

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
TUESDAY, AUGUST 17, 2004
4:00 P.M.

RECOMMENDING COMMITTEE: COUNCILWOMAN MONCRIEF AND COUNCILMAN WOLFSON

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

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

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 8/18/2004 CITY COUNCIL MEETING.

1. Bill No. 2004-51 – Annexation No. ANX-4437 – Property location: On the north side of Farm Road, 330 feet west of Grand Canyon Drive; Petitioned by: Lermusiaux Family Trust; Acreage. 5.14 acres; Zoned: R-E (County zoning), U (PCD) (City equivalent). Sponsored by: Councilman Michael Mack
2. Bill No. 2004-56 - Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement
3. Bill No. 2004-58 – Repeals Ordinance No. 5630, pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road). Proposed by: Bradford R. Jerbic, City Attorney

THE FOLLOWING BILLS MAY BE ELIGIBLE FOR ADOPTION AT THE 9/1/2004 CITY COUNCIL MEETING.

4. Bill No. 2004-52 – Revises the licensing and zoning standards applicable to hotel lounge bars. Proposed by: Robert S. Genzer, Director of Planning and Development
5. Bill No. 2004-53 – Updates the Town Center Development Standards Manual regarding the means of allowing certain finance-related uses. Proposed by: Robert S. Genzer, Director of Planning and Development
6. Bill No. 2004-54 – Allows private horse corrals or stables in the R-D Zoning District under certain circumstances. Sponsored by: Councilman Michael Mack
7. Bill No. 2004-55 – Revises the Municipal Code provisions that govern City employees in seeking and holding political office. Sponsored by: Mayor Oscar B. Goodman
8. Bill No. 2004-57 - Levies Assessment for Special Improvement District No. 1499 – Alexander Road (US-95 - Rancho Drive). Sponsored by: Step Requirement

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, 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

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

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

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

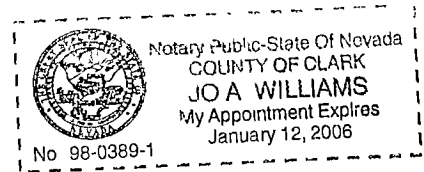
City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge, Court Clerk's Office Bulletin Board, City Hall Plaza, Las Vegas; Library, 833 Las Vegas Boulevard North, Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

(Mailing required under the provisions of NRS Chapter 241)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **10th** day of **August**, 2004, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **17th** day of **August, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Paul Clark

City Clerk
DEPARTMENT



11th day of AUGUST, 2004

NOTARY PUBLIC in and for said County and State

STATE OF NEVADA)
) ss
COUNTY OF CLARK)

1. City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge (in the walkway area next to the entrance of the Human Resources Department)
2. Court Clerk's Office Bulletin Board, City Hall Plaza, 400 Stewart Avenue (near the entrance to the Court Clerk's Office)
3. Las Vegas Library, 833 Las Vegas Blvd.
4. Clark County Government Center, 500 S. Grand Central Parkway
5. Grant Sawyer Building, 555 S. Grand Central Parkway

Paula Clarke
SIGNATURE

11th day of August, 2004

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

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

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

MINUTES:

PRESENT COUNCILWOMAN MONCRIEF and COUNCILMAN WOLFSON

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

ANNOUNCEMENT MADE – meeting 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

(4:01)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-51 – Annexation No. ANX-4437 – Property location: On the north side of Farm Road, 330 feet west of Grand Canyon Drive; Petitioned by: Lermusiaux Family Trust; Acreage: 5.14 acres; Zoned: R-E (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 north side of Farm Road, 330 feet west of Grand Canyon 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 27, 2004) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-51 and Location Map

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-51 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated this matter was in order.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:02 – 4:03)

1
2
3
4
5
6
7
8 **BILL NO. 2004-51**

9 **ORDINANCE NO. _____**

10 AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO
11 PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS
12 INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE
CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-4437)

13 Sponsored by: Councilman Michael Mack Summary: Annexes property described
14 generally as located on the north side of Farm
Road, 330 feet west of Grand Canyon Drive.

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

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

20 The West Half (W 1/2) of the Southeast Quarter (SE 1/4) of the Southeast
21 Quarter (SE 1/4) of the Northwest Quarter (NW 1/4) of Section 18, Township
19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada.

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

- 24 A. The area to be annexed was contiguous to the City's boundaries at the
25 time the annexation proceedings were instituted;
- 26 B. More than one-eighth (1/8) of the aggregate external boundaries of
27 the area are contiguous to the City;
- 28 C. The territory proposed to be annexed is not included within the

1 boundaries of another incorporated city or within the boundaries of
2 any unincorporated town as those boundaries existed as of July 1,
3 1983;

4 D. The City is eligible to annex the described territory since the
5 landowners have signed a petition constituting one hundred percent
6 (100%) of the owners of record of individual lots or parcels of land
7 within the annexation area.

8 SECTION 3: The City will provide police protection through the Las Vegas
9 Metropolitan Police Department, fire protection, street maintenance, and library services
10 immediately upon annexation. Garbage collection by the company franchised by the City
11 will also be provided immediately. The City sanitary sewer system will serve the proposed
12 annexation area. Any connection to or extension of this sewer line to serve the annexation
13 area shall be at the expense of the landowners. Other services, such as participation in the
14 City's recreational programs, special education classes and programs, public works planning,
15 building inspections, and other City services will also be available immediately. Utilities
16 such as gas, electricity, telephone, and water are provided by private utility companies and
17 other services to the area will not be affected by annexation. Street paving, curbs and gutters,
18 sidewalks and street lights which are not in place at the time of annexation will be installed
19 in the presently developed areas upon the request of the property owners and at their expense
20 by means of special assessment districts. Such improvements will be extended into the
21 undeveloped areas as development takes place and the need therefor arises, and will be
22 located according to the needs of the area at that time. Such installations will also be made
23 at the expense of the property owners, either by means of special assessment districts or as
24 prerequisites to the approval of subdivision plats, building permits or other land use or
25 development applications.

26 SECTION 4: The annexation of the described territory shall become
27 effective on the 27th day of August, 2004, and on that date the City will have the funds
28 appropriated in sufficient amount to finance the extension into the described territory of

1 police protection, fire protection, street maintenance, street sweeping, and street lighting
2 maintenance.

3 SECTION 5: The described territory, together with the inhabitants and
4 property thereof, shall, from and after the 27th day of August, 2004, be subject to all debts,
5 laws, ordinances and regulations in force in the City and shall be entitled to the same
6 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
7 levied by the City.

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

12 SECTION 7: The described territory, which previously has been zoned R-E
13 (County of Clark classification), is hereby classified as U (PCD) (City of Las Vegas
14 classification), which is deemed to be the City equivalent of the County classification.

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

24 SECTION 9: All ordinances or parts of ordinances, sections, subsections,

25 ...

26 ...

27 ...

28 ...

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

3 PASSED, ADOPTED and APPROVED this _____ day of _____,
4 2004.

5 APPROVED:

6
7 By OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 7-21-04
13 Date

14

15

16

17

18

19

20

21

22

23

24

25

26

27

28

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

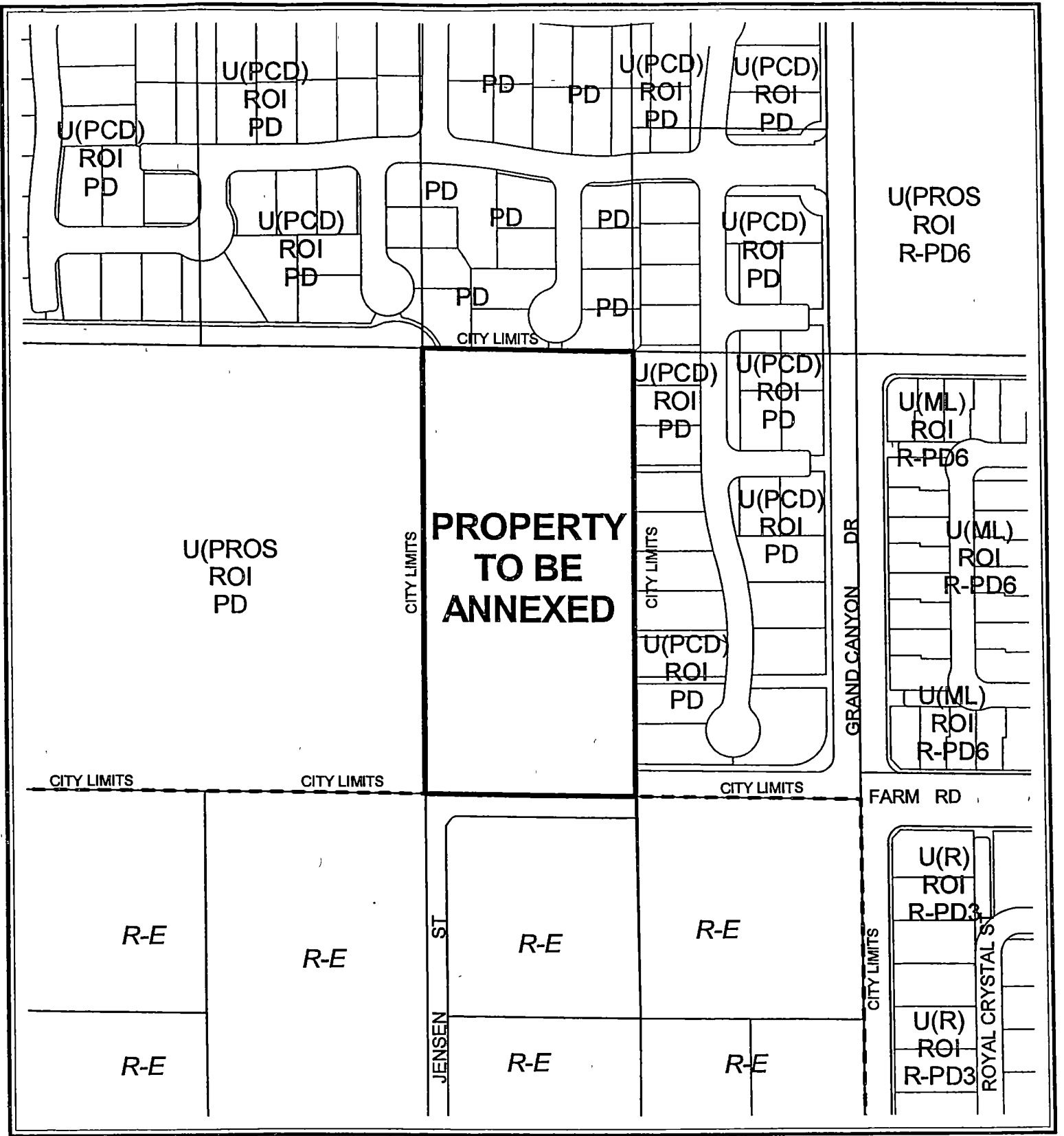
10 ABSENT: _____

11 APPROVED:

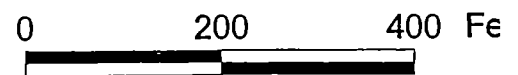
12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 _____
17 BARBARA JO RONEMUS, City Clerk
18
19
20
21
22
23
24
25
26
27
28



CASE: ANX-4437



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-56 - Ordinance Creating Special Improvement District No. 1490 - Tenaya Way (Northern Beltway to Elkhorn Road) Sponsored by: Step Requirement

Fiscal Impact

☐

No Impact

Amount: \$555,270 66

☐

Budget Funds Available

Dept./Division: Public Works/SID

☒

Augmentation Required

Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

The construction and installation of pavement, "L" type curb and gutter, sidewalk, driveway approaches, water laterals and mains, sewer laterals and mains, and streetlights.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-56

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-56 be forwarded to the Full Council with a "Do Pass" recommendation. **COUNCILWOMAN MONCRIEF** concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED advised that the previous bill was stricken to make adjustments and this replacement bill is in order.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:03)

BILL NO. 2004-56

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Sanitary Sewer Project, a Street Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), and that resolution adopted on August 4, 2004 that amended the Project, the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, what portion of the entire expense thereof shall be paid by special assessments, and that the assessment is to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from in the Project; and

WHEREAS, among other documents, the City Engineer and the Engineering Integration Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of

the property to be assessed, a description of each lot, tract, or parcel of land to be assessed; the amount of the estimated assessment to be levied thereon; and the amount of maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

WHEREAS, the manner of giving such notice by mail, publication and posting was reasonably calculated to inform the parties of the proceedings concerning the District which might directly and adversely affect their legally protected interests; and

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, May 14, 2004, and to appear before the City Council on Wednesday, May 19, 2004, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project in part with funds derived from the levy of assessments, and the City will pay one-half or more of the costs with monies derived from sources other than the levy of special assessments and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No 1490 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work by this Ordinance

NOW, THEREFORE, THE CITY COUNCIL, OF THE CITY OF LAS VEGAS, DOES ORDAIN AS FOLLOWS:

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1490 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1490 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4 That there hereby is created in the City an improvement district designated as the "Las Vegas, Nevada, Special Improvement District No. 1490 – Tenaya Way (Northern Beltway to Elkhorn Road)" for the purpose of acquiring a Project as more particularly described below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed,

shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below) or encumbered by an agreement. The streets to be improved by the improvements are:

TENAYA WAY (BOTH SIDES) - from the northern right-of-way line of the Northern Beltway north along Tenaya Way to the centerline of Elkhorn Road (80-foot right-of-way).

The following assessment parcel numbers (APNs) identified in the record of the County Assessor of Clark County are included in the district: 125-22-404-002, 125-22-404-003, 125-22-501-001, 125-22-601-023, 125-22-601-024, 125-22-601-025, 125-22-601-026, 125-22-801-011, and 125-22-804-001.

Section 5 That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The improvements on Tenaya Way will consist of the grading, regrading, graveling, and asphalt paving, as necessary, for at least four (4) travel lanes, continuous left turn lanes with raised medians at signalized or future signalized intersections, "L" type curb and gutter, sidewalks, storm drain facilities, commercial and residential driveway approaches, potable water mains and laterals, sanitary sewer mains and laterals and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals. At the request of the owners of property in the District (filed with the office of the Special Improvement District prior to March 26, 2004), water and sewer laterals will be installed from existing or proposed main lines in Tenaya Way to such property (hereinafter collectively referred to as the "Improvements"). Sewer lines within the District are owned and maintained by the City. The City will require that properties connecting to the sewer line pay a connection fee to the City at the time of hookup. THE CITY HAS NO OBLIGATION TO PROVIDE WATER OR SEWER SERVICE TO ANY PROPERTY WITHIN THE DISTRICT REGARDLESS OF WHETHER THE CITY COUNCIL PROCEEDS WITH ALL OR ANY PART OF THE PROJECT

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

Total Cost	Estimated Amount of Special Assessments	Amount Available from Other Sources
\$ 4,006,778.00	\$ 555,270.66	\$ 3,451,507.34

The amounts to be assessed for the Improvements in the District will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the Improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways and streetlights and on a square foot method for the installation of commercial driveways. Each property owner will be assessed for the cost of an 8-foot pavement section (unless the property owner has development plans in progress and has been conditioned by City Council for installation of a half-street pavement section), curb, gutter, sidewalks (APN's 125-22-404-002, 125-22-404-003, 125-22-801-011, and 125-22-804-001 only), driveway approaches, and streetlights (APN's 125-22-404-002, 125-22-404-003, 125-22-801-011, and 125-22-804-001 only), where not already existing. The owners of property who elect to have water or sewer installed will be assessed on a per service or unit lot method for the installation of sewer laterals or water laterals. The potable water and sanitary sewer main extensions will be assessed on a front foot method.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1490 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in twenty (20) substantially equal semi-annual installments of principal and interest. The City Council shall provide the time and terms of payment of such assessments and shall fix penalties (not to exceed two percent (2%) per month) to be collected upon delinquent payments. The City Council shall also provide the rate of interest on unpaid installments of assessments, which will not exceed the current maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If bonds are not issued for the District, the City Council shall by resolution establish the rate of interest on unpaid and deferred installments of assessments.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots, tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

Section 13. That all ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request. Thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before August 18, 2004, such publication to be in substantially the following form:

(Form of Publication of Notice of Filing)

Notice of Filing Of:

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of August, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 18th day of August, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form of Publication of Notice of Filing)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for and against its passage, and with a statement that typewritten copies of the Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the City of Las Vegas Charter and all laws thereunto enabling Such publication shall be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1490 – TENAYA WAY (NORTHERN BELTWAY TO ELKHORN ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 4, 2004, and was passed at a regular meeting held on August 18, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

Those Voting Nay.

Those Absent.

This Ordinance shall be in full force and effect from and after August 22, 2004, i.e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only

This _____ day of _____, 2004.

/s/ OSCAR B GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest
/s/ BARBARA JO RONEMUS
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 4, 2004, PASSED, ADOPTED AND APPROVED August 18, 2004.

OSCAR B GOODMAN, Mayor

Attest

BARBARA JO RONECUS, City Clerk

Approved as to form.

22 JUL 04 W Henry
Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 4, 2004, and finally adopted and approved on August 18, 2004.

2. The following members of the City Council were present at the August 4, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 4, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on August 18, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the August 18, 2004, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye.	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

Those Voting Nay.

Those Absent:

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been

recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on August 4, and August 18, 2004. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9 00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas Nevada
- (ii) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

, and

(b) By mailing a copy of the notice by 9.00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 4, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on August 18, 2004, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this August 18, 2004

(SEAL)

BARBARA JO RONEUMUS, City Clerk

EXHIBIT A

(Attach Copy of Notice of August 4, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of August 18, 2004 Meeting)

EXHIBIT C

(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)

EXHIBIT D

(Attach Affidavit of Publication of Title of Creation Ordinance)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-58 – Repeals Ordinance No. 5630, pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road). Proposed by: Bradford R. Jerbic, City Attorney

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Because of a number of issues regarding the creation and implementation of this Special Improvement District, it has been proposed that alternative means of constructing the improvements be pursued. Therefore, the SID will need to be abandoned and the creation ordinance repealed.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-58

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-58 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED explained that this represents a rethinking of the special improvement district project.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:03 – 4:04)

BILL NO. 2004-58

ORDINANCE NO. _____

AN ORDINANCE TO REPEAL ORDINANCE NO. 5630, PERTAINING TO THE CREATION OF CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1502 – GRAND MONTECITO PARKWAY (CENTENNIAL PARKWAY TO ELKHORN ROAD), AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Bradford R. Jerbic, City Attorney

Summary: Repeals Ordinance No. 5630, pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road).

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

AS FOLLOWS:

SECTION 1: Ordinance No. 5630, known as the "Special Improvement District No. 1502 Creation Ordinance" and pertaining to the creation of Special Improvement District No. 1502 – Grand Montecito Parkway (Centennial Parkway to Elkhorn Road), is hereby repealed in its entirety.

SECTION 2: If any section, subsection, subdivision, paragraph, sentence, clause or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional, invalid or ineffective.

SECTION 3: All ordinances or parts of ordinances or sections, subsections, phrases,

...

...

...

...

...

...

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

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

4 APPROVED:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 7-26-04
13 Date

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL.

Bill No. 2004-52 – Revises the licensing and zoning standards applicable to hotel lounge bars

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 revise the licensing and zoning standards applicable to hotel lounge bars, allowing greater flexibility by increasing the number of locations within a hotel in which alcoholic beverages from the bar may be served

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-52

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-52 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that lounge bars are limited as to where they may serve alcohol. This would allow service near the pool and provide room service. COUNCILMAN WOLFSON noted that this probably just cleaned up for an existing practice. ROBERT GENZER, Director of Planning & Development, explained that the proposal was prompted by an issue on the licensing side for smaller hotels of less than 150 rooms to be able to provide the same service as larger hotels.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:04 – 4:05)

1 **BILL NO. 2004-52**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO REVISE THE LICENSING AND ZONING STANDARDS APPLICABLE**
4 **TO HOTEL LOUNGE BARS, AND TO PROVIDE FOR OTHER RELATED MATTERS.**

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

Summary: Revises the licensing and zoning
standards applicable to hotel lounge bars.

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

9 **SECTION 1:** Title 6, Chapter 50, Section 20, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.50.020:** Unless the context otherwise requires, the scope of all words in this Chapter shall be
12 liberally construed in order to effectuate the purpose of this Chapter, and, in particular, the following
13 words shall have the meaning ascribed to them as follows:

14 "Alcoholic beverage" includes alcohol, spirits, liquor, wine and beer, and every liquid or solid
15 which contains alcohol, spirits, liquor, wine or beer; and which contains one-half of one percent or
16 more of alcohol by volume; and which is fit for beverage purposes, either alone or when diluted,
17 mixed or combined with other substances. Any liquid or solid containing beer or wine in combination
18 with any other alcoholic beverage shall not be construed to be beer or wine.

19 "Art gallery or art studio" means a business establishment where the general public is invited
20 to view artistic exhibitions, presentations and performances.

21 "Banquet facility" means any business establishment which is rented by individuals or groups
22 to accommodate private functions such as banquets, weddings, anniversaries, and other similar
23 celebrations. Such establishment may or may not include:

24 (A) Kitchen facilities for the preparation or catering of food.

25 (B) Outdoor gardens or reception facilities.

26 "Beer" means any alcoholic beverage obtained by the fermentation of any infusion or
27 decoction of barley, malt, hops or similar product, or any combination thereof, in water.

28 "Commercial center" means a concentration of retail stores that:

(A) Contains at least eighty thousand square feet of retail space enclosed within a

1 building or buildings;

2 (B) Contains at least one anchor retail store of at least twenty thousand square feet;

3 (C) Includes a parking lot common to the retail stores; and

4 (D) Is situated on at least fifteen gross acres of land.

5 "Convenience store" means a retail establishment other than a drugstore, which:

6 (A) Offers for sale prepackaged food products, household items and other goods
7 commonly associated with those products and items, provided that not more than thirty percent of its
8 retail inventory is devoted to alcoholic beverages; and

9 (B) Contains not less than one thousand-two hundred square feet, nor more than
10 five thousand square feet of floor space devoted to retail sales display, exclusive of warehouse and
11 office areas.

12 "Convention facility" means a structure which has at least 100,000 square feet of floor space
13 utilized for scheduling, hosting or accommodating a convention, trade show or temporary event,
14 whether the activity is open or closed to the general public. For purposes of this Chapter, the term
15 includes a stadium facility that is operated in conjunction with a convention facility

16 "Cooler" means any prebottled alcoholic beverage, other than beer or wine, that is a distillate
17 obtained from the fermentation of the natural contents of fruits or other agricultural products
18 containing natural or added sugar, which contains not more than ten percent of alcohol by volume.

19 "Downtown entertainment overlay district" means that area of the City bounded by Ogden
20 Avenue on the north, Carson Avenue on the south, Las Vegas Boulevard on the west and 8th Street
21 on the east.

22 "Drugstore" means a business establishment which occupies the entire business premises of
23 a building, or a portion of the business premises of a building which is segregated physically or
24 spatially from the rest of the business premises, where a State licensed pharmacist is present at all
25 times the pharmacy operation is open for the purpose of compounding or dispensing, or both
26 compounding and dispensing of drugs and medicines, and where a grill and fountain service is
27 permitted as well as the retail sales of sundries, including stationery, magazines, cosmetics and health
28 items.

1 “Dues” means fees paid on a monthly, quarterly, semiannual or annual basis for the right to
2 participate in the planning of activities and the utilization of services offered by a nonprofit
3 corporation, association or organization. The term “dues” does not include fees paid for the purchase
4 of drinks, meals or other services offered by a nonprofit corporation, association or organization.

5 “Gift basket” means a receptacle or container that may be filled with food items or novelty
6 items, and alcoholic beverages in sealed or corked containers in quantities not greater than 25.4 ounces
7 (approximately 1.79 pints), measured in the English system of weights and measures, or in quantities
8 not greater than seven hundred fifty milliliters measured in the metric system of weights and measures.

9 “Groceries” means staple food stuffs, dairy products, meats and produce meant for human
10 consumption; articles used in the preparation of food; and household supplies.

11 “Grocery store” means a business establishment which occupies all of the business premises
12 of a building or a portion of the business premises of a building which is segregated physically or
13 spatially from the rest of the business premises, and which contains more than five thousand square
14 feet of floor space for the display and sale of groceries, exclusive of warehouse and office space.

15 “Hotel lounge bar” means a bar located in a lounge area of a hotel where alcoholic beverages
16 are sold for consumption in [the lounge area.] in specified areas only.

17 “Liquor caterer” means a person who dispenses, serves or sells alcoholic beverages only for
18 consumption on the premises where the same are dispensed, served or sold during the times, dates and
19 places specified by permit.

20 “Liquor store” means a specialty retail store which does not allow entry to minors and which
21 deals exclusively in alcoholic liquors and related items including magazines, newspapers and
22 packaged snack foods.

23 “Malt beverage” means beer, ale, porter, stout and other similar fermented beverages of any
24 name or description, brewed or produced from malt, wholly or in part.

25 “Meal” means an assortment of food listed on a menu or otherwise offered as entrees,
26 appetizers, side items and desserts available at various hours of the day. The term “meal” does not
27 include food listed on a menu or otherwise offered that consists solely of sandwiches or salads, or both
28 sandwiches and salads.

1 “Nonprofit club” means any nonprofit corporation, association or organization which has been
2 in continual existence for at least two years prior to applying for a license under this Chapter, and:

- 3 (A) Is organized or qualified to do business and operate under the laws of the State;
4 (B) Has tax-exempt status granted by the United States Internal Revenue Service;
5 (C) Has a membership of at least one hundred members who are twenty-one years
6 of age or older and who pay dues to the nonprofit corporation, association, or organization; and
7 (D) Operates a clubhouse, clubroom or meeting room in a permanent location which
8 it owns or leases.

9 “Off-sale” means the sale of alcoholic beverages in original sealed or corked containers for
10 consumption off the premises where the same are sold.

11 “On-sale” means the sale of alcoholic beverages for consumption on the premises where the
12 same are sold.

13 “Restaurant” means a place which is regularly and in a bona fide manner used and kept open
14 for the service of meals to guests for compensation; and which has suitable kitchen facilities connected
15 therewith, containing conveniences for cooking an assortment of foods which may be required for
16 ordinary meals.

17 “Restaurant service bar” means a bar wherein alcoholic beverage drinks are prepared for
18 service only at tables in a restaurant for consumption only in connection with a meal on the premises
19 where the same is sold.

20 “Sale” means the act of selling and, in connection therewith, “sell” means, for compensation
21 or any other private or public business purpose at a commercial location, to sell, serve, give away, or
22 distribute; or to cause or permit to be sold, served, given away or distributed or to possess with the
23 intent to sell, serve, permit consumption, give away or distribute; or to solicit or receive orders to sell,
24 serve, give away or distribute.

25 “Specialty merchandise store” means a retail store located within a commercial center that:

- 26 (A) Has at least eighteen thousand square feet of gross floor area;
27 (B) Has at least eleven thousand five hundred square feet of floor space dedicated
28 to the sale and display of furniture, glassware, kitchenware and other household goods;

1 (C) Has at least three thousand six hundred square feet of floor space dedicated to
2 the sale and display of gourmet foods and nonalcoholic beverages; and

3 (D) Maintains an inventory of beer, wine and coolers with a wholesale value of at
4 least twenty-five thousand dollars.

5 "Supper club" means a restaurant and bar operation with alcoholic beverage sales wherein the
6 bar area is separated from the restaurant area by a barrier sufficient to prevent access to the bar area
7 by minors and the restaurant operation is the principal portion of the business.

8 "Wedding chapel" means a business establishment that is licensed to perform marriages in
9 accordance with State law.

10 "Wholesale dealer" or "wholesaler" means a person who sells alcoholic beverages for the
11 purposes of resale.

12 "Wine" means any alcoholic beverage, other than beer, obtained by the fermentation of the
13 natural contents of fruits or other agricultural products containing natural or added sugar, which
14 contains not more than twenty-two percent of alcohol by volume.

15 SECTION 2: Title 6, Chapter 50, Section 200, of the Municipal Code of the City of
16 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

17 **6.50.120:** A hotel lounge bar license authorizes the sale of alcoholic beverages for consumption
18 on the premises of [a hotel lounge bar] the hotel subject to the following conditions:

19 (A) The hotel has a minimum of one hundred fifty rooms, unless the City Council
20 determines the public safety, health and welfare will not be compromised by a lesser number of rooms;

21 (B) Alcoholic beverages are served and consumed only at tables and booths located
22 within the hotel lounge bar area[;] , within a pool area, or within hotel rooms as an incident to room
23 service;

24 (C) Persons are not permitted to purchase or obtain alcoholic beverages directly
25 from the hotel lounge bar;

26 (D) No other business, trade, profession or entertainment that requires a license
27 under this Title is conducted or performed in the hotel lounge bar area; and

28 (E) The maximum available customer seating in the hotel lounge bar area does not

1 exceed seventy-five seats.

2 SECTION 3: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
3 Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the definition of the term "Hotel
4 Lounge Bar" to read as follows:

5 "Hotel Lounge Bar" means a bar located in a lounge area of a hotel which has a minimum of one
6 hundred fifty rooms, unless the City Council determines that public health, safety and welfare are not
7 compromised by a lesser number of rooms, wherein:

8 (1) [The lounge bar area is separated from other areas of the hotel by a barrier sufficient
9 to prevent access and screen view by persons under twenty-one years of age;

10 (2)] Alcoholic beverages are [prepared for service] served and consumed only at tables and
11 booths located within the lounge bar area of the hotel[;] , within a pool area, or within hotel rooms as
12 an incident to room service;

13 [(3)] (2) Persons are not permitted to purchase or obtain alcoholic beverages directly from such
14 lounge bar;

15 [(4)] (3) No other business, trade, profession or entertainment that requires a license under [this]
16 Title 6 is conducted or performed in the lounge bar area; and

17 [(5)] (4) The maximum available customer seating in the lounge bar area does not exceed
18 seventy-five seats.

19 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.20.020
20 is deemed to be a subchapter rather than a section.

21 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
22 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
23 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
24 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
25 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
26 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
27 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
28 invalid or ineffective.

SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Valsted 7-21-04
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-53 – Updates the Town Center Development Standards Manual regarding the means of allowing certain finance-related uses. 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 update the Town Center Development Standards Manual to 1) allow financial institutions with drive-through facilities as a conditional use in the Urban Center Mixed Use (Town Center) District, and 2) allow auto title loan uses and other similar financial institutions by means of special use permit in the General Commercial and Service Commercial (Town Center) Districts.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-53

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-53 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director of Planning & Development, commented that the bill is in order and provides the same opportunity for proposed financial institutions specified or an auto title loan facility in the Town Center area that exists everywhere else in the City. It allows applicants to seek a special use permit, which may be granted on the merits of the application. Currently, such an application cannot even be filed.

RECOMMENDING COMMITTEE MEETING OF AUGUST 17, 2004

City Attorney

Item 5 – Bill No. 2004-53

MINUTES – Continued:

No one appeared in opposition

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:05 – 4:08)

1-112

1 **BILL NO. 2004-53**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO AMEND THE TOWN CENTER DEVELOPMENT STANDARDS MANUAL**
4 **REGARDING THE MEANS OF ALLOWING CERTAIN FINANCE-RELATED USES, AND TO**
5 **PROVIDE FOR OTHER RELATED MATTERS.**

6 Proposed by: Robert S. Genzer
Director of Planning & Development

Summary: Updates the Town Center
Development Standards Manual regarding the
means of allowing certain finance-related uses.

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

9 **SECTION 1:** The Town Center Development Standards Manual, adopted under
10 Section 19.06.110(B) of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
11 hereby amended as set forth in Sections 2 to 6, inclusive, of this Ordinance.

12 **SECTION 2:** Section B.2 of the Manual is amended by amending the Permitted Uses
13 Matrix to indicate that the uses "Auto Title Loan" and "Financial Institution, Specified" are allowed
14 by means of special use permit in the General Commercial (GC-TC) and Service Commercial
15 (SC-TC) Districts. In order to reflect the amendment, those two uses shall be added to the Permitted
16 Uses Matrix at the appropriate locations and the letter "S" shall be inserted in the boxes that represent
17 the intersections of the columns for the General Commercial (GC-TC) and Service Commercial
18 (SC-TC) Districts with the rows for the uses "Auto Title Loan" and "Financial Institution, Specified."

19 **SECTION 3:** Section B.2 of the Manual is amended by amending the Permitted Uses
20 Matrix to change the name of the use "Banks/Financial Institutions (Without Drive-Through)" to
21 "Financial Institutions, General (Without Drive-Through)."

22 **SECTION 4:** Section B.2 of the Manual is amended by amending the Permitted Uses
23 Matrix to change the name of the use "Banks/Financial Institutions (With Drive-Through)" to
24 "Financial Institutions, General (With Drive-Through)," and to indicate that the use is allowed in the
25 Urban Center Mixed Use (UC-TC) District as a conditional use. In order to reflect the amendment,
26 the letter "C" shall be inserted in the box that represents the intersection of the column for the Urban
27 Center Mixed Use (UC-TC) District with the row for the use now known as "Financial Institutions,
28 General (With Drive-Through)."

1 SECTION 5: Section B.3.B of the Manual is amended by adding a new subdivision
2 relating to the use "Financial Institutions, General (With Drive-Through)." This subdivision shall be
3 inserted as Subdivision 11, with subsequent subdivisions to be renumbered accordingly, and shall read
4 as follows:

5 11) FINANCIAL INSTITUTION, GENERAL (WITH DRIVE-THROUGH)

6 a. The principal building shall be located at the front setback line in accordance with the
7 applicable setback requirements, with the drive-through facility located to the side or the rear of the
8 principal building.

9 b. The drive-through facility shall be screened from the adjacent rights-of-way by the
10 principal building or by screening materials such as decorative walls, landscaped berms, continuous
11 vegetation, or any combination thereof. Screening materials shall have a minimum height of three feet
12 above finished grade at the rear of the setback area.

13 c. The drive-through facility shall not be located within 330 feet of any single-family
14 detached dwelling.

15 d. Exterior lighting shall be shielded from adjacent properties.

16 SECTION 6: Section B.4.B of the Manual is amended by adding two new
17 subdivisions relating to the uses "Auto Title Loan" and "Financial Institution, Specified." These
18 subdivisions shall be inserted as Subdivisions 6 and 20, respectively, with existing subsequent
19 subdivisions to be renumbered accordingly so as to preserve the alphabetical order. The new
20 subdivisions shall read respectively as follows:

21 6) AUTO TITLE LOAN

22 a. The use shall comply with all minimum conditions, standards and requirements
23 applicable to the use "Auto Title Loan" under LVMC 19.04.050.

24 20) FINANCIAL INSTITUTION, SPECIFIED

25 a. The use shall comply with all minimum conditions, standards and requirements
26 applicable to the use "Financial Institution, Specified" under LVMC 19.04.050.

27 SECTION 7: The Planning and Development Department is authorized and directed
28 to incorporate the amendments made by this Ordinance into the Manual. This may include any

1 necessary renumbering or relettering of subdivisions and includes the making of appropriate
2 adjustments to the Table of Contents to reflect the amendments.

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

11 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
12 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
13 1983 Edition, in conflict herewith are hereby repealed.

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

15 APPROVED:

16
17 By _____
18 OSCAR B. GOODMAN, Mayor

19 ATTEST:

20 _____
21 BARBARA JO RONEMUS, City Clerk

22 APPROVED AS TO FORM:

23 Val Steek 7-21-04
24 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONE MUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-54 – Allows private horse corrals or stables in the R-D Zoning District under certain circumstances. Sponsored by: Councilman Michael Mack

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Private horse corrals and stables are currently permitted as conditional uses in the U, R-A and R-E Zoning Districts. This bill will allow the use as a conditional use in the R-D Zoning District as well, but with additional standards and limitations designed to ensure compatibility.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-54

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-54 be forwarded to the Full Council with a “Do Pass” recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director of Planning & Development, advised that requests in the R-D district to allow horses prompted this proposal. Conditions are built into the code, which, if not met, would require the property owner to seek a special use permit. The most important condition requires a minimum lot size of 18,500 square feet net in order to have two horses stabled on the property. In comparison, the R-E district requires a minimum net lot size of 20,000 square feet. Less than half a dozen properties would qualify given the small amount of R-D zoning.

RECOMMENDING COMMITTEE MEETING OF AUGUST 17, 2004

City Attorney

Item 6 – Bill No. 2004-54

MINUTES – Continued:

No one appeared in opposition

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:08 – 4:09)

1-138

BILL NO. 2004-54

ORDINANCE NO. _____

AN ORDINANCE TO ALLOW PRIVATE HORSE CORRALS OR STABLES IN THE R-D ZONING DISTRICT UNDER CERTAIN CIRCUMSTANCES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Michael Mack

Summary: Allows private horse corrals or stables in the R-D Zoning District under certain circumstances.

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

SECTION 1: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use "Horse Corral or Stable (Private)" as a conditional use in the R-D Zoning District. In order to reflect the amendment, the row that pertains to the use "Horse Corral or Stable (Private)," as found in the "Rural & Animal-Related" Element of the Land Use Tables, is amended to read as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	RURAL & ANIMAL RELATED
C	C	C	<u>C</u>									Horse Corral or Stable (Private)

SECTION 2: Title 19, Chapter 4, Section 40, Subsection (C), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending the subdivision entitled "HORSE CORRAL OR STABLE (PRIVATE)" to read as follows:

HORSE CORRAL OR STABLE (PRIVATE) [U, R-A, R-E, R-D]

(1) Stables or corrals shall be placed at least fifty feet from any dwelling on an adjacent residential lot and at least one hundred feet from the front property line.

(2) Structures shall be placed at least five feet from any side or rear property line abutting a residential zoning district.

(3) Barns and other structures shall conform to the standards for accessory buildings.

(4) Except as otherwise provided in Paragraph (5) below, [No] no more than three horses may be

1 stabled for each one-half acre of land included in the building site.

2 (5) In the R-D Zoning District, no more than two horses may be stabled on the building site, and
3 the site must have a minimum net lot size of eighteen thousand square feet.

4 SECTION 3: In Section 2 of this Ordinance, the brackets that follow the title of the
5 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
6 of indicating the applicable districts.

7 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.010
8 and 19.04.040 are deemed to be subchapters rather than sections.

9 SECTION 5: If any section, subsection, subdivision, paragraph, sentence, clause or
10 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
11 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
12 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
13 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
14 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
15 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
16 invalid or ineffective.

17 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
18 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
19 1983 Edition, in conflict herewith are hereby repealed.

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

21 APPROVED:

22
23 By _____
OSCAR B. GOODMAN, Mayor

24 ATTEST:

25 _____
26 BARBARA JO RONEMUS, City Clerk

27 APPROVED AS TO FORM:

28 Val Stead 7-23-04
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11 APPROVED: _____

12 By _____

13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-55 – Revises the Municipal Code provisions that govern City employees in seeking and holding political office. Sponsored by: Mayor Oscar B Goodman

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

This bill will amend the Municipal Code provisions regarding political activity by City employees. The amendment reflects the policy recently adopted by the Council that addresses the conditions under which employees may run for and hold political office.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-55

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-55 be forwarded to the Full Council as a First Amendment with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED outlined the policy previously adopted by the Council establishing circumstances under which a City employee could run and serve in the legislature. Some aspects of the policy were not consistent with the ordinance. He summarized language that will allow a public employee to serve while retaining City employment, but only in accordance with policies approved and adopted by the City Council. He recommended amendments to Pages 2 and 3 to read policies approved by the City Manager or the City Council, eliminating a need for every aspect to come back to Council. It would also provide that someone

RECOMMENDING COMMITTEE MEETING OF AUGUST 17, 2004

City Attorney

Item 7 – Bill No. 2004-55

MINUTES – Continued:

so serving will not receive any City pay or benefits for the period of a regular or special legislative session, but may receive insurance coverage if they pay the premiums. It would mean that a public employee filing for political office will be placed on unpaid leave of absence until the election. In any circumstance where political service appears incompatible, inconsistent or in conflict with the individual's City duties, in the judgment of the City Manager, the employment with the City must be terminated before the individual takes office.

COUNCILWOMAN MONCRIEF confirmed with CHIEF DEPUTY CITY ATTORNEY STEED that the change would take effect January 1. COUNCILMAN WOLFSON discussed that this would incorporate the City Council's new policy into an existing law.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:09 – 4:10)

1-179

BILL NO. 2004-55

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE PROVISIONS OF THE MUNICIPAL CODE THAT GOVERN CITY EMPLOYEES IN SEEKING AND HOLDING POLITICAL OFFICE, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Mayor Oscar B. Goodman

Summary: Revises the Municipal Code provisions that govern City employees in seeking and holding political office.

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

SECTION 1: Title 2, Chapter 51, Section 20, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

2.51.020: (A) A public employee, on his or her own time, may engage in any of the following activities related to a municipal, county, state or national election:

- (1) Register and vote in an election;**
- (2) As an individual, privately and publicly express an opinion on political subjects and candidates;**
- (3) Be a member of a political party and participate in its activities consistent with this Section;**
- (4) As an individual, sign a political nomination or recall petition;**
- (5) Make a financial contribution to a political party or candidate;**
- (6) Be politically active in connection with a question that is not specifically identified with a political party, such as a constitutional amendment, referendum or question of a similar character; and**
- (7) Display bumper stickers, posters or pamphlets on his or her private property for the endorsement of candidates or issues.**

(B) In addition to the activities listed in Subsection (A) of this Section, a public employee whose employment does not involve any activity supported by Federal funds may:

- (1) Take an active part in the management of political campaigns;**
- (2) Directly or indirectly solicit, receive or account for funds for a partisan**

1 political purpose except as prohibited by this Section;

2 (3) Solicit votes in support of, or in opposition to, a partisan party office;

3 (4) Initiate or circulate partisan nominating or recall petitions;

4 (5) Serve as a delegate, alternate, or proxy to a political party convention;

5 (6) Drive voters to the polls on behalf of a political party or partisan

6 candidate; and

7 (7) As an individual, endorse or oppose a partisan candidate for public
8 office or political party office in a political advertisement, broadcast, campaign literature, or similar
9 material.

10 (C) A public employee is prohibited from:

11 (1) Using any official authority or influence for the purpose of interfering
12 with or affecting the result of an election;

13 (2) Soliciting funds or receiving contributions from other public employees
14 for political purposes, except as done on behalf of a collective bargaining organization;

15 (3) Displaying on a City vehicle a bumper sticker or poster that endorses
16 a political candidate or political question; and

17 (4) Engaging in any activity described in Subsection (B) of this Section
18 while on duty, while on City property, or while wearing a uniform normally identified with the City.

19 (D) A public employee who is not subject to the provisions of the Hatch Act may
20 seek election to [a partisan political office, including] the Nevada Legislature. [If a public employee
21 is elected to a political office that is clearly inconsistent, incompatible, or in conflict with his or her
22 duties as a public employee, he or she shall terminate City employment prior to assuming the political
23 office.] Subject to the provisions of Subsections (F) and (G), a public employee:

24 (1) Who is elected to the Nevada Legislature may serve in that capacity
25 while retaining City employment, but only in accordance with any applicable policies that have been
26 approved by the City Council; and

27 (2) Who serves in the Nevada Legislature shall receive no City pay or
28 benefits for the period of any regular or special legislative session, but may continue to receive

1 insurance coverage if the employee directly pays applicable premiums.

2 (E) Subject to the provisions of Subsections (F) and (G), [A] a public employee
3 may be a candidate for a nonpartisan [board, including without limitation a school board or library
4 board,] office, and if elected, may retain his or her City employment[.] , but only in accordance with
5 any applicable policies that have been approved by the City Council. [However, if the political office
6 is clearly inconsistent, incompatible, or in conflict with City employment, the public employee shall
7 terminate City employment prior to assuming the political office.]

8 (F) A public employee who files for any political office will be placed on an unpaid
9 leave of absence until the election.

10 (G) If service by a public employee in any political office is or appears clearly
11 inconsistent, incompatible, or in conflict with that person's duties as an employee of the City, as
12 judged by the City Manager, that employment must be terminated before the person assumes political
13 office.

14 SECTION 2: This Ordinance shall become effective on January 1, 2005.

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

23 SECTION 4: Whenever in this ordinance any act is prohibited or is made or declared
24 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
25 required or the failure to do any act is made or declared to be unlawful or an offense or a
26 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
27 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
28 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such

1 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

2 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
3 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
4 1983 Edition, in conflict herewith are hereby repealed.

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

6 APPROVED:

7
8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BARBARA JO RONEMUS, City Clerk

13 APPROVED AS TO FORM:

14 Valsted 7-21-04
15 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

16

17 BARBARA JO RONEMUS, City Clerk

18

19

20

21

22

23

24

25

26

27

28

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐

CONSENT

☒

DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-57 - Levies Assessment for Special Improvement District No. 1499 – Alexander Road (US-95 - Rancho Drive). Sponsored by: Step Requirement

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:

Construction and installation of pavement, "L" type curb and gutter, sidewalk, water laterals, and streetlights.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2004-57

COMMITTEE RECOMMENDATION:

COUNCILMAN WOLFSON recommended Bill 2004-57 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

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

No one appeared in opposition

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:10)

1-251

BILL NO. 2004-57

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary. Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive) (hereinafter the "District"), for the purpose of acquiring a Street Project, Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the District has been properly created by an ordinance heretofore adopted under the provisions of the Consolidated Local Improvement Law; and

WHEREAS, the City Council has heretofore determined that a portion of the cost and expense of the Project is to be paid by special assessments levied against the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$2,361,669.42, of which, \$2,283,666.94 is available from other sources and of which \$78,002.48 is to be assessed upon the benefited lots, tracts and parcels of land in the District which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements of the Project; and

WHEREAS, the City Council, by resolution heretofore adopted and directed the City Engineer of the City (hereinafter the "City Engineer") to make out a final assessment roll; and

WHEREAS, after a determination of the portion of the costs of such work to be paid by the property specially benefited, the City Council, together with the City Engineer (with the assistance of the Engineering Integration Division) made out a final assessment roll containing, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, and the amount of the assessment thereon. The City Engineer has reported the final assessment roll to the City Council and the City Engineer has filed the final assessment roll with the City Clerk; and

WHEREAS, the City Council thereupon fixed a time and place, to wit. Wednesday, July 21, 2004, at 1 00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the 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, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, July 21, 2004, at 1:00 p m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, and

WHEREAS, the City Council caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on June 16, 2004. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection, and

WHEREAS, at the time and place so designated, the City Council met to hear and determine all objections filed or made orally by any interested party, and

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1499 Assessment Protest Resolution; and

WHEREAS, by the District No. 1499 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form, and

WHEREAS, the assessments do not exceed the benefits to the property assessed nor that portion of the total cost of the Project payable from assessments as heretofore determined; and

WHEREAS, it is incumbent upon the City Council to provide when said assessments shall become due and penalties payable after any delinquency; and

WHEREAS, the City Council has determined, and does hereby determine, that the City shall pay the costs of the Project, in part, with funds derived from the levy of assessments, and the City will pay one-half or more of the costs of the Project with monies derived from other than the levy of special assessment, and that the exception provided by NRS 271.306(2)(a) does exist with respect to the Project; and

WHEREAS, the owners of certain property to be located within the proposed District have requested the City to include as part of the improvements to be constructed within the District, for such property, water and/or sewer improvements and such owners have executed an affidavit of waiver and consent (hereinafter the "Affidavit"), consenting to the construction of such improvements and the assessment of the cost of such improvements on such property.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES ORDAIN AS FOLLOWS:

Section 1 This Ordinance shall be known as, and may be cited by, the short title "District No. 1499 Levy Ordinance" (hereinafter the "Ordinance").

Section 2. The City Council has heretofore determined, and does hereby declare, that each and every complaint, protest and objection made in connection with the District is without sufficient merit

and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1499 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on June 16, 2004, and as modified and confirmed by the District No. 1499 Assessment Protest Resolution duly adopted by the City Council on August 4, 2004.

Section 5. The assessments shall be due and payable at the office of the City Treasurer within 30 days after this Ordinance becomes effective, without interest and without demand, provided that all or any part of such assessments may, at the election of the owner, be paid in installments, with interest, as hereinafter provided. Failure to pay the whole assessment within said period of 30 days shall be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay in installments, the amount of the assessment then unpaid. In case of such election to pay in installments, the unpaid assessments shall be payable in twenty (20) substantially equal semiannual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from the effective date of this Ordinance, at a rate or rates which shall not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District, both principal and interest on such assessments being payable semiannually at the office of the City Treasurer on April 1 and October 1 in each year, commencing on April 1, 2005. After the effective date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the

City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the 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 bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after October 5, 2004, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 81/100th percent (7.81%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus three percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment

shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted; (b) the term of the bonds expire; (c) the property owner's application for renewal of the Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. September 5, 2004) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

Section 7. Should any lot, tract or parcel of land within the District be divided after the effective date of this Ordinance and before the collection of all the assessment installments, or if any property in the District makes a request to do so, the City Council may require the City Treasurer to apportion, combine or reapportion the uncollected amounts upon the several parts of land so divided or combined in accordance with the provisions of NRS 271.425. The report of such an apportionment, combination or reapportionment, when approved, shall be conclusive on all the parties, and all assessments thereafter made upon the tracts shall thereafter be according to the subdivision. The report, when approved, shall be recorded in the office of the County Recorder of Clark County, Nevada, together with a statement that the current payment status of any of the assessments may be obtained from the City Treasurer. Neither the failure to record the report, nor any defect in the report as recorded, shall affect the validity of the assessments, the lien for the payment thereof or the priority of that lien.

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner of such delinquent property, if known, to be immediately notified in writing of such delinquency, by first-

class mail, postage prepaid, addressed to the addressee's last known address. If such delinquency is not paid within 10 days after such notice was given by deposit in the United States mail, then said assessment shall be enforced by the City Treasurer and other officers of the City, as provided in NRS 271.545 to NRS 271.630. Nothing herein shall be construed as preventing the City, at the direction of the governing body, from collecting any assessment by suit in the name of the governing body. The final assessment roll and the certified copy of this Ordinance shall be prima facie evidence of the regularity of the proceedings in making the assessment and of the right to recover judgment therefor. If a foreclosure is not promptly filed and prosecuted, then any bondholder may file and prosecute said foreclosure action in the name of the City. Any bondholder may also proceed against the City to protect and enforce the rights of the bondholders under this Ordinance by suit, action or special proceedings in equity or at law, either for the appointment of a receiver or for the specific performance of any provision contained herein or in an award of execution of any power herein granted for the enforcement of any proper, legal or equitable remedy as such bondholder or bondholders may deem most effective to protect and enforce the rights aforesaid. All such proceedings, at law or in equity, shall be instituted, had and maintained for the equal benefit of all owners of the bonds then outstanding. The failure of the bondholders to foreclose such delinquent assessments or to proceed against the City shall not relieve the City or any of its officers, agents or employees of any liability for its failure to foreclose such delinquent assessments.

Section 9. The City Clerk is hereby directed to deliver to the City Treasurer a copy of the final assessment roll containing a description of the lots, tracts and parcels of land being assessed, with the amount of the assessment levied upon each and the name and address of the owner or owners against whom the assessment was made. The final assessment roll is to be recorded in the office of the County Recorder together with the statement that the current payment status of any assessment may be obtained from the City Treasurer. The City Treasurer is additionally directed to collect the several sums so assessed as a tax upon the several tracts to which they were assessed.

Section 10. In accordance with NRS 271.405(7) the City Clerk shall give notice by publication in the Las Vegas Review-Journal, a newspaper of general circulation in the City, and such notice to be published at least once a week, for three consecutive publications, by three weekly insertions, the first such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments

have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

Section 11. The notice provided for in NRS 271.390(2) and NRS 271.405(7) and in Section 10 of this Ordinance shall be in substantially the following form.

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1499 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on September 1, 2004. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1499 – Alexander Road (US-95 to Rancho Drive)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before October 5, 2004, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal and interest until paid in full, with interest in all cases on the unpaid and deferred installments of principal from September 5, 2004, (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on April 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued 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 bids for

such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after October 5, 2004, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 81/100th percent (7.81%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the same rate and terms as are established for other assessments in the manner provided. The assessment shall remain postponed until the earlier of the following occurrences: (a) the property is sold or transferred to a person other than one to whom a Hardship Determination has been granted, (b) the term of the bonds expires; (c) the property owner's application for renewal of a Hardship Determination is disapproved; (d) the property owner fails to pay interest on the unpaid balance of assessments in a timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, 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, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from September 5, 2004 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor

Dated this September 1, 2004

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

Section 12. The officers of the City be, and they hereby are, authorized and directed to take all action necessary and appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, the recording of the final assessment roll, and other items necessary or desirable for the completion of the levying of the assessments of the District and the issuance of the bonds therefor.

Section 13. All ordinances or resolutions, or parts thereof, in conflict with the provisions of this Ordinance, are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any ordinance or resolution, or part thereof, heretofore repealed.

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request, thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before September 1, 2004, such publication to be in substantially the following form:

(FORM OF PUBLICATION OF NOTICE OF DEPOSIT OF AN ORDINANCE)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of August, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 1st day of September, 2004.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

Section 15. That this Ordinance shall be in effect on the day after its publication, as hereinafter provided. After this Ordinance is signed by the Mayor and attested and sealed by the City Clerk, this Ordinance shall be published by title only, together with the names of the City Council voting for or against its passage, and with a statement that typewritten copies of said Ordinance are available for inspection by all interested parties at the office of the City Clerk, such publication to be made in the Las Vegas Review-Journal, a newspaper published and having general circulation in the City, at least once, pursuant to Section 2.110 of the Charter and all laws thereunto enabling, such publication is to be in substantially the following form:

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1499 – ALEXANDER ROAD (US-95 TO RANCHO DRIVE); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 4, 2004, and was passed at a regular meeting held on September 1, 2004, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B Goodman
Gary Reese
Larry Brown
Lawrence Weekly
Michael Mack
Janet Moncrief
Steve Wolfson

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after September 5, 2004, i e., the day after its publication by title only.

IN WITNESS WHEREOF, the City Council of the City of Las Vegas, Nevada, has caused this Ordinance to be published by title only.

This _____ day of _____, 2004

/s/ OSCAR B. GOODMAN
Mayor
City of Las Vegas, Nevada

(SEAL)

Attest.
/s/ BARBARA JO RONEMUS
City Clerk

Section 16. That if any section, paragraph, clause or other provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or other provision shall not affect any of the remaining provisions of this Ordinance.

Introduced August 4, 2004, PASSED, ADOPTED AND APPROVED September 1, 2004

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEUMUS, City Clerk

Approved as to Form:

22 JUL - 4 04 W Z Henry
Date Deputy City Attorney

STATE OF NEVADA)
)
COUNTY OF CLARK) SS
)
CITY OF LAS VEGAS)

I, Barbara Jo Ronemus, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City"), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 4, 2004 and finally adopted and approved on September 1, 2004.

2. The following members of the City Council were present at the August 4, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Lawrence Weekly
	Michael Mack
	Janet Moncrief
	Steve Wolfson

3. The foregoing Ordinance was first proposed and read by title to the City Council on August 4, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 1, 2004, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the September 1, 2004, meeting and voted upon the adoption of the Ordinance as follows:

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

Those Voting Nay:	_____

Those Absent:	_____

4. The original of the Ordinance has been approved and authenticated by the signatures of the Mayor of the City and myself, as Clerk of the City, and sealed with the seal of the City, and has been recorded in the journal of the City Council kept for that purpose in my office, which record has been duly signed by such officers and properly sealed.

5. All members of the City Council were given due and proper notice of the meetings held on August 4, and September 1, 2004. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice by 9:00 a.m. at least three (3) working days before the meetings at the principal office of the City Council, or if there is no principal office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) City Clerk's Bulletin Board
City Hall Plaza
2nd Floor Skybridge
Las Vegas Nevada
- (ii) Court Clerk's Office Bulletin Board
City Hall Plaza
Las Vegas, Nevada
- (iii) Las Vegas Library
833 Las Vegas Boulevard North
Las Vegas, Nevada
- (iv) Clark County Government Center
500 South Grand Central Parkway
Las Vegas, Nevada
- (v) Grant Sawyer Building
555 E. Washington Avenue
Las Vegas, Nevada

, and

(b) By mailing a copy of the notice by 9:00 a.m. no later than three (3) working days before the meetings to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council.

6. A copy of such notice so given of the meeting of the City Council on August 4, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on September 1, 2004, is attached to this certificate as Exhibit B.

7. Upon request, the governing body provides, at no charge, at least one copy of the agenda for its public meetings, any proposed ordinance or regulation which will be discussed at the public meeting, and any other supporting materials provided to the members of the governing body for an item on the agenda, except for certain confidential materials and materials pertaining to the closed meetings, as provided by law.

IN WITNESS WHEREOF, I have hereunto set my hand on this September 1, 2004.

(SEAL)

BARBARA JO RONEMUS, City Clerk

EXHIBIT A

(Attach Copy of Notice of August 4, 2004 Meeting)

EXHIBIT B

(Attach Copy of Notice of September 1, 2004 Meeting)

RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: AUGUST 17, 2004

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, 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.

MINUTES:

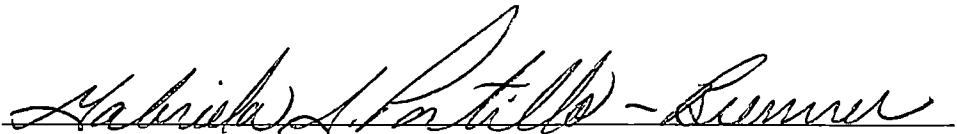
None

(4:10)

1-265

THE MEETING ADJOURNED AT 4:10 P.M.

Respectfully submitted:



GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

August 24, 2004