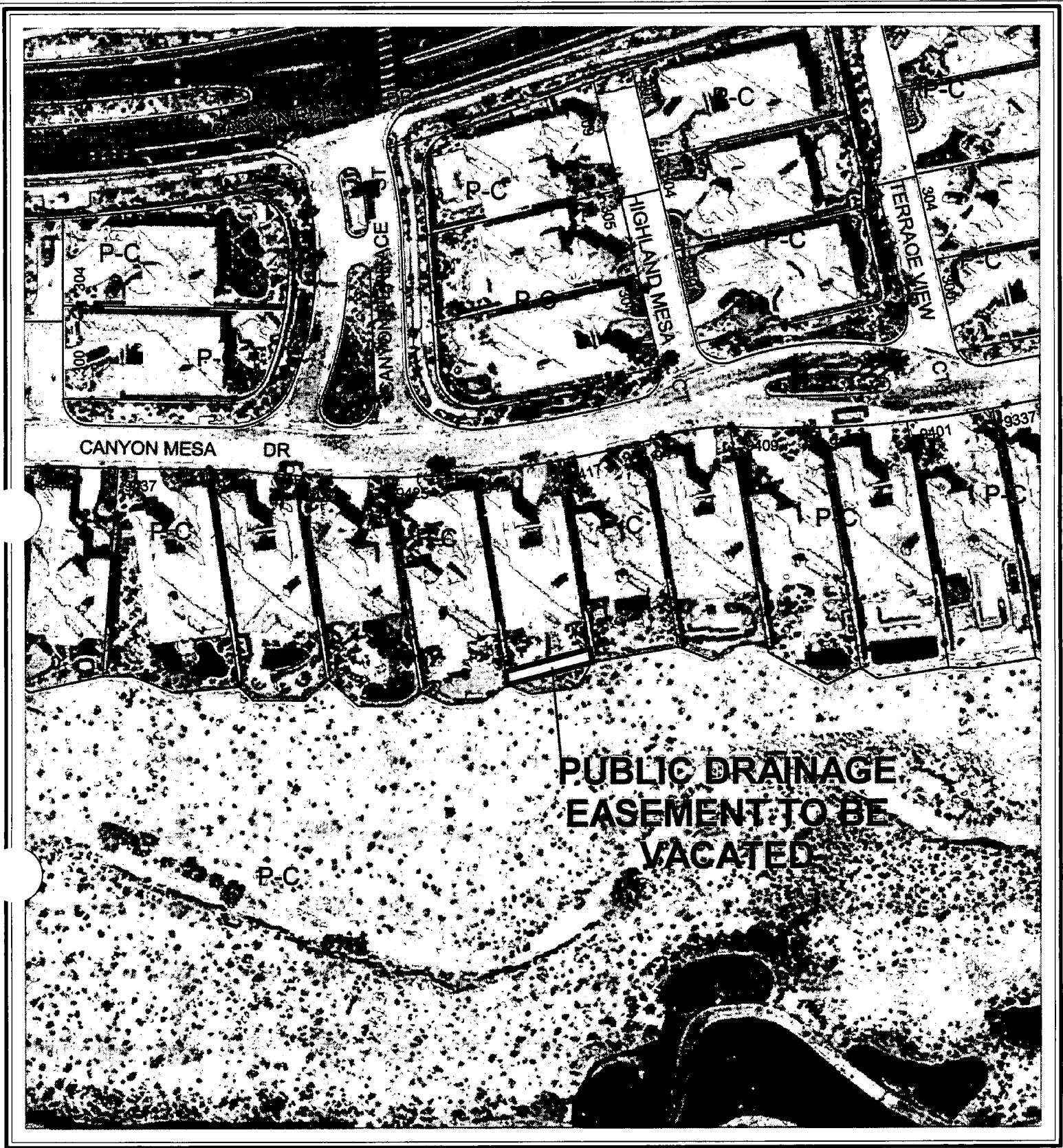


CASE: VAC-4463



99





0 80 160 Feet

CASE: VAC-4463



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4463 - APPLICANT: WESTMARK HOMES - OWNER:
MARTIN AND SIV ADAMS

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. Alternate drainage easements in accordance with the approved Drainage Study for the Canyon Terrace subdivision shall be recorded prior to or concurrent with the recordation of the Order of Vacation.
2. Prior to the recordation of an Order of Vacation, all public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that Condition #6 may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five-foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

Request for a petition to vacate a 10-foot public drainage easement located at the southernmost portion of 9421 Canyon Mesa Drive.

B) Applicant's Justification

The applicant's justification letter indicates the storm drain has been relocated and the public drainage easement is not necessary in its current configuration.

BACKGROUND INFORMATION

A) Previous Actions

- 06/03/87 City Council approved a rezoning (Z-44-87) to P-C (Planned Community) on this site as part of a larger request. Planning Commission and staff recommended approval on May 26, 1987.
- 06/03/87 Planning Commission approved the Final Map for Summerlin Village 3 – Unit No. 1B Canyon Terrace (FM-119-98) on this site; its subsequent recording created the subject easement. Planning and Development recommended approval.
- 06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #17/srs).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a ten-foot (10') wide public drainage easement located in the Southwest Quarter (SW¼) of the Southeast Quarter (SE¼) of Section 30, Township 20 South, Range 60 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the existing public drainage easement because it is no longer needed in its current configuration. This request is appropriate, as the subject easement is not needed and will not result in reduced access through the area.

B) Public Works discussion

This Vacation application proposes to only vacate a City of Las Vegas public drainage easement. As no right-of-way is proposed to be vacated, and thus no franchise rights are involved, it is not necessary to send this vacation request to the utility companies and franchise holders, nor wait for their responses. Since only City easements are involved; any utility company interests will not be affected.

NOTICES MAILED 4 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

VAC-4463

Case Number: _____ APN: 138-30-815-052

Name of Property Owner: Martin & Siv Adams

Name of Applicant: Westmark Homes

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

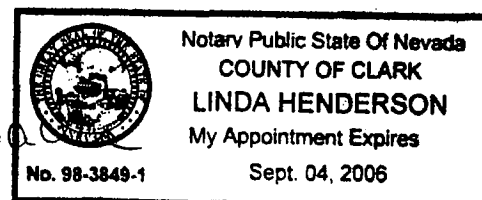
Signature of Property Owner/Authorized Agent: [Signature]

Print Name: Martin Adams

Subscribed and sworn before me

This 21 day of April, 2004

[Signature]
Notary Public in and for said County and State



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

VACATION - PUBLIC HEARING - VAC-4472 - APPLICANT: WARMINGTON HOMES NEVADA - OWNER: WARMINGTON MOUNTAIN VIEW ASSOCIATION - Request for a Petition to vacate the south 10 feet of an existing BLM Grant of Easement generally located south of Alexander Road, east of Vegas Vista Trail, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

BROWN – APPROVED subject to conditions – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

LISA FREESTONE, PBS&J, 2270 Corporate Circle Suite #100, appeared on behalf of the applicant and agreed with staff recommendation and conditions.

No one appeared in opposition.

MAYOR GOODMAN declared the Public Hearing closed.

(2:21 – 2:22)

4-655

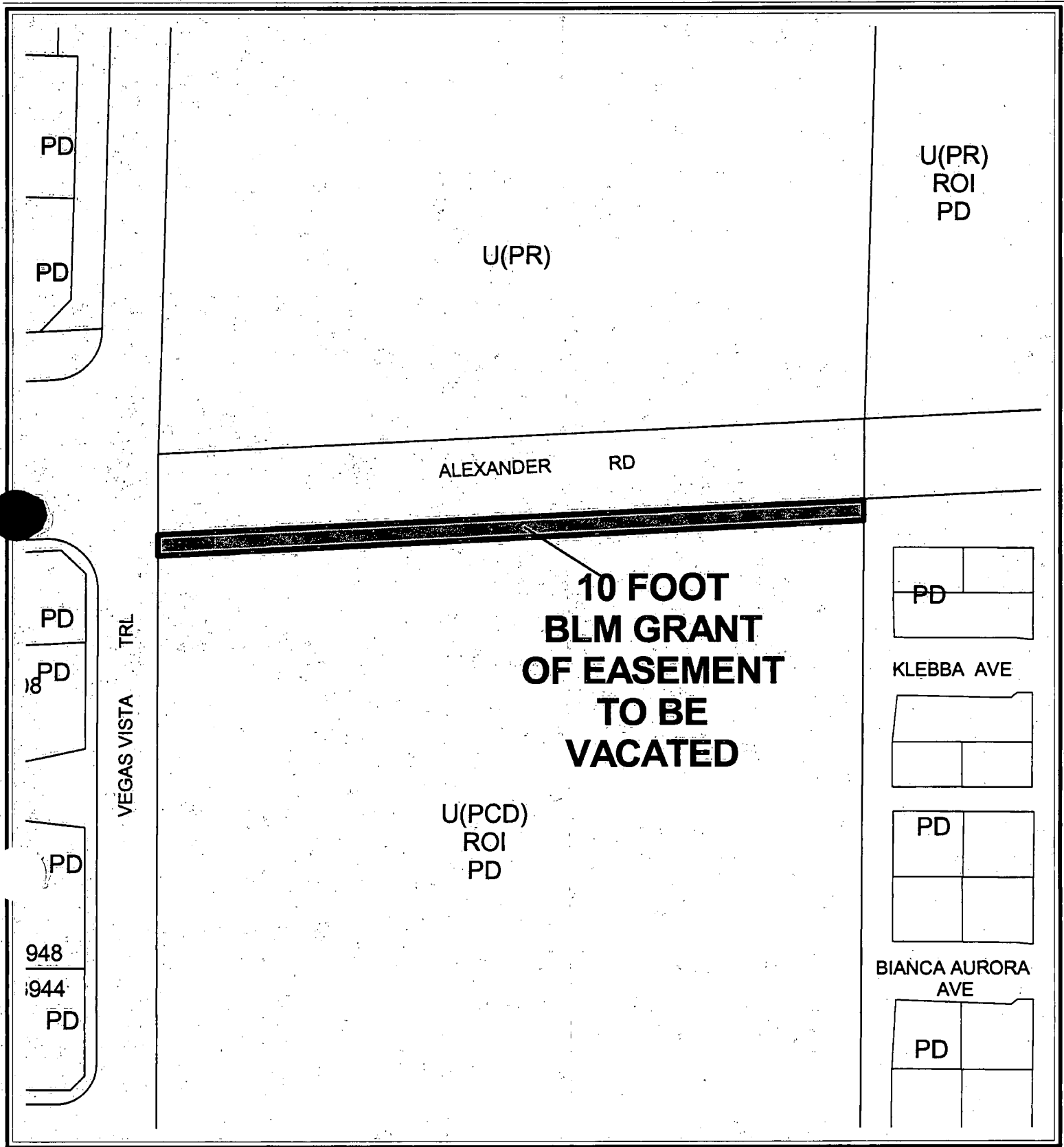
CONDITIONS:

1. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest or the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 100 – VAC-4472

CONDITIONS Continued:

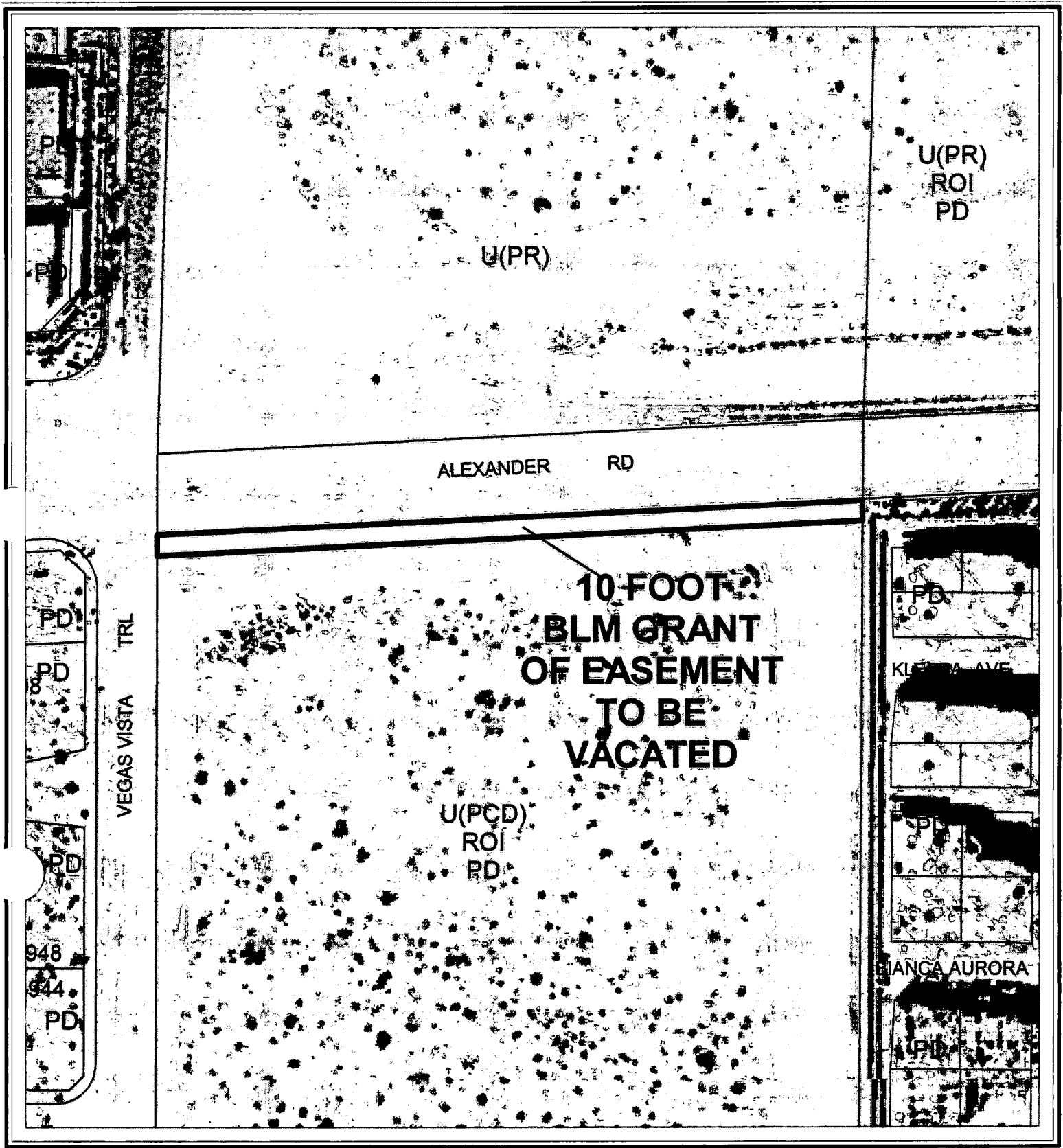
- study required by SDR-2475 may be used to satisfy this requirement provided that it addresses the area to be vacated.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
 3. All development shall be in conformance with code requirements and design standards of all City departments.
 4. The Order of Relinquishment of Interest or the Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
 5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.



CASE: VAC-4472

0 50 100 Feet





CASE: VAC-4472

AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAC-4472 - APPLICANT: WARMINGTON HOMES NEVADA -
OWNER: WARMINGTON MOUNTAIN VIEW ASSOCIATION

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

1. A Drainage Plan and Technical Drainage Study or other related drainage information acceptable to the Flood Control Section must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Relinquishment of Interest or the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by SDR-2475 may be used to satisfy this requirement provided that it addresses the area to be vacated.
2. All existing public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
3. All development shall be in conformance with code requirements and design standards of all City departments.
4. The Order of Relinquishment of Interest or the Order of Vacation shall not be recorded until all of the conditions of approval have been met provided, however, that that conditions requiring modification of public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way or easement being vacated must be retained.
5. If the Order of Vacation is not recorded within one (1) year after approval by the City Council and the Planning and Development Director does not grant an Extension of Time, then approval will terminate and a new petition must be submitted.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

This request is for a Petition to Vacate a Bureau of Land Management Grant of Easement generally located south of Alexander Road, east of Vegas Vista Trail.

B) Applicant's Justification

The applicant's justification letter indicates they are requesting to vacate the BLM Grant of Easement per condition number 11 of their Sight Development Plan Review (SDR-2475).

BACKGROUND INFORMATION

A) Previous Actions

- 06/23/97 The City Council approved a Rezoning (Z-0033-97) to PD (Planned Development) on this site as part of the overall Lone Mountain Master Plan. The Planning Commission and staff recommended approval on June 12, 1997.
- 08/06/03 The City Council approved a Major Modification (MOD-2476) to the Lone Mountain Master Plan to designate this site as M (Multi-Family Medium). The Planning Commission and staff recommended approval on July 10, 2003.
- 09/17/03 The City Council approved a Site Development Plan Review (SDR-2475) for the 80 Unit Condominium Development on this site. The Planning Commission and staff recommended approval on August 14, 2003.
- 03/25/04 The Planning Commission approved a Tentative Map for Lone Mountain Condos Phase II (TMP-3892) for the 80 Unit Condominium Subdivision on this site. The Planning and Development Department recommendation was for approval.
- 06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #18/mp).

DETAILS OF APPLICATION REQUEST

The subject Vacation proposes to vacate a Bureau of Land Management Grant of Easement located in the Northeast Quarter (NE¼) of the Northeast Quarter (NE¼) of Section 12, Township 20 South, Range 59 East, M.D.M.

ANALYSIS

A) Planning discussion

The applicant intends to vacate the Bureau of Land Management Grant of Easement because it is no longer needed in its current configuration. This request is appropriate, as the subject easement is not needed and will not result in reduced access traffic handling capability for the area.

B) Public Works discussion

The following information is presented concerning this request to vacate the existing BLM Grant of Easement:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *N/A as it will eliminate ten feet of excess right-of-way along the south side of Alexander Road.*
- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since it is an undeveloped road.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, it is to eliminate right-of-way that will never be utilized.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, SDR-2475, MOD-2476 and The Lone Mountain Condominiums development.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NOTICES MAILED 3 by City Clerk

APPROVALS 0

PROTESTS 0



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4397 - APPLICANT: SUNRISE ADULT DAY CARE, INC. - OWNER: KINDER CARE LEARNING CENTER, INC. - Request for a Variance TO ALLOW 10 PARKING SPACES WHERE 19 SPACES IS THE MINIMUM REQUIRED on 0.54 acres at 4944 Vegas Drive (APN: 138-24-803-022), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WEEKLY - APPROVED subject to conditions - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 101 [VAR-4397] and Item 102 [SUP-4382].

SHARON TYNER SABRAW, Greater Nevada Planning, 2756 North Green Valley Parkway, Suite 177, appeared on behalf of the applicant.

BEATRICE TURNER, West Las Vegas resident, questioned the purpose of the facility. MS. SABRAW indicated it would be similar to a day care center with daytime only hours and would be a place for the elderly to stay during the day when family members cannot care for them. MS. TURNER was offended by using the term childcare in the description. MS. SABRAW stated the company is in complete compliance with the Social Service Provider laws and regulations. MS. TURNER stated she would be touring the adult day care facility when it opened.

No one appeared in opposition.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 101 – VAR-4397

MINUTES Continued:

MAYOR GOODMAN declared the Public Hearing closed on Item 101 [VAR-4397] and Item 102 [SUP-4382].

NOTE: All discussion for Item 101 [VAR-4397] and Item 102 [SUP-4382] was held under Item 101 [VAR-4397].

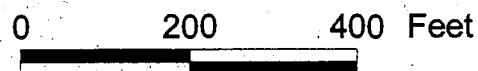
(2:22 – 2:25)

4-679

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit SUP-4382.
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.



ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: VAR-4397 - APPLICANT: SUNRISE ADULT DAY CARE, INC.
- OWNER: KINDER CARE LEARNING CENTER

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Special Use Permit SUP-4382.
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Variance to allow 10 parking spaces where 19 are required in conjunction with a proposed Social Service Provider (Adult Day Care) at 4944 Vegas Drive. A related Special Use Permit (SUP-4383) will be considered concurrently with this application.

B) Applicant's Justification

The Variance request is justified due to the fact that the day care adults will be bused to the facility and no more than eight employees are expected to be working at any given time.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of a related item (SUP-4382).

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #23/fs).

B) Pre-Application Meeting

4/16/04 Issues discussed included the need for a parking variance, and the acknowledgement that there was no Adult Day Care use in Title 19 and the project would be reviewed as a Social Service Provider.

C) Neighborhood Meetings

A neighborhood meeting is not required for Variance applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.54

B) Existing Land Use

Subject Property: Vacant Building
North: Undeveloped
South: Commercial / Retail
East: Undeveloped
West: Commercial / Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: R (Rural Density Residential)
 South: M (Medium Density Residential), SC (Service Commercial)
 East: SC (Service Commercial)
 West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: R-E (Residence Estates)
 South: C-1 (Limited Commercial)
 East: U (Undeveloped) SC [(Service Commercial) General Plan Designation]
 West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is in compliance with the General Plan.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X

The subject is not located within any Special Area Plans or Overlay Districts.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Social Service Provider (Adult Day Care)	4,725 SF.	1/250 GFA	18	1	10	1

The proposal needs a Variance from Title 19 Parking requirements as 10 parking spaces are provided where 19 is the minimum required.

B) General Analysis and Discussion

The Adult Day Care will require less parking than a typical Social Service Provider because those who will be under its care will generally be driven or bused to the facility. The applicant has stated that no more than eight employees will be employed at any one time. The amount of parking provided is adequate for the Adult Daycare use, and the Variance request to allow 10 parking spaces where 19 is required is justified.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Because the majority of those who will be in the care of the proposed Adult Day Care will be bused or driven to the facility, the normal amount of parking required for a typical Social Service provider is not necessary in this situation. The amount of parking provided is adequate for the proposed use, and the Variance request to allow 10 parking spaces where 19 is required is justified.

NOTICES MAILED 96 by City Clerk

APPROVALS 0

PROTESTS 0



Case Number: **APN: 138-24-803-022**

Name of Applicant: SUNRISE ADULT DAY CARE, INC.

Yes ☒ No

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner/Authorized Agent:

Print Name: Bruce Walters Sr. V.P. and CDO

Subscribed and sworn before me

This 29 day of April, 2004

Notary Public in and for said County and State





SUP-4382 VAR-4397



AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:

SPECIAL USE PERMIT RELATED TO VAR-4397 - PUBLIC HEARING - SUP-4382 -
APPLICANT: SUNRISE ADULT DAY CARE, INC. - OWNER: KINDER CARE LEARNING CENTER, INC. - Request for a Special Use Permit FOR A PROPOSED SOCIAL SERVICE PROVIDER IN AN EXISTING BUILDING located at 4944 Vegas Drive (APN: 138-24-803-022), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

WEEKLY – APPROVED subject to conditions – UNANIMOUS

MINUTES:

NOTE: See Item 101 [VAR-4397] for all related discussion.
(2:22 – 2:25)

4-679

CONDITIONS:

Planning and Development

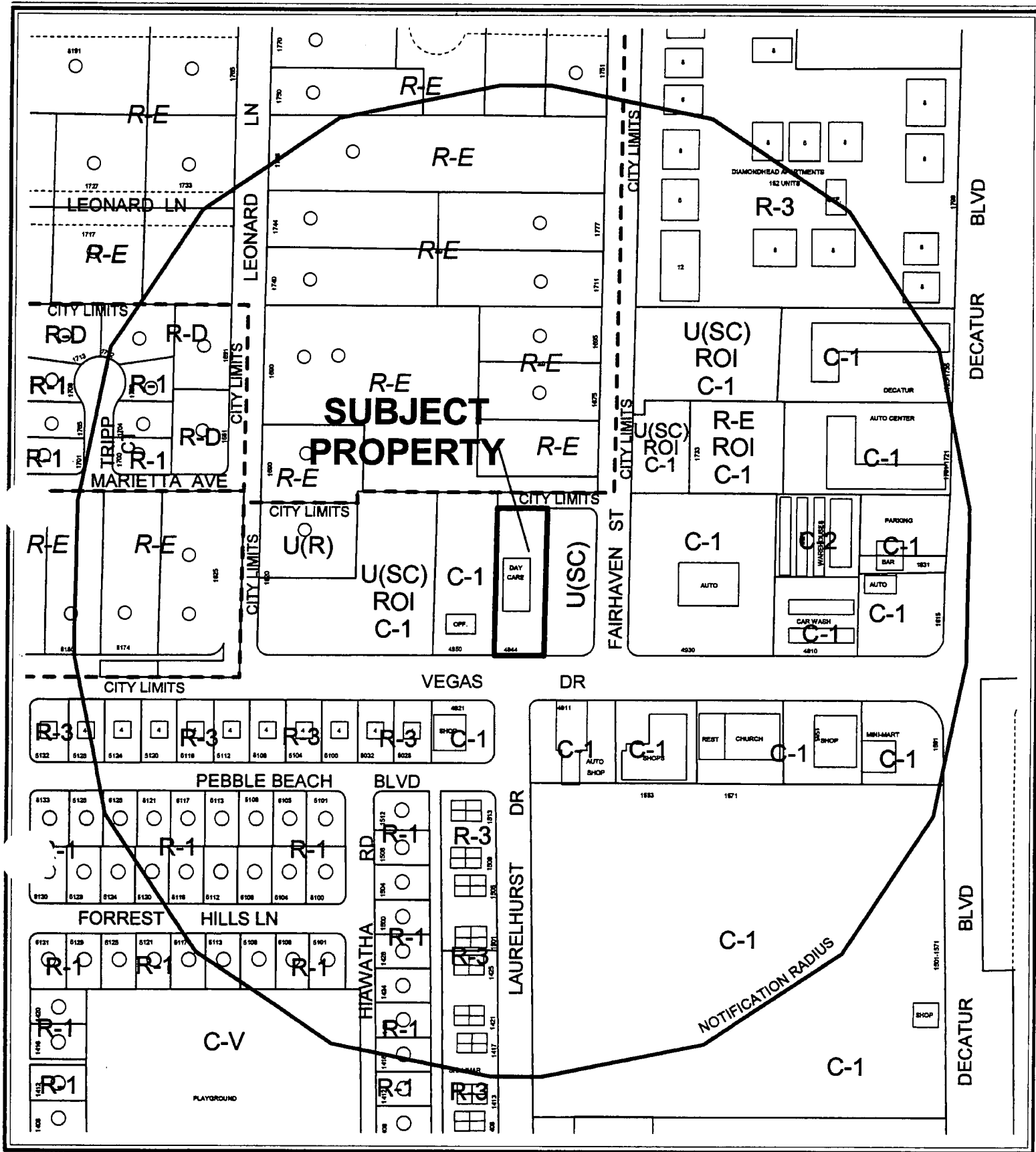
1. Conformance to all Minimum Requirements under Title 19.04.050 for the Social Service Provider use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 102 – SUP-4382

CONDITIONS Continued:

Public Works

4. Remove all substandard public street improvements and unused driveway cuts on Vegas Drive adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site.



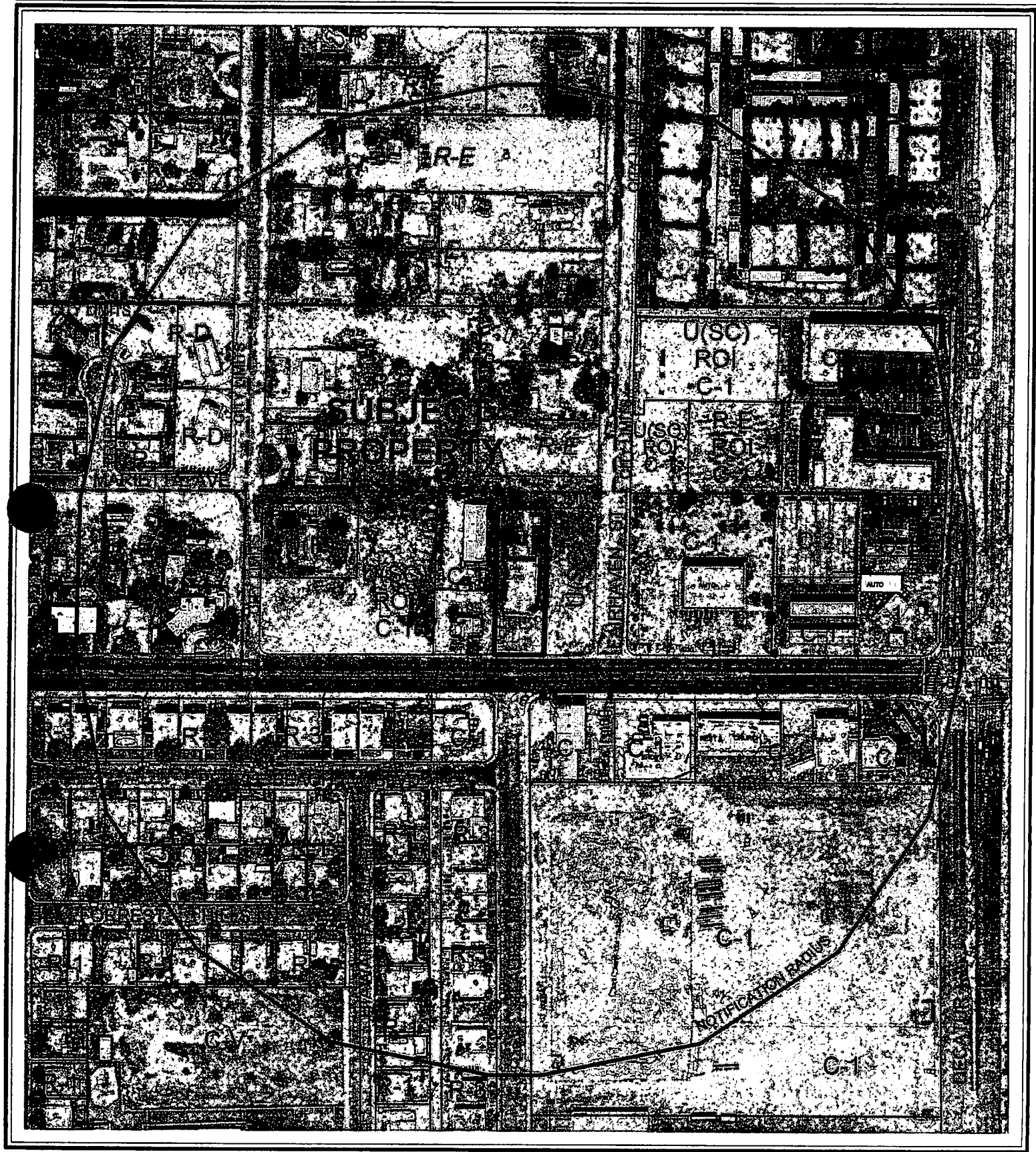
CASE: SUP-4382

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet





CASE: SUP-4382

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: C-1 (LIMITED COMMERCIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SUP-4382 - APPLICANT: SUNRISE ADULT DAY CARE, INC.
- OWNER: KINDER CARE LEARNING CENTER, INC.

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all Minimum Requirements under Title 19.04.050 for the Social Service Provider use.
2. This Special Use Permit shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.
3. All City Code requirements and design standards of all City departments must be satisfied.

Public Works

4. Remove all substandard public street improvements and unused driveway cuts on Vegas Drive adjacent to this site, if any, and replace with new improvements meeting current City Standards prior to occupancy of this site.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The request is for a Special Use Permit for a Social Service Provider (Adult Day Care) at 4944 Vegas Drive. A related Variance (VAR-4397) request will be considered concurrently with this application.

B) Applicant's Justification

The former use of the existing building was for childcare, which makes this location perfect for the proposed use. In addition, the applicant will upgrade the existing facility to accommodate all current building codes.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of a related item (VAR-4397).

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #24/fs).

B) Pre-Application Meeting

4/16/04 Issues discussed included the need for a parking variance, and the acknowledgement that there was no Adult Day Care use in Title 19 and the project would be reviewed as a Social Service Provider.

C) Neighborhood Meetings

A neighborhood meeting is not required for Special Use Permit applications.

DETAILS OF APPLICATION REQUEST

A) Site Area

Gross Acres: 0.54

B) Existing Land Use

Subject Property: Vacant Building
 North: Undeveloped
 South: Commercial / Retail
 East: Undeveloped
 West: Commercial / Retail

C) Planned Land Use

Subject Property: SC (Service Commercial)
 North: R (Rural Density Residential)
 South: M (Medium Density Residential), SC (Service Commercial)
 East: SC (Service Commercial)
 West: SC (Service Commercial)

D) Existing Zoning

Subject Property: C-1 (Limited Commercial)
 North: R-E (Residence Estates)
 South: C-1 (Limited Commercial)
 East: U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation]
 West: C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is designated SC (Service Commercial) on the Southwest Sector Map of the General Plan. This allows low to medium intensity retail, office, or other commercial uses that serve primarily local area patrons, and that do not include more intense general commercial characteristics. The existing C-1 (Limited Commercial) zoning district is in compliance with the General Plan, and the proposed Social Service Provider (Adult Day Care) is a permitted use with the approval of a Special Use Permit.

<i>SPECIAL DISTRICTS/ZONES</i>	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification	X	
Development Impact Notification Assessment		X
Project of Regional Significance	X	

County Notification

Property located within the notification radius falls within sections of unincorporated Clark County. The Clark County Planning Department has been notified of the land use application. No responses have been reviewed.

INTERAGENCY ISSUES

Pursuant to Ordinance No. 5477, the proposed project is deemed to be a "Project of Regional Significance" for the following reasons:

- 1) Any Special Use Permit within 500' of Clark County.

An Environmental Impact Assessment questionnaire was circulated to the affected Agencies and Entities for the mandated 15-day period and no significant issues were identified.

The Planning Commission is to take the Environmental Impact Assessment into consideration prior to make a decision on the proposal.

ANALYSIS

A) *Zoning Code Compliance*

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Social Service Provider (Adult Day Care)	4,725 SF.	1/250 GFA	18	1	10	1

A Variance (VAR-4397) has been requested to provide relief from Title 19 parking requirements.

A2) Minimum Distance Separation Requirements

There are no Minimum Separation Distance Requirements in the Zoning Code that apply to the proposed Social Service Provider (Adult Daycare) use, and there are there are no similar approved uses within the 750-foot notification distance.

B) *General Analysis and Discussion*

- Zoning

The C-1 (Limited Commercial) District is intended to provide most retail shopping and personal services. This district should be located on the periphery of residential neighborhoods and should be confined to the intersections of primary and secondary thoroughfares along major retail corridors. The C-1 (Limited Commercial) District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

- Use

A Social Service Provider is a facility that provides assistance to persons with limited ability for self-care, but for who medical care is not a major element. The term includes a facility that provides assistance concerning psychological problems, employment, learning disabilities or physical disabilities, but does not include a rescue mission or homeless shelter. The proposed Adult Day Care is intended for adults who require living assistance for short periods of time while their primary caretakers are unavailable. There is a companion Variance request to allow 10 parking spaces where 19 are required. The recommendation for the Variance is approval because those who will be under the Adult Day Care's supervision will generally be driven or bused to the facility. This results in the facility needing less parking than a typical Social Service Provider.

FINDINGS

In order to approve a Special Use Permit application, per Title 19.18.060 the Planning Commission and City Council must affirm the following:

1. **"The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan."**

The proposed Social Service Provider (Adult Day Care) provides a buffer between the intense commercial uses along Vegas Drive, and the single-family residential units to the north. Therefore the proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.

2. **"The subject site is physically suitable for the type and intensity of land use proposed."**

The subject site will be physically suitable for the proposed Social Service Provider (Adult Day Care) with the approval of the companion Variance (VAR-4397) to allow 10 parking spaces where 19 are required. The proposed Adult Day Care will not require as many parking spaces as a typical Social Service Provider because the majority of the people in its care will be bused or driven to the facility. The recommendation for the Variance is approval.

3. **"Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use."**

The site will receive access via a drive from Vegas Drive, a Secondary (80-foot) Collector on the Master Plan of Streets and Highways, which will be adequate in size to meet the requirements of the proposed use.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The site will be subject to ongoing inspection and will therefore not compromise the public health, safety, and welfare or the overall objectives of the General Plan.

NOTICES MAILED 96 by City Clerk

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

SUP-4382

Case Number: _____ APN: 138-24-803-022

Name of Property Owner: KinderCare
KINDER-CARE LEARNING CENTERS, INC.

Name of Applicant: SUNRISE ADULT DAY CARE, INC.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

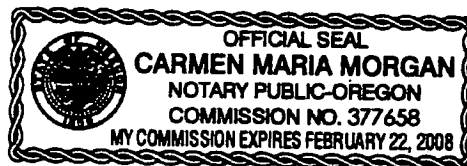
Signature of Property Owner/Authorized Agent: KinderCare Learning Centers, Inc.
by: [Signature]

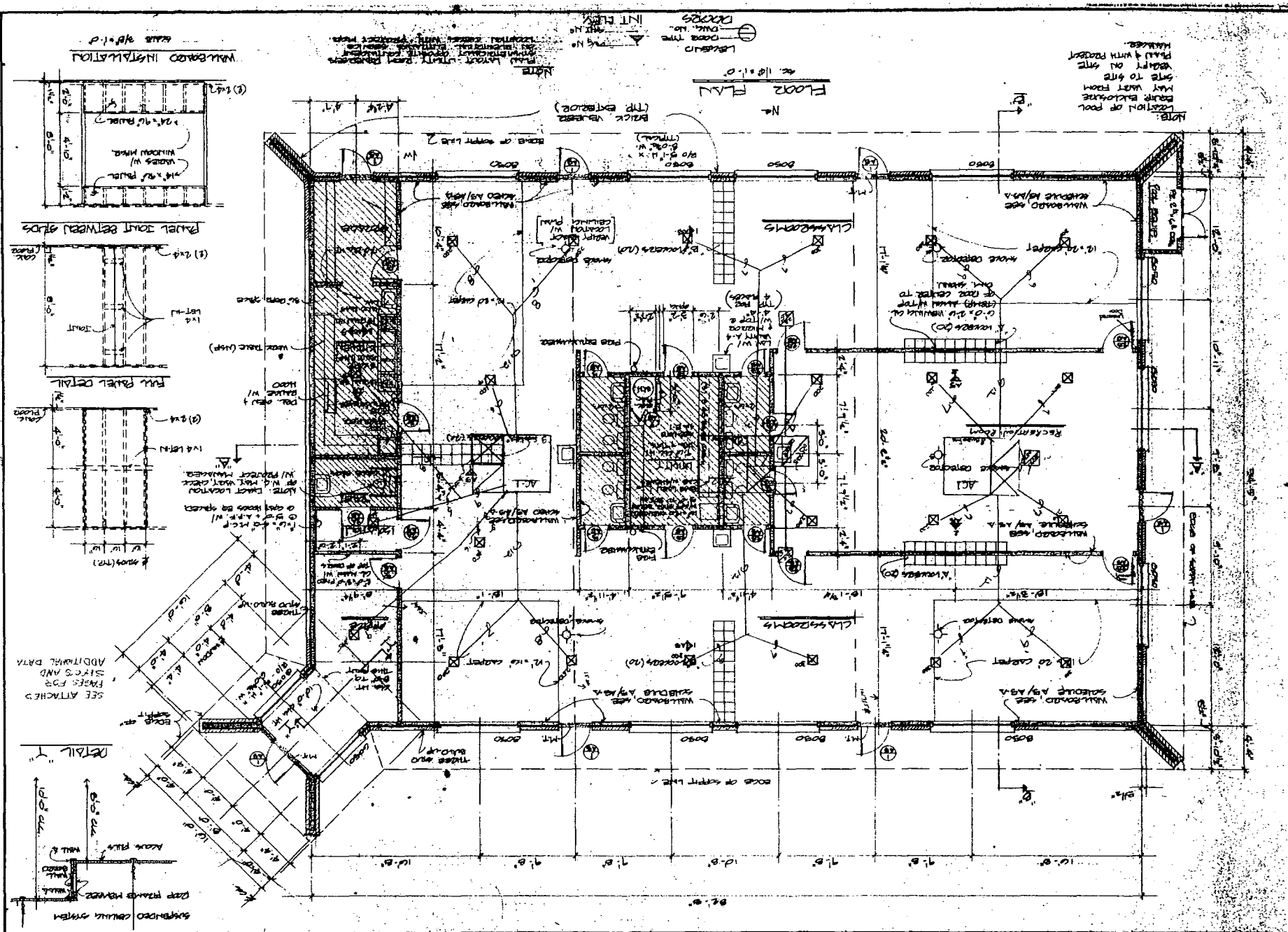
Print Name: Bence Watkins, Sr VP and COO

Subscribed and sworn before me

This 13 day of April, 2004

Carmen Maria Morgan
Notary Public in and for said County and State





SUP-4382 VAR-4397

STAFF

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR:

ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VARIANCE - PUBLIC HEARING - VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA - Request for a Variance TO ALLOW A ZERO SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED AND FOR A WAIVER OF THE REQUIRED LANDSCAPING on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 48

MOTION:

REESE - ABEYANCE to 9/1/2004 - UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open on Item 103 [VAR-4456] and Item 104 [SDR-4458].

KRASSIMIR TEOFILOV and DARINA STENEVA, 1943 Golden Vista Drive, appeared to answer Council's questions regarding the applications. COUNCILMAN REESE stated he had several questions and wanted to hold the item in abeyance. He requested that the applicant meet with him to discuss the project since they had not done so. The area is troublesome and similar uses are creating problems with car sales causing parking issues. He had concerns he wanted to discuss.

MR. TEOFILOV acknowledged MAYOR GOODMAN'S comments that it his responsibility to contact COUNCILMAN REESE'S office to make the appointment.

MAYOR GOODMAN declared the Public Hearing closed on Item 103 [VAR-4456] and Item 104 [SDR-4458].

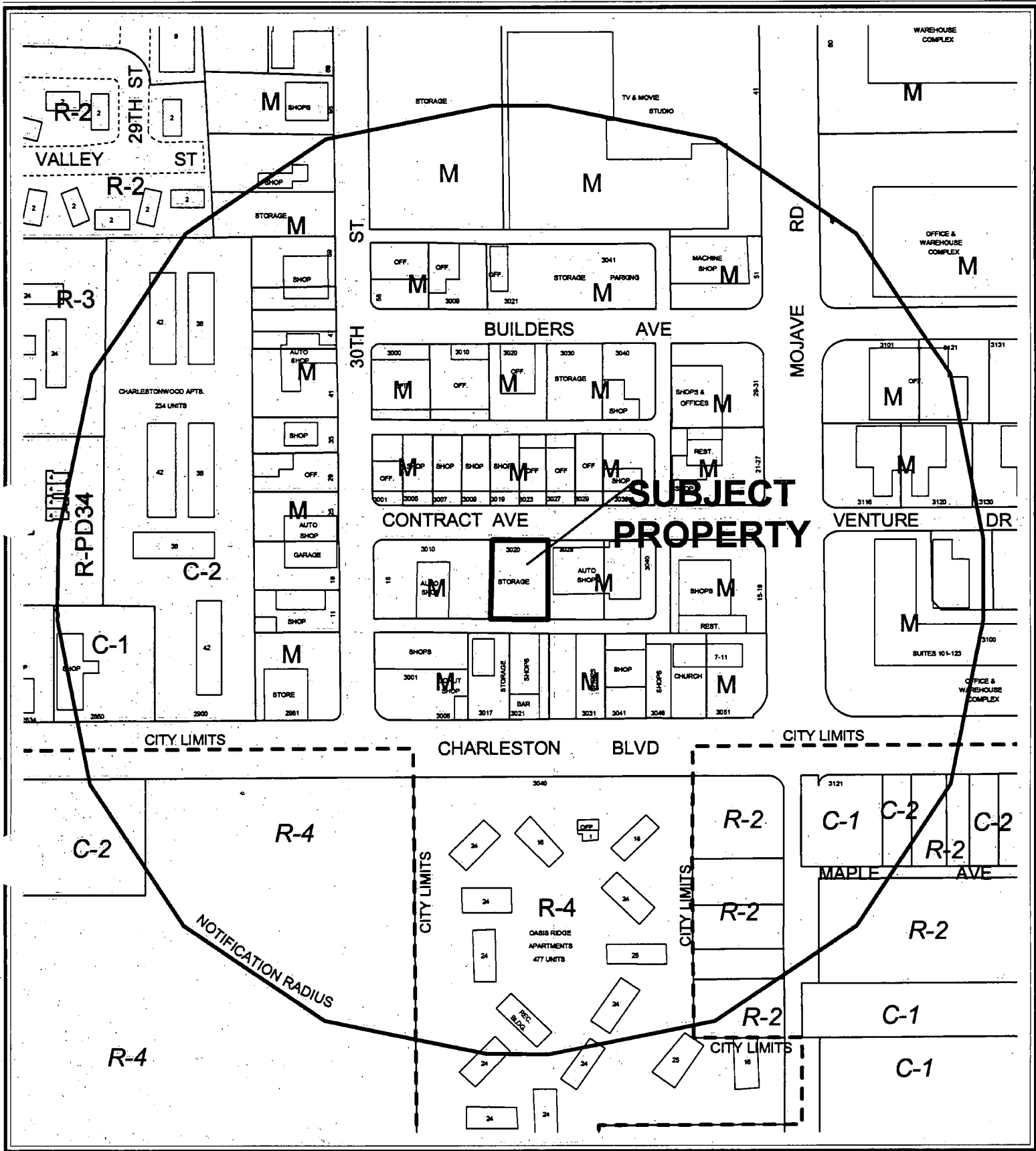
CITY COUNCIL MEETING OF JULY 21, 2004
Planning and Development Department
Item 103 – VAR-4456

MINUTES Continued:

NOTE: All discussion for Item 103 [VAR-4456] and Item 104 [SDR-4458] was held under Item 103 [VAR-4456].

(2:25 – 2:28)

4-788

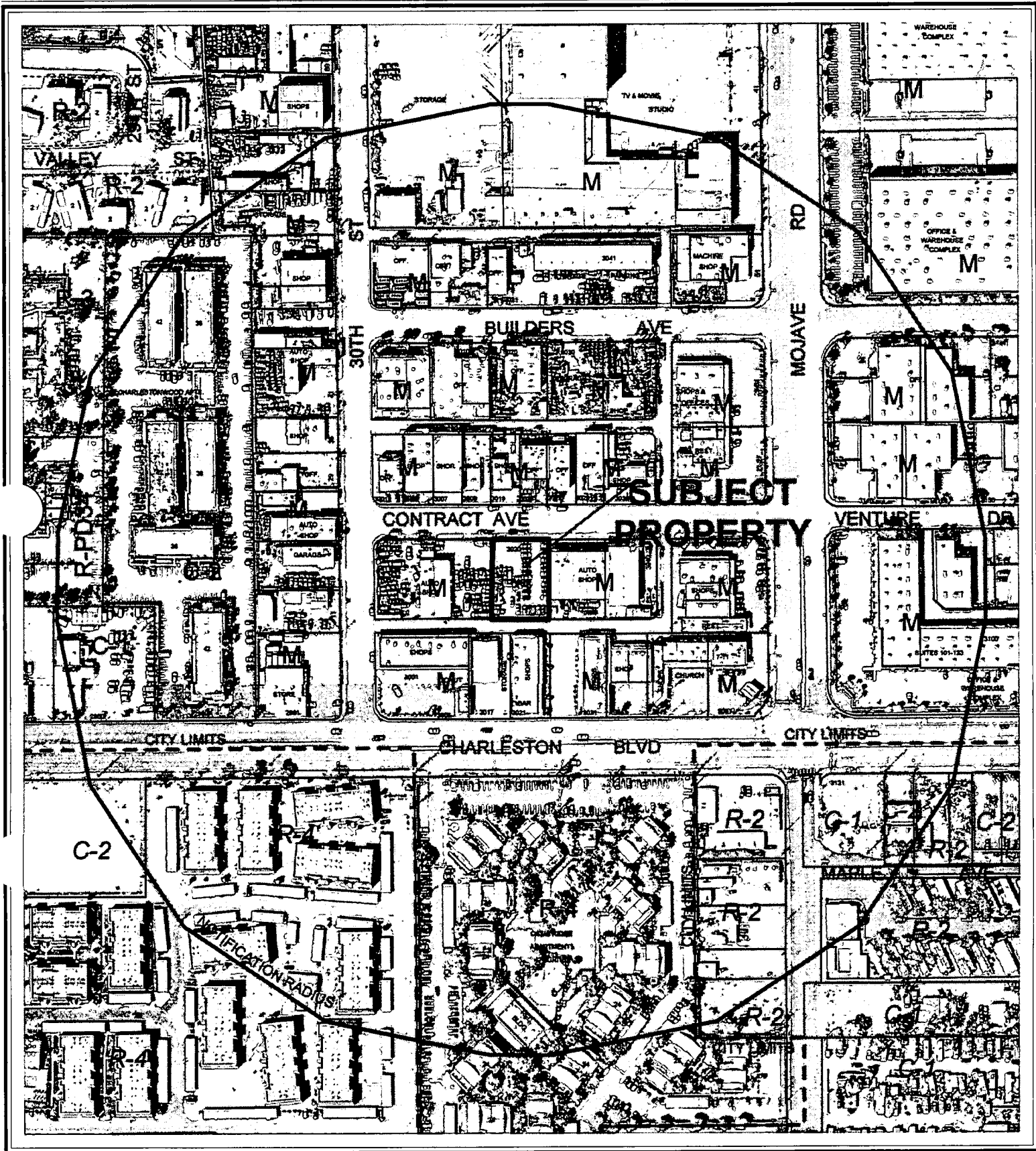


CASE: VAR-4456

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



CASE: VAR-4456

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV
AND DARINA STANEVA**

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval Site Development Plan Review (SDR-4458).
2. This Variance shall expire one year from the date of final approval, unless it is exercised or an Extension of Time is granted by the City Council.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting a variance to allow 0-foot side yard setbacks where 10 feet is the minimum required, as well as to allow a reduction in required landscaping along the front, side, and rear property lines for a proposed minor auto repair garage.

A site development plan review application (SDR-4458) was filed as a companion item to this variance request.

B) Applicant's Justification

The applicant justifies the request by stating that in order to accommodate the parking requirements due to the small lot size the reduction in setbacks and landscaping is warranted. Additionally, the applicant states that this condition is similar to other lots in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of companion item SDR-4458.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item #48/pl).

B) Pre-Application Meeting

04/29/04 At the pre-application meeting issues concerning the building setbacks, landscaping requirements, parking standards, and the trash enclosure were discussed. A variance to allow 0-foot side yard setbacks where 10 feet is the minimum, as well as to allow for a reduction of landscaping along the front, side, and rear property lines was discussed.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.3

B) Existing Land Use

Subject Property: Outdoor Motor Vehicle Storage
North: Offices, Auto Garage
South: Tavern, General Commercial, Industrial Warehouse
East: Auto Garage
West: Auto Garage

C) Planned Land Use

Subject Property: LI/R (Light Industrial / Research)
North: LI/R (Light Industrial / Research)
South: LI/R (Light Industrial / Research)
East: LI/R (Light Industrial / Research)
West: LI/R (Light Industrial / Research)

D) Existing Zoning

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: M (Industrial)
West: M (Industrial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industrial / Research) within the Southeast Sector Land Use Map of the General Plan. This industrial category allows for clean, low intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. The M (Industrial) zoning designation is in compliance with the LI/R (Light Industrial / Research) General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	13,435 Feet	Y
Min. Lot Width	N/A	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	87.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	N/A
• Rear	0 Feet	20 Feet	Y
Max. Lot Coverage	N/A	22.3%	Y
Max. Building Height	N/A	18.6 Feet	Y
Trash Enclosure	YES	YES	Y

The location of the proposed building fails to meet the required 10-foot minimum side yard setback and will require a variance from Title 19.08.050.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required Parking		Provided Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage	3000 SF.	5 Spaces + 1/200 GFA	19	1	19	1

The proposed development meets the required number of parking space for an auto repair garage of such magnitude.

A3) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Space	6 Trees	6 Trees
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	16 Trees	12 Trees
• Min. Zone Width			
Side & Rear Yard	8 Feet		0 Feet*
Front Yard	15 Feet		0 Feet**

*The applicant has provided zero feet of landscaping buffer along the rear property line. However the applicant has provided a series of triangle landscape planters along the side property line on the front portion of the site. Each of the triangular landscape planters contains a 24-inch box Blue Palaverda surrounded by rock ground cover. There are a total of 9 triangular landscape planters totaling 8 trees.

****The front property line consists of triangular landscape planters that emphasize the one-way flow of traffic onsite. The planters contain one 24-inch box Blue Palaverda, several Texas Ranger shrubs, and a rock ground cover. The front landscape buffer that has been provided consists of 5 triangular landscape planters containing 4 trees amongst them.**

B) General Analysis and Discussion

The surrounding area consists of abutting buildings that have little to no setbacks. The proposed development exhibits a genuine attempt at meeting the landscaping requirement with limited space available and providing a marked improvement to the neighborhood. Zero setback buildings predominate along Contract Avenue, therefore the site design is appropriate.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

The predomination of zero lot line development within this highly industrial neighborhood, in conjunction with narrowness of the parcel and limited site area culminate into sufficient evidence to allow the applicant relief from the zoning regulations in question by recommending approval of this variance request.

NOTICES MAILED 64 by City Clerk

APPROVALS 2

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: VAR-4456 APN: _____

Name of Property Owner: DARINA B. STANEVA

Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

 JB No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____ KRASSIMIR TEOFILOV

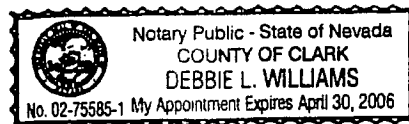
Signature of Property Owner/Authorized Agent: Darina Staneva

Print Name: DARINA STANEVA & KRASSIMIR TEOFILOV

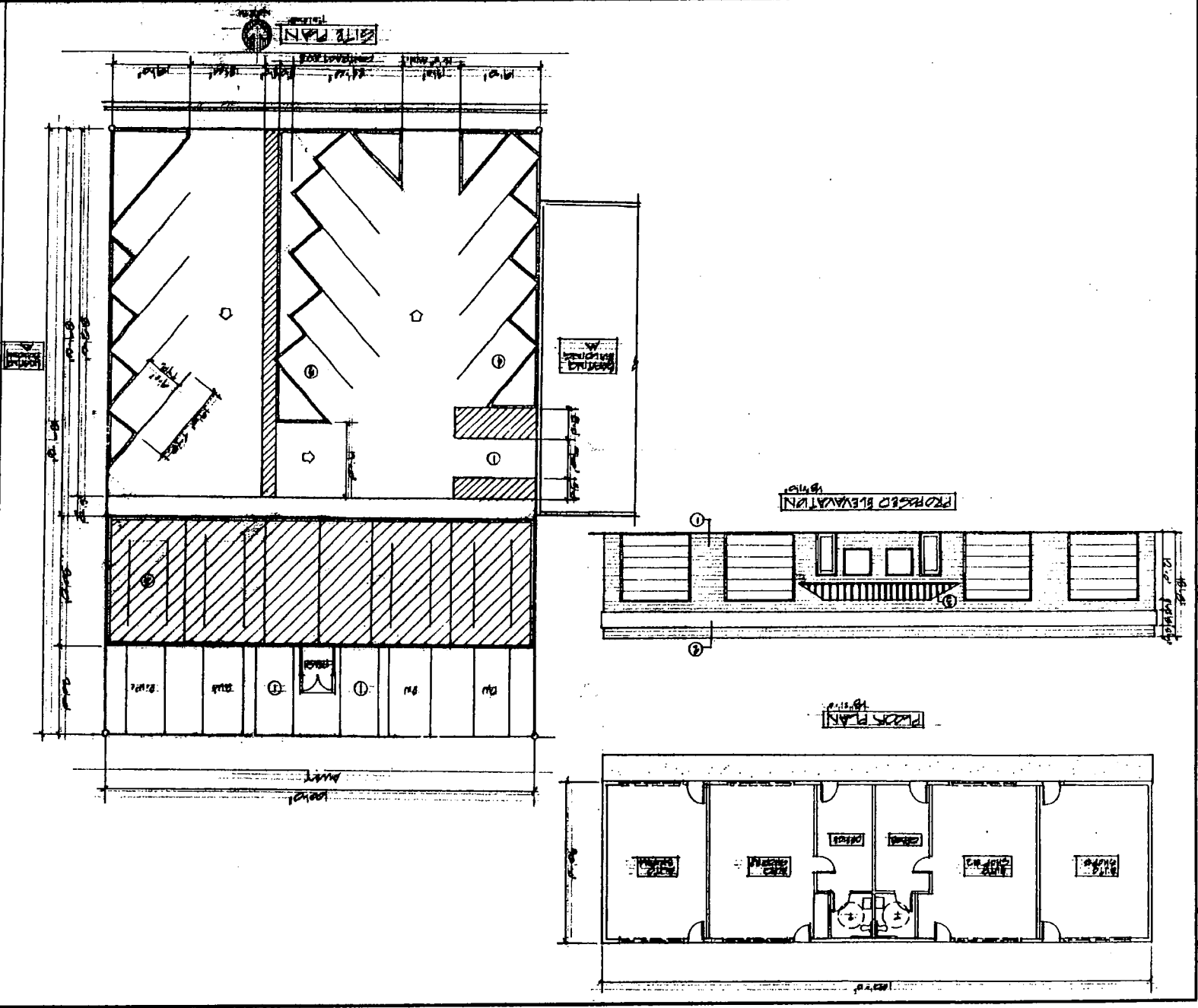
Subscribed and sworn before me

This 11 day of May, 2004

Debbie L. Williams
Notary Public in and for said County and State



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NOTES:

1. SEE PLAN

2. SEE PLAN

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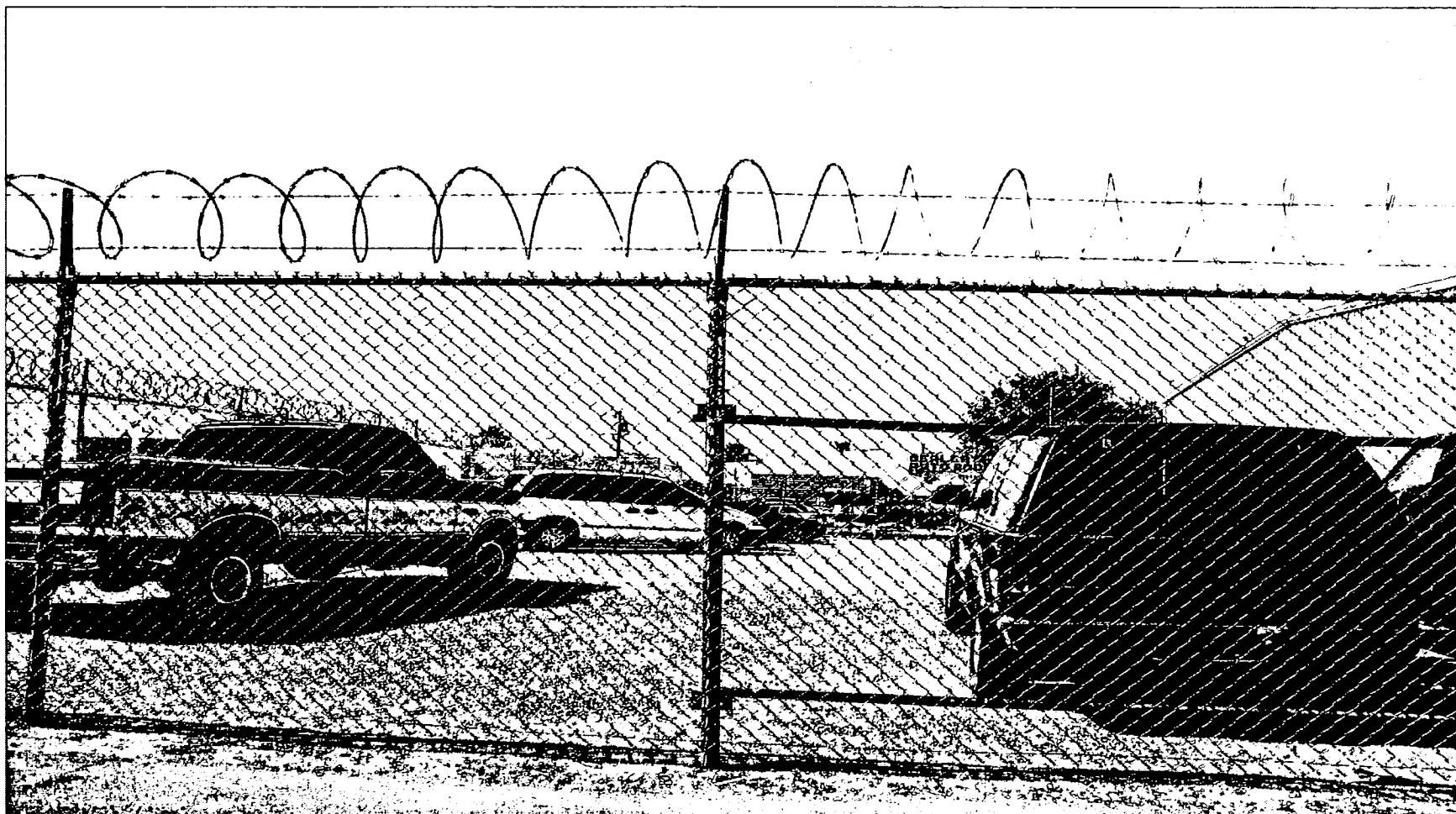
39. SEE PLAN

40. SEE PLAN

41. SEE PLAN

42. SEE PLAN

43. SEE PLAN



VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04



VAR-4456 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: JULY 21, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

SITE DEVELOPMENT PLAN REVIEW RELATED TO VAR-4456 - PUBLIC HEARING - SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA - Request for a Site Development Plan Review FOR A PROPOSED 3,000 SQUARE FOOT BUILDING FOR MINOR AUTO REPAIR GARAGE on 0.14 acres at 3020 Contract Avenue (APN: 139-36-812-008), M (Industrial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1
☐

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

2
☐

RECOMMENDATION:

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report
4. Back up referenced from the 6/24/2004 Planning Commission Item 49

MOTION:

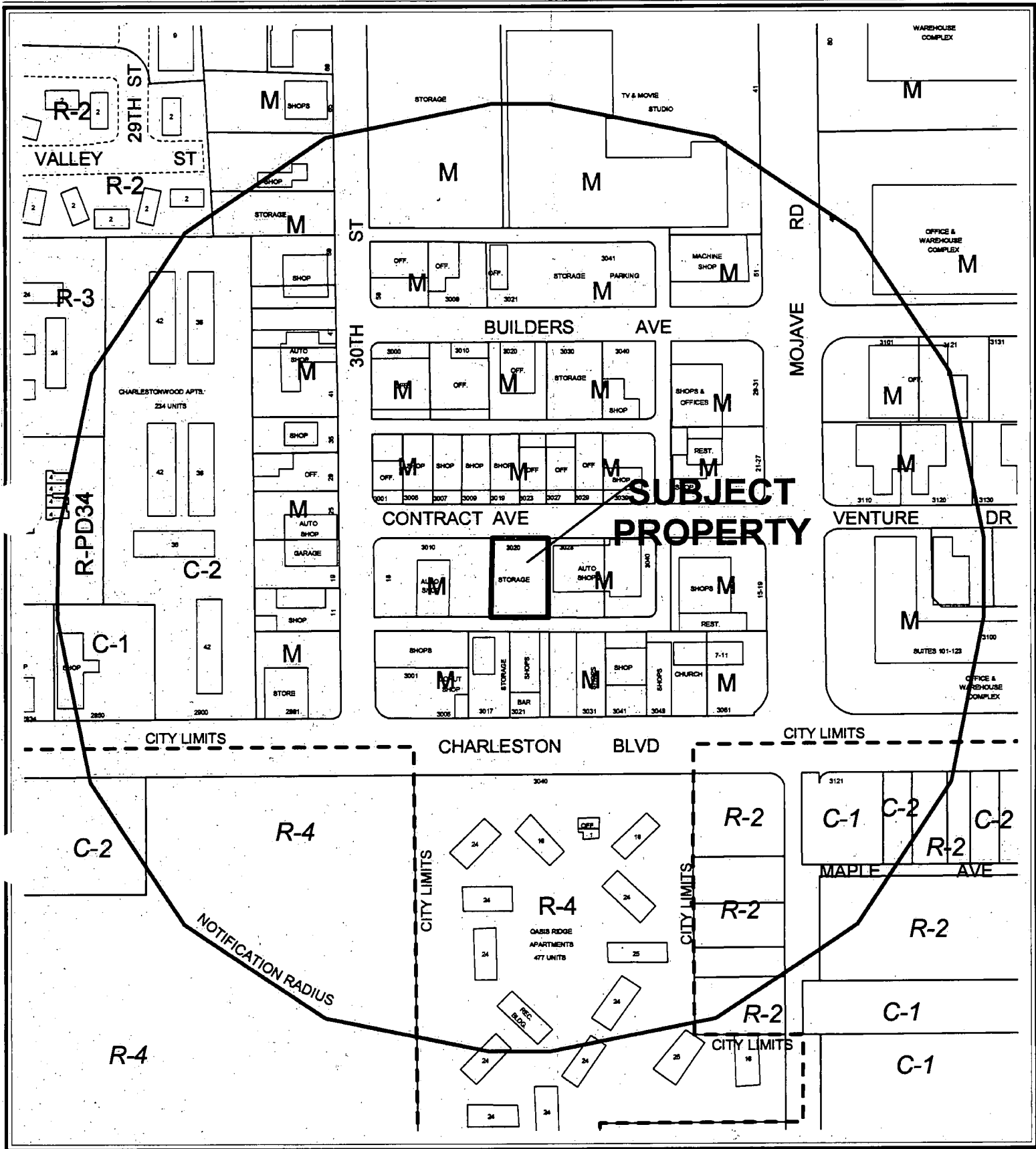
REESE - ABEYANCE to 9/1/2004 - UNANIMOUS

MINUTES:

NOTE: See Item 103 [VAR-4456] for all related discussion.

(2:25 - 2:28)

4-788



CASE: **SDR-4458**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet



AGENDA MEMO

CITY COUNCIL MEETING DATE: JULY 21, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA

**** CONDITIONS ****

The Planning Commission (7-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. All proposed trash enclosures shall be enclosed and have a roof.
2. Approval of a Variance (VAR-4456) by the City Council.
3. This Site Development Plan Review shall expire two years from date of final approval unless it is exercised or an Extension of Time is granted by the City Council.
4. All development shall be in conformance with the site plan and building elevations, date stamped July 21, 2004, except as amended by conditions herein.
5. Prior to the submittal of a building permit, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
6. Landscaping and a permanent underground sprinkler system shall be installed as required by the Planning Commission or City Council and shall be permanently maintained in a satisfactory manner. [Failure to properly maintain required landscaping and underground sprinkler systems should be cause for revocation of a business license.]
7. Prior to the issuance of building permits, a revised landscape plan must be submitted to and approved by the Department of Planning and Development showing a maximum of 12.5% of the total landscaped area as turf.
8. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize 'shoe-box' fixtures and downward-directed lights. Wallpack lighting shall utilize 'shoe-box' fixtures and downward-directed lights on the proposed building. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.

10. All utility boxes exceeding 27 cubic feet in size shall meet the standards of Municipal Code Section 19.12.050.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. Meet with the Fire Protection Engineering Section of the Department of Fire Services prior to submittal of a Tentative Map for this site. The Design and layout of all onsite private circulation and access drives shall meet the approval of the Department of Fire Services.

Public Works

13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City Standards concurrent with development of this site.
14. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222A.
15. If security entry gates are proposed for this site they shall remain fully open during the hours of operation, the installation of either swing gates or rolling gates are acceptable as long as no part of the gates, either in the opened or closed position, intrude into the public right-of-way.
16. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways as recommended.

**** STAFF REPORT ****

APPLICATION REQUEST

A) Action Requested

The applicant is requesting approval of a Site Development Plan Review for a proposed 3,000 square foot Auto Repair Garage, Minor facility, on .3 acres located at 3020 Contract Avenue, with zero sideyard setbacks and a waiver of perimeter landscaping.

B) Applicant's Justification

The applicant justifies the request by stating that in order to accommodate the parking requirements due to the small lot size the reduction in setbacks and landscaping is warranted. Additionally, the applicant states that this condition is similar to other lots in the neighborhood.

BACKGROUND INFORMATION

A) Previous Actions

06/24/04 The Planning Commission recommended approval of a companion Variance (VAR-4456) application.

06/24/04 The Planning Commission voted 7-0 to recommend APPROVAL (PC Agenda Item # 49/pl).

B) Pre-Application Meeting

04/29/04 At the pre-application meeting issues concerning the building setbacks, landscaping requirements, parking standards, and the trash enclosure were discussed. A variance to allow 0-foot side yard setbacks where 10 feet is the minimum, as well as to allow for a reduction of landscaping along the front, side, and rear property lines was discussed.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres: 0.3

B) Existing Land Use

Subject Property: Outdoor Motor Vehicle Storage

North: Offices, Auto Garage

South: Tavern, General Commercial, Industrial Warehouse

East: Auto Garage

West: Auto Garage

C) Planned Land Use

Subject Property: LI/R (Light Industrial / Research)
North: LI/R (Light Industrial / Research)
South: LI/R (Light Industrial / Research)
East: LI/R (Light Industrial / Research)
West: LI/R (Light Industrial / Research)

D) Existing Zoning

Subject Property: M (Industrial)
North: M (Industrial)
South: M (Industrial)
East: M (Industrial)
West: M (Industrial)

E) General Plan Compliance

The subject site is designated LI/R (Light Industrial / Research) within the Southeast Sector Land Use Map of the General Plan. This commercial category allows for clean, low intensity (non-polluting and non-nuisance) industrial uses, including light manufacturing, assembling and processing, warehousing and distribution, and research, development and testing laboratories. The M (Industrial) zoning designation is in compliance with the LI/R General Plan designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

PROJECT DESCRIPTION

The proposed project consists of the redevelopment of an existing outdoor vehicle storage yard, into a 3,000 square foot Minor Automotive Repair Garage. The building is to be place 20 feet off of the rear property line and consists of 4 work bays. The proposed building will abut both of the side property lines, therefore, requiring a variance from the 10-foot minimum side yard setback standard. The site has access from both Contract Avenue and a public alley running behind the site. Parking will be made available on both the front, through a one-way traffic circulation, and the rear portion via the public alley. The trash enclosure is proposed as being located at the rear of the building and will be accessible from the public alley.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

Pursuant to Title 19.08, the following Development Standards apply to the subject proposal:

Standards	Required	Requested	Compliance
Min. Lot Size	N/A	13,435 Feet	Y
Min. Lot Width	N/A	100 Feet	Y
Min. Setbacks			
• Front	10 Feet	87.5 Feet	Y
• Side	10 Feet	0 Feet	N
• Corner	10 Feet	N/A	N/A
• Rear	0 Feet	20 Feet	Y
Max. Lot Coverage	N/A	22.3%	Y
Max. Building Height	N/A	18.6 Feet	Y
Trash Enclosure	YES	YES	Y

The location of the proposed building fails to meet the required 10-foot minimum side yard setback and will require a variance from Title 19.08.050.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	GFA	Ratio	Required		Provided	
			Parking		Parking	
			Regular	Handicap	Regular	Handicap
Auto Repair Garage	3000 SF.	5 Spaces + 1/200 GFA	19	1	19	1

The proposed development meets the required number of parking space for an auto repair garage of such magnitude.

A3) Landscape and Open Space Standards

Pursuant to Title 19.12, the following Landscape Standards apply to the subject proposal:

Standards	Required		Provided
	Ratio	Trees	
Parking Area	1 Trees/ 6 Space	6 Trees	6 Trees
Buffer:			
• Min. Trees	1 Trees/ 30 Linear Feet	16 Trees	12 Trees
• Min. Zone Width			
Side & Rear Yard	8 Feet		0 Feet*
Front Yard	15 Feet		0 Feet**

*The applicant has provided zero feet of landscaping buffer along the rear property line. The applicant has provided a series of triangle landscape planters along the side property line on the front portion of the site. Each of the triangular landscape planters contains a 24-inch box Blue Palaverda surrounded by rock ground cover. There are a total of 9 triangular landscape planters totaling 8 trees.

**The front property line consists of triangular landscape planters that emphasize the one-way flow of traffic onsite. The planters contain one 24-inch box Blue Palaverda, several Texas Ranger shrubs, and a rock ground cover. The front landscape buffer that has been provided consists of 5 triangular landscape planters containing 4 trees amongst them.

A4) Sign Standards

The proposed site plan does not call out any signage to be placed on the subject property. Any future sign shall be held to the standards set forth by Title 19.14.060.

B) General Analysis and Discussion

- Zoning

The subject property is located within an M (Industrial) zoning district, which permits an Auto Repair Garage, Minor by right. The surrounding area shares the same zoning district and the uses that predominate in the vicinity are of an automotive repair nature. The proposed use is compatible with the surrounding area.

- Site Plan

The site plan illustrates a 3,000 square foot building that will be placed 20 feet from the rear property line and will abut the side property lines. A variance is required to allow a 0-foot side yard setback where a 10-foot minimum setback is required. Companion item VAR-4456 will address this issue in greater detail. The illustrated parking complies with the requirements set forth by Title 19.10.010 for an Auto Repair Garage. Access to the site is achieved either by means of a one-way drive off of Contract Avenue or by the public alley at the rear of the site.

- Waivers

The applicant is requesting a waiver of perimeter and parking lot landscaping.

- Landscape Plan

The supplied landscape plan depicts a series of triangular shape planters, consisting of 24-inch box Blue Palaverda, 5 gallon Texas Rangers, and rock ground cover. The landscape planters are located along the front property line and the both side property lines, on the front portion of the site. No landscaping has been made available behind the building and the landscaping provided on the rest of the site has no consistent depth as to satisfy the requirement of Title 19.12. A waiver is required to allow for the reduction of perimeter and internal parking landscaping requirements.

- Elevation

The building elevation plan shows an 18.6-foot tall structure with four auto repair bays. The building will be colored gray with a white decorative band close to the roofline around the building, as well as having a blue awning located over the entrances to the office section of the building. The proposed elevation is adequate and complies with the intent of the Title 19's design standards.

- Floor Plan

The floor plan depicts the building as being composed of two separate tenants, each consisting of two auto repair bays and an office. There is no internal access between offices; therefore it is recommended that the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

The proposed development at the subject property would be compatible with the surrounding industrial area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

The proposed development is consistent with the General Plan designation of LI/R (Light Industrial/Research). It is however not consistent with Title 19 and will require a variance from the Industrial District Development Standards for landscaping and setbacks. Variance VAR-4456 will address the setback issue. The waiver of landscaping can be supported because of the intensity of the use and the attempt of the applicant to provide as much landscaping that is possible considering the confines of the site.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

The site is accessible from Contract Avenue, a public street, and from the public alley that runs behind the subject property and will not have a negative impact on adjacent roadways or neighborhood traffic.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

The landscape materials are appropriate for this type of development. Building materials have not been addressed by the applicant and as so no determination can be made at this point as to the appropriateness.

5. **“Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;”**

The proposed elevation is adequate and complies with the intent of the Title 19’s design standards.

6. **“Appropriate measures are taken to secure and protect the public health, safety and general welfare.”**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

PLANNING COMMISSION ACTION

The City Council may wish to add a condition requiring the removal of the concertina barbed wire.

NOTICES MAILED 61 by Planning Department

APPROVALS 2

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-4458** APN: _____

Name of Property Owner: KRASSIMIR TEOFILOV

Name of Applicant: _____

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes

_____ ☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____ Darina Stanova

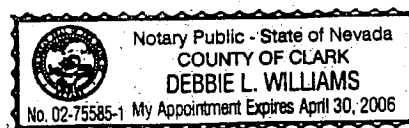
Signature of Property Owner/Authorized Agent: Krassimir Teofilov

Print Name: KRASSIMIR TEOFILOV & DARINA STANEVA

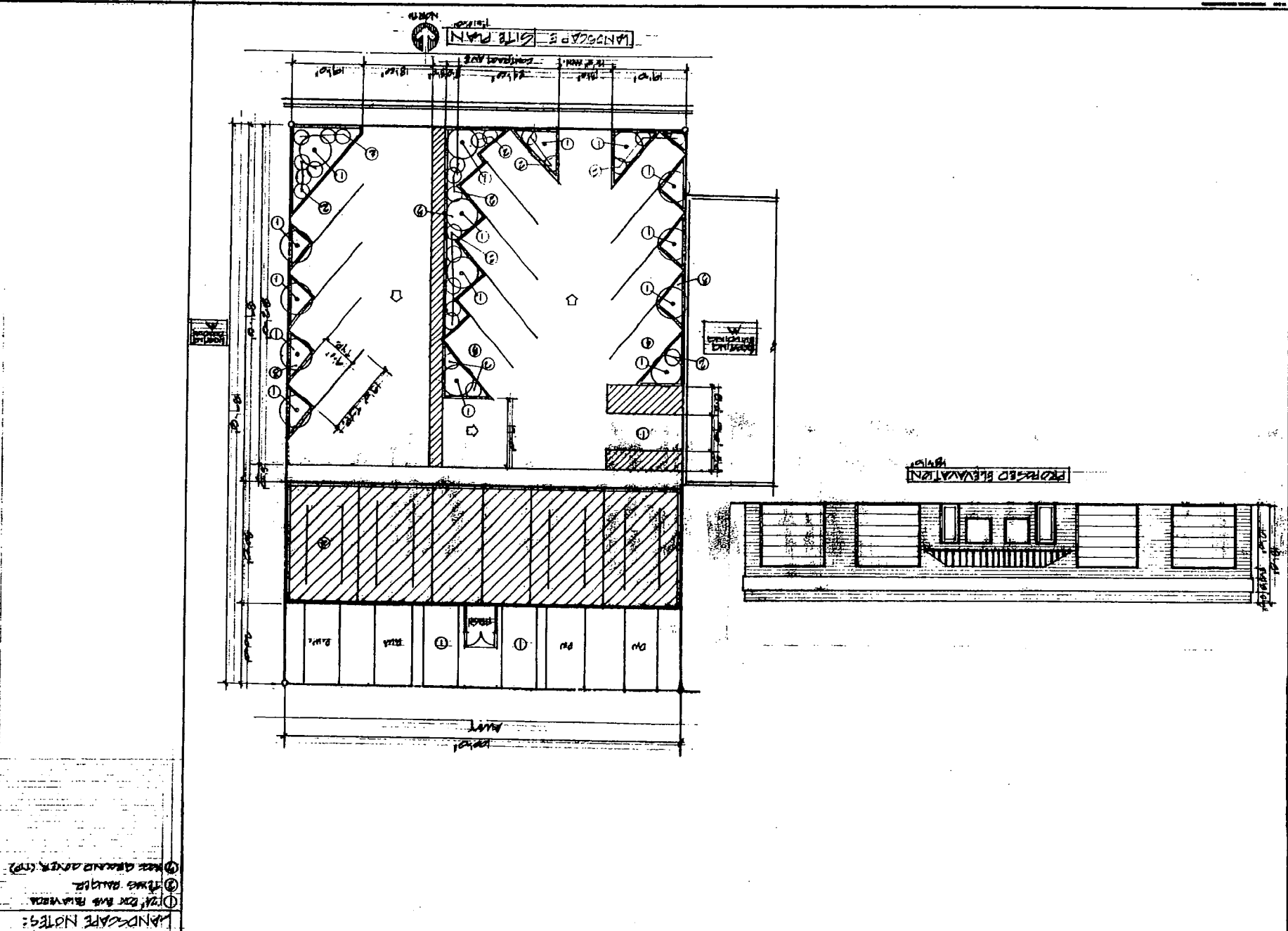
Subscribed and sworn before me

This 11 day of May, 2004

Debbie L. Williams
Notary Public in and for said County and State

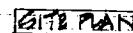


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LANDSCAPE NOTES:

- 1. 24" DIA. B&B PLANTERS
- 2. 18" DIA. B&B PLANTERS
- 3. 12" DIA. B&B PLANTERS
- 4. 6" DIA. B&B PLANTERS



6-24-04 PC



SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04



SDR-4458 - APPLICANT/OWNER: KRASSIMIR TEOFILOV AND DARINA STANEVA
3020 CONTRACT AVENUE
JUNE 24, 2004 PLANNING COMMISSION

6/1/04