City of Las Vegas

Agenda Item No. 54

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:
RESOLUTIONS:

R-142-2004 - Approval of a Resolution approving the Third Assessment Lien Apportionment Report for Special Improvement District No. 1477 - Tenaya Way/Azure Drive (Levy Assessments) - Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Installation of pavement, curb and gutter, driveway approaches, traffic signals, storm drains, streetlights, sewer mains and laterals, and water mains and laterals.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-142-2004

MOTION:
REESE – APPROVED Items 2-51, 53-57, and 59 – UNANIMOUS with MACK abstaining on Item 13 to avoid any conflict because it involves a direct competitor wishing to locate within a few hundred feet of another of his brother's properties, on Items 21 and 58 because they involve connections to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting, and on Item 42 because it involves Astoria Homes, with which he is negotiating to purchase a home

Item 52:	**APPROVED under separate action** (see individual item)
Item 58:	**STRICKEN under separate action** (see individual item)

MINUTES:
There was no related discussion.

(9:28 – 9:30)
1-758

RESOLUTION NO. R-142-2004

A RESOLUTION RELATING TO CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1477 (TENAYA WAY/AZURE DRIVE); APPROVING THE THIRD ASSESSMENT LIEN APPORTIONMENT REPORT WITH RESPECT TO CERTAIN LOTS AND PARCELS OF PROPERTY WITHIN SAID DISTRICT; AND DIRECTING THE RECORDATION OF SAID REPORT.

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and the "City", respectively), in the County of Clark and State of Nevada, has taken the requisite legal action that is preliminary to, and in the creation, of "City of Las Vegas, Nevada, Special Improvement District No. 1477 (Tenaya Way/Azure Drive)" (hereinafter the "District"), for the purposes of providing for the acquisition, construction and installation of pavement, curb and gutter, driveway approaches, traffic signals, storm drains, streetlights, sewer mains and laterals, and water mains and laterals (hereinafter the "Project"), by defraying the entire cost and expense of the Project, by special assessments, against the assessable lots and parcels of property within the District according to the benefits that would be derived from the Project by the respective lots and parcels that were to be so assessed, all in accordance with the provisions of Chapter 271, et seq., of the Nevada Revised Statutes (hereinafter "NRS") that provide therefor; and

WHEREAS, the City Council, pursuant to NRS 271.425, has directed the City Treasurer of the City (hereinafter the "City Treasurer") to apportion, on an equitable basis, the uncollected and heretofore unapportioned amounts of the special assessments that were levied upon those certain lots or parcels of property situate within the District and identified by the Clark County, Nevada, County Assessor's parcel numbers as Parcels 125-27-222-002 and 125-27-222-003 among the several parts into which said Parcels

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have been divided, and to prepare, submit and file with the City Clerk of the City (hereinafter the "City Clerk") a report of such apportionment; and

WHEREAS, the City Treasurer, on the 18th day of August, 2004, filed with the City Clerk a copy of his report of such apportionment that is entitled "Third Assessment Lien Apportionment Report for City of Las Vegas, Nevada, Special Improvement District No. 1477 (Tenaya Way/Azure Drive)"; and

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

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at this regular meeting thereof being held on this 18th day of August, 2004, as follows:

SECTION 1. That certain document entitled "Third Assessment Lien Apportionment Report for City of Las Vegas, Nevada, Special Improvement District No. 1477 (Tenaya Way/Azure Drive)", a copy of which is attached hereto as Exhibit "A", is hereby approved and adopted, as and for the City's plan for the apportionment of the uncollected and heretofore unapportioned amounts of the special assessments that were levied upon those certain lots and parcels of property that are situate within the District and are identified by the Clark County, Nevada, County Assessor's parcel numbers as Parcels 125-27-222-002 and 125-27-222-003, among the several parts into which said Parcels have been divided.

SECTION 2. That the City Clerk is hereby authorized, empowered and directed to record in the Office of the County Recorder of Clark County, Nevada, a copy of the above-referenced Report, together with a statement that the current payment

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status of any of the assessments that are shown thereon may be obtained from the City Treasurer.

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

PASSED, ADOPTED AND APPROVED this 18th day of August, 2004.

Gary Reese

~~OSCAR B. GOODMAN, Mayor~~

Gary Reese, Mayor Pro-Tem

Approved as to form:

8-5-'04 Madeline L. Dieckmann-DiCicco

Date Deputy City Attorney

ATTEST:

Barbara Jo Ronemus

BARBARA JO RONEMUS, City Clerk

APN: 125-27-222-002
125-27-222-003

RECEIVED
CITY CLERK

2004 AUG 18 A 11: 11

City of Las Vegas, Nevada
Special Improvement District No. 1477
(Tenaya & Azure Re-alignment)

THIRD ASSESSMENT LIEN APPORTIONMENT REPORT

(August 18, 2004)

RETURN TO:

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

THIRD ASSESSMENT LIEN APPORTIONMENT REPORT

The assessments that have heretofore been levied against those certain parcels of property that are identified by the Clark County, Nevada, County Assessor's parcel numbers as Parcel 125-27-222-002 and 125-27-222-003 in the original assessment amount of $393,680.61 and $378,879.34, respectively, are hereby apportioned among the parcels that have been created out of the said Parcels, as follows:

CURRENT OWNER	APN	NEW ASSESSMENT	
Halle Properties LLC	125-27-222-005 [1]	$	52,045.53
Azure South, Inc.	125-27-222-006 [2]	$	321,353.27
	125-27-222-007 [3]	$	399,161.15
	TOTAL	$	772,559.95

LEGAL DESCRIPTION:

[1] Being that parcel of land as described in Record of Survey File 136 Page 87 and being further described in Book 20040504 and Instrument 1009 as recorded in the Office of the County Recorder, Clark County, Nevada, dated May 4, 2004.

[2] Being a portion of Lot 2 of Montecito East, a commercial subdivision, on file in the Office of the County Recorder, Clark County, Nevada, in Book 113, Page 26 of Plats, as recorded in the Office of the County Recorder, Clark County, Nevada in Book 20031008 as Instrument 2936 dated October 8, 2003.

[3] Being a portion of Lot 2 and all of Lot 3 of Montecito East, a commercial subdivision, on file in the Office of the County Recorder, Clark County, Nevada, in Book 113, Page 26 of Plats, as recorded in the Office of the County Recorder, Clark County, Nevada in Book 20031008 as Instrument 2936 dated October 8, 2003.

DATED this 18th day of August 2004.

Respectfully submitted,

Michael K. Olson

MICHAEL K. OLSON, City Treasurer

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

APN: 125-27-222-006
125-27-222-007

DATED this ____ day of ____________, 2004.

I concur with the apportionments as stated above.

AZURE SOUTH, INC., a Nevada corporation.

______//NOT AVAILABLE//____________
FRANK NIELSEN, Secretary

APN: 125-27-222-005

DATED this 13 day of August, 2004.

I concur with the apportionments as stated above.

HALLE PROPERTIES LLC, an Arizona limited liability company

____
(signature)

JAMES SILHASEK, AGENT
(print members name) (print title)

City of Las Vegas

Agenda Item No. 55

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC [X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:
RESOLUTIONS:

R-143-2004 - Approval of a Resolution Disposing of the Protests made at the hearing on the Provisional Order for Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights - Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:
The installation of streetlights. The project is located within the Sierra Oeste subdivision south of Lake Mead Boulevard between Jones Boulevard and Torrey Pines Drive. The preliminary estimated total cost of the Project is $72,000.

RECOMMENDATION:
It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:
Resolution No. R-143-2004

MOTION:
REESE – APPROVED Items 2-51, 53-57, and 59 – UNANIMOUS with MACK abstaining on Item 13 to avoid any conflict because it involves a direct competitor wishing to locate within a few hundred feet of another of his brother's properties, on Items 21 and 58 because they involve connections to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting, and on Item 42 because it involves Astoria Homes, with which he is negotiating to purchase a home

Item 52:	**APPROVED under separate action** (see individual item)
Item 58:	**STRICKEN under separate action** (see individual item)

MINUTES:
There was no related discussion.

(9:28 – 9:30)

RESOLUTION NO. **R-143-2004**

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS

Summary: Protest Disposal Resolution

WHEREAS, the Las Vegas City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively), in the County of Clark, State of Nevada, pursuant to a resolution heretofore adopted, provisionally ordered the acquisition of a Street Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") within the Las Vegas, Nevada, Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights (hereinafter the "District"); and

WHEREAS, pursuant to the resolution, the City Clerk gave notice of the time and place of hearings thereon, in the manner specified by law; and

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

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written protest or objection on or before Friday, July 30, 2004, or to appear before the City Council on Wednesday, August 4, 2004, and be heard as to the propriety and advisability of acquiring the Project provisionally ordered, as to the cost thereof and manner of payment therefor, and as to the amount thereof to be assessed against the property for the Project; and

WHEREAS, the City Council has now considered each and every written protest and objection and all oral protests and objections made at the hearing, and the City Council finds that each and every oral protest or objection is without sufficient merit and is overruled and denied.

NOW, THEREFORE, BE IT RESOLVED BY THE LAS VEGAS CITY COUNCIL, IN THE STATE OF NEVADA; THAT:

Section 1. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District No. 1505 Protest Disposal Resolution" (hereinafter the "Resolution").

Section 2. The City Council has determined and does hereby determine that the exception provided by NRS 271.306(2)(b) does exist in that not more than 2,640 feet remain unimproved in any street between improvements already made to the same street or between intersecting streets (stating that the City, at its option, may proceed with the improvements in the District regardless of the percentage of protests).

Section 3. The City Council determines that each and every protest and objection filed or otherwise made is without sufficient merit and that the same is overruled and finally passed on by the City Council.

Section 4. The City Council has determined, and does hereby determine, that it is advisable to acquire the Project, as provided by the Special Improvement District No. 1505 Provisional Order Resolution and to proceed with the District.

Section 5. Within 30 days after the City Council passes on the complaint, protest or objection, by adoption of this Resolution, any person who filed and did not withdraw a written complaint, protest or objection shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside the determination, but thereafter, all actions or suits attacking the validity of the proceedings and the amount of benefits are perpetually barred.

Section 6. The City Engineer and the Engineering Integration Division are requested and directed to prepare, in the manner required by law, and to present the following to the City Council:

(a) A revised and detailed estimate of the total cost of the District, including each of the incidental costs, if necessary;

(b) Full and detailed final plans and specifications for the Project, if necessary;

(c) A revised map and a revised assessment plat, if necessary; and

(d) A revised and supplemental Report to the City Council on Benefits, if necessary.

Section 7. That the City Council has also determined and does hereby declare as follows:

(a) The public convenience and necessity requires the creation of District No. 1505 – Sierra Oeste Neighborhood Streetlights.

(b) The creation of the District is economically sound and feasible.

(c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is to be made.

Section 8. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning the Las Vegas, Nevada, Special Improvement District No. 1505 – Sierra Oeste Neighborhood Streetlights including, but not limited to, the notice of the hearing provided which was mailed, posted, and published, and the same hereby are, ratified, approved and confirmed.

Section 9. The officers of the City are directed to effectuate the provisions of this Resolution.

Section 10. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent of such inconsistency.

Section 11. The invalidity of any provision of this Resolution shall not affect any remaining provisions hereof.

Section 12. The City Council has determined, and does hereby declare, that this Resolution shall be in effect after its passage in accordance with the law.

PASSED AND APPROVED August 18, 2004.

Gary Reese

~~OSCAR B. GOODMAN, Mayor~~

Gary Reese, Mayor Pro-Tem

Attest:

Barbara Jo Ronemus

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

8-5-04 Madeline T. Diekman-DiCicco

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on August 18, 2004.

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

Those Voting Aye:	Oscar B. Goodman Gary Reese Larry Brown Lawrence Weekly Michael Mack Janet Moncrief Steve Wolfson
Those Voting Nay:	NONE
Those Absent:	NONE

3. The original of the resolution has been approved and authenticated by the signatures of the Mayor of the City and myself as City Clerk and has been recorded in the regular official record of the City Council kept for that purpose in my office, which record has been duly signed by the officers and properly sealed.

4. All members of the City Council were given due and proper notice of the meeting. Pursuant to § 241.020, Nevada Revised Statues, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

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

(i)	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

(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working day prior to the meeting.

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

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

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

(SEAL)

BARBARA JO RONEMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)

City of Las Vegas

CITY COUNCIL AGENDA

AUGUST 18, 2004

TABLE OF CONTENTS

City of Las Vegas

CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011
CITY OF LAS VEGAS INTERNET ADDRESS: http://www.lasvegasnevada.gov
OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)
COUNCILMEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5), MICHAEL MACK (Ward 6),
JANET MONCRIEF (Ward 1) and STEVE WOLFSON (Ward 2)

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

AUGUST 18, 2004

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

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

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

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

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - REVEREND PERRY CORDILL, UNIFICATION CHURCH
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE EMPLOYEE OF THE MONTH
- RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER
- RECOGNITION OF PUBLIC SAFETY VEGAS FLYERS YOUTH TRACK CLUB

BUSINESS ITEMS

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

CONSENT AGENDA

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

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

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

3. Approval to appropriate funding for the expansion of the Building and Safety West Service Center facility ($1,000,000) from the Development Services Enterprise Fund (EF) to the City Facilities Capital Projects Fund (CPF) - Ward 4 (Brown)

4. Approval of a report by the City Treasurer of the July 27, 2004 sale of properties subject to the lien of a delinquent assessment in Special Improvement Districts 404, 707 and 808 (Summerlin area) - Wards 2 and 4 (Wolfson and Brown)

5. Approval to modify the Parks in Progress listing to add and authorize $100,000 from the Parks and Leisure Activities Capital Projects Fund (CPF) balance for an Estelle Neal Park Water Feature project - Ward 6 (Mack)

6. Approval to provide $35,000 additional funding from the Parks and Leisure Activities Capital Projects Fund (CPF) balance for the Natural History Museum project - Ward 5 (Weekly)

7. Approval to provide additional funding to the Doolittle Recreation Center project in an amount not to exceed $300,000 from the Parks and Leisure Activities Capital Projects Fund (CPF) balance and increase the related contract 01.15301.18-LED by an amount not-to-exceed $310,000 - Ward 5 (Weekly)

8. Approval of a Special Event License for Sean Lucero, Location: East Las Vegas Senior Center, 250 North Eastern Avenue, Date: September 11, 2004, Type: Special Event Beer/Wine, Event: Wedding Reception, Responsible Person in Charge: Claudia Rodriguez - Ward 3 (Reese)

9. Approval of Change of Ownership, Location and Business Name for a Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Gustav International Chartered, dba Plush, 221 North Rampart Boulevard, Suite 7140 (Non-operational), Gustav E. Mauler, Dir, Pres and Denise M. Mauler, 50% jointly as husband and wife, Paul C. Steelman, Dir, Treas and Maryann T. Steelman, Dir, Secy, 50% jointly as husband and wife, To: Gourmet Systems of Nevada, Inc., dba Applebee's Neighborhood Grill & Bar, 4605 West Charleston Boulevard, Carin L. Stutz, Dir, Pres, Robert T. Steinkamp, Dir, Secy, Treas - Ward 1 (Moncrief)

10. Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, From: Delian Lamela, dba Guatemala Restaurant, Delian A. Lamela and Osmel R. Lamela, 100% jointly as husband and wife, To: Pedro Ramirez, dba Mariscos El Mariachi, 552 North Eastern Avenue, Suite A, Pedro M. Ramirez, 100% - Ward 3 (Reese)

11. Approval of Change of Business Name for a Tavern License, Sun City Summerlin Community Association, Inc., dba From: Sun City Summerlin Golf Course Grille, To: Palm Valley Golf Course/Vista Grill, 9201 Del Webb Boulevard, Frederick W. Schaefer, Dir - Ward 4 (Brown)

12. Approval of a new Hypnotist License, Laura Birnbaum, dba Laura Birnbaum, 4750 West Sahara Avenue #34, Laura Birnbaum, 100% - Ward 1 (Moncrief)

13. Approval of a new Class III-A Secondhand Dealer License, Edward L. Taguba, dba Jewelry Express of Las Vegas, 3071 North Rainbow Boulevard, Suite 100, Edward L. Taguba, 100% - Ward 6 (Mack)

14. Preapproval of award of Bid No. 040333-KF for a Bomb Squad Emergency Services Vehicle - Department of Fire and Rescue (not to exceed $199,227 - Multi-Purpose Special Revenue Fund)

FINANCE & BUSINESS SERVICES DEPARTMENT - CONSENT

15. Approval of award of Bid No. 040395-KF, Adtran Microwave Antenna System - Department of Fire and Rescue - Award recommended to: DAY WIRELESS SYSTEMS ($130,750.02 - Multi-Purpose Special Revenue Fund)

16. Approval of award of Bid No. 040391-GL, Annual Requirements Contract for Bus Transportation - Department of Leisure Services - Award recommended to: COACH USA (Estimated annual amount of $120,000 - General Fund)

17. Approval of award of Bid No. 040378-TB, Perennial Rye Grass Seed - Department of Field Operations - Award recommended to: SIMPLOT PARTNERS ($77,550 - General Fund)

18. Approval of revision to purchase order 212515 for Uniform Services - Various Departments - Award to: UNIFIRST CORPORATION ($50,000 - Various Funds)

19. Approval of award of Contract No. 040352-CW for Audio/Visual Design and Install - Department of Fire and Rescue - Award recommended to: SYSTEM SERVICES, INC. ($43,800 - Computer Services Internal Service Fund) - Ward 5 (Weekly)

20. Approval of award of Bid No. 040247-TG, Annual Requirements Contract for Traffic Cones - Departments of Public Works and Field Operations - Award recommended to: FLORIDA TRANSCOR (Estimated annual amount of $40,000 - General Fund)

21. Approval of award of Bid No. 05.1730.08-CW, Elkhorn Road Grade Separation Over US 95 Billboard Removals and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: YOUNG ELECTRIC SIGN COMPANY ($38,768 - Road and Flood Capital Projects Fund) - Ward 6 (Mack)

22. Approval of issuance of a purchase order for three years of support and maintenance for Kofax Software - Department of Information Technologies - Award recommended to: WESTERN OFFICE SYSTEMS (Estimated amount of $30,536 - Computer Services Internal Service Fund)

23. Approval of award of Agreement No. 050016, Design for a Secure Network for Interoperable Mobile Wireless Environments - Department of Fire and Rescue - Award Recommended to: BOARD OF REGENTS, UNIVERSITY AND COMMUNITY COLLEGE SYSTEM OF NEVADA, ON BEHALF OF THE UNIVERSITY OF NEVADA, LAS VEGAS ($30,000 - Multi-Purpose Special Revenue Fund)

24. Approval of award of Bid No. 04.15341.04-CW, Fire Station 8, 805 N. Mojave Road, and approve the construction conflicts and contingency reserve set by Finance and Business Services - Department of Fire and Rescue - Award recommended to: RAFAEL CONSTRUCTION, INC. ($3,735,000 - Fire Services Capital Projects Fund) - Ward 3 (Reese)

25. Approval of award of Service and Equipment Agreement (including indemnification provision) for Fire Station 5, 1020 Hinson Street - Department of Fire and Rescue - Award recommended to: SPRINT ($8,155.18 - General Fund) - Ward 1 (Moncrief)

FIRE AND RESCUE DEPARTMENT - CONSENT

26. Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with Boulder City Hospital for the transfer of interoperable radio equipment for public safety communications - All Wards

27. Approval of an Interlocal Agreement between the City of Las Vegas and the Las Vegas Metropolitan Police Department for the transfer of U.S. Department of Homeland Security grant funds to support the Metro Volunteer Program - All Wards

28. Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with Spring Valley Hospital Medical Center for the transfer of interoperable radio equipment for public safety communications - All Wards

29. Approval authorizing the Department of Fire & Rescue to execute a Secondary User's Agreement with Valley Hospital Medical Center for the transfer of interoperable radio equipment for public safety communications - All Wards

HUMAN RESOURCES DEPARTMENT - CONSENT

30. Approval of payment for a permanent partial disability award - Claim #WC03120309 - as required under the workers' compensation statutes ($73,345 - Workers' Compensation Internal Service Fund)

PUBLIC WORKS DEPARTMENT - CONSENT

31. Approval of Second Supplemental Interlocal Contract #401b - Durango Drive, Westcliff Drive to Vegas Drive between the City of Las Vegas and the Regional Transportation Commission (RTC) to increase total project funding ($3,178,400 - Regional Transportation Commission) - Ward 2 (Wolfson)

32. Approval of a Supplemental No. 6 Interlocal Contract for Traffic Capacity and Safety Improvements - Fifth Program Year between the City of Las Vegas, Clark County and the Regional Transportation Commission (RTC) to increase total project funding and extend the date of completion ($94,943.50 - Regional Transportation Commission) - All Wards

33. Approval of Third Supplemental Interlocal Contract #388c - Alexander/Hualapai, Cheyenne Avenue to Cimarron Road between the City of Las Vegas, Clark County and the Regional Transportation Commission (RTC) to increase total project funding ($236,000 - Regional Transportation Commission) - County and Ward 6 (Mack)

34. Approval of Interlocal Contract #479 - Entity Non-Project Specific Expenses between the City of Las Vegas and the Regional Transportation Commission (RTC) to allow for the reimbursement of expenses related to work on RTC issues ($100,000 - Regional Transportation Commission) - All Wards

35. Approval of First Supplemental Interlocal Contract LAS.10.W.04 - Lone Mountain System, Lone Mountain Detention Basin Outfall to Durango Drive between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to increase total project funding ($517,000 - Clark County Regional Flood Control District) - Ward 4 (Brown)

36. Approval of Third Supplemental Interlocal Contract LAS.16.D.01 Ann Road, Allen Lane to Rancho Drive between the City of Las Vegas and the Clark County Regional Flood Control District to extend the date of completion - Ward 6 (Mack)

37. Approval of Fourth Supplemental Interlocal Contract LAS.16.A.98 - Ann Road Channel West - Allen Lane to Rancho Drive between the City of Las Vegas and the Clark County Regional Flood Control District to extend the date of completion - Ward 6 (Mack)

38. Approval of Interlocal Contract LAS.16.E.04 - Rancho Detention Basin Phase II between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) for the design associated with the Rancho Detention Basin Phase II ($52,364 - Clark County Regional Flood Control District) - Ward 6 (Mack)

39. Approval of Interlocal Contract LAS.16.F.04 - Rancho Road System (El Campo Grande Storm Drain) between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) for the design associated with the Rancho Road System (El Campo Grande Storm Drain) ($175,800 - Clark County Regional Flood Control District) - Ward 6 (Mack)

40. Approval of Second Supplemental Interlocal Contract LAS.09.T.04 - Freeway Channel, Charleston Lateral between the City of Las Vegas and the Clark County Regional Flood Control District (CCRFCD) to extend the award of bid date - Wards 1 and 2 (Moncrief and Wolfson)

41. Approval of an Encroachment Request from Cherng Family Trust, owner (northeast corner of Lamb Boulevard and Bonanza Road) - Ward 3 (Reese)

42. Approval of an Encroachment Request from Astoria Northwest 40, LLC, owner (northeast corner of Farm Road and Fort Apache Road) - Ward 6 (Mack)

43. Approval of an Encroachment Request from Taney Engineering, Incorporated, on behalf of Bright Angel Church of Christ, owner (northeast corner of Bright Angel Way and Riley Street) - Ward 6 (Mack)

PUBLIC WORKS DEPARTMENT - CONSENT

44. Approval of an Encroachment Request from Rob Gurdison on behalf of Stephen M. Wold and Brian K. Iriye, owners (Pinto Lane between Tonopah Drive and Rose Street) - Ward 1 (Moncrief)

45. Approval of a First Amendment to Professional Services Agreement with G.C. Wallace, Inc., for the design of Durango Drive from Westcliff to Vegas Drive ($89,200 - Regional Transportation Commission) - Ward 2 (Wolfson)

46. Approval of a Non-refundable Contribution in Aid of Construction Agreement with Nevada Power Company for Traffic Improvement Package #5 (Alta Drive and Rampart Boulevard) ($72,955 - Regional Transportation Commission) - Ward 2 (Wolfson)

47. Approval of an Engineering Design Services Agreement for On Call Services with Berryman & Henigar, Inc., for Clark County Regional Flood Control District (CCRFCD) Annual Maintenance ($500,000 - Clark County Regional Flood Control District) - All Wards

48. Approval of an Engineering Design Services Agreement with Kimley-Horn and Associates, Inc., for the Bonanza Trail Improvements ($778,056 - Parks and Leisure Capital Project Fund) - Wards 1, 2 and 5 (Moncrief, Wolfson and Weekly)

49. Approval of funding for relocation of existing Sprint - Central Telephone facilities located adjacent to the Water Pollution Control Facility at 6005 East Vegas Valley Drive ($30,000 - Sanitation Fund) – County

50. Approval of the installation of speed humps on Van Buren Avenue between Lamb Boulevard and Marion Drive ($7,800 - Neighborhood Traffic Management Program) - Ward 3 (Reese)

51. Approval of the installation of speed humps on Azure Drive between Torrey Pines Drive and Jones Boulevard ($7,800 - Neighborhood Traffic Management Program) - Ward 6 (Mack)

52. Approval of a General Release and Settlement Agreement, whereby City shall receive $63,500 from Zurich North American Insurance Co., in exchange for releasing Off Site Improvement Bond NB1552 with Contractors Bonding and Insurance Company for a project called Corte Madera located at the northeast corner of Holly Avenue and Simmons Street - Ward 5 (Weekly)

RESOLUTIONS - CONSENT

53. R-141-2004 - Approval of a Resolution directing the City Treasurer to prepare the Third Assessment Lien Apportionment Report for Special Improvement District No. 1477 - Tenaya Way/Azure Drive (Levy Assessments) - Ward 6 (Mack)

54. R-142-2004 - Approval of a Resolution approving the Third Assessment Lien Apportionment Report for Special Improvement District No. 1477 - Tenaya Way/Azure Drive (Levy Assessments) - Ward 6 (Mack)

55. R-143-2004 - Approval of a Resolution Disposing of the Protests made at the hearing on the Provisional Order for Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights - Ward 6 (Mack)

REAL ESTATE COMMITTEE – CONSENT

56. Approval of a request to use 18% Set Aside Funds to repay $200,000 of Home Investment Partnerships (HOME) Program funding used to purchase property located at Lake Mead Boulevard and Gregory Street to facilitate the construction of affordable housing units ($200,000 - 18% Set Aside Funds) - Ward 5 (Weekly)

57. Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District (LVVWD) for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service The Animal Foundation located near Harris Avenue and Mojave Avenue, APN 139-25-405-008 - Ward 3 (Reese)

REAL ESTATE COMMITTEE – CONSENT

58. Approval of a Sign Location Lease between City Parkway IV A Inc. and Viacom Outdoor Inc., for rental of space for a billboard sign located in the vicinity of Bonanza Road and Main Street, APN 139-27-401-031 ($2,000 monthly revenue - Parks Capital Improvement Projects) - Ward 5 (Weekly)

59. Approval of entering into negotiations with Omega Development, LLC, for the sale of approximately 2.81 acres of City owned land located in the vicinity of Hualapai Way and Gilmore Avenue, APN 138-07-103-006 - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE SERVICES - DISCUSSION

60. Report and possible action on the Nevada League of Cities and Municipalities 2005 Proposed Legislative Package and Legislative Compact

61. ABEYANCE ITEM - Report and possible action on the legislative package that will be submitted to the Legislative Counsel Bureau on behalf of the City

BUSINESS DEVELOPMENT - DISCUSSION

62. Discussion and possible action regarding the adoption of a City of Las Vegas Business Retention Program, aka "The New Business Opportunities Program" for the attraction and retention of diverse businesses in addition to gaming - All Wards

CITY ATTORNEY - DISCUSSION

63. Discussion and possible action on Appeal of Work Card Denial: Barbara Venee Snyder, 1799 N. Decatur Boulevard #151, Las Vegas, Nevada 89108

64. Discussion and possible action on Appeal of Work Card Denial: John Terence Sylvain, 133 Sam Jonas Drive, Las Vegas, Nevada 89145

65. Discussion and possible action on Appeal of Work Card Denial: Tara Denise Kandemir, 207 East Hazel Street, Inglewood, California 90302

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

66. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, From: Russell Uehara and Deborah Uehara, 100% jointly as husband and wife, To: Meen Soung Kim, dba Nozomi Restaurant & Sushi Bar, 2202 West Charleston Boulevard, Suite 11, Meen S. Kim, 100% - Ward 5 (Weekly)

67. Discussion and possible action regarding Temporary Approval of a new Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Richard A. Billbe, dba White Tiger Red Dragon Kenpo Karate, 4531 West Sahara Avenue, Richard A. Billbe, 100% - Ward 1 (Moncrief)

68. Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, Terrible Herbst, Inc., dba Terrible's #231, 330 North Rancho Drive, Jerry E. Herbst, Dir, Pres, 100%, Maryanna A. Herbst, Secy, Treas, Edward J. Herbst, VP, Timothy P. Herbst, VP, Troy D. Herbst, VP, Michael J. Roop, VP (NOTE: Item to be heard in the afternoon session in conjunction with Item #111 – SUP-4576) - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES DEPARTMENT - DISCUSSION

69. Discussion and possible action regarding a Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, E-T-T, Inc., db at Terrible's #231, 330 North Rancho Drive (NOTE: Item to be heard in the afternoon session in conjunction with Item #111 – SUP-4576) - Ward 3 (Reese)

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

71. Discussion and possible action regarding an Appeal of Denial for a Child Care Facility License, Sheila Logan, dba Love All Kidz Daycare, 6309 Guadalupe Avenue, Sheila Logan 100% - Ward 6 (Mack)

BOARDS & COMMISSIONS - DISCUSSION

72. ABEYANCE ITEM - AUDIT OVERSIGHT COMMITTEE – Michael W. Kern, Term Expiration 8-16-2004

73. AUDIT OVERSIGHT COMMITTEE – Paul Workman, Term Expiration 9-4-2004; Jose Troncoso, Term Expiration 9-18-2004

74. Discussion and possible action to appoint an alternate member of Council to serve on the Real Estate Committee

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

75. 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

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

77. 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

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

78. 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

79. 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

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

81. 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

RECOMMENDING COMMITTEE REPORTS - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

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

NEW BILLS

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

83. Bill No. 2004-59 – Annexation No. ANX-4440 – Property location: On the north side of Regena Avenue, 170 feet east of Riley Street; Petitioned by: Mona Agamez; Acreage: 0.62 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

84. Bill No. 2004-60 – Ordinance Creating Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights. Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

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

HEARINGS - DISCUSSION

86. Hearing to consider the appeal filed by Custom Communications Network regarding the removal of the outdoor pay telephone at 1710 East Charleston Boulevard. PROPERTY OWNER: CUSTOM COMMUNICATIONS NETWORK - Ward 3 (Reese)

87. Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W. Van Buren Avenue. PROPERTY OWNER: JOANNA SMITH - Ward 5 (Weekly)

88. Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 105 N Yale Street. PROPERTY OWNER: RONALD J. BATES - Ward 1 (Moncrief)

89. Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 224 W Philadelphia Avenue. PROPERTY OWNER: MARY H. McKINNEY LIVING TRUST 1989 - Ward 1 (Moncrief)

90. Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 208 N 20th Street. PROPERTY OWNER: JULIO TOBAR - Ward 3 (Reese)

PLANNING & DEVELOPMENT DEPARTMENT

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

PLANNING & DEVELOPMENT DEPARTMENT – CONSENT

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

91. EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Site Development Plan Review [Z-0076-83(2)] FOR A SINGLE ROOM OCCUPANCY RESIDENCE on 1.58 acres at 525 East Bonanza Road (APN 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

92. EXTENSION OF TIME - VARIANCE RELATED TO EOT-4778 - EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Variance (V-0042-02) WHICH ALLOWED 159 PARKING SPACES WHERE 306 PARKING SPACES ARE THE MINIMUM REQUIRED FOR A PROPOSED SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road (APN 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

93. ABEYANCE ITEM - APPEAL OF DIRECTOR'S DECISION - DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 211 West Charleston Boulevard (APN: 162-04-504-009) for failure to comply with Title 19.14.100, Ward 1 (Moncrief). Staff recommends DENIAL

94. ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES - OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS - Request for a Review of Condition No. 10 of an approved Special Use Permit (U-0054-95) which required approval of the parking and driveway plans to add language requiring a shared parking agreement to allow off-site parking for Fletcher Jones Mercedes employees at 2323 South Tenaya Way (APN: 163-03-404-006), R-E (Residence Estates) Zone, Ward 1 (Moncrief). Staff recommends DENIAL

95. REVIEW OF CONDITION - PUBLIC HEARING - ROC-4825 - APPLICANT/OWNER: ROYAL SEAL INVESTMENTS, INC. - Request for a Review of Condition Number 3 for an approved Site Development Plan Review [Z-0068-02(1)] that required 24-inch box trees 20 feet on center in the landscape planter along the north property line to allow no trees adjacent to the north side of the building and relocate them elsewhere on the site for an approved 8,000 square foot retail building located adjacent to the west side of Jones Boulevard, approximately 300 feet north of Cheyenne Avenue (APN 138-11-804-024), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL

96. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4182 - APPLICANT: TESA PARTNERS I - OWNER: RANCHO PINES II, LMITED PARTNERSHIP - Request for a Site Development Plan Review FOR A MEDICAL OFFICE DEVELOPMENT CONSISTING OF FOUR 4,000 SQUARE FOOT SINGLE STORY BUILDINGS on 1.49 acres adjacent to the west side of Torrey Pines Drive, approximately 200 feet north of Rancho Drive (APN 138-02-214-003), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

97. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4630 - APPLICANT: STATE OF NEVADA PUBLIC WORKS BOARD - OWNER: STATE OF NEVADA BUILDING & GROUNDS - Request for a Site Development Plan Review FOR A PROPOSED TWO STORY, 62,500 SQUARE FOOT DEPARTMENT OF EMPLOYMENT, TRAINING AND REHABILITATION BUILDING on 8.12 acres adjacent to the southwest corner of St. Louis Avenue and McLeod Street (a portion of APN 162-01-402-006), C-V (Civic) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

98. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4639 - APPLICANT: TRIPLE FIVE DEVELOPMENT - OWNER: VILLAGE SQUARE, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 57,092 SQUARE FOOT RETAIL/COMMERCIAL BUILDING AND FOR A WAIVER OF FOUNDATION LANDSCAPING OF THE COMMERCIAL STANDARDS on 1.61 acres approximately 260 feet north of Sahara Avenue and approximately 640 feet west of Fort Apache Road (APN 163-06-816-027), C-1 (Limited Commercial) Zone [SC (Service Commercial) General Plan Designation], Ward 2 (Wolfson). The Planning Commission (5-1 vote) and staff recommend APPROVAL

99. SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING - SDR-4820 - APPLICANT: PLANET NISSAN - OWNER: NORTHWEST AUTOWORLD LTD. - Request for a Site Development Plan Review TO ADD TWO DRIVEWAYS TO AN EXISTING AUTOMOBILE INVENTORY PARKING LOT on 4.00 acres located at 5850 Centennial Center Boulevard (APN A portion of 125-27-301-007), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL

100. ABEYANCE ITEM - MASTER SIGN PLAN - PUBLIC HEARING - MSP-4380 - APPLICANT: VISION SIGN, INC. - OWNER: D 2801 WESTWOOD, INC. - Request for a Master Sign Plan FOR AN APPROVED SEXUALLY-ORIENTED BUSINESS (TREASURES GENTLEMEN'S CLUB) adjacent to the northwest corner of Westwood Drive and Red Oak Avenue (APN: 162-08-604-001 and 162-09-102-001 & 003), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

101. MAJOR MODIFICATION - PUBLIC HEARING - MOD-4484 - APPLICANT/OWNER: RITTER CHARITABLE TRUST - Request for a Major Modification to the Lone Mountain West Plan FROM: NC (NEIGHBORHOOD COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 5.00 acres adjacent to the southwest corner of Cliff Shadows Parkway and Alexander Road (APN 137-12-101-002), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

102. MAJOR MODIFICATION - PUBLIC HEARING - MOD-4615 - APPLICANT: COOPER CUSTOM HOMES - OWNER: MB HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Major Modification TO REMOVE PROPERTY FROM THE IRON MOUNTAIN RANCH MASTER PLAN on 4.3 acres adjacent to the northeast corner of Horse Drive and Bradley Road (APN 125-12-601-006), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

103. REZONING RELATED TO MOD-4615 - PUBLIC HEARING - ZON-4616 - APPLICANT: COOPER CUSTOM HOMES - OWNER: MB HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 6.99 acres adjacent to the northeast corner of Horse Drive and Bradley Road (APN 125-12-601-006 and 009), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

104. SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4615 AND ZON-4616 - PUBLIC HEARING - SDR-4617 - APPLICANT: COOPER CUSTOM HOMES - OWNER: MB HOLDINGS, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 15 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.99 acres adjacent to the northeast corner of Horse Drive and Bradley Road (APN 125-12-601-006 and 009), R-E (Residence Estates) Zone [PROPOSED: R-PD-2 (Residential Planned Development - 2 Units Per Acre)], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

105.MAJOR MODIFICATION - PUBLIC HEARING - MOD-4633 - APPLICANT: KB HOME - OWNER: NATIONAL GROUP #1, LIMITED LIABILITY CORPORATION, ET AL - Request for a Major Modification to the Lone Mountain West Plan FROM: NC (NEIGHBORHOOD COMMERCIAL) AND VC (VILLAGE COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 10.26 acres adjacent to the southeast corner of Cliff Shadows Parkway and Alexander Road (APN 137-12-101-003 and 009), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL

106.SITE DEVELOPMENT PLAN REVIEW RELATED TO MOD-4633 - PUBLIC HEARING - SDR-4636 - APPLICANT: KB HOME - OWNER: BRIAN AND JULIE LEE AND NATIONAL GROUP #1, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 55 LOT SINGLE FAMILY SUBDIVISION on 10.26 acres adjacent to the southeast corner of Alexander Road and Cliff Shadows Parkway (APN 137-12-101-003 and 009), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL

107.STREET NAME CHANGE - PUBLIC HEARING - SNC-4254 - APPLICANT: CLAY STRINGHAM - OWNER: BABB INVESTMENT COMPANY - Request for a Street Name Change FROM: SHILOH SCHOOL LANE TO: ISAAC NEWTON WAY, between Hualapai Way and Metro Academy Way, Ward 4 (Brown). The Planning Commission (6-0 vote) and staff recommend APPROVAL

108.VACATION - PUBLIC HEARING - VAC-4628 - APPLICANT/OWNER: HABITAT FOR HUMANITY, LAS VEGAS - Request for a Petition to vacate a portion of the west half of La Salle Street between Hart Avenue and Hassell Avenue; and a portion of the north half Hart Avenue between La Salle Street and Concord Street, Ward 5 (Weekly). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

109.REQUIRED TWO YEAR REVIEW - PUBLIC HEARING - RQR-4605 - APPLICANT: JSA, INC. - OWNER; CRAIG MARKETPLACE, LIMITED LIABILITY COMPANY - Required Two Year Review of an approved Variance (V-0031-02) WHICH ALLOWED 817 PARKING SPACES FOR AN EXISTING COMMERCIAL CENTER, WHERE 887 PARKING SPACES ARE REQUIRED on 17.8 acres adjacent to the south side of Craig Road, approximately 220 feet east of Tenaya Way (APN 138-03-701-011, 012, 018 and 020), C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

110.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4521 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: BRIGHT PATH, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 820 South Valley View Boulevard (APN 139-31-801-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL

111.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4576 - APPLICANT: TERRIBLE HERBST OIL COMPANY - OWNER: RANCHO CIRCLE SHOPPING CENTER, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) adjacent to the southeast corner of Rancho Drive and Bonanza Road (APN 139-29-801-004), C-2 (General Commercial) Zone, Ward 5 (Weekly). (NOTE: This item to be heard in conjunction with Morning Session Item #68 and Item #69). The Planning Commission (4-0-2 vote) and staff recommend APPROVAL

112.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4592 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: JOHN HERDA - Request for a Special Use Permit FOR A 40 FOOT HIGH, 10 FOOT X 40 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2744 Highland Drive (APN 162-09-202-001), M (Industrial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0 vote) and staff recommend APPROVAL

113.SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4593 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: S & K FAMILY TRUST - Request for a Special Use Permit FOR AN OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1531 Western Avenue (APN 162-04-605-007), M (Industrial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

114. SPECIAL USE PERMIT - PUBLIC HEARING - SUP-4594 - APPLICANT: MOUNTAIN VIEW ESTATES - OWNER: SAITTA FAMILY TRUST - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A 40 FOOT HIGH, 10 FOOT X 40 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2100 South Decatur Boulevard (APN 162-06-301-006), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (4-2 vote) and staff recommend DENIAL

115. ABEYANCE ITEM - REZONING - PUBLIC HEARING - ZON-4200 - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (Residence Estates) TO: R-PD2 (Residential Planned Development - 2 Units per Acre) on 20.0 acres adjacent to the southwest corner of Iron Mountain Road and Jones Boulevard (APN: 125-11-508-003), Ward 6 (Mack). The Planning Commission (4-1-2 vote) and staff recommend APPROVAL

116. ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4200 - PUBLIC HEARING - SDR-4198 - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 29-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 20.00 acres adjacent to the southwest corner of Iron Mountain Road and Jones Boulevard (APN: 125-11-508-003), R-E (Residence Estates) Zone [PROPOSED: R-PD2 (Residential Planned Development - 2 Units Per Acre)], Ward 6 (Mack) The Planning Commission (3-2-2 vote) recommends DENIAL. Staff recommends APPROVAL

117. REZONING - PUBLIC HEARING - ZON-4368 - APPLICANT: CARINA HOMES - OWNERS: RONALD AND CAROLYN MICH'L - Request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way (APN 126-13-601-004, 006, 008 and 009), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

118. VACATION RELATED TO ZON-4368 - PUBLIC HEARING - VAC-4420 - APPLICANT: CARINA HOMES; OWNER: RON AND CAROLYN MICH'L, ET AL - Request for a Petition to vacate U. S. Government Patent Easements and the Donald Nelson Avenue Right of Way, generally located west of Hualapai Way, north of Farm Road, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

119. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4368 AND VAC-4420 - PUBLIC HEARING - SDR-4370 - APPLICANT: CARINA HOMES - OWNER: RONALD AND CAROLYN MICH'L - Request for a Site Development Plan Review FOR A 73-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.52 acres adjacent to the northwest corner of Farm Road and Hualapai Way (APN 126-13-601-004, 006, 008 and 009), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

120. REZONING - PUBLIC HEARING - ZON-4452 - APPLICANT: GARRETT, LIMITED LIABILITY COMPANY - OWNER: KEVIN GOLSHAN - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT – 3 UNITS PER ACRE) on 8.79 acres adjacent to the northeast corner of Jones Boulevard and Deer Springs Way (APN 125-24-201-002), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

121. SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4452 - PUBLIC HEARING - SDR-4455 - APPLICANT: GARRETT, LIMITED LIABILITY COMPANY - OWNER: KEVIN GOLSHAN - Request for a Site Development Plan Review FOR A 29 LOT SINGLE FAMILY DEVELOPMENT on 8.79 acres located adjacent to the northeast corner of Jones Boulevard and Deer Springs Way (APN 125-24-201-002), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development – 3 Units Per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

122.REZONING - PUBLIC HEARING - ZON-4459 - APPLICANT: RUTH L. BOYD & DEAN KATRIS - OWNER: BOYD FAMILY PARTNERSHIP, LIMITED PARTNERSHIP & JONES BELTWAY, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 47.46 acres on the northeast corner of Jones Boulevard and the 215 Beltway (APN 125-24-401-001, 002, 010, 011 and 125-24-302-014), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-2 vote) recommends APPROVAL

123.VARIANCE RELATED TO ZON-4459 - PUBLIC HEARING - VAR-4462 - APPLICANT: RUTH L. BOYD & DEAN KATRIS - OWNER: BOYD FAMILY PARTNERSHIP, LIMITED PARTNERSHIP & JONES BELTWAY, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 2.35 ACRES OF OPEN SPACE WHERE 2.44 IS REQUIRED; AND TO ALLOW A 10 FOOT WALL HEIGHT WHERE 8 FEET IS THE MAXIMUM HEIGHT ALLOWED FOR A PROPOSED RESIDENTIAL SUBDIVISION on 47.46 acres on the northeast corner of Jones Boulevard and the 215 Beltway (APN 125-24-401-001, 002, 010, 011 and 125-24-302-014), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (5-1 vote) recommends APPROVAL. (NOTE: The Variance for open space has been withdrawn without prejudice by the applicant)

124.SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4459 AND VAR-4462 - PUBLIC HEARING - SDR-4461 - APPLICANT: RUTH L. BOYD & DEAN KATRIS - OWNER: BOYD FAMILY PARTNERSHIP, LIMITED PARTNERSHIP & JONES BELTWAY, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 163 LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on 47.46 acres on the northeast corner of Jones Boulevard and the 215 Beltway (APN 125-24-401-001, 002, 010, 011 and 125-24-302-014), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack). S taff recommends DENIAL. The Planning Commission (4-2 vote) recommends APPROVAL

125.REZONING - PUBLIC HEARING - ZON-4483 - APPLICANT: CLIFFS EDGE, LIMITED LIABILITY COMPANY - OWNER: SOUTHWEST DESERT EQUITIES - Request for a Rezoning FROM: U (UNDEVELOPED) [PCD (PLANNED COMMUNITY DEVELOPMENT) GENERAL PLAN DESIGNATION] TO: PD (PLANNED DEVELOPMENT) on 5.00 acres adjacent to the south side of Grand Teton Drive, approximately 660 feet east of Puli Road (APN 126-13-101-003), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

126.REZONING - PUBLIC HEARING - ZON-4695 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: ERNEST AND KATHLEEN BECKER - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) GENERAL PLAN DESIGNATION] TO: T-C (TOWN CENTER) on 5.0 acres adjacent to the southeast corner of Elkhorn Road and Fort Apache Road (APN 125-20-101-001), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

127.SPECIAL USE PERMIT RELATED TO ZON-4695 - PUBLIC HEARING - SUP-4614 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: ERNEST AND KATHLEEN BECKER - Request for a Special Use Permit FOR PRIVATE STREETS AND A WAIVER FROM THE REQUIREMENT THAT PRIVATE STREETS BE GATED, FOR A 30 UNIT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.0 acres adjacent to the southeast corner of Elkhorn Road and Fort Apache Road (APN 125-20-101-001), U (Undeveloped) Zone [TC (Town Center) General Plan Designation], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

128.SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-4695 AND SUP-4614 - PUBLIC HEARING - SDR-4613 - APPLICANT: PAGEANTRY COMMUNITIES - OWNER: ERNEST AND KATHLEEN BECKER - Request for a Site Development Plan Review FOR A 30 UNIT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5 acres adjacent to the southeast corner of Elkhorn Road and Fort Apache Road (APN 125-20-101-001), U (Undeveloped) Zone [TC (Town Center) General Plan Designation], Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

129.GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-3933 - CITY OF LAS VEGAS - Request to amend the Master Plan Transportation Trails Element of the General Plan to add and remove certain trail alignments to be consistent with the Regional Transportation Commission's "Non-Motorized Alternative Transportation Mode Master Plan", Wards 2, 3, 4 and 6 (Wolfson, Reese, Brown and Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

130. GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4091 - APPLICANT/OWNER: UNIFIED CREDIT TRUST - Request to amend a portion of the Centennial Hills Interlocal Land Use Plan of the Centennial Hills Sector Plan of the General Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 20.35 acres adjacent to the northeast corner of Jones Boulevard and Horse Drive (APN 125-12-202-001), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL of R (Rural)

131. REZONING RELATED TO GPA-4091 - PUBLIC HEARING - ZON-4093 - APPLICANT/OWNER: UNIFIED CREDIT TRUST - Request for a Rezoning FROM: U (UNDEVELOPED) [D-R (DESERT RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD5 (RESIDENTIAL PLANNED DEVELOPMENT - 5 UNITS PER ACRE) on 20.35 acres adjacent to the northeast corner of Jones Boulevard and Horse Drive (APN 125-12-202-001), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL of R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE)

132. VARIANCE RELATED TO GPA-4091 AND ZON-4093 - PUBLIC HEARING - VAR-4094 - APPLICANT/OWNER: UNIFIED CREDIT TRUST - Request for a Variance TO ALLOW 34,340 SQUARE FEET OF OPEN SPACE WHERE 63,363 SQUARE FEET IS REQUIRED FOR AN 88 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 20.35 acres adjacent to the northeast corner of Jones Boulevard and Horse Drive (APN 125-12-202-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

133. SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4091, ZON-4093, AND VAR-4094 - PUBLIC HEARING - SDR-4095 - APPLICANT/OWNER: UNIFIED CREDIT TRUST - Request for a Site Development Plan Review FOR AN 88 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT AND FOR A WAIVER OF PERIMETER LANDSCAPING REQUIREMENTS on 20.35 acres adjacent to the northeast corner of Jones Boulevard and Horse Drive (APN 125-12-202-001), U (Undeveloped) Zone [DR (Desert Rural Density Residential) General Plan Designation] [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre)], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

134. ABEYANCE ITEM - GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4564 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: O (Office) TO: SC (Service Commercial) and to exempt the subject site from the full Multi-use Transportation Trails Standard of the Transportation Trails Element, using instead the proposed "Connector Trail" Standard on 0.79 acres adjacent to the southeast corner of Charleston Boulevard and Rancho Drive (APN: 162-04-101-001), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-1 vote) recommends APPROVAL

135. ABEYANCE ITEM - VARIANCE RELATED TO GPA-4564 - PUBLIC HEARING - VAR-4696 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRETT GROUP, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 15 PARKING SPACES WHERE 22 SPACES IS THE MINIMUM NUMBER REQUIRED on 0.79 acres at 2237 W. Charleston Boulevard (APN: 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

136. ABEYANCE ITEM - SPECIAL USE PERMIT RELATED TO GPA-4564 AND VAR-4696 - PUBLIC HEARING - SUP-4565 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED CAR WASH/AUTO DETAIL at 2237 West Charleston Boulevard (APN: 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

137.ABEYANCE ITEM - SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4564, VAR-4696 AND SUP-4565 - PUBLIC HEARING - SDR-4563 - APPLICANT: RIDER'S CHEVRON - OWNER: GARRET GROUP, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and Waivers of perimeter buffering landscaping, parking lot landscaping, building foundation landscaping, side yard setbacks, and building placement for a PROPOSED 1,200 SQUARE-FOOT CAR WASH/AUTO DETAIL AND A 3,325 SQUARE-FOOT CONVENIENCE STORE/SERVICE STATION TO REPLACE AN EXISTING 1,800 SQUARE FOOT CONVENIENCE STORE/SERVICE STATION on 0.79 acres at 2237 West Charleston Boulevard (APN: 162-04-101-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (4-3 vote) recommends APPROVAL

138.GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4587 - APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: PR-OS (PARK/RECREATION/OPEN SPACE) TO: PCD (PLANNED COMMUNITY DEVELOPMENT) on 10.00 acres along the south side of Gilcrease Avenue, approximately 660 feet east of Hualapai Way (a portion of APN 125-18-201-010), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

139.GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4607 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS - Request to amend a portion of the Southeast Sector Plan of the General Plan FROM: PF (PUBLIC FACILITIES) TO: H (HIGH DENSITY RESIDENTIAL) on 9.33 acres approximately 200 feet west of Owens Avenue and North Main Street along the south side of Owens Avenue (APN 139-27-502-011), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

140.REZONING RELATED TO GPA-4607 - PUBLIC HEARING - ZON-4608 - APPLICANT: HELP LAS VEGAS HOUSING CORPORATION II & CITY OF LAS VEGAS - OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-V (CIVIC) TO: R-5 (APARTMENT) on 9.33 acres approximately 200 feet west of Owens Avenue and North Main Street along the south side of Owens Avenue (APN 139-27-502-011), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

141.GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4634 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request to Amend a portion of the Centennial Hills Interlocal Land Use Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

142.REZONING RELATED TO GPA-4634 - PUBLIC HEARING - ZON-4640 - APPLICANT: D.R. HORTON, INC.- OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) AND C-2 (GENERAL COMMERCIAL) TO: R-PD6 (RESIDENTIAL PLANNED DEVELOPMENT - 6 UNITS PER ACRE) on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

143.VARIANCE RELATED TO GPA-4634 AND ZON-4640 - PUBLIC HEARING - VAR-4642 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW ZERO OPEN SPACE WHERE 1.65 ACRES ARE REQUIRED FOR A SINGLE FAMILY DEVELOPMENT on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), R-E (Residence Estates) and C-2 (General Commercial) Zones [PROPOSED: R-PD6 (Residential Planned Development- 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

PLANNING & DEVELOPMENT DEPARTMENT – DISCUSSION

144. SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4634, ZON-4640 AND VAR-4642 - PUBLIC HEARING - SDR-4641 - APPLICANT: D.R. HORTON, INC. - OWNER: SPRING MOUNTAIN RANCH, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 100 LOT RESIDENTIAL DEVELOPMENT on 17.83 acres adjacent to the southwest corner of Horse Drive and Fort Apache Road (APN 125-07-710-001 and 125-08-322-001), R-E (Residence Estates) and C-2 (General Commercial) Zones [PROPOSED: R-PD6 (Residential Planned Development - 6 Units Per Acre)], Ward 6 (Mack). The Planning Commission (3-2-1 vote) and staff recommend DENIAL

145. GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-4637 - APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY - Request to Amend a portion of the Southwest Sector Plan of the General Plan FROM: R (RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 2.5 acres adjacent to the southwest corner of Peak Drive and Bronco Street (APN 138-14-701-003), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

146. WAIVER RELATED TO GPA-4637 - PUBLIC HEARING - WVR-4767 - APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Waiver to Title 18.12.160 TO ALLOW APPROXIMATELY 180 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED adjacent to the southwest corner of Peak Drive and Bronco Street (APN 138-14-701-003), R-1 (Single Family Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

147. REZONING RELATED TO GPA-4637 AND WVR-4767 - PUBLIC HEARING - ZON-4644 - APPLICANT/OWNER: SF INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: U (UNDEVELOPED) [R (Rural Density Residential) General Plan Designation] TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 2.5 acres adjacent to the southwest corner of Peak Drive and Bronco Street (APN 138-14-701-003), Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

148. SET DATE ON ANY APPEALS FILED OR REQUIRED PUBLIC HEARINGS FROM THE CITY PLANNING COMMISSION MEETINGS, CENTENNIAL HILLS ARCHITECTURAL REVIEW COMMITTEE AND DANGEROUS BUILDING OR NUISANCE/LITTER ABATEMENTS

ADDENDUM

CITIZENS PARTICIPATION

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

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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

City of Las Vegas

Agenda Item No. 56

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ [X] **CONSENT** [ ] **DISCUSSION**

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of a request to use 18% Set Aside Funds to repay $200,000 of Home Investment Partnerships (HOME) Program funding used to purchase property located at Lake Mead Boulevard and Gregory Street to facilitate the construction of affordable housing units ($200,000 - 18% Set Aside Funds) - Ward 5 (Weekly)

Fiscal Impact

[ ]	**No Impact**	**Amount:**	$200,000
[X]	**Budget Funds Available**	**Dept./Division:**	NBHD SVS/NBHD DEV
[ ]	**Augmentation Required**	**Funding Source:**	18% Set Aside Funds

PURPOSE/BACKGROUND:

On 8/16/95, Council approved $200,000 in HOME funds for land acquisition and construction of housing at Lake Mead Boulevard and Gregory Street. The project was never constructed and the City assumed ownership of the property through foreclosure. Since the construction was not completed within HUD timelines, the City received a demand letter from Clark County to repay the $200,000 of federal HOME funding from non-federal money. This exchange is necessary for repayment and to preserve the property for future construction of affordable housing units.

RECOMMENDATION:

The 8/17/2004 Real Estate Committee and staff recommend that the City Council approve the exchange of $200,000 in HOME Funds with $200,000 in 18% Set Aside Funds to preserve the property for future construction of affordable housing units.

BACKUP DOCUMENTATION:

9/2/03 Letter from Clark County

MOTION:

REESE – APPROVED Items 2-51, 53-57, and 59 – UNANIMOUS with MACK abstaining on Item 13 to avoid any conflict because it involves a direct competitor wishing to locate within a few hundred feet of another of his brother's properties, on Items 21 and 58 because they involve connections to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting, and on Item 42 because it involves Astoria Homes, with which he is negotiating to purchase a home

Item 52: **APPROVED under separate action** (see individual item)
Item 58: **STRICKEN under separate action** (see individual item)

City of Las Vegas

Agenda Item No. 56

CITY COUNCIL MEETING OF AUGUST 18, 2004
Consent – Real Estate
Item 56 - Approval of a request to use 18% Set Aside Funds to repay $200,000 of Home Investment Partnerships (HOME) Program funding used to purchase property located at Lake Mead Boulevard and Gregory Street to facilitate the construction of affordable housing units ($200,000 - 18% Set Aside Funds) - Ward 5 (Weekly)

MINUTES:

Under Item 2, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items not previously stricken on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:28 – 9:30)

1-758

Department of Finance
Community Resources Management

500 S Grand Central Pky 5th Fl • PO Box 551212 • Las Vegas NV 89155-1212
(702) 455-5025 • Fax (702) 455-5038

George W. Stevens, Chief Financial Officer • Douglas R. Bell, Manager

September 2, 2003

Faye Johnson
City of Las Vegas
Neighborhood Development Manager
400 East Stewart Avenue
Las Vegas, NV 89101

Dear Ms. Johnson:

Thank you for the prompt response to my letter of July 19, 2003, concerning the results of our recent HOME/LIHTF compliance monitoring. I have reviewed your responses to the recommendations detailed in that correspondence. I appreciate your cooperation in resolving and/or explaining the few issues that I raised. The purpose of this letter is to clarify three specific items: Monitoring Files, Kasper Park and Help Them Walk Again.

Monitoring Files

In our review of the City's HOME/LIHTF program procedures, we noted that you did not conduct separate, periodic HQS Inspections of the affordable housing units funded through your share HOME allocation. In my previous letter I indicated that this is a requirement identified in 24 CFR 92.504. I noted your response, that the regulations state that such inspections are the responsibility of the Participating Jurisdiction and that the County has not specifically delegated this responsibility to the City.

The County's perspective on this issue is that this responsibility, like numerous others that may not be specifically called out in our consortium and annual agreements, is a general HOME Program administrative requirement. In so far as the City is a consortium partner and not merely a subrecipient, the City is granted both the authority and responsibility to directly operate it's own programs. To insure that the City has the financial capacity to carry out these responsibilities, it receives a full pro-rata share of the consortium's HOME administration funds.

In order to avoid any future confusion over this issue, I will incorporate appropriate language into the next annual agreement clarifying the City's responsibility to conduct unit inspections as part of its required routine monitoring. In the interim, we expect the City to conduct the HQS inspections for your HOME/LIHTF units.

Kasper Park and Help Them Walk Again

Both of these projects represent cases in which HOME funds were invested by the City of Las Vegas in projects that terminated prior to completion. In each case, the City provided a nonprofit agency with federal HOME funds that were used for land acquisition. When the projects failed to proceed, the City took appropriate action to protect the HOME investment by recapturing the property.

In the case of Help Them Walk Again, the City sold the property in November 2002. In a letter dated July 17, 2003, the City notified Clark County that it had received $229,270.03 from the sale of the Help Them Walk Again parcel. In this letter, the City also requested that it be allowed to retain the program income in their local account to use for other eligible projects. Unfortunately, HUD regulations require that repayment of monies drawn directly from the U.S. Treasury, including any interest earned, be returned to the Treasury. The County does not have the authority to override this requirement. Consequently, you will need to forward the repayment of the original HOME investment of $228,840.98 and any interest earned on the repayment to the County so that we can return it to the Treasury as required by 24 CFR 92.503(b). Once these funds have been credited back into the Consortium's Treasury account, the County will in turn make these funds available to the City of Las Vegas for eligible projects.

In the case of Kasper Park, it is my understanding that the City has retained ownership of the parcel, but has been unsuccessful in selling it. As with the parcel discussed above, because HOME funds were invested in a project that was terminated prior to completion, the original HOME investment of $200,000 must be returned to the U.S. Treasury, regardless of whether the City can sell the property. Again, I must request that you forward the required funds to the County so that we may make the repayment to the Treasury account. As in the previous scenario, once the repayment has been completed and the funds credited back to the Consortium's account these funds will be available to the City of Las Vegas to use for eligible projects.

Thank you for your continued cooperation. If I can be of further assistance in this matter, please call me at 455-5025.

Sincerely,

Michael J. Pawlak
HOME Program Coordinator

Enclosures

cc: Roy Porter, HUD Senior CPD Representative
Douglas R. Bell, Manager, Community Resources Management
Sharon Segerblom, Neighborhood Services Director
Helen Kawi, Community Resources Management

City of Las Vegas

Agenda Item No. 57

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

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

Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District (LVVWD) for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service The Animal Foundation located near Harris Avenue and Mojave Avenue, APN 139-25-405-008 - Ward 3 (Reese)

Fiscal Impact

[X] **No Impact**	**Amount:**	
[ ] **Budget Funds Available**	**Dept./Division:**	Public Works/Real Estate
[ ] **Augmentation Required**	**Funding Source:**	

PURPOSE/BACKGROUND:
Council approved a Lease with The Animal Foundation on 11/20/96. Their architectural firm completed a design plan depicting expansion of The Animal Foundation including other design aspects including canine bungalows, adoption, obedience and show centers, a barn, and a veterinary technician training facility. A new parcel map was recorded and a new Lease incorporating the above elements is underway. In order to have water lines and appurtenance(s) service the site, CLV is required to grant an Easement and Rights-of-Way to LVVWD for construction of the water lines and appurtenance(s).

RECOMMENDATION:
The 8/17/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:
Easement and Rights-of-Way

MOTION:
REESE – APPROVED Items 2-51, 53-57, and 59 – UNANIMOUS with MACK abstaining on Item 13 to avoid any conflict because it involves a direct competitor wishing to locate within a few hundred feet of another of his brother's properties, on Items 21 and 58 because they involve connections to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting, and on Item 42 because it involves Astoria Homes, with which he is negotiating to purchase a home

Item 52: **APPROVED under separate action** (see individual item)
Item 58: **STRICKEN under separate action** (see individual item)

City of Las Vegas

Agenda Item No. 57

CITY COUNCIL MEETING OF AUGUST 18, 2004
Consent - Real Estate
Item 57 – Approval of an Easement and Rights-of-Way between the City of Las Vegas and the Las Vegas Valley Water District (LVVWD) for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water lines and appurtenances to service The Animal Foundation located near Harris Avenue and Mojave Avenue, APN 139-25-405-008 - Ward 3 (Reese)

MINUTES:

Under Item 2, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items not previously stricken on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:28 – 9:30)

1-758

A.P.N. 139-25-405-008

EASEMENTS AND RIGHTS-OF-WAY

ABOVE SPACE FOR RECORDER'S USE ONLY

THIS INDENTURE OF EASEMENT AND RIGHTS-OF-WAY, made and entered into by and between:

City of Las Vegas

Party of the First Part, hereinafter known as the **GRANTOR(S)**, and **LAS VEGAS VALLEY WATER DISTRICT**, a Quasi-Municipal Corporation, Party of the Second Part, hereinafter known as the **GRANTEE**.

WITNESSETH:

That the **GRANTOR(S)**, for and in consideration of the sum of one dollar ($1.00), lawful money of the United States, to it in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does by these presents GRANT and CONVEY to the **GRANTEE**, its successors and assigns, an Easement and Rights-of-Way for the purpose of construction, operation, maintenance, repair, renewal, reconstruction and removal of water pipelines and appurtenances with the right of ingress and egress, over, above, across and under that certain parcel of land described as follows:

SEE EXHIBIT "A" ATTACHED TO AND BY THIS REFERENCE MADE A PART HEREOF.

The **GRANTOR(S)**, its successors and assigns agree that:

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes and for other utilities, insofar as such use does not interfere with its use by the **GRANTEE** for the purposes for which it is granted;

2. The **GRANTEE** shall not be liable for any damage to any of the **GRANTOR'S** improvements placed upon said parcel due to the **GRANTEE'S** necessary operations using reasonable care; and

3. Should any of the **GRANTEE'S** facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the **GRANTOR(S)**, or its successors and assigns shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the **GRANTEE**.

A.P.N. 139-25-405-008
GRANTOR: City of Las Vegas

Signator for **GRANTOR(S)** warrant that they have the legal authority to bind the parties hereto and **GRANTOR(S)** warrants that it may legally grant the rights described herein.

IN WITNESS WHEREOF, the **GRANTOR(S)** has hereunto set his/her/their hand/hands this _____ day of ______________________, 20______.

City of Las Vegas ______________________ ______________________

______________________ ______________________

APPROVED AS TO FORM:
Thomas R. Green 7/29/04
Date

STATE of ____________________)
) ss.
COUNTY of __________________)

On ________________________, 20_____, before me, the undersigned, a **NOTARY PUBLIC**, in and for said County and State, personally appeared ____ known to me to be the person(s) described in and who executed the foregoing instrument, and who acknowledged to me that ___he___ executed the same freely and voluntarily and for the uses and purposes herein mentioned.

WITNESS my hand and official seal.

____
Notary Public

FOR LVVWD USE ONLY

RECORDED FOR
LAS VEGAS VALLEY WATER DISTRICT
1001 S VALLEY VIEW BLVD.
LAS VEGAS, NEVADA 89153
RETURN TO – WILL CALL

____
Notary Stamp/Seal Above

A.P.N. 139-25-405-008

THE ANIMAL FOUNDATION
REGIONAL ANIMAL CAMPUS
10'x20' LVVWD EASEMENT

A PORTION OF THE SOUTH HALF (S 1/2) OF THE SOUTH HALF (S 1/2) OF SECTION 25, TOWNSHIP 20 SOUTH, RANGE 61 EAST, M.D.M., CLARK COUNTY, NEVADA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

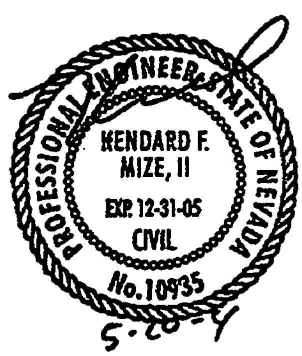
COMMENCING AT THE CENTERLINE INTERSECTION OF HARRIS AVENUE AND MOJAVE ROAD AS SHOWN ON PARCEL MAP FILE 100 PAGE 68, NORTH 88°41'44" WEST A DISTANCE OF 401.43 FEET ALONG THE CENTERLINE OF HARRIS AVENUE; THENCE DEPARTING SAID CENTERLINE SOUTH 01°18'16" WEST A DISTANCE OF 31.66 FEET TO THE POINT OF BEGINNING, ALSO BEING THE BEGINNING OF A NON-TANGENT CURVE HAVING A RADIAL BEARING OF SOUTH 24°46'57" WEST AND A RADIUS OF 20.00 FEET; THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 23°29'56", AN ARC LENGTH OF 8.20 FEET TO A POINT ON THE SOUTHERN RIGHT-OF-WAY LINE OF HARRIS AVENUE; THENCE DEPARTING SAID RIGHT-OF-WAY LINE SOUTH 01°18'16" EAST A DISTANCE OF 10.00 FEET; THENCE SOUTH 88°41'44" EAST A DISTANCE OF 20.00 FEET; THENCE NORTH 01°18'16" EAST A DISTANCE OF 8.34 FEET TO THE POINT OF BEGINNING.

CONTAINS 196 SQUARE FEET, MORE OR LESS.
SEE EXHIBIT ATTACHED TO AND BY REFERENCE MADE A PART HEREOF.

BASIS OF BEARINGS:
THE BASIS OF BEARINGS FOR THIS SURVEY IS THE SOUTHERLY LOT LINE OF LOT 1 AS SHOWN BY THAT MAP ON FILE IN FILE 89 OF PARCEL MAPS, PAGE 53 AND THE SOUTHERLY LINE OF LOT 1 AS SHOWN BY THAT MAP ON FILE IN FILE 100 OF PARCEL MAPS, PAGE 68 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

SAID LINE BEARS SOUTH 88°41'44" EAST.

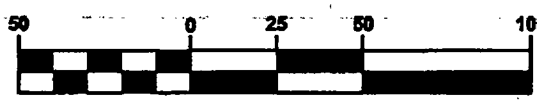
PREPARED BY:
LOCHSA ENGINEERING
5828 SPRING MOUNTAIN ROAD
SUITE 308
LAS VEGAS, NV 89146-8896
KENDARD F. MIZE
P.E. #10935



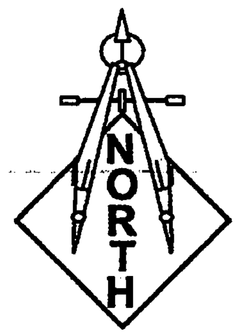
APN: 139-25-405-008

EXHIBIT 'B'

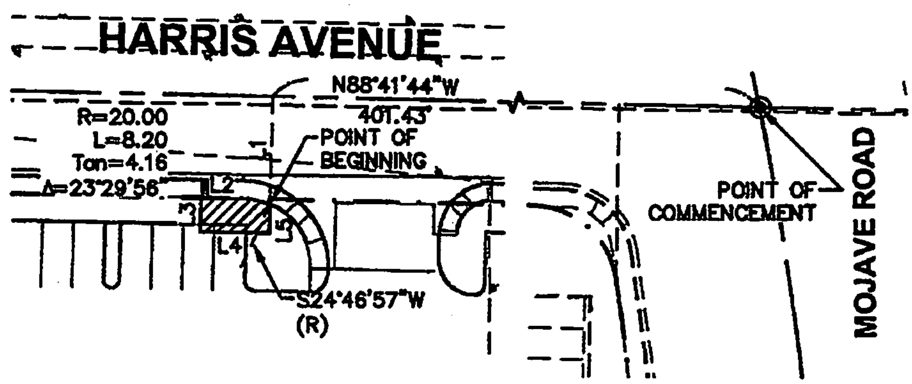
GRAPHIC SCALE



(IN FEET)
1 inch = 50 ft.



LINE TABLE		
LINE	LENGTH	BEARING
L1	31.66'	S01°18'16"W
L2	12.02'	N88°41'44"W
L3	10.00'	S01°18'16"W
L4	20.00'	S88°41'44"E
L5	8.34'	N01°18'16"E



LEGEND	FOUND MONUMENTATION	FILE NAME:	C-DR ESMT 2.dwg
CENTER LINE		SECTION LINE	
ROW LINE		PROPERTY LINE	
EASEMENT LINE		ADJACENT PROPERTY LINE	

DRAWN BY: B.D.A.	SCALE: 1"=50'	10'x20' LVVWD EASEMENT	PROJECT No.: 7105
CHECKED BY: K.M.	DATE: 04/21/04		

LOCHSA ENGINEERING
5828 SPRING MTN. RD. SUITE 308
LAS VEGAS, NV 89146
P: 702 365-9312, F: 702 365-9317

THE ANIMAL FOUNDATION REGIONAL ANIMAL CAMPUS

SHEET No.
C1
SHEET 1 OF 1

```
--------------------------------------------------------------------------
--------

Parcel name: 10'x20' LVVWD EASEMENT

        North: 4977.03                East : 4605.98
Curve  Length: 8.20                 Radius: 20.00
        Delta: 23-29-56            Tangent: 4.16
        Chord: 8.15                 Course: N 76-58-01 W
    Course In: S 24-46-57 W     Course Out: N 01-17-01 E
    RP  North: 4958.87                East : 4597.59
    End North: 4978.86                East : 4598.04
Line   Course: N 88-41-44 W  Length: 12.02
        North: 4979.14                East : 4586.02
Line   Course: S 01-18-16 W  Length: 10.00
        North: 4969.14                East : 4585.80
Line   Course: S 88-41-44 E  Length: 20.00
        North: 4968.68                East : 4605.79
Line   Course: N 01-18-16 E  Length: 8.34
        North: 4977.02                East : 4605.98

   Perimeter: 58.57   Area: 196 sq.ft. 0.00 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)
Error Closure: 0.01                 Course: S 46-57-57 E
  Error North: -0.004                 East : 0.005
Precision  1: 5,856.00
```

City of Las Vegas

Agenda Item No. 58

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilwoman Moncrief and Councilman Wolfson

Approval of a Sign Location Lease between City Parkway IV A Inc. and Viacom Outdoor Inc., for rental of space for a billboard sign located in the vicinity of Bonanza Road and Main Street, APN 139-27-401-031 ($2,000 monthly revenue - Parks Capital Improvement Projects) - Ward 5 (Weekly)

Fiscal Impact

X	**No Impact**	**Amount:**	$2,000 Revenue
	Budget Funds Available	**Dept./Division:**	Public Works/Real Estate
	Augmentation Required	**Funding Source:**	Parks CIP

PURPOSE/BACKGROUND:

In conjunction with the acquisition of this parcel from Union Pacific, Viacom has a yearly lease for an existing billboard on site. This new lease is for five years with a five-year option and the yearly rental income will increase by $6,000 with a Consumer Price Index increase each year.

RECOMMENDATION:

The 8/17/2004 Real Estate Committee and staff recommend this item be stricken

BACKUP DOCUMENTATION:

1. Sign Location Lease
2. Site Map

MOTION:

REESE – Motion to bring forward and STRIKE Items 58 and 65 – UNANIMOUS with BROWN not voting (and MACK abstaining on Item 58, as indicated under Item 2, because it involves connection to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting)

MINUTES:

There was no discussion.

(9:27 – 9:28)

1-731

VIACOM
OUTDOOR

VIACOM OUTDOOR INC.

DATE:	July 6, 2004	LEASE NO.	13 DIV. 112
SIZE:	14'x48'	VENDOR NO.	LV0015
REP NAME:	D Scott	DISPLAY NO.	02 1000 / 02 1001

SIGN LOCATION LEASE

1. CITY PARKWAY IV A INC. (hereinafter called LESSOR), hereby leases and grants exclusively to VIACOM OUTDOOR INC. (hereinafter called LESSEE) the premises presently occupied by LESSEE'S sign (with free access to and upon same) described as: 139-27-401-031 in the City of Las Vegas, County of Clark, in the State of Nevada, commencing on July 1, 2004 (The Commencement Date), for the purpose of erecting, constructing, installing, placing, operating, and maintaining LESSEE'S advertising sign(s) thereon including supporting structures, illumination facilities and connections, service ladders and other appurtenances and ancillary equipment.

2. LESSEE shall pay to LESSOR rental of TWENTY FOUR THOUSAND & NO/100 Dollars ($24,000.00) per year, payable in monthly installments of TWO THOUSAND & NO/100 Dollars ($2,000.00) beginning on the Commencement Date. The annual rent will increase by Three Per Cent (3%) each succeeding year of the lease on the anniversary of the Commencement Date. Rental payments shall be limited to one (1) check per payment payable to no more than two (2) payees.

3. LESSOR warrants that LESSOR is the OWNER of the above-described real estate and has full authority to make this agreement and the LESSEE shall have the right to make any necessary applications with, and obtain permits from, governmental bodies for the construction and maintanance of LESSEE's sign(s) at the sole discretion of LESSEE. All such permits shall always remain the property of LESSEE.

4. LESSEE shall save the LESSOR harmless from all damage to persons or property by reason of accidents resulting from the negligent or willful acts of its agents, employees or others employed in the construction, maintenance, repair or removal of its sign(s) on the premises.

5. This agreement is a Lease (not a License), and all sign(s), structure(s), improvements and appurtenances thereto placed on the premises by or for the LESSEE, its agent or predecessor, shall remain the property of the LESSEE and LESSEE shall have the right to remove the same at any time during the term of the Lease or, for a reasonable period after the expiration of the Lease. If LESSEE removes it's structure(s), only above grade portions of said structure(s) shall be removed. The future existence of below grade improvements shall not constitute continued occupancy of the premises by LESSEE.

6. The term of this Lease will be Five (5) years beginning on the Commencement Date. This Lease shall continue in full force and effect for its term and thereafter for One (1) subsequent successive like term unless terminated at the end of such term, or any successive like term, upon written notice by the LESSOR or LESSEE sent by certified or registered mail served not less than ninety (90) days before the end of such term or subsequent like term.

7. In the event that all or any part of the Property is acquired or sought to be acquired by any entity having or delegated the power of eminent domain, Lessee shall, at it's election and it's sole discretion, be entitled to: (i) contest the acquisition or defend against the taking of Lessee's interest in the Property; (ii) relocate the outdoor advertising structure and appurtenances onto any portion of the Property not acquired or not to be acquired; and/or (iii) be compensated from any award or consideration payable by the acquiring entity for all costs, damages and value loss incurred by Lessee relating to its leasehold, as improved with the outdoor advertising structure. Lessor may not terminate this lease under any right or circumstance if the Property has been taken or is threatened to be taken by eminent domain, or if the Property is conveyed to any entity or it's agent with eminent domain authority. No contemporary or subsequent modification of this Lease or the foregoing sentence shall be effective unless it specifically references this paragraph and the foregoing sentence.

8. In the event that, in LESSEE's sole opinion; (a) LESSEE is unable to secure or maintain any required permit or license from any appropriate governmental authority; (b) federal, state or local statute, ordinance regulation or other governmental action precludes or materially limits use of the premises for outdoor advertising purposes; (c) LESSEE's sign(s) on the premises become entirely or partially obstructed or destroyed; (d) the view of LESSEE's signs are obstructed or impaired in any way by any object or growth on the premises or on any neighboring premises; (e) the advertising value of the structure(s) is impaired or diminished; (f) there occurs a diversion of traffic from, or a change in, the direction of traffic past the structure(s); (g) LESSEE is prevented from maintaining electrical power to the premises or illuminating its sign(s); (h) LESSEE finds that, in LESSEE's sole opinion, the continued maintenance/operation of the structure(s) is impractical or uneconomical; (i) maintenance will be hampered or made unsafe due to conditions caused by nearby properties, land uses, or utilities, then LESSEE shall, at its option, have the right to terminate this Lease upon thirty (30) days notice in writing to LESSOR and LESSOR shall refund to LESSEE any rental payment paid in advance for the remainder of the un-expired term.

9. LESSEE agrees to pay all electrical power costs used in conjunction with its sign(s).

10. This Lease shall not obligate the LESSEE in any way until it is accepted and executed by a Vice President, General Manager or Regional Director of Real Estate who is responsible for executing LESSEE's duties under this Lease. It is understood that this written lease between parties constitutes the entire Lease and understanding between the parties and supersedes all prior representations, understandings, and agreements relating to the property site(s). This Lease may not be modified except in writing and signed by LESSOR and an authorized signatory of LESSEE.

11. This Lease shall be binding upon heirs, executors, personal representatives, successors and assigns for the parties hereto and LESSOR agrees to notify LESSEE of any change of ownership of the premises related hereto or of LESSOR's mailing address within seven (7) days of such change. LESSOR agrees to hold LESSEE harmless from any action resulting from failure to provide said notice. LESSOR shall not assign its interest under this lease or any part thereof except to a party who purchases the underlying fee title to premises and LESSEE shall not assign its interest under this Lease or any part thereof except to a party who purchases title to the subject sign structure(s) provided, however, this sentence shall not preclude a collateral assignment of LESSOR's or LESSEE's interest under this Lease to an established financial institution as, and part of, a bonafide loan transaction nor shall it preclude an assignment by LESSEE to any entity controlling, controlled by or under control with LESSEE.

12. All rents to be paid pursuant to this Lease and all notices are to be forwarded to the undersigned LESSOR at the address noted below the LESSOR's signature. Rental payments shall be deemed received by LESSOR upon deposit by LESSEE with the United States Postal Service.

VIACOM
OUTDOOR

13. In the event that either party is in default under the terms of this Lease, the non-defaulting party shall deliver written notice via the United States Postal Services by certified or registered return receipt mail to the defaulting party, and said party may cure such failure within fourteen (14) days of receipt of such notice provided that for any non-monetary default, if a cure cannot reasonably be effected in 14 days, the defaulting party may continue such cure past 14 days from notice if it commences such cure within fourteen days from notice and pursues such cure to completion.

14. Concurrently with the execution of this Lease, or at any other time upon request of the other, LESSOR and LESSEE shall execute, acknowledge, and deliver to the other a short form memorandum of this Lease for recording purposes. The Party requesting recordation shall be responsible for payment of any fees or taxes applicable thereto.

15. To the extent permitted by applicable law, Lessor hereby waives any statutory right to a landlord's lien or any other lien on any property of Lessee located on the premises.

16. Lessee shall have the absolute unencumbered right to trim, cut or remove any trees or other vegetation or any other debris from Lessor's property, which in any way impairs the operation or maintenance of lessee's sign(s) or the view thereof.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

FOR LESSOR:

CITY PARKWAY IV A INC.

BY: ______________________________

____
Title

DATE: ______________________________

EXECUTED by the LESSOR in the presence of

____
Who is hereby requested to sign as witness.

FOR LESSEE:

VIACOM OUTDOOR INC.

BY: ______________________________

____
Title

DATE: ______________________________

EXECUTED by the LESSEE in the presence of

____
Who is hereby requested to sign as witness.

BY: ______________________________

____
Title

DATE: ______________________________

'CUTED by the LESSOR in the presence of

____
Who is hereby requested to sign as witness.

88-6000198
LESSOR'S SOCIAL SECURITY/TAX I.D. NO.

LESSOR'S MAILING ADDRESS:

P.O. BOX 98801
Street Address

LAS VEGAS
City

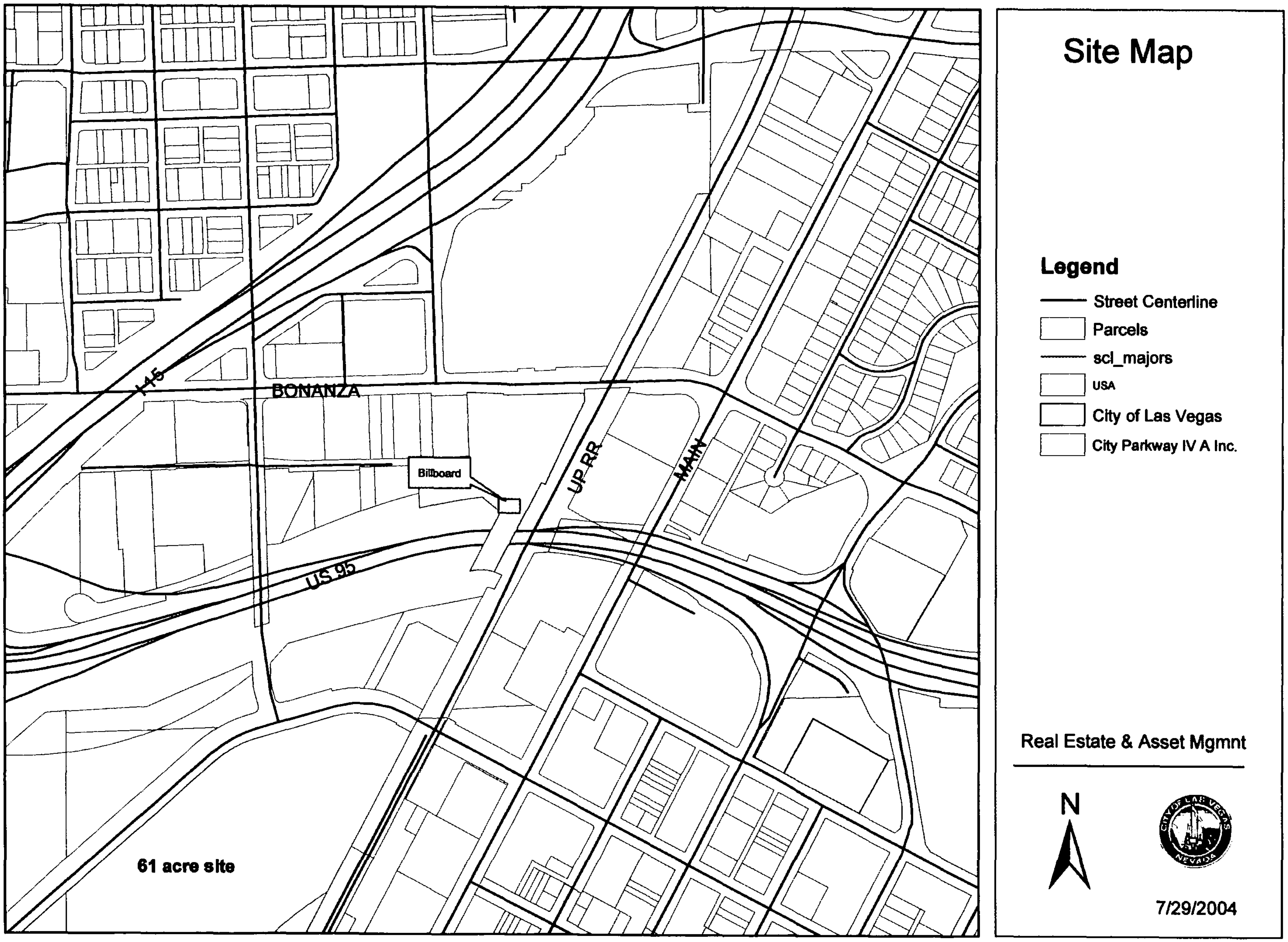
NEVADA
State

89101
Zip

(702) 229-6011
Telephone Number

(702) 386-9108
Fax Number

APPROVED AS TO FORM:
Date
7/27/04


Site Map
Legend
Street Centerline
Parcels
scl_majors
USA
City of Las Vegas
City Parkway IV A Inc.
I-15
BONANZA
Billboard
UP RR
MAIN
US 95
61 acre site
Real Estate & Asset Mgmnt
N
7/29/2004

City of Las Vegas

Agenda Item No. 59

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PUBLIC WORKS
DIRECTOR: RICHARD D. GOECKE

[X] CONSENT [ ] DISCUSSION

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

Approval of entering into negotiations with Omega Development, LLC, for the sale of approximately 2.81 acres of City owned land located in the vicinity of Hualapai Way and Gilmore Avenue, APN 138-07-103-006 - Ward 4 (Brown)

Fiscal Impact

X	**No Impact**	**Amount:**	
	Budget Funds Available	**Dept./Division:**	Public Works/Real Estate
	Augmentation Required	**Funding Source:**	

PURPOSE/BACKGROUND:
On July 30, 2004, staff received a non-binding letter of intent from Omega Development, LLC, for the purchase of approximately 2.81 acres of remnant land owned by the City. Omega has an Option to Purchase Agreement for five acres adjacent to this property and is proposing to build multifamily housing.

RECOMMENDATION:
The 8/17/2004 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:
Site Map

MOTION:
REESE – APPROVED Items 2-51, 53-57, and 59 – UNANIMOUS with MACK abstaining on Item 13 to avoid any conflict because it involves a direct competitor wishing to locate within a few hundred feet of another of his brother's properties, on Items 21 and 58 because they involve connections to Outdoor Advertising Companies with which he is actively negotiating on behalf of his company Mack Consulting, and on Item 42 because it involves Astoria Homes, with which he is negotiating to purchase a home

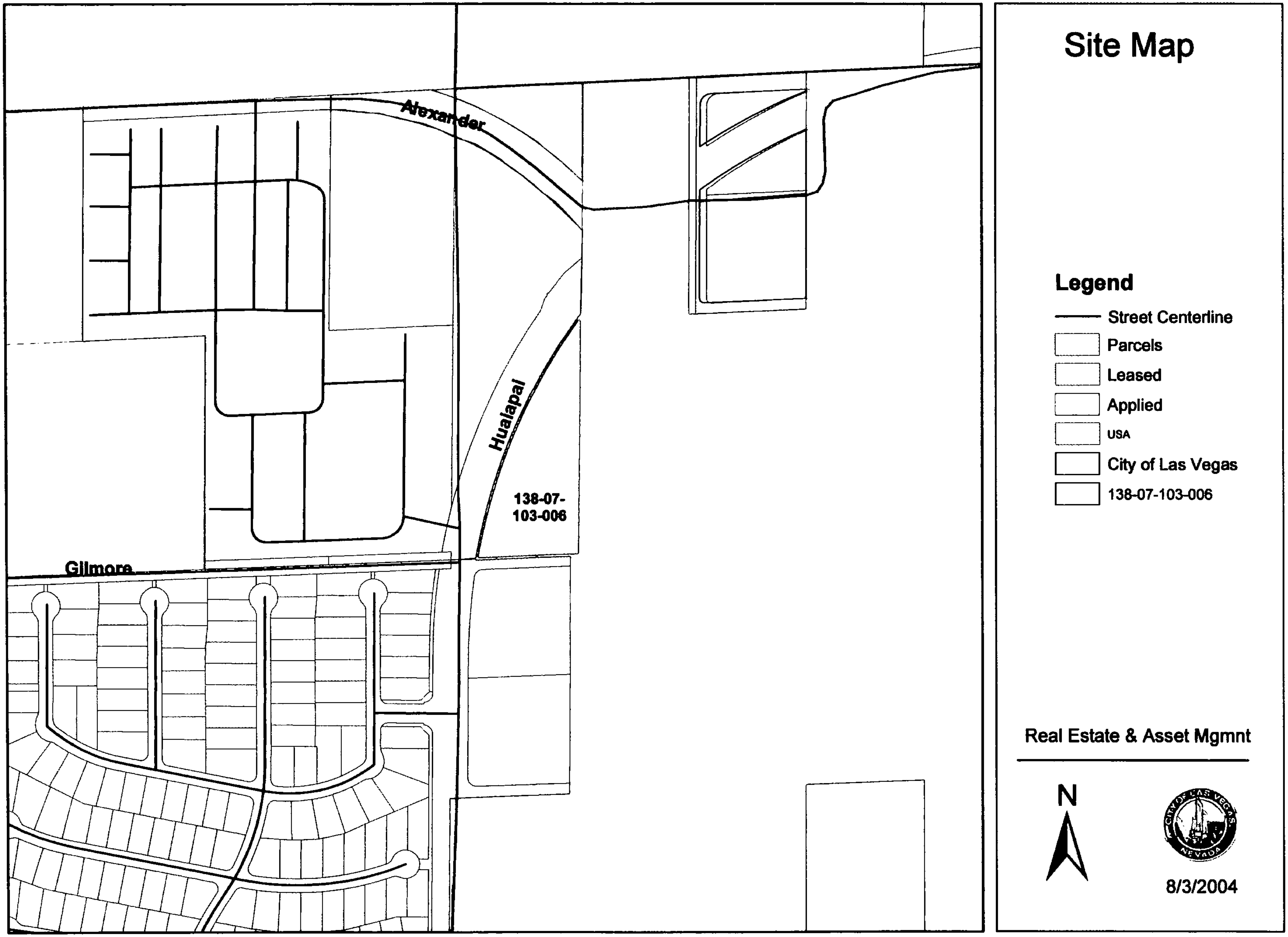
Item 52: **APPROVED under separate action** (see individual item)
Item 58: **STRICKEN under separate action** (see individual item)

CITY COUNCIL MEETING OF AUGUST 18, 2004
Consent – Real Estate
Item 59 - Approval of entering into negotiations with Omega Development, LLC, for the sale of approximately 2.81 acres of City owned land located in the vicinity of Hualapai Way and Gilmore Avenue, APN 138-07-103-006 - Ward 4 (Brown)

MINUTES:
Under Item 2, COUNCILWOMAN MONCRIEF reported that the Real Estate Committee met to review all of the Real Estate items not previously stricken on the consent agenda and joins with the recommendation of staff that the City Council approve each item.

(9:28 – 9:30)

1-758



Alexander
Hualapai
138-07-
103-006
Gilmore
Site Map
Legend
Street Centerline
Parcels
Leased
Applied
USA
City of Las Vegas
138-07-103-006
Real Estate & Asset Mgmnt
N
CITY OF LAS VEGAS
NEVADA
8/3/2004

City of Las Vegas

Agenda Item No. 60

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: ADMINISTRATIVE SERVICES
DIRECTOR: CHRISTOPHER KNIGHT ☐ CONSENT ☒ DISCUSSION

SUBJECT:
Report and possible action on the Nevada League of Cities and Municipalities 2005 Proposed Legislative Package and Legislative Compact

Fiscal Impact

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

PURPOSE/BACKGROUND:
The Nevada League of Cities (NLC) is allowed by state law to submit Bill Draft Requests (BDRs) to the Legislative Counsel Bureau. In preparation for the 2005 Session of the Nevada Legislature, the NLC's Legislative Committee held several meetings to discuss issues facing the league members and recommended a list of BDRs to their Board of Directors. The Nevada League of Cities Board adopted the BDR list and Legislative Compact at a meeting in Reno, Nevada on June 30, 2004.

RECOMMENDATION:
Staff recommends the Council receive the report and direct staff to support the BDRs and Legislative Compact in the best interests of the City of Las Vegas.

BACKUP DOCUMENTATION:
1. Nevada League of Cities and Municipalities 2005 Proposed Legislative Package
2. Legislative Compact
3. Submitted after meeting: hardcopy of PowerPoint presentation

MOTION:
REESE – ACCEPTED the report – UNANIMOUS

MINUTES:
TED OLIVAS, Director of Government and Community Affairs, indicated that this matter is to review the legislative package from the Nevada League of Cities, in which the City of Las Vegas is an active participant. CHRIS KNIGHT, Director of Administrative Services, was a participant on Nevada League of Cities' Legislative Committee. He introduced DAVID FRASER, Director of the Nevada League of Cities, who used a PowerPoint presentation, which is made a part of the final minutes, to give an overview of the list of proposed legislation that was developed.

MAYOR GOODMAN questioned how the Legislative Compact fits in with this presentation. MR. FRASER indicated that the Legislative Compact includes the guiding principals for issues submitted by others that the League might advocate or oppose. They include the areas of financial stability, taxation, economic development and redevelopment, government operations, labor and management, public safety, and development and growth.

MINUTES – Continued:

MR. FRASER added that the Compact is to set out a joint statement by the League and will not be the last opportunity for the City to give its input. Bill tracking will be available online to see the League's position on the various bills.

MAYOR GOODMAN commented that the Legislature highly respects the League and carefully listens to its input. Therefore, the Mayor requested the League take a leading role in beginning discussions to consolidate the County and City, which he is very much interested in realizing. He opined that local governments are very ineffective and there is a lot of duplication of services among local governments, but the existing politicians are not going to come together in an attempt to rectify the situation. MR. FRASER expressed his support and noted that the League's core principal is that decisions are made best when the interests of the public are taken into consideration. Local governments are uniquely positioned because they have direct contact with the public. Good government, by definition, includes efficiency; therefore, he would be happy to cooperate in anyway that would promote efficient government.

(9:31 – 9:43)

1-863

Nevada League of Cities & Municipalities
2005 Proposed Legislative Package

The following list of legislative issues represents the Nevada League of Cities & Municipalities Legislative package as approved by the Board of Director's on June 30, 2004. Under each item is a brief summary including, NRS Chapter, intent and purpose. League Staff will be reporting directly to each member council or board during the months of July and August. Please use these documents as agenda backup for the council meeting we have been scheduled to attend.

Prevailing Wage (SB 195 – 2003 Carryover)

NRS: 338

Intent: Increase the limit for public works projects subject to prevailing wage from $100,000 to $300,000 in counties below 100,000 in population.

Purpose: Increase ability of small jurisdictions to develop projects as the current $100,000 limit is preventing some building projects from being completed. In small communities costs can become prohibitive when having to pay scales disproportionate to their size and local labor rates.

Remove Universal Energy Charge from Public Utilities (SB 126 – 2003 Carryover)

NRS: 702

Intent: Exempt retail customers who purchase energy from municipal and local governmental utilities from the payment of the universal energy charge.

Purpose: Some local jurisdictions who own/operate utilities have established a program to help offset the costs for families with a financial need. Current statute is requiring municipal owned utilities to charge customers twice to cover the fee; once through their own program and once through the statute implemented in 2001. Municipal owned utilities were not intended to be included in the 2001 legislation. This serves as corrective legislation for impacted public utilities – Boulder City, Fallon, and Caliente. *(Note: Could also positively impact counties with public utilities.)*

Enable Cities by Ordinance to Create Designated ATV Routes to Access Non-urban Areas Along City Streets.

NRS: 268 & 482

Intent: Create through adoption of a municipal code designated ATV routes, within city boundaries without requiring the ATV to be registered with DMV

Purpose: Enabling legislation that would allow creation of ATV routes within city boundaries.

NRS 266 Clean-Up

NRS: 266

Intent: General NRS 266 clean up.

Purpose:

- Increase timing between election to incorporate and effective date of incorporation.
- Allow absorbing taxing districts at any time by mutual agreement of county and municipality.
- Require County to take lead in pre-incorporation resolution of absorption of taxing districts within new city boundaries.
- Allow division and revision of wards based upon population (rather than voter registration).
- Allow 30 days for council to fill vacancy in the office of mayor.
- Allow 30 days for mayor & council to fill vacancy in the office of city council.
- Allow mayor to delegate authority to approve/authorize purchase orders.
- Make mandatory planning commission optional in smaller communities/Reconcile NRS 278.030 with NRS 268.110

Public Property

NRS: 379.105; 1 F - G

Intent: Enabling Language - Ability of Library District to sell/swap/transfer District property (NRS 379.105).

Purpose: To Clarify authority of Library District Boards to sell, swap or transfer district property.

Add language to allow for voter registration at specific location, not necessarily the clerk's office

NRS: 293

Intent: Enabling Language - Ability of local governments to conduct voter registration at an alternate designated municipal facilities (NRS 293C.527).

Purpose: To increase voter registration by making registration site(s) more accessible.

Enable Certain Charter Cities to Determine the Dates of Municipal Elections

League staff will follow-up with Wells, Elko & Carlin to see if they will carry the bill or have a legislator carry for them. In addition, League staff will survey other charter cities to determine level of interest and/or local issues.

NRS: 293 (c)

Intent: Amend charters of certain cities to allow changes to their municipal election dates.

Purpose: To change dates for municipal elections in Elko, Wells and Carlin to correspond with county elections held in the fall of even numbered years.

Nevada League of Cities and Municipalities
2005 Legislative Compact

Introduction

The 2005 Nevada Legislative Session promises to be very challenging. Nevada faces extraordinary pressures, which include homeland security needs, rural economic decline, urban growth, the need to balance the quality of the environment with the vibrancy of the economy, tort reform and changes in the political environment following the 2003 session.

These challenges have put more pressure on Nevada governments than ever before. Cities and other municipalities are on the front lines providing direct services to our citizens. All local government services, including public safety, transportation, health, welfare and education, must be preserved and enhanced if Nevadans are to continue to enjoy their high quality of life.

This Compact is a joint statement by Nevada's cities and municipalities of our common agenda to work together on legislative issues for the 2005 Legislative Session. Nevada cities and municipalities are committed to working together to contribute to Nevada's success. We are committed to a Legislative Program that preserves and enhances the role that our members play in our citizens' quality of life.

We have identified the following issues where our members will need to take pro-active measures to preserve and enhance local authority and flexibility in the 2005 Legislative Session.

Financial Stability

1. **Public Lands and the Tax Base:** We will work closely with the Legislative Committee on Public Lands and the Governor on proposals that provide fiscal relief to local governments negatively impacted by a ~~predominence~~predominance of tax-exempt public lands in their jurisdictions.

2. **Legislative Committee for Local Government Taxes and Finance (SB557):** We will continue to participate in the work of the SB 557 Committee to ensure that legislative recommendations affecting revenues to our members provide for an equitable ~~members.~~ distribution of those sums to ensure that local governments are not negatively impacted.

3. **Unfunded Mandates:** We will continue to oppose the enactment or authorization of regulations that directly or indirectly require local government to provide new services, expand existing services or conduct new or additional governmental functions without appropriating or designating state funding sources to support said new services, expansion of existing services and new or additional governmental functions.

4. **Local Right of Way Control:** The League will oppose any proposals that would undermine local control over franchising public utilities within municipalities.

Taxation

1. **Internet Taxation:** The League will support a tax system that achieves equity and does not unreasonably burden electronic vendors or consumers.

2. **Motor Vehicle Fuel Tax:** We will continue to monitor and work with the SB 557 sub-committee (Local Government Sub-committee to Study the Cost of Maintaining Highways, Roads and Streets) and its' study of this issue to ensure that transportation funding is equitable and sustained.

3. **Transportation:** We support continuation of the existing Motor Vehicle Privilege ~~Tax,~~Tax that is returned to local government ~~funding for transportation.~~ for funding of transportation.

Economic Development & Redevelopment

1. **Affordable Housing Set Asides:** The League believes that expansion of annual tax revenue set asides to fund housing programs should not be mandated at the state level, but should remain a local government option.

2. ~~**Incentives:** The~~**Incentives:** The incentives for local economic development should be enhanced. These include financing mechanisms and tax incentives, including an improved ability to finance and deliver services to areas of special benefit.

3. **Redevelopment Flexibility:** Redevelopment agencies engage in public-private partnerships to develop the best projects in areas in need of revitalization or redevelopment. The availability and flexibility of such partnerships should be preserved.

Government Operations

1. **Open Meeting Law:** We will support modernizing the Open Meeting Law requirements to best utilize current technology, and oppose efforts to curtail communication involving less than a majority of the governing board.

2. **Personnel Records:** We oppose efforts to treat confidential information in public employees' personnel files as public records.

3. **Tort Reform:** Efforts should ensure reasonable claims are filed and public tax dollars are not compromised. We support reasonable recommendations regarding Tort Reform.

4. **Public Works Contracting:** Local flexibility and cost effective contracting are essential to sound public infrastructure development. We oppose changes to the Design/Build Statute that would undermine that flexibility.

5. **Ballot Questions:** The League will closely monitor ballot questions that impact local government finances.

Labor/Management

1. **Service Delivery:** ~~There will be potential proposals to curtail our members' ability to provide cost effective services through privatization or contracting out. Our members will need to resist these changes and to argue that this issue is one that is better addressed through the local~~

~~meet and confer process.~~We support the right of municipalities to make the best, most cost-effective decision regarding service delivery.

2. **Mandated Benefits:** Adequate flexibility exists to address mandated benefits between a city and its recognized bargaining units. We oppose efforts to increase employee benefits through state mandates.

3. **Workers Compensation:** We will actively participate in the Legislative Committee on Workers Compensation to ensure that proposals do not negatively affect local government.

Public Safety

~~**Public Surveillance: Our members have recently been experimenting with automated traffic enforcement equipment. We will need to preserve this important law enforcement tool against efforts to curtail its use.**~~

1. **Background Checks:** We are opposed to efforts to limit information provided by former employers concerning prospective public employees and, especially, future police officers and childcare providers.

2. **Homeland Security:** The League supports direct federal funding to first responders to support homeland security initiatives.

Development and Growth

1. **Impact Fees:** We support current and expanded authority to charge impact fees to help pay the costs of growth. ~~funding.~~

2. **Land Use Planning:** We support proposals to protect a city's sphere of influence regarding urbanization policies.

3. **Consolidation/Deconsolidation:** We believe that impacted local governments best determine these issues.

Nevada League of Cities & Municipalities

Proposed Legislative Compact & Legislative Package for the 2005 Nevada State Legislature

A Presentation to the Las Vegas City Council

David Fraser
Executive Director
Nevada League of Cities & Municipalities
Wednesday, August 18, 2004

The Nevada League of Cities and Municipalities (NLC&M)

- Two documents in preparation for the 2005 Nevada State Legislature:
  - ***Proposed Legislative Compact***
  - ***Proposed Legislative Package***

PROCESS

Proposed 2005 <u>Legislative Compact</u> & <u>Legislative Package</u>:

- Recommended for approval by Staff, the Government Affairs Advisory Committee (local govt. lobbyists), and Legislative Committee to the NLC&M Board of Directors

- Approved by the NLC&M Board of Directors on June 30, 2004
  - For submittal to NLC&M member entities for presentation and consideration before September 1, 2004 deadline to the Legislative Counsel Bureau

- Will formally be presented to the NLC&M general membership for adoption at the NLC&M Annual Conference in October 2004

  (Host: Boulder City)

Proposed

2005

LEGISLATIVE COMPACT

Proposed

2005 LEGISLATIVE COMPACT

(Attachment A)

- Joint statement by Nevada cities and municipalities on a common agenda and collaboration on legislative issues for the 2005 Legislative Session

- Pro-active, legislative position statement for the preservation and enhancement of local municipal authority and flexibility regarding the following areas:
  - financial stability, taxation, economic development and redevelopment, government operations, labor / management, public safety, development and growth

Proposed

2005

LEGISLATIVE PACKAGE

Proposed

2005 LEGISLATIVE PACKAGE

(Attachment B)

- Consists of 7 legislative proposals

PREVAILING WAGE (SB 195 – 2003 Carry-over)

NRS 338

Intent:
Increase the limit for public works projects subject to prevailing wage from $100,000 to $300,000 in counties below 100,000 in population

Purpose:

- Increase ability of small jurisdictions to develop projects as the current $100,000 limit is preventing some building projects from being completed
- In small communities, costs can become prohibitive when having to pay scales disproportionate to their size and local labor rates

REMOVE UNIVERSAL ENERGY CHARGE FROM PUBLIC UTILITIES SB 126 –

NRS 702

Intent:

Exempt retail customers who purchase energy from municipal utilities from the payment of the universal energy charge

Purpose:

- Some local jurisdictions who own/operate utilities have established a program to help offset the costs for families with a financial need. The current statute requires municipal-owned utilities to charge customers twice in order to cover the fee (through their own program and through the statute implemented in 2001)

- Municipal utilities were not intended to be included in the 2001 legislation. This serves as corrective legislation for impacted public utilities including Boulder City, Fallon, and Calienté

ENABLE CITIES by ORDINANCE to CREAT DESIGNATED ATV ROUTES to ACCESS NON-URBAN AREAS ALONG CITY STREETS

NRS 268
NRS 482

Intent:
Create, through adoption of a municipal code, designated ATV routes, within city boundaries without requiring the ATV to be registered with Department of Motor Vehicles

Purpose:
Enabling legislation that would allow creation of ATV routes within city boundaries

NRS 266 CLEAN-UP

NRS 266

Intent: General NRS 266 clean up.

Purpose:

- Increase timing between election to incorporate and effective date of incorporation
- Allow absorbing taxing districts at any time by mutual agreement of county and municipality
- Require County to take lead in pre-incorporation resolution of absorption of taxing districts within new city boundaries
- Allow division and revision of wards based upon population (rather than voter registration)
- Allow 30 days for City Council to fill vacancy in the Office of Mayor
- Allow 30 days for Mayor & City Council to fill vacancy in the Office of City Council
- Allow Mayor to delegate authority to approve / authorize purchase orders
- Make mandatory Planning Commission optional in smaller communities / Reconcile NRS 278.030 with NRS 268.110

PUBLIC PROPERTY

NRS 379.105

Intent:

Enabling Language - Ability of Library District to sell/swap/transfer District Property

Purpose:

To clarify the authority of Library District Boards to sell, swap or transfer district property

ADD LANGUAGE TO ALLOW for VOTER REGISTRATION AT SPECIFIC LOCATION, NOT NECESSARILY THE CITY CLERK'S OFFICE

NRS 293C.527

Intent:
Enabling Language - Ability of local governments to conduct voter registration at an alternate designated municipal facility

Purpose:
- To increase voter registration by making registration sites more accessible
- To maximize the multi-purpose use of government facilities for efficiency

ENABLE CERTAIN CHARTER CITIES TO DETERMINE THE DATES OF MUNICIPAL ELECTIONS

NRS 293C

Intent:
Amend charters of certain cities to allow changes to their municipal election dates

Purpose:
To change dates for municipal elections in the Cities of Elko, Wells and Carlin to correspond with county elections held in the fall of even numbered years

RECOMMENDATIONS

That the Las Vegas City Council support the following documents in preparation for the 2005 Nevada State Legislature:

1) ***Proposed Legislative Compact***
2) ***Proposed Legislative Package***

Nevada League of Cities & Municipalities

Proposed Legislative Compact & Legislative Package for the 2005 Nevada State Legislature

Thank You.

City of Las Vegas

Agenda Item No. 61

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: ADMINISTRATIVE SERVICES

DIRECTOR: CHRISTOPHER KNIGHT [ ] CONSENT [X] DISCUSSION

SUBJECT:

ABEYANCE ITEM - Report and possible action on the legislative package that will be submitted to the Legislative Counsel Bureau on behalf of the City

Fiscal Impact

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

PURPOSE/BACKGROUND:

Pursuant to Nevada Revised Statutes, the city council of a city whose population is 100,000 or more shall be allowed to request the preparation of no more than four legislative measures.

RECOMMENDATION:

It is recommended that the City Council approve the proposed legislative package and direct the City Manager to submit the Bill Draft Requests to the Legislative Counsel Bureau.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Submitted at meeting: copy of Memorandum dated 8/17/2004 from Carole Vilardo, President, Nevada Taxpayers Association regarding Binding Arbitration Bill Draft Request

MOTION:

REESE – APPROVED submittal of the proposed legislative package, including all comments made during discussion of this matter – UNANIMOUS

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor
TED OLIVAS, Director, Government and Community Affairs
CHRISTINA DOUGAN, Director, Las Vegas Chamber of Commerce
LAWRENCE WEEKLY, Councilman
TOMMY RICKETTS, President, City Employees Association
MICHAEL MACK, Councilman
LARRY BROWN, Councilman

CITY COUNCIIL MEETING OF AUGUST 18, 2004
Administrative Services
Item 61 – Report and possible action on the legislative package that will be submitted to the Legislative Counsel Bureau on behalf of the City

APPEARANCES - Continued:
BETSY FRETWELL, Deputy City Manager
CHRIS KNIGHT, Director, Administrative Services
ROY NELSON, Leisure Services

NOTE: COUNCILMAN WEEKLY requested that TIMOTHY McANDREW, Fire and Rescue, be involved in homeland security meetings.

NOTE: COUNCILMAN MACK stressed that he would like any organized labor discussions be made public.

NOTE: COUNCILMAN BROWN adamantly stated that any final language to the Legislature must be indicative of a collaborative effort from labor representatives and not a mandate from the City of what should be, or it will become a confrontational issue.

(9:43 – 10:02)

1-1285

CITY COUNCIL MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 61

ABEYANCE ITEM – Report and possible action on the legislative package that will be submitted to the Legislative Counsel Bureau on behalf of the City.

Appearance List:

OSCAR GOODMAN, Mayor
TED OLIVAS, Director, Government and Community Affairs
CHRISTINA DOUGAN, Director, Las Vegas Chamber of Commerce
LAWRENCE WEEKLY, Councilman
TOMMY RICKETTS, President, City Employees Association
MICHAEL MACK, Councilman
LARRY BROWN, Councilman
BETSY FRETWELL, Deputy City Manager
CHRIS KNIGHT, Director, Administrative Services
ROY NELSON, Leisure Services

(9:43 – 10:02)
1-1285

19 minutes

Typed by: Ydoleena Yturralde
Proofed by: Angela Crolli

MAYOR GOODMAN

Item 61 is a report and possible action on the legislative package that will be submitted to the Legislative Council Bureau on behalf of the City.

TED OLIVAS

I need to press the button this time. Good morning, Mayor Goodman, members of the Council. Ted Olivas, your Director of Government and Community Affairs. I'm joined by Chris Knight, Director of Administrative Services. The City has three bill draft requests currently as a part of our legislative package. The first bill draft request relates to revisions to binding arbitration related to collective bargaining. It has three components. The first component relates to the use of a panel of mediators instead of a sole arbitrator when we're dealing with binding arbitration. We think that'll allow for some more flexibility and not put the decision in the hands of one person. So, we think that's a good change.

The second component relates to the use of, and looking at your current and future fiscal impacts of contracts and arbitrations. So where are we at now in these decisions and these contracts. What is the future affect of those? I think we want to look at that from a fiscal per perspective and finally includes the review of existing available resources in the last part of the bill, of course, relates to limiting the cost of living adjustment to the Consumer Price Index. There's been a lot of discussion. I know that this item was held from the last meeting and so there has been some discussion on this item. The second bill draft will allow us to hold certain Homeland Security meetings in a closed session. This of course is sensitive information.

The intent is not to keep information from the public that – should be of general information and knowledge to the public. And finally the third bill draft relates to exceptions that we'd like to have for public records and there's been some discussions about that particularly in the Leisure Services Department. We're looking at some personal information that citizens may be providing to that department in using our public facilities. We have received a letter of support from Carol Velardo of the Nevada Taxpayers Association. We have a representative, Christina Dougan, from the Taxpayers Association, who I believe would like to address the board if so appropriate.

MAYOR GOODMAN
All right. Thank you very much. Are there any questions at this time or comments? All right. Ms. Dougan, be happy to hear from you.

CHRISTINA DOUGAN
Good morning. My name is Christina Dougan. I'm actually from the Las Vegas Chamber of Commerce. I'm the Director of Government Affairs for the Chamber, and I just wanted to briefly share with you our interest in the first BDR in respect to the arbitration of the three panels or the three judge panels, as well as finding other ways to keep local government salaries in mind. It's a very large concern to the taxpayers of the State of Nevada, particularly the City of Las Vegas that these ability said to pay local government salaries be brought in line and to provide additional services rather than having current salaries eat up the new money that we have in terms of tax revenue. I don't know if there are any questions, but we just wanted to share our support for that BDR request.

MAYOR GOODMAN
Thank you very much. Are there any questions of Ms. Dougan? All right.

CHRISTINA DOUGAN
Thank you.

MAYOR GOODMAN
Thank you. Appreciate it. Mr. Knight did you have anything. Any comments or questions by my colleagues?

COUNCILMAN WEEKLY
Mayor, I just want to ask, have there been any type of communications with our CEA to make sure that everyone's in line and –

MAYOR GOODMAN

Yes. I – can comment upon that. I made a promise to Dean Fletcher with the Fire and Rescue Services, Dave Callus with the Police Protective Association, and by implication, with Mr. Rickets, for the CEA to engage in a discussion about the draft request. I was advised by Ms. Fretwell yesterday that we have to go forward today, but that is not going to preclude us from meeting and discussing this and massaging it if need be. Those discussions will take place and whoever on the Council would like to join them is certainly welcome. If we have to have those discussions in compliance with the Open Meeting Law, then we'll call a Special Council meeting and we'll have the discussions openly.

But that door has been opened. I'm the one who broke the appointment, unfortunately, because of the nonsense that was in the press last week where I had to spend an entire day of my life trying to disprove a negative, which is very difficult to do. And that's one of the reasons that I sort of like Item Number 2 as well, where we can discuss sensitive matters without having misinformation communicated to our constituents. But Mr. Rickets, happy to hear from you.

TOMMY RICKETTS

Tommy Ricketts, for the record, President, Las Vegas City Employees Association. Greatly appreciated. Its – very concerning to myself and the 1500 plus employees that I represent of the City of Las Vegas that the message that is sent to the public and hearing and being a taxpayer myself, I'm quite concerned that – it's kind of slanted to the seen employee by the public that a lot of time we have appointive positions, we have executive positions that are all in the mix. So I would – greatly encourage our participation in any kind of talks.

I've gave my commitment to the City manager in the month of June that you know, we would do anything possible to try to alleviate any changes to state law. I know that anybody that would vote on this Council or any other elected position in the State of Nevada would definitely send a very negative message to organized labor and I don't think that that's very productive. So, I would appreciate being included in any meetings you might have and hopefully we can solve these issues.

But I can say, at least for our position in our last negotiation session, we offered to tie the – award to CPI. The concern comes up as which CPI is appropriate. I believe the City Charter requires the City Council's salaries to be increased by all users. We felt, and along with the other public employee agencies on the west coast, are more closely aligned to western state schedule A, which basically last year was three point five. The award that we received was three percent. That's what we are asking for. So, I think sometimes the message gets sent that it, it's negative and public employees are trying to kill the coughers, or raid the coughers and that's not quite true. So, if you would agree Mayor, that we could work together –

MAYOR GOODMAN
Absolutely.

TOMMY RICKETTS
– on this issue –

MAYOR GOODMAN
No problem.

TOMMY RICKETTS
It would greatly prohibit, you know, hurt feelings and active efforts in the Legislature to do.

MAYOR GOODMAN
Of course.

TOMMY RICKETTS
– counterproductive.

MAYOR GOODMAN
Of course, and I think it's great that you have taken that position. I think it's great that Dean Fletcher says the same thing, as well as Mr. Callus with the PPA. This is the beginning of a discussion. This Council, as well as yourself, want what's best for the City and we want to be able to be assured that the future Councils will have a sound economic bases from which to work

that's created during our watch. So, these discussions will be good. They'll be positive. There will be no negative. These will be positive discussions.

TOMMY RICKETTS
Okay. Thank you.

COUNCILMAN WEEKLY
And, Your Honor.

MAYOR GOODMAN
Yes.

COUNCILMAN WEEKLY
Councilman, is it okay? Just one more. I'd like to also ask that if this is something that needs to be move forward that if Mr. Tim Andrews, who is apart of the Homeland Security Commission can be involved in those conversations being that he attends those meetings as well, and he and I sit on the Finance Committee of the Homeland Security Commission.

MAYOR GOODMAN
Very good.

COUNCILMAN WEEKLY
Thank you.

MAYOR GOODMAN
Thank you. Councilman Mack.

COUNCILMAN MACK
Thank you, Your Honor, and the only recommendation I would have it was brought up prior – by you, Your Honor, was maybe making this is public hearing and having potentially a separate

Council meeting so there's not only Council can be heard but citizens and other community members can be heard on this.

MAYOR GOODMAN
If we have the interest on the part of the Council if there's more than three of us who would like to participate, then we will have it as a public hearing. I'm basically -- interested in getting the conversation started. That's, we've reached that point where we have to start we're in a, I think the economy has been good to us lately. We're in a position that we're able to make decisions with having the (inaudible) to do it. But at the same time, I think this is the same time you should have these decisions to see whether or not the belt should continued to be tightened. Whether it should be tightened more or whether it should be loosened up a little bit. So, we'll have some good discussions. Thank you. May I have a motion, please.

COUNCILMAN BROWN
Your Honor?

MAYOR GOODMAN
Yes. Oh, I'm sorry.

COUNCILMAN BROWN
Thank you. Just a question and comment. The process now if we adopt this package, what happens with the BDR's?

BETSY FRETWELL
Councilman, what happens next is we work with the Attorney's Office to draft some language that we then send to the Legislative Council Bureau within the next two weeks. Then it goes into the Legislative Council Bureau black box and we see it when it comes out. And that could be any where in the first two months of the Legislative decision. So, it's kind of an interative process over the next four months, I would suggest.

COUNCILMAN BROWN
Have we, especially with items number one and three, have we created any kind of draft language? My concern would be, whatever we send up there would be a BDR is going to go up without any kind of review by the Council. I'm not sure if we have an opportunity at the September meeting to kind of finalize that. It's as – the testimony is before us today, there's – certainly some concern as far as what first signal we send to Carson City, as far as the policy of the City.

BETSY FRETWELL
We – typically wait to draft the specific language until we get direction from you all today. And what we can do is make sure that we provide that information to you in the form of a (inaudible) or a memo from the Managers Office. And then, if you would like. we can put an additional item on for further direction some time in September, whenever is appropriate, and we can review that language specifically so as we work with the Legislative Council Bureau on the final drafts, we have very clear information and direction from City Council about the nuances of the bill. I will say, we don't control what the Legislative Council Bureau actually puts out. And sometimes there's a lot of technical information in those bills because of the nature of their job is somewhat different from the nature of Brad and his staff's job.
They look at things a little bit differently. That's oftentimes why you see four and five different amendments on a bill during the Legislative process because the intent might not be totally clear even in the first or second draft. So, we can certainly bring an item back, present the specific language that was submitted by the deadline and then get clear, get clearer direction from you if we haven't hit the nail on the head. So that we can, as we're working with the bill drafters, make sure that we get the points right.

COUNCILMAN BROWN
Is the deadline, at the end of this month it has to be received?

BETSY FRETWELL
Yes, sir.

COUNCILMAN BROWN
Okay. So we won't be able to, as a Council, approve the final language out of Mr. Jerbic's office. Is there anything in the form on the BDR that speaks to the intent of the legislation?

BETSY FRETWELL
Yes, sir. And that's generally what you have in your agenda item.

COUNCILMAN BROWN
Is this part of this back up here, the agenda?

BETSY FRETWELL
Yes, sir.

COUNCILMAN BROWN
I guess, as it's been expressed, my concern would be, regardless of where we go with our labor negotiations and contracts, this Council has often spoke of defining what the future public employee will look like. Be it five years, 10 years, or 15. And I don't think anybody, including Tommy and some of his colleagues and labor, disagree that we have to take a look at the impact of this future public employee. But we've said before, at least I've said before, and that unless the Council, the City administration, and the labor representatives apart of defining that future employee, it's going to be very confrontational, and it's gonna meet a lot of conflicts. So, I would just ask that what ever this final form of BDR is, it is language that is indicative of collaborative effort and not almost a dictate from the City what should be.
I hope it leaves, at least, the door open that legislation would indicate there's going to be cooperation and input from labor and administrates and the elective. And on the third one, Your Honor, if you would.

MAYOR GOODMAN
Certainly.

COUNCILMAN BROWN
I was out the week that this was held, but in recalling the briefings that we went through one of the issues on this, as far as public records for, primarily are programs through Leisure Services and such, there were the issues of what we're asking for in the first place. And some of the things we're asking for are some of the things we're asking to be protected where the question that had not been answered because of timing, was why are we even asking for those in the first place, be the application. I'm not sure, Chris or Betsy.

CHRIS KNIGHT
Councilman Brown. Chris Knight, Director of Admin, Administrative Services. The reason they were asking for that is there are a number of cases that Leisure Services and Mr. Roy Nelson from Leisure Services is here, if you want specific details of some those cases, where they just collect general information. I think there's been some press about the information that's collected that it relates to Social Security numbers and stuff like that and that's not the – point of the issue. We do not collect that information. It's information like addresses telephone numbers, the names of participants in our Leisure Services programs. And what happens is we have that information, it is public record, and someone to come in and ask a – simple thing such as, you know, give me a listing of all the people that have reserved pic nic shelters in the City of Las Vegas because I'm going to send them a fler and a mailer trying to sell them a bar-be-cue. You know, things like that. So we're trying to keep that from – becoming that kind of information. There are other some things that deal with custodial issues of parental custody of children that are participants in our program. So, we think there is a viable case that we'll be able to make in front of the Legislature that says, you know, this information we should be able to hold and they have to get it somewhere else.

COUNCILMAN BROWN
Appreciate that. Did you want to see –

VERBATIM TRANSCRIPT — ITEM 61

MAYOR GOODMAN
Mr. Rickets, you, yes, sir.

ROY NELSON
Mayor and Council, good morning. Roy – Nelson, Leisure Services. Chris is absolutely right Councilman. Primarily we're concerned about the safety, primarily our seniors. Our seniors attend our programs and they're concerned about not safety to their, not only their body, but to their homes while they're attending or at the centers. So, that's one of our main concerns.

COUNCILMAN BROWN
I appreciate that. Your Honor, I would support that BDR with that public testimony right there. I think it's important that the intent has been, has expressed by Mr. Nelson and Mr. Knight, be part of our package. So I – appreciate that. Thank you.

MAYOR GOODMAN
Very good. Thank you. Mr. Ricketts.

TOMMY RICKETTS
Tommy Ricketts, again, for the record. I just wanted to go on the record to say the Las Vegas City Employee's Association would be opposed to a panel of arbitrators for a couple of simple economic reasons. Number one, the cost would be counterproductive to our operation. Number two, the, in past history, looking in other states that have implemented a panel of arbitrators like the State of Illinois, where a municipality will pick an arbitrator and union will pick the other arbitrator. The other arbitrator is usually picked by striking names. Generally the same, and looking at the last 10 years that we were looking at, the arbitrations basically have came up with the same results.

So, I think that with the discussions, hopefully before any final language is presented in any testimony to any Legislative committee, hopefully we could involve that issue. But I just wanted to state for the record that it – would be a financial hardship for us to face a panel of arbitrators.

MAYOR GOODMAN
Okay. Let me ask you this question. There's been a suggestion that perhaps these discussions with the Employee's Associations and the Police Protective Associations and the Fire and Rescue folks take place in open forum. Do you have any thoughts one way or the other on that?

TOMMY RICKETTS
It – wouldn't matter to me whether we were in front of 10 people or a thousand people. I think that the public employees, and you've said it many times, that the City has are the best that money can by and I think that you know, our employees get paid very well, but they also perform a damn good job and I think are very equitable to anybody else.

MAYOR GOODMAN
No, but I'm just asking, do you have an opinion as to whether or not we'll be able to have a meaningful discussion if it's in a public forum or should we start just sitting around the fireplace so to speak.

TOMMY RICKETTS
Well I think that – we could have a formal meeting after we got some of the things ironed out, but I do think that it would probably not start or continue our harmonious labor management relationship if we involve people that don't really understand the – mechanism or at least the contracts that – we're talking and dealing with on a daily basis.

MAYOR GOODMAN
Okay. Thank you very much. Appreciate it.

TOMMY RICKETTS
Thank you.

MAYOR GOODMAN
Okay. Anything else? May I have a motion, please.

VERBATIM TRANSCRIPT — ITEM 61

COUNCILMAN REESE
Yes Your Honor, I make a motion to allow the City Manager to submit a bill draft request to the Legislative Council Bureau and act on all those comments made here today.

MAYOR GOODMAN
Thank you. Let's vote, please. Post. Motion carries. **(Motion carried unanimously)** Thank you.

(END OF DISCUSSION)

/yy;ac

NEVADA TAXPAYERS ASSOCIATION

Serving the Citizens of Nevada since 1922

DATE: August 17, 2004

MEMO TO: Betsy Fretwell, Assistant City Manager
City of Las Vegas

Delivered via E-mail

FROM: Carole Vilardo, President

SUBJECT: Binding Arbitration Bill Draft Request

Thank you for providing me the information I requested regarding the binding arbitration bill draft request. From the various local government meetings I have attended I know the current process for binding arbitration has apparently created unintended consequences in some jurisdictions.

As my travel schedule does not allow me to be at the Council meeting tomorrow to SUPPORT this proposal on behalf of the Association I would like to impose on you to provide this memo to the Mayor and Council members.

I believe that the first two changes, (1) changing the arbitration process of selecting an arbitrator to a panel of three; and (2) requiring an ability to pay finding on multi-year contracts would be major steps in improving the current process. The third component of this BDR, to limit cost of living adjustments to the consumer price index, is supportable in today's economic environment. However, if double-digit inflation occurs such as we experienced in the late 1970's and early 1980's this could be problematic. For this reason I hope that consideration might be given, as the legislation is being drafted, to creating a maximum cap for the cost of living increase provision.

Submitted at City Council
Date 8/18/04 Item 61

City of Las Vegas

Agenda Item No. 62

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: BUSINESS DEVELOPMENT
DIRECTOR: SCOTT D. ADAMS [ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action regarding the adoption of a City of Las Vegas Business Retention Program, aka "The New Business Opportunities Program" for the attraction and retention of diverse businesses in addition to gaming - All Wards

Fiscal Impact

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

PURPOSE/BACKGROUND:
In 2004, the Office of Business Development will implement a business retention program to attract and retain diverse businesses. The goals of the program are to encourage local businesses to remain in the community, create new jobs by helping them grow and expand, and to improve dialogue between local government leaders and the business community. The program will give the City the opportunity to address the needs and aspirations of local businesses and identify key issues such as services, regulations, infrastructure and restrictions that may impair their growth.

RECOMMENDATION:
Approval

BACKUP DOCUMENTATION:
1. Agenda Memo
2. City of Las Vegas New Business Opportunities Program
3. Submitted at meeting: hardcopy of PowerPoint

MOTION:
REESE – APPROVED as recommended – UNANIMOUS

MINUTES:
Using a PowerPoint presentation, SCOTT ADAMS, Director, Office of Business Development, walked the Council through an overview of this proposed program, which he and his staff would like to adopt. This program came about before he started working with the Agency, and he made very minor changes to it. He recommended the Council endorse, adopt, and move forward with the program.

MAYOR GOODMAN was very pleased with the presentation, stating that it is the first comprehensive program that has come out of Business Development during his tenure with the City. It is a very good start for MR. ADAMS.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Business Development
Item 62 – Discussion and possible action regarding the adoption of a City of Las Vegas Business Retention Program, aka "The New Business Opportunities Program" for the attraction and retention of diverse businesses in addition to gaming – All Wards

MINUTES – Continued:
COUNCILMAN WEEKLY noted that, with the recent visit from GOVERNOR ARNOLD SCHWARZENEGGER to try to attract businesses back to California, he hopes real incentives will be provided, as well as assistance to those businesses that run into obstacles. He then asked MR. ADAMS if he put together a list of businesses to work with. MR. ADAMS answered that his staff is looking at a number of databases to use as sources to get to those clusters. The important thing to remember is that, with over 4,000 businesses, his few staff members have to be strategic and focus on those businesses most important to the Council and those that have the greatest opportunity for growth. This does not mean that his staff will not continue to try to attract new businesses, but they will focus more on existing businesses. Through outreach, his staff will be able to identify the issues affecting certain businesses, and then they can create new public policy regarding incentives and ways to handle the problems facing the business community.

MAYOR GOODMAN liked the idea of perhaps not going by the book in order to get things done and that staff is not reinventing the wheel but is using the State's database to the City's advantage.

(10:02 – 10:20)
1-2049

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: BUSINESS DEVELOPMENT
ITEM DESCRIPTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE ADOPTION OF A CITY OF LAS VEGAS BUSINESS RETENTION PROGRAM, AKA "THE NEW BUSINESS OPPORTUNITIES PROGRAM" FOR THE ATTRACTION AND RETENTION OF DIVERSE BUSINESSES IN ADDITION TO GAMING - ALL WARDS

In 2004, the Office of Business Development will implement a business retention, expansion, and assistance program to assess the strength of the Las Vegas economy and attract and retain new diverse businesses. The goals of the program are to encourage local businesses and industries to remain in the community since they generate up to 80% of new jobs, create new jobs by helping local businesses grow and expand, and improve dialogue between local government leaders and the business community.

A good business retention program can prevent existing businesses from relocating thus leaving a void in our community. The program can also eliminate potential lost jobs and the detrimental effects of lost payroll. Further, the program can help develop a full understanding of the business community's actual needs, help increase payroll, capital, and improvement in the bottom line for local businesses. Other benefits of the program are improved outreach activities that assist in the growth and promotion of existing companies and the promotion of a positive, proactive image of the community for future business attraction. The program can also help with the identification of key issues that impact businesses such as services, regulations, infrastructure, and restrictions and the identification of business clusters that are most likely to expand or downsize.

Utilizing a previously researched targeted industry database, businesses will be interviewed using e-Synchronist surveys. The e-Synchronist survey software is a tool created to give economic development organizations control over local economic policy and business retention. It has been used by numerous national economic development organizations. Businesses will be asked about the opportunities for their businesses and any challenges inhibiting full realization of these opportunities.

The Office of Business Development will visit businesses in targeted sectors monthly including:

1. Call Centers, Medical Devices, Health Services, Technologies – including biotech, Nanoscience and information technology, wireless, telecommunications and pharmaceuticals.
2. Financial and Business Services.
3. Logistics, Transportation/Distribution.
4. Entertainment, Tourism, Hospitality and Recreation.

Each industry cluster will be surveyed using the e-Synchronist survey software modified to fit the needs of the City of Las Vegas. Results of the surveys will be analyzed and reported.
The information collected from these visits will then be used to develop strategies to sustain and grow existing businesses. OBD will also develop a business retention task force to address and

expedite solutions to problems that impact businesses' growth or retention identified during the survey and interviews. The task force will be divided into two resource groups: internal and external resources. The internal resources will be comprised of participants from City departments, and external resources will consist of local agencies such as CCSN, MAP, and the NDA.

The City has a responsibility to assist and promote the business community. The City's commitment to supporting a successful business retention program is essential. Should the program fail, whereby problems of the business community are not resolved, this endeavor could be detrimental to the City's economic development efforts.

City of Las Vegas
New Business Opportunities Program

Purpose.

The purpose of the New Business Opportunities Program (NBOP) is to address the needs and barriers affecting existing businesses, to promote their growth, and ensure their survival. The NBO program can monitor changing marketplace dynamics enabling policy makers and community leaders to make decisions that enhance opportunities and community economic growth and decrease threats to businesses.

The NBO program will also identify business clusters that are most likely to expand or downsize. Growing jobs through existing industries is far easier and less costly than recruiting new companies. Further, the program will help develop a full understanding of the business community's actual needs. This will be accomplished by analyzing the findings of our fact-finding visits to local companies and the results of our e-Synchronist surveys.

Goals.

The Goals of the Las Vegas New Business Opportunities Program (NBOP) are to:

- Create new primary jobs.

- Grow and expand our local companies.

- Retain jobs by keeping businesses from leaving our community.

- Improve relationships and increase dialogue between local government leaders and the business community.

Objectives.

- The NBO program will focus on the following industry clusters for retention and expansion:

    - Call Centers, Medical Devices, Health Services, Technologies – including biotech, Nanoscience and information technology, wireless, telecommunications and pharmaceuticals.

    - Financial and Business Services.

    - Logistics, Transportation/Distribution.

    - Entertainment, Tourism, Hospitality and Recreation.

- Each industry cluster will be surveyed through a research database. This will be accomplished through the use of e-Synchronist survey software modified to fit the needs of the City of Las Vegas. The e-Synchronist software is a tool created to give economic development organizations control over local economic policy and business retention. It has been used by numerous national economic development organizations.

  The Synchronist System provides a tool to help define, organize data, analyze and report existing company information giving community decision-makers valuable insight into the dynamics of the local economy. Unlike the traditional approach to business retention, the Synchronist System is opportunity driven, not problem focused.

  Using information from area business executives, the System evaluates each company's value to the community, growth potential, risk of relocation or downsizing, satisfaction and employment trends. The system is built to bridge the critical business information gap in economic development organizations. It is fundamentally a combination of sophisticated survey instruments and customized computer software.

  Through the use of Synchronist, OBD will partner with the Nevada Development Authority and the State of Nevada's Commission on Economic Development for a valley-wide approach to addressing Southern Nevada's business retention and expansion needs.

- The responses garnered from the survey will give a clear reading of the City's business climate. As a result of feedback, a plan of action targeting specific problems highlighted during the interviews will be developed and solutions to problems identified will be provided.

NBO Strategies.

The NBO program will:

- Ensure retention of existing companies. Through the use of interviews and the e-Synchronist surveys, programs will be developed to assist businesses with their growth and expansion needs.

- Assist companies to expand through site selection, awareness, and utilization of state and local incentives, and import / export programs.

- Help business resolve problems that may prevent them from growth and expansion. An NBO program task force will be developed. The task force will address and find solutions to problems and issues identified during the company interviews.

- Encourage a two-way dialogue between local industry and government officials through public/private partnerships.

- Programs such as business roundtables, advisory ad hoc committees, award and recognition programs, business associations, and seminars are but some of the methods that can be used to communicate with community businesses.

- The program also allows an exchange of information between government and businesses on a regular basis. This can be accomplished through reports generated through the e-Synchronist survey software.

Implementation.

- To garner the support of the City Council, an agenda item will be prepared to ensure citywide buy-in of the program. Council members will also be asked to accompany the survey teams on fact-finding visits to businesses in their respective wards.

- Utilizing our previously researched target industry database, interviews will be conducted using e-Synchronist surveys. Businesses will be asked about the opportunities for their businesses and any challenges inhibiting full realization of these opportunities.

- The information collected from these visits will be used to develop strategies to sustain and grow existing businesses and create task forces/action teams to resolve problems identified during the interviews.

- OBD will develop a business retention, expansion and assistance program task force to address and expedite solutions to problems that impact business growth or retention identified during the fact-finding interviews.

- Since the overriding theme of the NBO program is to create new primary jobs and retain existing jobs, the task force will be divided into two resource groups: internal and external resources. The internal resources will be comprised of participants from the departments listed below. These resources will be made available to Council Liaisons as a sub-task force to assist with the completion of Council Action Requests resulting from the e-Synchronist surveys.

    - Building and Safety
    - Council Liaisons
    - Detention and Enforcement
    - Finance and Business Services
    - Fire Department
    - Information Technologies
    - Neighborhood Services
    - Office of Business Development
    - Parking Enforcement
    - Planning and Development
    - Public Works
    - Metropolitan Police Department
    - Crime Education Prevention Through Environmental Design

- External resources will include but are not limited to the following:

    - Community College of Southern Nevada
    - Department of Employment, Training and Rehabilitation
    - Manufacturing Assistance Partnership (MAP)
    - Nevada Development Authority
    - UNLV Small Business Development Center
    - State of Nevada's Commission on Economic Development
    - US Department of Commerce
    - University of Nevada Las Vegas

- Each of the external resources can bring to bear a unique set of resources specific to the growth and expansion needs of businesses. These include but are not limited to site selection, up skills, training and rehabilitation, financial services and related resources, and consulting services. Both the internal and external resources can be used in a variety of combinations as needed to achieve our business retention, expansion and assistance goals.

Performance Measurements.

- The program will be measured against how well the goals and objectives outlined above are met. These measurements include the number of businesses interviewed, number and dollar value of businesses retained, and number of new jobs created annually. The goals and objectives stated serve as a baseline – they will be further refined based on feedback from surveys, and resources applied accordingly.

Conclusions.

The City has a responsibility to assist and promote the business community. The City's commitment to supporting a successful business retention program is essential. Should the program fail, whereby problems of the business community are not resolved, this endeavor could be detrimental to the City's economic development efforts.

The overriding theme of the New Business Opportunities program is to respond and assist our existing industries. As such, we will respond to them based on findings from our visits – our actions will not be pre-determined by the goals and objectives contained herein.

City of Las Vegas
Business Retention Program

"New Business Opportunities Program"

Office of Business Development
August 18, 2004

Issues

- City faces shortage of space/land for businesses
- Businesses growing with economy
- Create need to work with companies at risk of leaving the City
- Easier to grow existing companies to create jobs than attract a new one
- Addresses one of City's primary goals

Goals

- Create new primary jobs
- Grow and expand our local companies
- Retain jobs / keep businesses from leaving the community
- Improve dialogue between City leaders and the business community
- Solve problems facing businesses
- Use trend data to shape policies

Program Characteristics

- Confidential
- Serious
- Systematic
- Sustainable

Program Characteristics

Confidential

- Very important
- Credibility of program is at stake
- Reports done in aggregate – no specific company information will be shared

Serious

- Professional staff
- Specific goals
- Monitoring/reporting

Program Characteristics

<u>Systematic</u>

- OBD oversees input of data
- OBD will analyze and issue reports
- Reports posted on website

<u>Sustainable</u>

- Constant review
- Repeat company visits
- Trend reports
- Long term program

Program Implementation

- Council approval
- Partner with State CED and NDA
- Survey pre-selected industry clusters and targets
- Use task force to resolve problems identified during surveys
- Develop a community outreach initiative

Industry Clusters/Targets

- Call Centers, information technologies, and telecommunications
- Life sciences, health services, medical devices, and pharmaceuticals
- Finance and business services
- Logistics, transportation / distribution
- Entertainment, tourism, hospitality & recreation
- High growth companies
- Largest companies

Data Collection and Reporting

- e-Synchronist survey and software
- Survey includes:
  - Company information, product or service, market, industry, workforce, management
- Software produces forty-one (41) different reports

10 Reasons OBD Recommends Approval

1. Companies need help to grow and expand
2. 80% of new job growth comes from existing companies
3. Cheaper to keep existing businesses than create new ones
4. Minimizes surprises when prospects do meet with local companies
5. Economic development is shifting from hunting & gathering to gardening

10 Reasons
OBD Recommends Approval

6. Build on local partnerships / relationships
7. Provides red flag on companies that need assistance (endangered business list)
8. Demonstrates outreach
9. Demonstrates appreciation
10. Makes the City competitive

City of Las Vegas Business Retention Program

"New Business Opportunities Program"

City of Las Vegas

Agenda Item No. 63

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Barbara Venee Snyder, 1799 N. Decatur Boulevard #151, Las Vegas, Nevada 89108

Fiscal Impact

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

REESE – APPROVED a site specific work card subject to a one-year (8/17/2005) review – UNANIMOUS

MINUTES:

The applicant was present, accompanied by her attorney, JOSEPH SCISCENTO.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), indicated that he made contact with MS. SNYDER'S employer. Metro did not oppose issuing a work card because the job MS. SNYDER was seeking is not related to the issues she had.

(10:20 – 10:21)

1-2901

RECEIVED
CITY CLERK

2004 JUL 30 P 3: 21

July 30, 2004

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

To Whom It May Concern:

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

Sincerely,

Barbara Snyder

Barbara Venee Snyder
1799 N. Decatur Blvd. #151
Las Vegas, NV 89108

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

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

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TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

July 30, 2004

Barbara Venee Snyder
1799 N. Decatur Blvd. #151
Las Vegas, NV 89108

Re: **WORK CARD APPEAL**

Dear Ms. Snyder:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **August 18, 2004.**

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

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

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

Sincerely,

Arlene Coleman

Arlene Coleman
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/pc

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

City of Las Vegas

Agenda Item No. 64

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: John Terence Sylvain, 133 Sam Jonas Drive, Las Vegas, Nevada 89145

Fiscal Impact

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:
Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:
REESE – APPROVED a site-specific work card, subject to a six-month (2/16/2005) review and allowing DETECTIVE RODD to enter the premises and ascertain that there is not going to be a problem – UNANIMOUS

NOTE: CITY ATTORNEY JERBIC disclosed that the appellant is the nephew of ATTORNEY BOB SYLVAIN, who is an attorney in his office and under his supervision. ATTORNEY SYLVAIN has not discussed this matter with him nor shared any information with him. It was also brought to his attention that another relative of ATTORNEY SYLVAIN authored a letter in support of this matter, but CITY ATTORNEY JERBIC has not conversed with that person, and he has not briefed the Councilmembers on this matter. However, because of CITY ATTORNEY JERBIC'S supervisory relationship with ATTORNEY SYLVAIN, he recused himself and turned the matter over to SR. LITIGATION COUNSEL BILL HENRY, who has not briefed any member of the Council on this matter and has no connection with this appeal. MAYOR GOODMAN opined that SR. LITIGATION COUNSEL HENRY did not have a conflict and felt comfortable with him counseling the Council on this matter.

MINUTES:
The appellant was present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), referred to the confidential report and indicated that Metro is very concerned about issuing MR. SYLVAIN a work card because the position he is seeking would allow him access to this property where seniors reside. MR. SYLVAIN interjected that the complex consists of adult studio apartments.

MINUTES – Continued:
MR. SYLVAIN answered for MAYOR GOODMAN that until the business license is approved, he is doing maintenance for his brother at this site. He does not reside on the property and only responds to maintenance calls and collects the rents. He worked all his life in gaming and as a dealer until his work card was revoked. Most recently, before this position came along, he worked as a concrete finisher. He is trying to work for his brother permanently to help him out because the previous manager was stealing. He assured the Mayor that he is ready to move forward and leave his miserable past behind him.

COUNCILMAN WOLFSON felt conflicted because he wants people to work despite their past, but, at the same time, he wants to protect the citizens. He asked MR. SYLVAIN if this is a job where he would work 8:00 a.m. to 5:00 p.m. MR. SYLVAIN answered that he would be on call to fix maintenance problems and would leave as soon as the problems were fixed. He would not be allowed to access the apartment without giving 24-hour notice, and he could not just enter an apartment.

Regarding his problems involving alcohol, MR. SYLVAIN assured COUNCILMAN WOLFSON that he no longer drinks, and he recently passed a drug test for the concrete job. As far as his most recent incident involving domestic violence, MR. SYLVAIN indicated that he had been drinking, but he now understands his responsibilities and wants to take positive steps to make a better life. He noted that his brother and MIKE MONROE are owners of this complex, and his brother comes to the premises about twice a month, but he speaks to his brother at least three times a week concerning the property.

MAYOR GOODMAN was still concerned about Metro's concerns. He recommended adding a condition requiring the applicant to notify DETECTIVE RODD if any tenant meeting a certain demographic category, as indicated in the confidential report, were to change. DETECTIVE RODD then requested he be authorized to ascertain if any current tenants meet the demographic being discussed. MR. SYLVAIN rejoined that the complex consists of 21 single units, with two houses on the premises, and that one of the houses has one or two of those within the particular demographics described. MAYOR GOODMAN asked MR. SYLVAIN to work closely with DETECTIVE RODD.

COUNCILMAN REESE made a motion approving a site-specific work card, subject to a six-month review. MAYOR GOODMAN included allowing DETECTIVE RODD to enter the premises and ascertain that there is not going to be a problem. MR. SYLVAIN concurred with these requirements.

(10:21 – 10:33)
1-2980

RECEIVED
CITY CLERK
2004 AUG -4 P 12: 25

August 4, 2004

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

To Whom It May Concern:

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

Sincerely,

John Terence Sylvain
133 Sam Jonas Drive
Las Vegas, NV 89145

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

August 4, 2004

John Terence Sylvain
133 Sam Jonas Drive
Las Vegas, NV 89145

Re: **WORK CARD APPEAL**

Dear Mr. Sylvain:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **August 18, 2004.**

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

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

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

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/sc

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

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

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City of Las Vegas

Agenda Item No. 65

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
Discussion and possible action on Appeal of Work Card Denial: Tara Denise Kandemir, 207 East Hazel Street, Inglewood, California 90302

Fiscal Impact

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:
Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:
REESE – Motion to bring forward and STRIKE Items 58 and 65 – UNANIMOUS with BROWN not voting

MINUTES:
There was no discussion.

(9:27 – 9:28)
1-731

RECEIVED
CITY CLERK
2004 AUG -5 A 10: 54

August 5, 2004

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

To Whom It May Concern:

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

Sincerely,

Tara D. Kandemir

Tara Denise Kandemir
207 East Hazel Street
Inglewood, CA 90302

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
'WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
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LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

August 5, 2004

Tara Denise Kandemir
207 East Hazel Street
Inglewood, CA 90302

Re: **WORK CARD APPEAL**

Dear Ms. Kandemir:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **August 18, 2004.**

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

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

Sincerely,

Angela Crolli

Angela Crolli
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/sc

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

City of Las Vegas

Agenda Item No. 66

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

SUBJECT:
Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, From: Russell Uehara and Deborah Uehara, 100% jointly as husband and wife, To: Meen Soung Kim, dba Nozomi Restaurant & Sushi Bar, 2202 West Charleston Boulevard, Suite 11, Meen S. Kim, 100% - Ward 5 (Weekly)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License

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

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Meen S. Kim

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

MINUTES:
The applicant was present.

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

(10:33 – 10:34)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to Health Dept. regulations, To: Meen Soung Kim, dba Nozomi Restaurant & Sushi Bar, 2202 West Charleston Boulevard, Suite 11

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

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

(1) The applicant's fitness for a license; and

(2) The appropriateness of the applicant's business location.

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

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

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

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

The attached letter dated July 29, 2004 from the applicant outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on July 21, 2004. Based upon a review of the Scope printouts furnished by the applicant, we have determined the applicant is preliminarily suitable to hold a temporary alcoholic beverage license until the investigation is complete.

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

Letter Requesting Temporary License

Meen Soung Kim (the applicant), dba Nozomi Restaurant & Sushi Bar, located at 2202 W. Charleston, #11, Las Vegas, NV 89102, respectfully requests a temporary Beer/Wine/Cooler On-sale License, which allows the applicant to serve beer, wine and coolers on business premises temporarily until the applicant obtains a regular Beer/Wine/Cooer On-sale License, for which the application forms were submitted.

The applicant meets all requirements under Title 6, Chapter 50, Las Vegas Municipal Code to obtain a Beer/Wine/Cooler On-sale License, and intends to abide by all other code requirements and rules.

The temporary license is crucial for successful business, since Japanese foods are served with beer, wine and coolers traditionally. Currently, the applicant is anticipating that a significant portion of the total gross revenue will be generated from the sale of Beer, wine and coolers.

The applicant is abiding by the rules of applying and obtaining the required license, and will pay taxes properly. Therefore, the applicant respectfully requests a temporary Beer/Wine/Coolers On-sale License.

Meen Soung Kim
Applicant's Signature

NOZOMI RESTAURANT
Business Name

7-29-04
Date

City of Las Vegas

Agenda Item No. 67

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

SUBJECT:
Discussion and possible action regarding Temporary Approval of a new Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Richard A. Billbe, dba White Tiger Red Dragon Kenpo Karate, 4531 West Sahara Avenue, Richard A. Billbe, 100% - Ward 1 (Moncrief)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding Temporary Approval of a new Martial Arts Instruction Business License

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Letter from Richard Billbe
3. Map

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

MINUTES:
The applicant was not present.

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

(10:34 – 10:35)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: FINANCE AND BUSINESS SERVICES
ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Martial Arts Instruction Business License subject to the provisions of the planning and fire codes, Richard A. Billbe, dba White Tiger Red Dragon Kenpo Karate, 4531 West Sahara Avenue

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

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

(1) The applicant's fitness for a license; and

(2) The appropriateness of the applicant's business location.

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

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

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

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

The attached letter from Richard Billbe, applicant, outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on July 20, 2004. Based on a review of the Scope printout for Mr. Billbe, we have determined the applicant is preliminarily suitable to hold a temporary martial arts instruction business license until the investigation is complete.

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

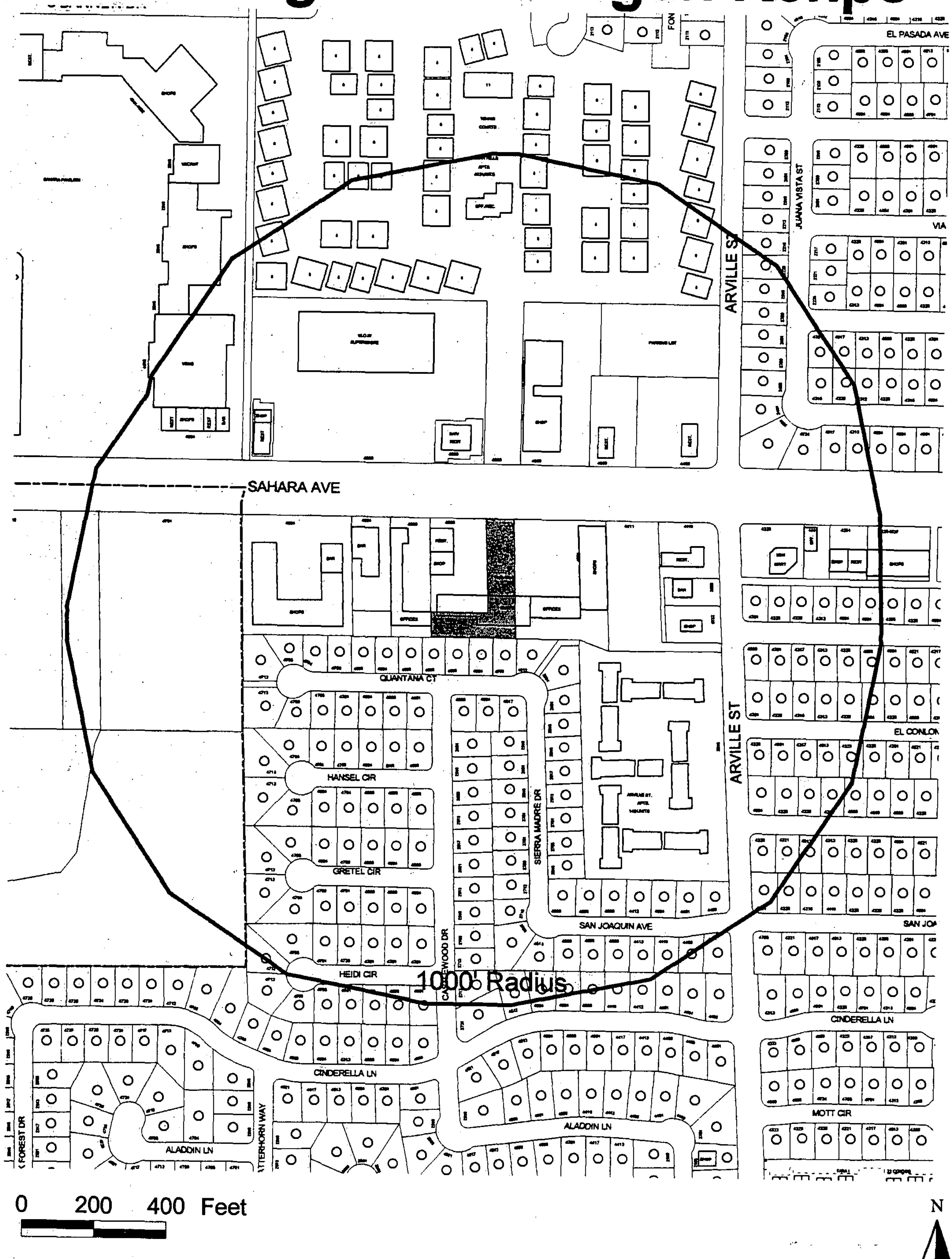
Reques for Temporary Buisness licence

I Richard A Billbe Here by Request A Temporary Buisness license, Due to the Nature of my Current lease Agreement with Sahara westlake Associates. The lease Commencement Date is August 1st and If A buisness license isn't Aquired By This Date, I will be out 4 months Rent for Said Location, at 4531 W. Sahara.

Sinc,

Richard Billbe

White Tiger Red Dragon Kenpo



City of Las Vegas

Agenda Item No. 68

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

SUBJECT:
Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, Terrible Herbst, Inc., dba Terrible's #231, 330 North Rancho Drive, Jerry E. Herbst, Dir, Pres, 100%, Maryanna A. Herbst, Secy, Treas, Edward J. Herbst, VP, Timothy P. Herbst, VP, Troy D. Herbst, VP, Michael J. Roop, VP **(NOTE: Item to be heard in the afternoon session in conjunction with Item #111 - SUP-4576)** - Ward 3 (Reese) (NOTE: The correct ward is Ward 5 [Weekly].)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding a new Beer/Wine/Cooler Off-sale License

RECOMMENDATION:
Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations

BACKUP DOCUMENTATION:
Map

MOTION:
WEEKLY – APPROVED as recommended – UNANIMOUS

MINUTES:
JEANNIE DANIEL, Compliance Office, Terrible Herbst Oil Company, appeared on behalf of the applicant.

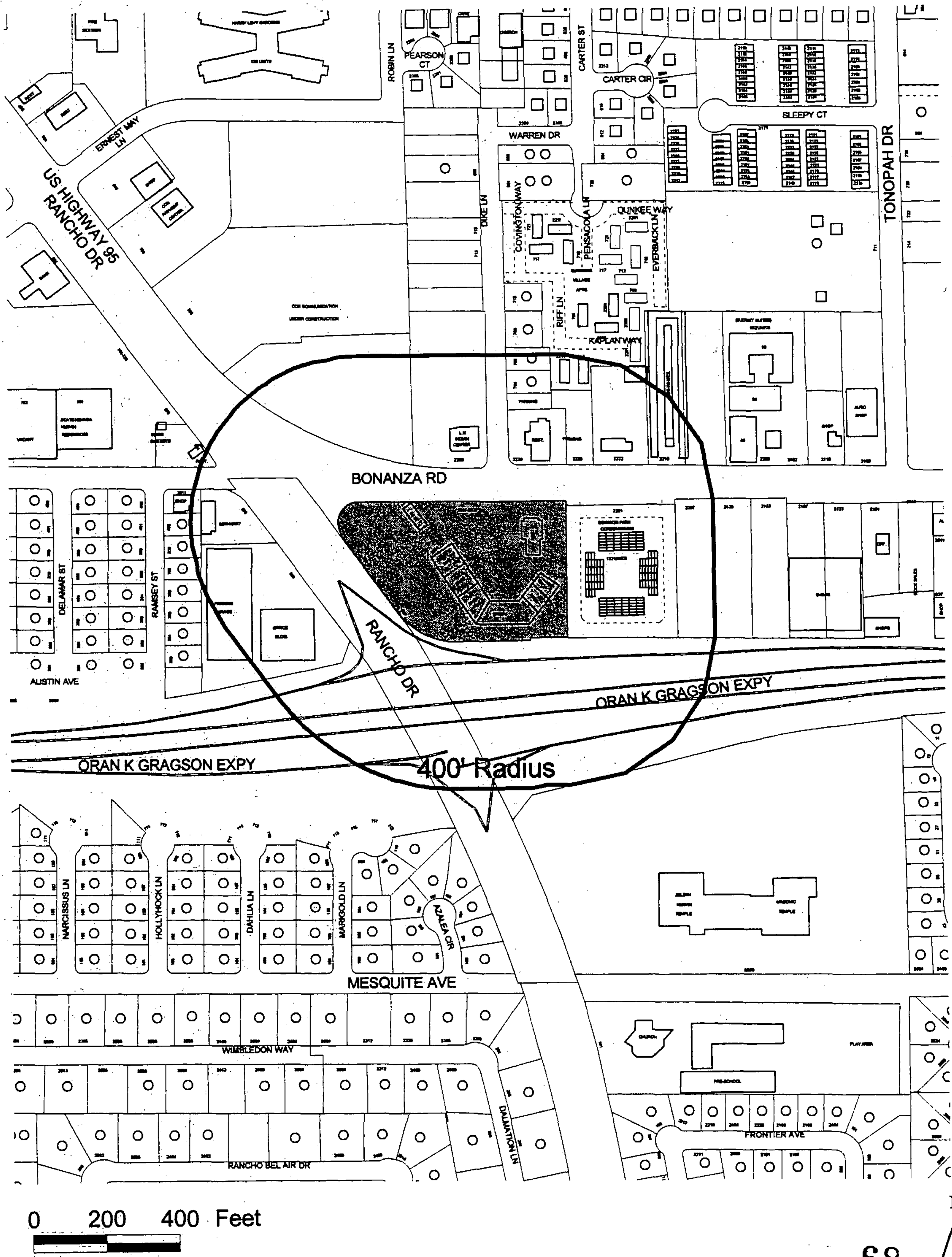
JIM DiFiore, Manager, Business License Department, indicated during the morning session that the correct ward for Items 68 and 69 is Ward 5 (Weekly) and not Ward 3 (Reese).

NOTE: See Item 111 [SUP-4576] for all related discussion.

(10:35 – 10:36/2:46 – 2:48)

4-431/2-78

Terrible's #231



City of Las Vegas

Agenda Item No. 69

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

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

SUBJECT:

Discussion and possible action regarding a Slot Operator Space Lease Location Restricted Gaming License for 7 slots subject to the provisions of the planning and fire codes and Health Dept. regulations, E-T-T, Inc., db at Terrible's #231, 330 North Rancho Drive **(NOTE: Item to be heard in the afternoon session in conjunction with Item #111 - SUP-4576)** - Ward 3 (Reese) (NOTE: The correct ward is Ward 5 [Weekly].)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Slot Operator Space Lease Location Restricted Gaming License for 7 slots

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations

BACKUP DOCUMENTATION:

Map

MOTION:

WEEKLY – APPROVED as recommended – UNANIMOUS

MINUTES:

JEANNIE DANIEL, Compliance Office, Terrible Herbst Oil Company, appeared on behalf of the applicant.

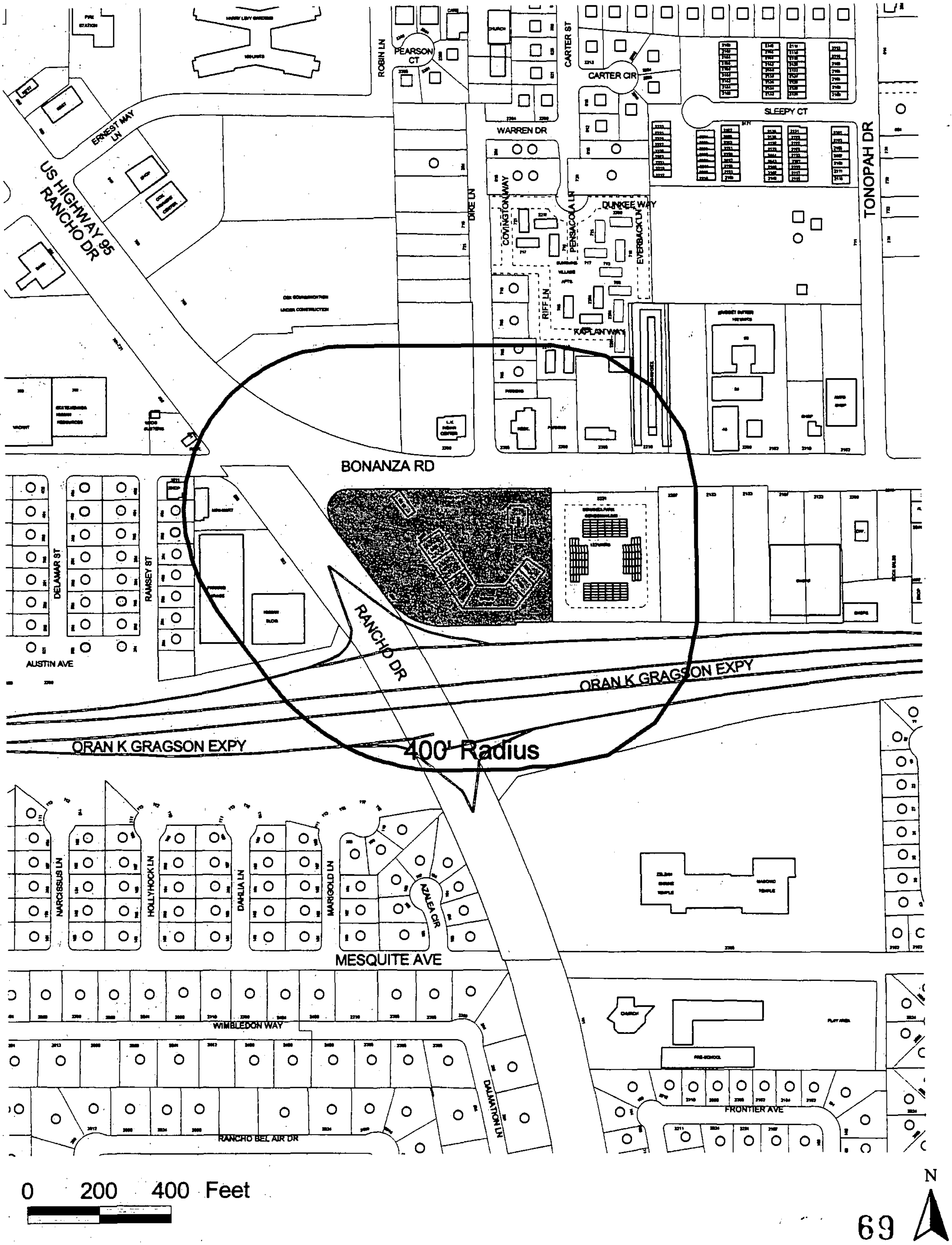
JIM DiFiore, Manager, Business License Department, indicated during the morning session that the correct ward for Items 68 and 69 is Ward 5 (Weekly) and not Ward 3 (Reese).

NOTE: See Item 111 [SUP-4576] for all related discussion.

(10:35 – 10:36/2:46 – 2:48)

4-431/2-78

Terrible's #231



City of Las Vegas

Agenda Item No. 70

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

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

Fiscal Impact

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

PURPOSE/BACKGROUND:
Discussion and possible action regarding Change of Ownership and Business Name for a Package License

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

BACKUP DOCUMENTATION:
None

MOTION:
WEEKLY – ACCEPTED WITHDRAWAL WITHOUT PREJUDICE – UNANIMOUS

MINUTES:
The applicant was not present.

JIM DiFIORE, Manager, Business Services, indicated the applicant requested withdrawal without prejudice because the deal fell through.

(10:36 – 10:37)

City of Las Vegas

Agenda Item No. 71

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT ☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding an Appeal of Denial for a Child Care Facility License, Sheila Logan, dba Love All Kidz Daycare, 6309 Guadalupe Avenue, Sheila Logan 100% - Ward 6 (Mack)

Fiscal Impact

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

PURPOSE/BACKGROUND:

Sheila Logan, an applicant for a Family Child Care Home license, appeared before the Child Care Licensing Board on June 9, 2004. She had received an unfavorable police report in her background investigation due to areas of concern on both herself and her husband, Larry Logan. Ms. Logan's application was denied by the Child Care Licensing Board. She is now appealing that decision.

RECOMMENDATION:

Uphold the denial of the Child Care Licensing Board.

BACKUP DOCUMENTATION:

1. Findings of Fact, Conclusions of Law and Decision in the matter of Sheila Logan
2. Verbatim Transcript of the Child Care Licensing Board (CCLB) Meeting of June 9, 2004
3. Notice of Denial of Application for Child Care Facility License and Notice of Right of Appeal
4. Notice of Appeal for Sheila Logan submitted by Goodman Brown Premsrirut, Attorneys at Law
5. Department's Response to Sheila Logan's Appeal of the City CCLB's Denial of Her Application for a Child Care Facility License

MOTION:

REESE – ABEYANCE to 10/6/2004 – UNANIMOUS with GOODMAN abstaining because Attorney Puonyarat Premsrirut is one of the law partners of his son, Eric Goodman

NOTE: A previous motion by Reese for reconsideration rescinded the initial motion by Mack for abeyance to 9/15/2004. Both motions carried unanimously with Goodman abstaining because Attorney Puonyarat Premsrirut is one of the law partners of his son, ERIC GOODMAN.

City of Las Vegas **Agenda Item No. 71**

CITY COUNCIIL MEETING OF AUGUST 18, 2004
Finance and Business Services
Item 71 – Discussion and possible action regarding an Appeal of Denial for a Child Care Facility License, Sheila Logan, dba Love All Kidz Daycare, 6309 Guadalupe Avenue, Sheila Logan 100% - Ward 6 (Mack)

MOTION – Continued:
NOTE: MAYOR GOODMAN asked CITY ATTORNEY JERBIC if he should abstain, given that ATTORNEY PREMSRIRUT is a law partner of his son, ERIC GOODMAN. CITY ATTORNEY JERBIC advised that, under the Woodbury Decision, the proximity of his son's relationship to this case must be taken into consideration. He was informed earlier that MR. GOODMAN would not be representing this case; however, due to the small size of the law firm, it would be almost impossible to separate his economic interest in this from any other members of the firm. CITY ATTORNEY JERBIC recommended both disclosure and abstention. To be candid, ATTORNEY PREMSRIRUT indicated that MR. GOODMAN has personal knowledge of the facts in this case and has participated in the representation. MAYOR GOODMAN then decided to abstain.

NOTE: COUNCILMAN MACK disclosed that the law firm of Goodman, Brown, and Premsrirut represented him in the past, but there is no current business pending. Therefore, he did not believe there would be any conflict in him voting. CITY ATTORNEY JERBIC opined that under the two-part test, objectively, COUNCILMAN MACK did not have a conflict because he does not have a current business relationship with the law firm. CITY ATTORNEY JERBIC asked COUNCILMAN MACK if he could remain objective in spite of his past relationship with the law firm. COUNCILMAN MACK answered that he could remain objective in this matter.

MINUTES:
The applicant was present, accompanied by her attorney, PUONYARAT PREMSRIRUT.

JIM DiFIORE, Manager, Business Services, indicated that he conversed with ATTORNEY PREMSRIRUT before this meeting. Even though he is ready to proceed on this matter, ATTORNEY PREMSRIRUT has a request. ATTORNEY PREMSRIRUT requested a 30-to-60-day continuance because, although her services were retained for the appeal, she was out of town until 8/11/2004. Therefore, she needs additional time to delve into the serious allegations in the transcript, which she received 8/3/2004.

MR. DiFIORE requested a 30-day continuance. ATTORNEY PREMSRIRUT agreed with this request.

Subsequent to the vote, COUNCILMAN MACK asked MR. DiFIORE if there was any testimony that should be put on the record. MR. DiFIORE answered that he was notified that DEPUTY DISTRICT ATTORNEY DOUG HERNDAN, who testified at the City Child Care Licensing Board meeting, would not be available for the 9/15/2004 Council meeting. But backup documentation includes MR. HERNDAN'S testimony.

City of Las Vegas

Agenda Item No. 71

CITY COUNCIIL MEETING OF AUGUST 18, 2004
Finance and Business Services
Item 71 – Discussion and possible action regarding an Appeal of Denial for a Child Care Facility License, Sheila Logan, dba Love All Kidz Daycare, 6309 Guadalupe Avenue, Sheila Logan 100% - Ward 6 (Mack)

MINUTES – Continued:

COUNCILMAN REESE then made the motion for reconsideration. MR. DiFIORE requested this matter be held to the 10/6/2004 Council meeting, at which time MR. HERNDAN will be available. COUNCILMAN REESE made the motion for abeyance to 10/6/2004.

(10:37 – 10:42)

2-119

BEFORE THE CHILD CARE LICENSING BOARD
OF THE CITY OF LAS VEGAS, NEVADA

IN THE MATTER OF:

APPLICATION FOR CHILD CARE FACILITY LICENSE, filed by Sheila Logan

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION

DENYING SHEILA LOGAN'S APPLICATION FOR CHILD CARE FACILITY LICENSE

On June 9, 2004, a meeting of the Las Vegas Child Care Licensing Board was held to consider the application for Child Care Facility License filed by Sheila Logan. Sheila Logan was personally present and was accompanied by her husband Larry Logan. Members of the Las Vegas Metropolitan Police Department (METRO) and the Clark County District Attorney's offices were present as the result of an Area of Concern report being filed by METRO with the Board concerning the license application. The Board took testimony from the applicant Sheila Logan and her husband Larry Logan, Sgt. Reagan Alexander and Investigative Specialist Bobbie Manning from METRO and Deputy District Attorney Doug Herndon from the Clark County District Attorney's Office, and good cause appearing, hereby issues these findings of fact, conclusions of law, and decision denying Sheila Logan's application for a Child Care Facility License.

FINDINGS OF FACT

1. That pursuant to the Las Vegas Municipal Code Chapter 6.24 (LVMC) Sheila Logan filed an application with the City for a Child Care Facility License to be operated as a Family Child Care Home on July 9, 2003.

2. That the location of the proposed Child Care Facility is the personal residence of Sheila and Larry Logan, husband and wife, at 6309 Guadalupe Ave., Las Vegas, Nevada.

3. That Sheila Logan is seeking permission to care for six children between the ages of infancy and eighteen years of age during the hours of 6:00 a.m. and 6:00 p.m., Monday through

Friday.

4. That Sheila Logan shares the above personal residence with her husband Larry Logan and her two minor daughters, ages 15 and 14, and her minor son, age 12.

5. That prior to the above hearing Sheila Logan's application was referred to METRO pursuant to LVMC 6.24.060 for a personal background check concerning her suitability to be licensed as a child care provider, and at the time of the hearing METRO had submitted its findings to the Board stating several areas of concern regarding Sheila Logan's suitability, including her criminal history of embezzlement, minor in a bar and arrest on a Grand Jury Indictment for murder, as well as areas of concern regarding Larry Logan's criminal history for crimes involving prostitution.

6. That during July of 1996 in Clark County, Nevada, a 18-month-old foster child died after sustaining brain injuries from trauma ("Shaken Child Syndrome') while in the care of Sheila Logan and Larry Logan and as a result in March of 1998, she was arrested pursuant to a Grand Jury Indictment entered against her for murder, which was later dismissed by the District Court due to improper jury instructions being given to the Grand Jury.

7. That Sheila Logan committed acts of embezzlement against her employer during 1982.

8. That on August 9, 2000, Larry Logan plead guilty to the charge of an act of Solicitation for the Purpose of Prostitution in Clark County, Nevada, which charge was later reduced to a nonmoving traffic violation upon his completion of court-ordered counseling.

9. That on February 4, 2003, Larry Logan was convicted of an act of Loitering for the Purpose of Prostitution in Clark County, Nevada.

10. That Larry Logan currently works the graveyard shift at his place of employment, and thus will be at the proposed Child Care Facility during its hours of operation.

11. That Sheila Logan is unsuitable for a Child Care Facility License due to her past criminal conduct and her failure during 1996 to provide adequate and proper care of a 18-month-old foster child placed in her care, custody and control.

12. That Sheila Logan's proposed Family Child Care Home at 6309 Guadalupe Avenue, Las Vegas, Nevada, has a home environment which is not conducive to the health, safety, morals or welfare of children.

13. If any of these findings of fact should more properly be deemed conclusions of law, they shall be so deemed.

CONCLUSIONS OF LAW

14. LVMC 6.24.070 provides:

"An application for a child care facility license or renewal thereof **may be denied**, upon any of the grounds set forth in LVMC 6.02.330 and NRS 432A.190, or upon any of the following grounds:

(1) **An applicant does not posses or have the reputation of possessing a good moral character.**

(2) An applicant is less than eighteen years of age.

(3) **An applicant has a history of criminal offense which would, in the judgment of the Board or the City Council, jeopardize the physical, mental or emotional well-being of a child under the** care of the applicant. The determination of an applicant's fitness in this regard shall take into account the nature, severity, frequency and recency of any such offenses.

(4) **An applicant for a child care facility license who will provide child care in a family child care home or group home for child care is found to have a home environment which is not conducive to the health, safety, morals or welfare of children.** Such a home environment shall include, without limitation, the following conduct by an applicant, prospective employee, volunteer or person living in or frequently visiting the site of the family child care home or group home:

(a) Excessive use of alcohol;

(b) The use of controlled substances;

(c) Serious or prolonged illness;

(d) Physical or mental impairment; or

(e) **Violent behavior.**

(5) **An applicant who after due consideration for the protection of the public health, safety, morals or welfare is found by the Board or City Council to be unstable to receive** a license." * * * [Emphasis added]

15. LVMC provides in pertinent part:

"The licensee may be subject to disciplinary action by the City Council for good cause, which may, without limitation, include:

* * *

(C) **The licensee or any of its principals has been convicted of an act which constitutes a crime which involves moral turpitude** or involves any local, state or federal law or regulation which relates to the same or similar business." * * * [Emphasis added]

16. NRS 432A.190 provides in pertinent part:

"1. The Bureau may deny an application for a license or may suspend or revoke any license issued under the provisions of this chapter upon any of the following grounds:

(a) Violation by the applicant or licensee or an employee of the applicant or licensee of any of the provisions of this chapter or of any other law of this state or of the standards and other regulations adopted thereunder.

(b) Aiding, abetting or permitting the commission of any illegal act.

(c) **Conduct inimical to the public health, morals, welfare and safety of the people of the State of Nevada in the maintenance and operation of the child care facility for which a license is issued.**

(d) **Conduct or practice detrimental to the health or safety of the occupants or employees of the child care facility, or the clients of the outdoor youth program.**

(e) Conviction of any crime listed in subsection 2 of NRS 432A.170 **committed by the applicant or licensee or an employee of the applicant or licensee, or by a resident of the child care facility or participant in the outdoor youth program who is 18 years of age or older."** * * * [Emphasis added]

17. NRS 432A.170 provides in pertinent part:

* * *

"2. The Bureau shall secure from appropriate law enforcement agencies information on the background and personal history of every applicant, licensee or employee of an applicant or licensee, or every resident of a child care facility or participant in an outdoor youth program who is 18 years of age or older, to determine whether he has been convicted of:

(a) Murder, voluntary manslaughter or mayhem;

(b) Any other felony involving the use of a firearm or other deadly weapon;

(c) Assault with intent to kill or to commit sexual assault or mayhem;

(d) **Sexual assault, statutory sexual seduction, incest, lewdness, indecent exposure or any other sexually related crime;**

(e) Abuse or neglect of a child or contributory delinquency; or

(f) A violation of any federal or state law regulating the possession, distribution or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS." * * * [Emphasis added]

18. If any of these conclusions of law should more properly be deemed findings of fact, they shall be so deemed.

DECISION

After due consideration the Board concludes, (1) that the proposed family child care home of Sheila Logan has a home environment which is not conductive to the health, safety, morals or welfare of children, and (2) that after due consideration for the protection of the public health, safety, morals and welfare Sheila Logan is unsuitable to receive a Child Care Facility License. Accordingly, Sheila Logan's application for a Child Care Facility License is hereby denied.

Dated this 14th day of July, 2004.

THE CHILD CARE LICENSING BOARD
OF THE CITY OF LAS VEGAS, NEVADA

By: [signature]

City of Las Vegas

VERBATIM TRANSCRIPT
CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004
Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

Participants:

Child Care Board:	Julie Proud	- Present
	June Gunderson	- Excused
	Mary Jane Hayes	- Present
	Maryanne Salm	- Absent
	Steve Greco	- Absent
	Terry Clodt	- Present
	Lillian Brumwell	- Present

Staff: Jim DiFiore, Business Services Manager
Wendy Smith, Business Services Supervisor
Larry Bettis, Deputy City Attorney
Donna Knipschild, Recording Secretary

Other: Sheila Logan, applicant
Larry Logan, applicant's husband
Sergeant Reagan Alexander, Las Vegas Metropolitan Police Dept. Special Investigations Section
Investigator Bobbie Manning, Las Vegas Metropolitan Police Dept. Special Investigations Section
Doug Herndon, Chief Deputy District Attorney for the Special Victim's Unit in the Clark County District Attorney's Office

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Ms. Logan: Hello, my name is Sheila Logan. I live at 6309 Guadalupe Avenue, Las Vegas Nevada 89108.

Ms. Proud: Sir, would you introduce yourself.

Mr. Logan: Yes, I am Larry Logan, her husband and I live also at the same address.

Ms. Proud: Thank you.

Sgt. Alexander: Hello, I'm Sergeant Reagan Alexander, Las Vegas Metropolitan Police Department, Special Investigation Section.

Ms. Smith: Board Members, as you are aware, there is an area of concern on the applicant Sheila Logan and representatives from the Metropolitan Police Dept. are here to answer questions that you may have.

Ms. Proud: Mr. Alexander would you just go ahead and give us the information?

Sgt. Alexander: Yes, I'm going to open this up with just kind of a general overview. The report which you have, which hopefully you have been able to review, preview, and it tells three areas of concern. And as they flow the report I'll speak about that in general. One, that the first area of concern is involving a grand jury indictment that occurred upon this applicant back in 1998 that stemmed from the death of a child on July 1996. We're prepared to discuss that issue and also the resulting disposition of that here today. My lead investigator on this, Investigator Bobbie Manning, is with me and she's available for questions about that matter. Also, another area of concern is just in some general criminal history that we discovered during our investigation upon this applicant. Those issues in and of themselves may be enough for an area of concern but I must say based upon other areas of our investigation they kind of pale in comparison. But alone we would probably be speaking about those anyway. And thirdly, an area of concern is involving her husband, Larry Logan, which involves arrests, citations, arrests for vice-related charges: solicitation for the purpose of prostitution and also the disposition of those incidences and I'll give you Investigator Manning if you'd like to have any further questions.

Ms. Proud — Yes, please. . .Could you just give us a brief overview of the findings or your decisions?

Ms. Manning — During the course of my investigation several things came to light, of course first being that Sheila Logan, the applicant, was investigated and indicted by a grand jury on a charge of murder by child abuse. Then in Ms. Logan's background she also lists a crime of moral turpitude which was embezzlement but it is an old case and concerning her husband he has two vice-related incidents that occurred and the most current one was I believe in February of 2003, which was just several months prior to her applying for the child care license.

Ms. Proud — Were any of these listed on her application or did you find these out through your investigation?

Ms. Manning — She disclosed her prior criminal history. His was not included in the application but as part of the investigation process, because he does live in the home, he must also come forward and get a child care card.

Ms. Proud — Right. And do you, based on your investigation, do you have any recommendations?

Sgt. Alexander — Well typically we don't give recommendations. We provide you with the report and its findings.

Ms. Proud — O.K.

Sgt. Alexander — Our report I think speaks for itself on what our recommendation would be: that she's unsuitable and also if you would like to, and I think it might be very important as we go through this the issue of the disposition on the indictment we've also been able to speak with the District Attorney's office and we also have the chief, Doug Herndon of the Special Victims Unit here who can provide some information in that regard which I think might be helpful if you choose to hear that.

Ms. Proud — O.K. Mr. Herndon could you come forward please?

Mr. Herndon — Good afternoon ladies and gentlemen, my name is Douglas Herndon, I'm the Chief Deputy District Attorney for the Special Victim's Unit in the Clark County D.A.'s office.

Ms. Proud — Could you just give us any information that you have?

Mr. Herndon — Just dispositional-wise, factual-wise, in regard to that case, do you guys kind of want a just a general overview?

Ms. Proud — Yes, please.

Mr. Herndon — Essentially, the child in question, Evan Watkins, died in July of 1996. He was autopsied and found to have severe intercrannial injuries including bleeding around the spaces of his brain, brain swelling, bleeding in the retinal areas of his eyes as well as a number of acute bruising areas to his face, neck and buttocks. There was an autopsy done by the Clark County Coroner's Office by a gentleman, quite frankly, that at that time I don't think had a lot of expertise in child abuse related findings. The death was ruled at that time due to cerebral edema and accidental.

Our office at the request of the Metropolitan Police Department consulted two forensic pathologists who had expertise in the area of child abuse and/or non-accidental type findings and deceased children. One of which was a national expert known as Randal Alexander from the University of Iowa who is a frequent conference speaker on forensic findings in deceased children as well as Ellen Clark who is a pathologist up in Reno for Washo County. Both of them examined all of the autopsy photos, tissue samples, slides, so-forth from the autopsy and determined that Evan Watkins had died as a result of a homicide. That being intentional acts inflicted upon him consistent with something known as Shaken Baby Syndrome wherein the child is violently shaken enough to sheer bridging blood vessels in the brain which cause bleeding into the intercrannial spaces, subsequent pressure on the brain, conflicting and compressing on vital areas which cause respiratory distress and/or cardiac arrest in children usually occurring within several hours of the infliction of the event will the death occur. Thereafter we were able to get a charge filed, this was close to two years after Evan's death, however, and it had come at great expense to our office to involve these other doctors.

Further tortured history of the case, they, once the case was filed the defense asks for Evan's body to be exhumed for a defense doctor to examine him. That was done. I had conversations with a Dr. Karen Grist who was present during the exhumation and did some examination of the body. She, in her conversations with me had some disagreement about the timing of the injury but not about the fact that it was intentionally inflicted trauma which I thought was important and about the fact that it would have to be an adult person that inflicts that trauma because the only other people in the house were small children who don't have the pubertal muscular development to create the force necessary to cause these injuries in a child.

In addition to that, my conversations with Ms. Logan's defense attorneys in the case had indicated that their defense was to indicate that Mr. Logan had been the perpetrator of the acts which caused the child's death either accidentally by throwing or shaking the child, not realizing how much force he was inflicting or because, according to them, he was a somewhat violent individual. Ultimately the case went through the Grand Jury. It was presented, she was indicted for open murder, which included either pre-meditated and deliberate murder or murder by child abuse, either of those theories. We went through several trial settings that were continued at the defense request and ultimately we were about four years post-death, some time in the year 2000, when the defense filed a motion before the District Court on a, what I will refer to quite honestly as a technicality on an instruction that was given to the jury, the grand jury, about the law, not anything dealing with sufficiency of the evidence factually, but on whether the grand jury got the right legal instructions before they indicted Ms. Logan.

Quite honestly we had filed an opposition to that thinking and citing case law that that wasn't an instruction that even comes before a grand jury, it was a question for a try or a fact at the time of a trial. None-the-less the district court judge dismissed our indictment, which placed us in a position of having to start all over again, ultimately we weren't able to do that. That is a decision that my office made, regrettably, part of that is for budgetary considerations: there had been, if I'm recalling correctly the death of an investigator at the Metropolitan Police Department that had conducted a lot of the interviews as well, and it was ultimately decided that we couldn't re-pursue the case and so we did not go back to the grand jury.

Ms. Proud — O.K. Thank you very much. Ms. Logan, would you like to say something?

Ms. Logan — I would like to say that according to my Special Public Defender the case was dismissed and I'm supposed to be exonerated and even though he stated what he stated that is not true. The expert witness Reagan Alexander who came in and testified in a grand jury against me without us even knowing this was going on is no longer even in practice for doing what he did for a living going around saying babies were shaken and they weren't. For my defense, I'd like to say that the baby was not shaken. That never came up. As he stated, two years later they decided, oh, it wasn't accidental, the coroner didn't know what he was doing, it's Shaken Baby Syndrome. Which that had never happened. We had three babies, well three kids of our own which are a year apart that, if I were that type of person, I think I would have done that to them out of stress is what they were trying to say. I don't know.

This has been a dream of mine ever since I was fourteen years old is to have my own day care. I have three children of my own. My husband and I decided even with the three at the time working for Child Haven to go and adopt a child because that's what I love, I love children. Unfortunately this baby was placed in our home with no medical records. We had no idea this baby was a fragile baby. The incident that occurred was a joyful incident and no one ever says that. My husband had got a promotion on his job and he picked up our other kids and was tossing them up. He picked up this baby and was tossing him up. We had no idea this baby was medically fragile until after he passed away and we have lived with that for six years in and out of court with this murder charge over my head and I know I'm innocent. I'm here to stand today to say I'm innocent. I think a person that's guilty of such a crime would not even come this far to do this. But I feel, ever since I was fourteen years old, I've always wanted and I've always loved children and I've always dealt with children through my church, through my neighborhood, through my family, through strangers and a marriage ministry that we were involved in, they'd bring their children to us and I just felt I'm not going to give up on my dream. So I went forward with it.

Ms. Proud — When you said, you said the baby was fragile; what does that mean? What do you mean by that?

Ms. Logan — You know we didn't know that. When we got the baby we were told by his caseworker that he was a crack exposed child. That's all we were told. We had him for about two and a half months. After he passed away the coroner came to our house (and that's how we found out he was a medically fragile baby) the coroner came in to us and explained to us that, "Didn't you know this child was fragile, you know, medically fragile that you couldn't do certain things with this baby?" We had no training, his caseworker never showed up; we had no medical, we had none of that. We just took this child in and tried to love him and treat him the same way as our children in which we shouldn't have done because he was not a normal child that could handle that.

Ms. Proud — O.K.

Ms. Hayes — How long did you have the baby?

Ms. Logan — Two months

Ms. Hayes And how old was the baby when you got him?

Ms. Logan He was sixteen months. He was eighteen months when he died.

Ms. Hayes Oh that's a pretty big baby.

Ms. Logan No, he was very small.

Ms. Hayes At sixteen months?

Ms. Logan He was very small. He was very small in size. We had to buy special shoes, special milk, to try to get him up to where he should be. We took him to a special clinic to see a special therapist, you know, constantly to try to get him where he should be and that's, to me, it's not a good thing because we didn't know this was going on until after he passed away and the coroner came in and he said, "O.K., first of all, you shouldn't have shaved his head the way you did." We had a close, close shave haircut. He just went down the rules of things that we shouldn't have done with him and, like I said, we didn't know. We didn't know.

Ms. Hayes Who had him before you had him?

Ms. Logan A foster mother that was 82 years old and she had never taken him to a doctor. The coroner said he did not have any medical records for this child at the time of autopsy.

Ms. Proud Sergeant Alexander, were you getting ready to speak? Oh, I thought you . . .

Sgt. Alexander I do have something to say but I'll wait.

Ms. Proud Mr. Herndon did you want to respond to any of her comments?

Mr. Herndon Yes, I'd like to respond to several things. Dr. Randal Alexander does still involve himself in this area of medical expertise. He is not at the University of Iowa any more; he is in Alabama now I believe. But it was stated by him as well as the Clark County Coroner and Ellen Clark from Reno that crack exposed babies don't lend themselves any more than any other child to suffering shaking injuries in their brain. Their brains aren't fragile, the blood vessels aren't fragile, he did not have any type of osteogenesis imperfecta or other blood disease which would make him bruise easily. One of the things I forgot to mention was that during the grand jury testimony Larry Logan was shown photos of Evans from autopsy where all the bruises were depicted and specifically stated that those bruises weren't there the last time he left the house before Evans was deceased. So there wasn't an issue of these type of things occurring in this child without somebody inflicting the trauma on the child. I don't know if there's any further information you all need.

Ms. Logan I feel like I'm back on trial again, but it's O.K. It's O.K. I feel like I'm on trial again for something that I, you know. For some reason the State gave us that child and they did not inform us, they did not educate us, they did not tell us how and what not to do with this child and unfortunately, I mean, I'm not saying I'm the victim, because the baby was the victim, the baby's the one that's gone, but I do still feel persecuted right about now because I was told by my public defender when it was dismissed that they were going to exonerate me and take this off my record and it's still there so here I am.

Ms. Proud And we aren't trying to persecute you in any way.

Ms. Logan Not you . . .not you. . .

Ms. Proud We are looking for the best interests of the children that would be in your care and that's what we're here to do.

Ms. Logan I understand. I understand.

Ms. Proud Go ahead Sgt. Alexander.

Sgt. Alexander Madam Chair, Board, of course we're not here to re-try Sheila, O.K.

Ms. Logan That's what it feels like.

Sgt. Alexander Unfortunately the duty that we have in our investigation in looking at the environment, the suitability, the background, the history, the criminal history, on any persons who endeavor to teach, to care for, to house children is mandated by not only the City, the County and also the State and this investigation, fortunately or unfortunately is reflected some things which are ugly. And it is not to re-indict Sheila at all, however, these are facts and we can only present them the way we obtained them. We don't try to color any of this. You don't have to color this incident up at all. And, in fact, if the Board needs to, or would like to, Investigator Manning can provide you more information as to the severity of bruising, things that occurred and what not to the child.

But what I wanted to say is that really the heart and soul of this investigation has to do with, not only with Sheila (and this is one area that we've talked about so far) and it does have to do with her involvement, her presence when she had care for a child and this occurred. This occurred when it was under her care and that's why this has to be talked about. And Mr. Herndon, I'm very thankful that he was able to come and provide information to help understand why the disposition was as it was. And it is a matter of fact. It's a matter of court record as to what the disposition was and why it came about that way. It's a matter of fact.

We have not even begun to speak about a peripheral issue, which really aren't peripheral, it's one very close to her, that's her husband and the dealings that Larry has had with the police in regards to these vice-related arrests which, the oldest goes back to August 9th, 2000 and the most recent is February 4th of 2003. This is also on, all alone this would be an area of concern if no other matters even were identified in this. We strongly believe and we have the codes and ordinances that give us direction on this that people in the home play a major influence as to whether a home is suitable for this type of license and if you'd like to proceed, I don't know if we're ready to do that or not, but I would like to put on record some of the information regarding Mr. Logan. There's a whole lot more we could discuss about this incident of this, which was originally charged as a homicide on this child, but I don't know how much further you all want to go on that.

Ms. Proud Can we address the other two areas of concern? I think we have enough information on the first. Can you address the other two?

Sgt. Alexander Absolutely and I will ask Investigator Manning to give you the specifics on Mr. Logan and also the areas regarding some criminal history that really are, again, there by themselves they wouldn't be as minor but they appear minor on Ms. Logan.

Ms. Manning: In regards to her husband, Larry, he had two incidents that occurred. The first incident on August 9, 2000, Mr. Logan was issued a citation for the purposes of prostitution wherein he approached an undercover vice detective and solicited her for a prostitution act. He was arrested and issued a citation at that time for solicitation of prostitution. When he went to court he pled guilty to the charge and was sentenced to attend Johns school and was ordered, the court ordered him to stay out of trouble and upon completion of the program in view of the fact that he did stay out of trouble the charge was amended to jaywalking and he paid a one hundred dollar fine.

On February 4, 2003 the same vice detective that he had initially solicited observed him in the downtown area, in an area that is known to be frequented by prostitutes. According to her report she said approximately two weeks prior to the arrest they had conducted surveillance on Mr. Logan and in following him he was consistent with persons attempting, his actions were consistent with what persons would be apt to do to pick up prostitutes. They observed him in the area, they surveilled him; they saw him engaging known prostitute in a conversation; they both got into Mr. Logan's car and they drove away. They conducted a vehicle stop on the car and Mr. Logan and the prostitute were removed. The female prostitute did give a voluntary written statement that she knew him from previous dates where he had paid her for previous sex acts. Because of the previous charges he was arrested. At that time, because he was in jail, he did have to contact his wife to come down and bail him out. During the course of my interview with Mr. and Mrs. Logan, during the interview she disclosed that he did not tell her about the first incident. He just said that it was a citation for jaywalking but because he was arrested she had to come down and bail him out. Now initially, had filed not guilty and then he changed his plea to Nolo and by doing that he was given a fine of four hundred dollars plus the court costs and he did pay all his fines in full.

Ms. Proud: O.K.

Mr. Bettis: Just for the record: Nolo is the same as pleading guilty.

Ms. Manning: Yes

Ms. Proud: O.K. and then there is one other area of concern regarding Ms. Logan?

Ms. Manning: I'm sorry?

Ms. Proud: There is one other area of concern regarding Ms. Logan?

Ms. Manning: Yeah, the other area of concern regarding Ms. Logan stems back to a very old citation for embezzlement there she did disclose the embezzlement in her application. However, during the course of the interview and the course of my investigation, the facts that she stated as to why she was terminated from her job varied from the facts that were contained in the citation and what went to court. And the discrepancy was that Ms. Logan had claimed that she had worked at a department store which was diamonds, I believe it was diamonds at the time, and she was giving a discount to her family and friends wherein sometimes she would discount the items, sometimes she wouldn't even ring them up. I questioned Ms. Logan as to whether or not she had ever taken any money from the till and she said, "Sure, lots of times." Now according to the citation and the report that I received what they had done is they had caught her on the surveillance camera and they observed her taking money from the till and putting it in her pocket and that is what she was cited for was for the embezzlement and that was the ultimate reason why she was terminated.

Ms. Proud Do you have any response to that?

Ms. Logan Response to what? What she said about me?

Ms. Proud Correct. Yes.

Ms. Logan I admitted to it, yes.

Ms. Proud O.K. I don't know if you had anything else you wanted to say.

Ms. Logan Yeah, I did. She's making it seem like I was trying to be evasive with that but I was real young, first job and I had family members coming in, "Hey, give me a discount!" and that's what's still on my mind even though to me that was embezzlement: stealing from the company. And, yes, I was stealing from the company so I'm not denying that, yes.

Ms. Proud Mr. Logan, did you want to say anything in response to the information.

Mr. Logan Yes I do because, you know, up until that moment, they're making it seem like we're criminals, that we're repetitiously doing things and if you go into my record that's the only two incidents that have happened in my life, O.K.? In my entire life. O.K., I'm almost forty years old. Of all the things that me and my wife went through, I went out and I did something wrong and the way they set that up is they had a prostitution to write what they had to write and what was I going to say? That's another thing that we've been battling with this.

We wouldn't have came before you today if we had hidden agendas, if we didn't want things exposed. We have nothing to hide. But we want to do this because this is something that's right. Yes I've made mistakes. Yes I went to jail. Yes, I understood I did what was wrong. Yes, I did some things to her, but the bottom line to this is that we're trying to do this out of fostering. We did this and we were negative. O.K., that was the first round: the baby died, O.K.? They blamed her then they blamed me, O.K.? Now we come before you and they got issues and you know it really hurts us because they're trying to make it seem like we're just randomly, you know, criminals.

We're both County workers, have very good jobs, you know, and we're trying to do this because we want to do this for children, O.K.? And we know that there are some real issues there but I wouldn't have came before you if I was worried about being embarrassed about prostitution or any other thing. But I can't change what they wrote because at the time I didn't have money to get an attorney, to fight the facts that what they're putting. So I just went in and said, "You guys have already put me down as a John running around and that's not the way things went down but how can I say what I can say?" You know, it's just, it's there, it's a sore, O.K.? but I want this council to know that there's nothing going on in our house, O.K.? If you've seen our children they're very well taken care of and they're just making it seem like we're just running around randomly criminals and that's not true.

That's not putting an image of what me and her really are out, it's just their facts on paper, what they want to fight for and either way it goes, O.K., it's for me and her to know that. We wouldn't even came here if we had hidden issues. We knew that we were going to come in here and there's things going to come out. That's why we're standing before this council because we don't have nothing to hide, because we're not ashamed and I'm a grown man and I make mistakes and I can never apologize. I'm standing here today because she forgave me for what I did and told me I was wrong. Yes, I went out the first time - on my birthday - if you look in the records. That was the first time I did that out of six years of being in trouble, frustrated, out, working, you know, things happen. I'm a human being and I'm not perfect but I don't like, Council, they way that they're trying to make it seem like me and her is just criminals from the age of nineteen and up because it's not like that. It really isn't like that. And that's very wrong.

Ms. Proud	Thank you.
Sgt. Alexander	I just might address that and, once again the Logans, we're not trying to tell them that they are bad, guilty people today. In the course of these investigations a person's history is always examined. We have done nothing except provide the facts and yes they are the facts of what has occurred in a portion of their lifetime and some not going back very far at all, not more than about six years and the Board understands this. This is what we're providing. It's not to re-indict; it's not to try to make guilty of something that may have been disbowed out of something else today, but they're still facts that are always brought to the attention of the Board. Anything less would be an aberration of what we're supposed to do and that's all I wanted to re-state and for whatever good it does the Logans, this is just facts that have occurred in their life, we haven't added or taken away anything.
Mr. Logan	It's taken away. It's not facts, it's taken away. Every time we go. . .
Sgt. Alexander	Mr. Logan, I'm not speaking to you, O.K.?
Mr. Clodt	Mr. Logan, it is a fact that you were arrested for soliciting?
Mr. Logan	Yes, it is.
Mr. Clodt	O.K. so that's a fact, correct?
Mr. Logan	Yes, it is.
Mr. Clodt	O.K. Is it also a fact that you was out there doing it another time when you were cited?
Mr. Logan	I was cited but the way that it's wrote in that file, sir, is not the way it went down. It's the same way with the file with the baby.
Mr. Clodt	Well, regardless, it was twice, correct?
Mr. Logan	Yes
Mr. Clodt	That's a fact.
Mr. Logan	No, but yes.
Mr. Clodt	Thank you.
Ms. Proud	Does the Board have any more questions? (No response.) Based on the evidence, and again, our responsibility is for the health and well-being of the children, but based on the evidence I have to move that we deny Sheila Logan a new family child care home.

Mr. Clodt	I'll second it.
Ms. Proud	It's been moved by Julie Proud and seconded by Terry Clodt to disapprove of Sheila Logan for a new family child care home, all those in favor?
Unanimous	Aye
Ms. Proud	Opposed? (No response.) Hearing none the motion carries. Thank you for coming.

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
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STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

DEPARTMENT OF FINANCE AND BUSINESS SERVICES

Sheila Logan
6309 Guadalupe Ave.
Las Vegas, Nevada 89108

To: Sheila Logan

NOTICE OF DENIAL OF APPLICATION FOR CHILD CARE FACILITY LICENSE
AND
NOTICE OF RIGHT OF APPEAL

You are hereby given notice that the City Child Care Licensing Board has denied your application for a Child Care Facility License filed with the City on July 9, 2003, for the reason stated in its Findings of Fact, Conclusions of Law and Decision dated 14 July, a copy of which is attached hereto.

You are hereby further given notice that you have the right to appeal the Board's decision to the City Council by filing a written notice of appeal with the Department of Finance and Business Services, identifying with specificity the errors of law and fact allegedly committed by the Board. The notice of appeal must be filed **not later than ten (10) calendar days after this notice of denial.**

Done this 16th day of July, 2004.

DEPARTMENT OF FINANCE AND BUSINESS SERVICES

By: ____________________

(Title)

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

City of Las Vegas

CONFIRMATION OF HAND DELIVERY

DATE: 7/16/04

DELIVERED TO: Sheila Logan
Signature of Recipient

Sheila Logan
Print Name of Recipient

DELIVERED BY: Donald W. King
Signature of Deliverer

Donald W. King
Print Name of Deliverer

Business Services Division
400 Stewart Avenue, 3rd Floor
Las Vegas NV 89101-2986

DESCRIPTION OF ITEM(S) DELIVERED: ① Notice of Denial of Application for Child Care License dated 7/16/04 ② CCLB Finding of Fact, Conclusion of Law Decision (5 pages) Signed & dated By Julie Pruco on 7/14/04.

GOODMAN BROWN PREMSRIRUT

ATTORNEYS AT LAW

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PUOY K. PREMSRIRUT, ESQ. DAVID T. BROWN, ESQ. ERIC A. GOODMAN, ESQ.

July 26, 2004

VIA FACSIMILE 382-6642
Wendy Smith
City Council of Las Vegas

Re: Notice of Appeal for Sheila Logan

Dear Ms. Smith

Please be advised that this law firm represents Sheila Logan and her husband Larry Logan (hereinafter the "Petitioner") in matters relating to Petitioner's application for childcare license. Pursuant to Section 6.24.110 of the Las Vegas Municipal Code, please accept this letter as formal notice of appeal of the denial of Ms. Logan's application.

It is submitted that the Child Care Licensing Board committed the following errors in its review of petitioner's application:

1. Presence of Counsel. Pursuant to NRS 233B.121, any party is entitled to be represented by counsel in administrative hearings. Petitioner, when asked whether counsel should be present, was advised *not* to have counsel present at the hearing. Particularly in light of the Board's delving into prior alleged criminal history, Petitioner should have been encouraged and not thwarted to have counsel in attendance.

2. Prior Charges. Petitioner Sheila Logan was previously charged in a matter where she was ultimately not convicted, and absolved of any and all criminal liability. Despite having vindicated herself in these proceedings, the Board rendered its decision based on this prior act for which charges were dismissed.

3. Denial of Due Process Rights. The Nevada Administrative Procedures Act ensures that all parties are afforded an to respond and present evidence and argument on all issues involved. Petitioner is entitled to notice and a fair hearing. NRS 233B.121(4). Not only was Petitioner precluded from speaking at the hearing, but Petitioner was also not able to submit evidence in support of Petitioner's application. The Board, solely based on a biased and prejudicial background investigation, rendered its decision for denial without giving Petitioner any opportunity to be heard.

Petitioner was not able to address the allegations and findings before the Board and therefore was denied Constitutional due process rights under both Nevada and United States law. Further, failing to provide Petitioner the basic opportunity to present Petitioner's evidence is in violation fo the Nevada Administrative Procedures Act, which is applicable to these proceedings. See NRS 233B.039.

4. Remedial Measures. Coupled with the Board's refusal to permit Petitioner to present any evidence on Petitioner's behalf, the Board also failed to consider Petitioner's remedial measures to appease the concerns of the Board.

A. Petitioner has installed "web-cams" throughout the entire residential day-care facility.

B. Petitioner has disclosed to any and all prospective patrons of the prior charges and is further willing to make such disclosures mandatory and in writing as a condition of licensing. Such disclosure can be in a form approved by the Board.

C. Petitioner and its prospective patrons are willing to register with the Board and certify that the disclosures have been made, and that the prospective patron seeks Petitioner's services notwithstanding such disclosures.

D. Petitioner is willing to accept conditional licensing on a probationary period.

E. Petitioner is willing to pay and additional administrative fees and costs associated with the probationary period.

In sum, the Board unequivocally trumped Petitioner's rights when its staff advised Ms. Logan not to have counsel in attendance. Then during the hearing, the Board compounded their error by failing to give Petitioner a full and fair opportunity to be heard. Petitioner was fully prepared to address the issues that surfaced from the background investigation; unfortunately the Board denied Petitioner any such opportunity.

Petitioner understands the Board's position as needing to protect the public and its children from unscrupulous individuals. However, the Board must not usurp a citizens right to due process, and other citizens right to patron a childcare facility when full disclosures and monitoring have been made available.

We look forward to a successful result on appeal and are willing to implement any and all remedial measures to address the Board's concerns.

Very truly yours,

GOODMAN BROWN & PREMSRIRUT

Puoy K. Premsrirut, Esq.

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

RECEIVED
CITY CLERK

IN THE MATTER OF:

2004 AUG -4 A 9:59

APPLICATION FOR CHILD CARE FACILITY LICENSE, Filed by Sheila Logan

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DEPARTMENT OF FINANCE AND BUSINESS SERVICES' RESPONSE TO SHEILA LOGAN'S APPEAL OF THE CITY CHILD CARE LICENSING BOARD'S DENIAL OF HER APPLICATION FOR A CHILD CARE FACILITY LICENSE

On July 14, 2004, the City Child Care Licensing Board ("Board") entered its written Findings of Fact, Conclusions of Law and Decision denying Sheila Logan's application for a child care facility license to provide child care in Ms. Logan's home. On July 26, 2004, Ms. Logan filed with the Department of Finance and Business Services ("Department") a timely Notice of Appeal of the Board's decision to the City Council (copy attached hereto for convenience). The Department by and through its undersigned counsel responds to the alleged errors of procedure and law in the Notice of Appeal as follows:

1. <u>Presence of Counsel</u>. Ms. Logan's Notice of Appeal incorrectly states she was advised by City staff not to have her legal counsel present during the Board meeting. Child Care Licensing Officer Donald King, when asked by Ms. Sheila Logan concerning the presence of her legal counsel before the Board, responded that she was welcome to have her legal counsel present. Mr. King at the same time informed Ms. Logan that the Board would want to talk with her concerning her application. See the affidavit of Mr. King, attached hereto as Exhibit "A."

Ms. Logan's reliance on the provisions of NRS Chapter 233B for the proposition that she is entitled to be represented at administrative hearings is misplaced. The provisions of NRS 233B020 provide in pertinent part:

"Legislative intent.

1. By this chapter, the Legislature intends to establish minimum procedural requirements for the regulation-making and adjudication procedure of <u>all agencies of the Executive Department of the State Government</u> and for judicial review of both

functions, except those agencies expressly exempted pursuant to the provisions of this chapter. This chapter confers no additional regulation-making authority upon any agency except to the extent provided in subsection 1 of NRS 233B.050." (Emphasis added)

The Nevada Supreme Court in Clark County Liquor and Gaming Licensing Board v. Clark, 102 Nev. 654, 658, 730 P.2d 443, 446 (1986) recognized that Chapter 233B of NRS (Administrative Procedure Act) does not apply to local governments when it stated, "We recognize the Administrative Procedure Act does not apply to review of county board actions."

The City is not an agency of the Executive Department of the State Government.

The provisions of Chapter 6.24 of the City Code not NRS 233B govern this process. The license application procedures for a child care facility license under Chapter 6.24 are the same as those for applying for a privileged license before the City Council. Once the license application is received by the Department it is referred to METRO for a background investigation of the applicant. After METRO has completed its investigation, the application is referred to the Board along with any AREA OF CONCERN noted by METRO. The applicant is then notified of the scheduled date and time the Board will review the application and is requested to personally appear to answer any questions the Board may have concerning the applicants suitability to hold a child care facility license. While legal counsel for an applicant may be present, there is no affirmative duty on the part of the City pursuant to Chapter 6.24 of the City Code to notify an applicant for a child care facility license of his or her right to be represented by legal counsel before the Board. However, notwithstanding the presence or absence of legal counsel, the applicant, when filing an application for a child care facility license, voluntarily subjects himself or herself to being questioned by the Board concerning his or her suitability to have such a license.

The record before the Board in this matter clearly shows that Ms. Logan and her husband were given an opportunity to address any of the AREAS OF CONCERN raised by METRO as well as the opportunity to respond to the questions raised by the Board members. And, in fact Ms. Logan and her husband did make lengthy responses. At no point did Ms. Logan request a continuance to give her an opportunity to have legal counsel present.

2. <u>Prior Charges/Burden of Proof</u>. Ms. Logan claims it was not appropriate for the Board to examine a matter concerning criminal charges against her because she was not convicted. The Board is charged with two basic responsibilities when reviewing applications to provide child care in a family child care home: 1) determine the suitability of the applicant after due consideration for the public health, safety, morals or welfare of children, and 2) determine if the environment of the family child care home is conducive to the health, safety, morals or welfare of children.

Ms. Logan had the burden to satisfy the Board that she qualifies in both respects.

The fact the criminal indictment for murder entered against Ms. Logan was quashed did not preclude the Board from examining the factual matters that resulted in the charges to determine if they have any bearing on the question of Ms. Logan's suitability for a family child care home license. Negligent or inattentive conduct is just as compelling as criminal conduct for the purpose of determining suitability. Based on the testimony presented, the Board concluded that Ms. Logan did not bear her burden to show that the injuries sustained by the 18-month-old foster child in her and her husband's custody was not as the result of her failing to provide adequate and proper care of the child. The Board's reference in its decision to Ms. Logan's criminal past was due to her testimony admitting that she embezzled from a prior employer.

The Board also considered testimony concerning the past criminal offenses regarding soliciting and loitering for prostitution committed by Ms. Logan's husband, which were relevant in the Board's determination of the suitability of Ms. Logan's home environment.

Submitted this 3rd day of August 2004.

City of Las Vegas
City Attorney's Office

By: Larry G. Bettis
Larry G. Bettis, Deputy City Attorney
Attorney for City of Las Vegas
Department of Finance and Business Services

CERTIFICATE OF SERVICE

I hereby certify that on August 4, 2004, I served a true and correct copy of the foregoing "Department of Finance and Business Services' Response to Sheila Logan's Appeal of the City Child Care Licensing Board's Denial of Her Application for a Child Care Facility License" by depositing the same in the United States Mail at Las Vegas, Nevada, postage fully prepaid and addressed to:

Puoy K. Premspirut, Esq.
520 South Fourth Street, Suite 320
Las Vegas, Nevada 89101

Christina L. Morgan
AN EMPLOYEE OF THE CITY OF LAS VEGAS

EXHIBIT A

STATE OF NEVADA)
) ss.
COUNTY OF CLARK)

AFFIDAVIT OF DONALD W. KING

I, Donald W. King, after being first duly sworn, depose and state that I have full knowledge of the facts herein, and that I believe the same to be true and accurate to the best of my knowledge, information, and belief, and if called will testify to the following:

My duties as a City of Las Vegas, Nevada, Senior License Officer for the Department of Finance and Business Services, Business Services Division, Child Care Section include the assistance of processing a child care application and enforcement of child care codes, standards and regulations.

My duties regularly put me in telephone and personal contact with applicants for child care licenses.

New child care applications are heard by the City Child Care Licensing Board the second Wednesday of each month.

On May 28, 2004, Grace Jimenez-Kraft, and I, as City License Officers, conducted an initial licensing inspection of the residence of Sheila Logan at 6309 Guadalupe Avenue, Las Vegas, Nevada, 89108. Ms. Sheila Logan, who was present during our inspection, had filed an application for a new child care license at said address.

Ms. Logan was scheduled to be heard by the Child Care Licensing Board at its regularly scheduled meeting on June 9, 2004.

As part of the initial inspection process it is common practice for City Child Care Licensing Officers to advise the applicant for a Child Care license of any pending items that must be completed prior to the completion of the licensing process.

During this meeting with Ms. Logan she asked if she should bring her attorney with her to the Child Care Licensing Board meeting.

. . .

. . .

. . .

. . .

At that time I advised Ms. Logan that she was welcome to bring her attorney, however, the Board Members would want to hear what she had to say in support of her application.

DATED this 4th day of August, 2004

Donald W. King

SUBSCRIBED and SWORN to
before me this 4th day of August, 2004

Notary Public

Notary Public-State of Nevada
COUNTY OF CLARK
CECELI C. GREEN
My Appointment Expires
March 7, 2006
No. 96-1680-1

City of Las Vegas

Agenda Item No. 72

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO (RONI) RONEMUS [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:

BOARDS & COMMISSIONS:

ABEYANCE ITEM - AUDIT OVERSIGHT COMMITTEE – Michael W. Kern, Term Expiration 8-16-2004

Fiscal Impact

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

PURPOSE/BACKGROUND:

The City of Las Vegas Audit Oversight Committee was created by City Council Resolutions R-49-98 and R-117-98 for the purpose of overseeing various aspects of the City's internal audit function. Two members must be specifically identified members of the City Council and three members must be from the community-at-large. Mr. Kern fills a community-at-large seat and he is not eligible for reappointment, as he has served two terms. There is no city residency requirement. At the Council Meeting of August 4, 2004, this item was abeyed to August 18, 2004.

RECOMMENDATION:

Procedure for this Committee requires appointment by the Mayor, subject to ratification by the City Council. It will be necessary to appoint a community-at-large member to fill Mr. Kern's seat.

BACKUP DOCUMENTATION:

City of Las Vegas Audit Oversight Committee Listing and Authority

MOTION:

GOODMAN – Motion to REAPPOINT MICHAEL W. KERN – UNANIMOUS

NOTE: MAYOR GOODMAN and COUNCILMEMBERS MACK, WEEKLY, and MONCRIEF disclosed that MR. KERN and his wife serve as treasurers for their election campaigns. They did not believe it would affect their vote. CITY ATTORNEY JERBIC noted that none of the members of the Audit Committee are compensated for their service.

Clerk to notify

MINUTES:

MAYOR GOODMAN stated that there has been an amendment made to the bylaws which makes MR. KERN eligible for reappointment.

(10:33 – 10:34)

CITY OF LAS VEGAS AUDIT OVERSIGHT COMMITTEE

MEMBERS	ADDRESS	ZIP CODE	ORIGINAL APPT.	TERM EXPIRES
1) **COUNCILMAN LAWRENCE WEEKLY**	400 Stewart Avenue	89101	6/18/2003	6/18/2005
2) **COUNCILMAN LARRY BROWN**	400 Stewart Avenue	89101	7/03/2002 **(Reappointed 7/7/2004)**	7/07/2006
3) **PAUL WORKMAN** **VP, Asset Dev.Officer** **Loan & Lease Placement**	7251 W. Lake Mead, #108	89128	9/04/2002	9/04/2004
4) **JOSE TRONCOSO**	2028 Sedona Creek Circle	89128	9/18/2002	9/18/2004
5) **MICHAEL W. KERN, CPA** **PIERCY, BOWLER, TAYLOR & KERN**	6100 Elton Avenue, Suite 1000	89107	8/16/2000 **(Reappointed 8/7/2002)**	8/16/2004

AUTHORITY: Created by Resolution R-49-98, 5-26-98 (Member Amendment - Resolution R-117-98, 12-7-98).

MEMBERS: 5 MEMBERS appointed by the Mayor subject to ratification by the City Council
(Two specifically identified members of the City Council and three members of the community-at-large)

TERM: Members shall each serve a term of two years, or until a successor is appointed.
Members may be removed and replaced by the Mayor, subject to Council ratification

NOTES: NO CITY RESIDENCY REQUIREMENT
LIMIT TO NUMBER OF TERMS WHICH MAY BE SERVED (No member shall serve more than two terms which shall include any unexpired term if applicable.)
NO FINANCIAL DISCLOSURE REQUIRED

PURPOSE: The Committee shall have responsibility and authority to perform the following:

Review and evaluate public reports generated by the internal audit function;

Evaluate the general effectiveness of the audit program no less often than annually;

Discuss potential audit assignments and give direction to the City Manager and City Auditor concerning current assignments and anticipated assignments for the upcoming twelve months;

As individual Committee members and as deemed appropriate, interview applicants for the position of City Auditor and, as a Committee, provide recommendations with regard to the appointment;

Provide recommendations concerning potential changes to the City Charter concerning the audit function;

Oversee and reinforce compliance to the City's Internal Audit Policy; and

Provide such other guidance as necessary in promoting the effectiveness of the audit function.

MEETINGS: The Committee shall meet with the City Auditor and City Manager not less than once per quarter; meetings are subject to the provisions of the Open Meeting Law.

City of Las Vegas

Agenda Item No. 73

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS [ ] CONSENT [X] DISCUSSION

SUBJECT:
BOARDS & COMMISSIONS:

AUDIT OVERSIGHT COMMITTEE – Paul Workman, Term Expiration 9-4-2004; Jose Troncoso, Term Expiration 9-18-2004

Fiscal Impact

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

PURPOSE/BACKGROUND:
The City of Las Vegas Audit Oversight Committee was created by City Council Resolutions R-49-98 and R-117-98 for the purpose of overseeing various aspects of the City's internal audit function. Two members must be specifically identified members of the City Council and three members must be from the community-at-large. Mr. Workman and Mr. Troncoso both fill community-at-large seats and both are eligible for reappointment. There is no city residency requirement.

RECOMMENDATION:
Procedure for this Committee requires appointment by the Mayor, subject to ratification by the City Council. Options are:
Reappoint Mr. Workman or appoint a new community-at-large member, and,
Reappoint Mr. Troncoso or appoint a new community-at-large member.

BACKUP DOCUMENTATION:
City of Las Vegas Audit Oversight Committee Listing and Authority

MOTION:
GOODMAN – Motion to REAPPOINT PAUL WORKMAN and JOSE TRONCOSO – UNANIMOUS

MINUTES:
MAYOR GOODMAN noted that both these gentlemen are eligible for appointment under the bylaw changes.

COUNCILMAN BROWN commented that these gentlemen bring a great deal of professional knowledge and historical perspective to the Committee. It was very important that they and MR. KERN be able to continue to serve.

(10:44 – 10:45)

7-9-2004

CITY OF LAS VEGAS AUDIT OVERSIGHT COMMITTEE

	MEMBERS	ADDRESS	ZIP CODE	ORIGINAL APPT.	TERM EXPIRES
1)	COUNCILMAN LAWRENCE WEEKLY	400 Stewart Avenue	89101	6/18/2003	6/18/2005
2)	COUNCILMAN LARRY BROWN	400 Stewart Avenue	89101	7/03/2002 (Reappointed 7/7/2004)	7/07/2006
3)	PAUL WORKMAN VP, Asset Dev.Officer Loan & Lease Placement	7251 W. Lake Mead, #108	89128	9/04/2002	9/04/2004
4)	JOSE TRONCOSO	2028 Sedona Creek Circle	89128	9/18/2002	9/18/2004
5)	MICHAEL W. KERN, CPA PIERCY, BOWLER, TAYLOR & KERN	6100 Elton Avenue, Suite 1000	89107	8/16/2000 (Reappointed 8/7/2002)	8/16/2004

AUTHORITY: Created by Resolution R-49-98, 5-26-98 (Member Amendment - Resolution R-117-98, 12-7-98).

MEMBERS: 5 MEMBERS appointed by the Mayor subject to ratification by the City Council
(Two specifically identified members of the City Council and three members of the community-at-large)

TERM: Members shall each serve a term of two years, or until a successor is appointed.
Members may be removed and replaced by the Mayor, subject to Council ratification

NOTES: NO CITY RESIDENCY REQUIREMENT
LIMIT TO NUMBER OF TERMS WHICH MAY BE SERVED (No member shall serve more than two terms which shall include any unexpired term if applicable.)
NO FINANCIAL DISCLOSURE REQUIRED

PURPOSE: The Committee shall have responsibility and authority to perform the following:

Review and evaluate public reports generated by the internal audit function;

Evaluate the general effectiveness of the audit program no less often than annually;

Discuss potential audit assignments and give direction to the City Manager and City Auditor concerning current assignments and anticipated assignments for the upcoming twelve months;

As individual Committee members and as deemed appropriate, interview applicants for the position of City Auditor and, as a Committee, provide recommendations with regard to the appointment;

Provide recommendations concerning potential changes to the City Charter concerning the audit function;

Oversee and reinforce compliance to the City's Internal Audit Policy; and

Provide such other guidance as necessary in promoting the effectiveness of the audit function.

MEETINGS: The Committee shall meet with the City Auditor and City Manager not less than once per quarter; meetings are subject to the provisions of the Open Meeting Law.

City of Las Vegas

Agenda Item No. 74

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS [ ] CONSENT [X] DISCUSSION

SUBJECT:
BOARDS & COMMISSIONS:

Discussion and possible action to appoint an alternate member of Council to serve on the Real Estate Committee

Fiscal Impact

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

PURPOSE/BACKGROUND:
This board consists of two members of the City Council. In addition, two members are appointed to serve as alternates. As Real Estate Committee meetings were changed from the Monday before a Council meeting to the Tuesday before a Council meeting, Councilman Reese can no longer serve as an alternate member. Terms are two years and the remainder of Councilman Reese's term will expire in June, 2005. As part of Mayor Goodman's Council appointments to various City of Las Vegas and other jurisdictional Boards, Commissions and Authorities, he is to appoint a member of Council to serve as an alternate member on this board with Council concurrence.

RECOMMENDATION:
Mayor Goodman to appoint a member of Council as an alternate member to serve on the Real Estate Committee with Council concurrence.

BACKUP DOCUMENTATION:
Current Listing and Authority of the Board

MOTION:
GOODMAN – Motion to APPOINT COUNCILMAN MACK – UNANIMOUS

MINUTES:
There was no discussion.

(10:45 – 10:46)
2-382

REAL ESTATE COMMITTEE

Member		Appt. Date	Exp./ Notes
Councilwoman Janet Moncrief	**(Chair)**	6-18-2003 **(Reapp. 7-21-2004)**	6-2005
Councilman Steve Wolfson		7-21-2004	6-2005
Councilman Lawrence Weekly	**(Alternate)**	1-19-2000 **(Reapp. 6-18-2003)** **(Reapp. 7-21-2004)**	6-2005
~~**Councilman Gary Reese (Alternate)**~~		~~4-18-2001~~ ~~**(Reapp. 6-18-2003)**~~	~~6-2005~~

Authority: Council Action.

Created: March 7, 1990 City Council Meeting, Item No. VI.B.I.

Term: 2 years.

Appointment: Appointed by the Mayor.

City of Las Vegas

Agenda Item No. 75

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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

X	**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:
ADOPTION at 8/18/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/7/2004

BACKUP DOCUMENTATION:
Bill No. 2004-51 and Location Map

MOTION:
MONCRIEF – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5717 – UNANIMOUS

Clerk to proceed with second publication

MINUTES:
There was no discussion.

(10:46 – 10:47)

City of Las Vegas

Agenda Item No. 76

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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**
[ ] **Budget Funds Available**
[X] **Augmentation Required**

Amount: $555,270.66
Dept./Division: Public Works/SID
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:
ADOPTION at 8/18/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/7/2004

BACKUP DOCUMENTATION:
Bill No. 2004-56

MOTION:
MONCRIEF – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5718 – UNANIMOUS

Clerk to proceed with second publication

MINUTES:
There was no discussion.

(10:47)
2-435

City of Las Vegas

Agenda Item No. 77

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:
RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

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:
ADOPTION at 8/18/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/7/2004

BACKUP DOCUMENTATION:
Bill No. 2004-58

MOTION:
MONCRIEF – Second Reading and BILL ADOPTED as recommended as Ordinance No. 5719 – UNANIMOUS

Clerk to proceed with second publication

MINUTES:
CITY ATTORNEY JERBIC commented that at the last meeting the Council approved a line item to pay the interim warrants for Special Improvement District 1502, which was a prerequisite to dissolving the district.

(10:47 – 10:48)

City of Las Vegas

Agenda Item No. 78

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

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

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

X	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:
ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

9/1/2004 Council Agenda

City of Las Vegas

Agenda Item No. 79

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

SUBJECT:

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

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

X	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:

ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

9/1/2004 Council Agenda

City of Las Vegas

Agenda Item No. 80

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC [ ] CONSENT [X] DISCUSSION

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

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

[X]	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:
ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

9/1/2004 Council Agenda

City of Las Vegas

Agenda Item No. 81

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

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

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

X	**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:

ADOPTION at 9/1/2004 City Council meeting as a First Amendment pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:

None

MOTION:

None required.

MINUTES:

Recommendation noted.

9/1/2004 Council Agenda

City of Las Vegas

Agenda Item No. 82

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC ☐ CONSENT ☒ DISCUSSION

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

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
X	**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:
ADOPTION at 9/1/2004 City Council meeting pursuant to the 8/17/2004 Recommending Committee.

First Reading – 8/4/2004; First Publication – 8/21/2004

BACKUP DOCUMENTATION:
None

MOTION:
None required.

MINUTES:
Recommendation noted.

9/1/2004 Council Agenda

City of Las Vegas

Agenda Item No. 83

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

[ ] CONSENT [X] DISCUSSION

SUBJECT:
NEW BILL:

Bill No. 2004-59 – Annexation No. ANX-4440 – Property location: On the north side of Regena Avenue, 170 feet east of Riley Street; Petitioned by: Mona Agamez; Acreage: 0.62 acres; Zoned: R-E (County zoning), R-E (City equivalent). Sponsored by: Councilman Michael Mack

Fiscal Impact

[X] 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 Regena Avenue, 170 feet east of Riley Street. 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 (September 24, 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. 2004-59 and Location Map

MOTION:
None required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/31/2004 Recommending Committee
9/1/2004 Council Agenda

(10:48 – 10:49)
2-488

BILL NO. 2004-59

ORDINANCE NO. ______

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-4440)

Sponsored by: Councilman Michael Mack

Summary: Annexes property described generally as located on the north side of Regena Avenue, 170 feet east of Riley Street.

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

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

That portion of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of Section 29, Township 19 South, Range 60 East, M.D.M., in the County of Clark, State of Nevada, being Parcel 2 and the adjoining half street right of way of REGENA AVENUE (30.00 feet wide as measured from the centerline thereof) as shown on Parcel Map in File 79, Page 8 of parcel maps recorded May 2, 1994 of Clark County, Nevada Records, bounded as follows:

Bounded on the north by the north line of said Parcel 2; bounded on the east by the east line of said Parcel 2 and the southerly prolongation thereof; bounded on the south by the south line of the Southwest Quarter (SW 1/4) of the Northwest Quarter (NW 1/4) of the Northeast Quarter (NE 1/4) of the Northeast Quarter (NE 1/4) of said Section 29, also being the centerline of said REGENA AVENUE; bounded on the west by the west line of said Parcel 2 and the southerly prolongation thereof.

. . .

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

A. The area to be annexed was contiguous to the City's boundaries at the time the annexation proceedings were instituted;

B. More than one-eighth (1/8) of the aggregate external boundaries of the area are contiguous to the City;

C. The territory proposed to be annexed is not included within the boundaries of another incorporated city or within the boundaries of any unincorporated town as those boundaries existed as of July 1, 1983;

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

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

SECTION 4: The annexation of the described territory shall become effective on the 24th day of September, 2004, and on that date the City will have the funds appropriated in sufficient amount to finance the extension into the described territory of police protection, fire protection, street maintenance, street sweeping, and street lighting maintenance.

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

SECTION 6: The City Engineer is hereby instructed to cause to be prepared an accurate map or plat of the described territory and to record the map or plat, together with a certified copy of this ordinance, in the office of the County Recorder of Clark County, Nevada, which recording shall be done prior to the 24th day of September, 2004.

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

SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause of 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 9: All ordinances or parts of ordinances, 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:

Val Steed 8-4-04
____
Date

The above and foregoing ordinance was first proposed and read by title to the Council on the _____ day of _________________, 2004, and referred to the following committee composed of ____________________ and ___________________ for recommendation; thereafter the said committee reported favorably on said ordinance on the _____ day of _________________, 2004, which was a _____________ meeting of said Council; that at said _________________ meeting, the proposed ordinance was read by title to the City Council as first introduced and adopted by the following vote:

VOTING "AYE": ____

VOTING "NAY": ____

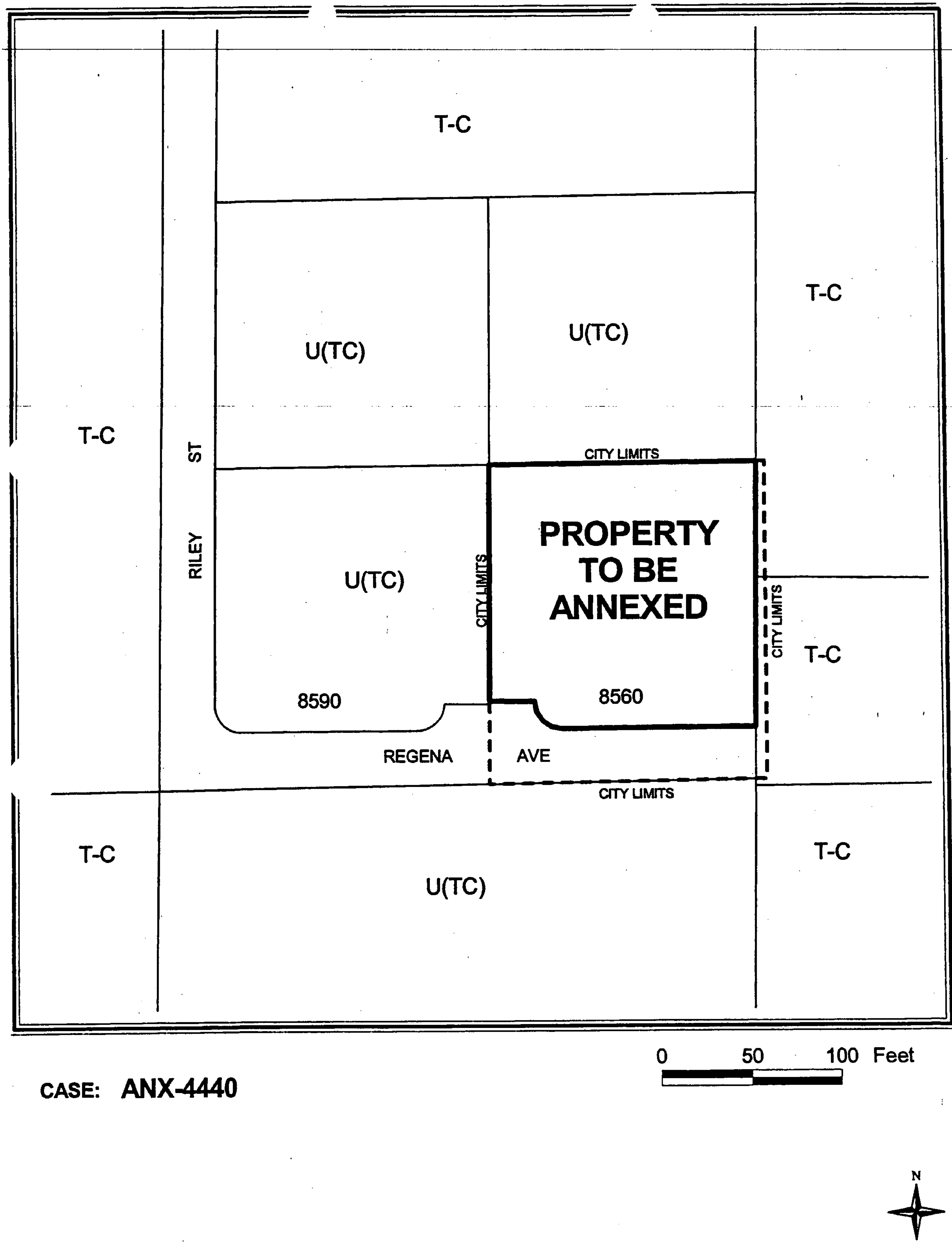
ABSENT: ____

APPROVED:

By ________________________
OSCAR B. GOODMAN, Mayor

ATTEST:

____
BARBARA JO RONEMUS, City Clerk



CASE: **ANX-4440**

City of Las Vegas

Agenda Item No. 84

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:
NEW BILL:

Bill No. 2004-60 – Ordinance Creating Special Improvement District No. 1505 - Sierra Oeste Neighborhood Streetlights. Sponsored by: Step Requirement

Fiscal Impact

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

Amount: $72,000.00
Dept./Division: Public Works/SID
Funding Source: Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:
The installation of streetlights. The project is located within the Sierra Oeste subdivision south of Lake Mead Boulevard between Jones Boulevard and Torrey Pines Drive.

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. 2004-60

MOTION:
None required.

MINUTES:
First Reading – Referred – COUNCILMEMBERS MONCRIEF and WOLFSON

8/31/2004 Recommending Committee
9/1/2004 Council Agenda

(10:48 – 10:49)
2-488

THE MORNING SESSION RECESSED AT 10:49 A.M.

BILL NO. 2004-60

ORDINANCE NO. ________

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS 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. 1505 – Sierra Oeste Neighborhood Streetlights (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray a portion of the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

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

WHEREAS, the City Council has heretofore determined that 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 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, July 30, 2004, and to appear before the City Council on Wednesday, August 4, 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 exception provided by NRS 271.306(2)(b) does exist in that not more than 2,640 feet remain unimproved in any street between improvements already made to the same street or between intersecting streets; 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. 1505 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. 1505 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. 1505 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. 1505 – Sierra Oeste Neighborhood Streetlights" 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). The streets to be improved by the improvements are:

SIERRA OESTE NEIGHBORHOOD – South of Lake Mead Boulevard, along both sides of Lirio Way, Bellota Drive, Arpa Way, llanos Lane and Yerba Lane (51-foot right-of-way).

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 the roads listed above will consist of streetlights and associated appurtenances. The streetlights will be installed at the back of the sidewalk at appropriate intervals.

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
$ 72,000	$ 72,000	$ 0.00

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 unit lot basis. Each property owner will be assessed equally for the cost of streetlights.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1505 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 ten (10) 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 September 15, 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. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS 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 18th 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 15th day of September, 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. 1505 – SIERRA OESTE NEIGHBORHOOD STREETLIGHTS PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on August 18, 2004, and was passed at a regular meeting held on September 15, 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 ___________, 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 18, 2004, PASSED, ADOPTED AND APPROVED September 15, 2004.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to form:

8-5-04 Madeline [illegible] DiCicco

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on August 18, 2004, and finally adopted and approved on September 15, 2004.

2. The following members of the City Council were present at the August 18, 2004, Council meeting:

Mayor:	Oscar B. Goodman
Council members:	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 18, 2004, and referred to a committee composed of ______________________________ and ________________________ for recommendation; thereafter the said committee reported favorably on said Ordinance on September 15, 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 September 15, 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 18, and September 15, 2004. Pursuant to § 241.020, Nevada Revised Statues, 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 18, 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 15, 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 15, 2004.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of September 15, 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)

City of Las Vegas

Agenda Item No. 85

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: CITY CLERK
DIRECTOR: BARBARA JO (RONI) RONEMUS ☐ CONSENT ☐ DISCUSSION

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

MOTION:
REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4493], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

MINUTES:
COUNCILMAN MACK requested Item 102 [MOD-4615] Item 103 [ZON-4616] and Item 104 [SDR-4617] be held in abeyance to the City Council meeting of 9/15/2004 as he did not have the opportunity to meet with the applicant. He further indicated that DR Horton asked that Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] be abeyed to the 9/1/2004 City Council meeting. In addition, he asked that Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370] be held to the 9/1/2004 City Council meeting in order that setback issues could be discussed between the developer and the community.

COUNCILMAN MACK welcomed LYRA SALDI, a 6th grade student from Our Lady of Las Vegas, who was attending the afternoon City Council session.

MAYOR GOODMAN disclosed that Item 93 [DIR-4797], Item 112 [SUP-4592], Item 113 [SUP-4593] and Item 114 [SUP-4594] deal with billboard signs, and discussion is taking place in his law firm about billboards, but it will not affect these billboards. Therefore, he will be voting on all the mentioned items.

COUNCILMAN MACK disclosed that on Item 112 [SUP-4592], a client of Mack Consulting is within the notification radius of this request. His client, Treasures, has not discussed this request with him nor will it affect their operation; therefore, he will be voting on the item.

COUNCILMAN WOLFSON disclosed that the owners, RONALD and CAROLYN MICH'L, involved in Item 117 [ZON-4368], Item 118 [VAC-4420] and Item 119 [SDR-4370], are the parents of two individuals he has represented in the last five years in his capacity as a lawyer. The relationship is no longer relevant, and, therefore, he will be voting on the items.

(1:04 – 1:10)

City of Las Vegas

Agenda Item No. 86

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

SUBJECT:
Hearing to consider the appeal filed by Custom Communications Network regarding the removal of the outdoor pay telephone at 1710 East Charleston Boulevard. PROPERTY OWNER: CUSTOM COMMUNICATIONS NETWORK - Ward 3 (Reese)

Fiscal Impact

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

PURPOSE/BACKGROUND:
Pursuant to Las Vegas Municipal Code 6.58.040 (G) the outdoor pay telephone was determined to be a nuisance due to the reported criminal activity that is associated with the location of this outdoor pay telephone. A letter from the Department of Finance and Business Services was mailed to the licensee on May 25, 2004 requesting removal of the phone.

RECOMMENDATION:
That the City Council approve the removal of the outdoor pay telephone

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Location Map
3. Hearing Notification Letter
4. Letter from Business Services dated 6-28-2004
5. Letter of Appeal from Steve Mednicoff
6. Formal Notification Letter from Business Services dated 5-25-2004

MOTION:
REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

MINUTES:
There was no discussion.

(1:04 – 1:10)

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Hearing to consider the appeal filed by Custom Communications Network regarding the removal of the outdoor pay telephone at 1710 East Charleston Boulevard. PROPERTY OWNER: CUSTOM COMMUNICATIONS NETWORK - Ward 3 (Reese)

The outdoor pay telephone was determined to be a public nuisance due to the reported criminal activity that is associated with the location of this outdoor pay telephone. Pursuant to Las Vegas Municipal Code 6.58 Outdoor Pay Telephone Section .040 entitled Prohibited where, it states: It is unlawful for any person to install, construct or maintain an outdoor pay telephone: (G) On any property or at any location which has been determined by Metro; The Department of Finance and Business Services or the Department of Neighborhood Services to create a nuisance under this Chapter based upon prior actual use.

Today's hearing is to consider the appeal filed by Custom Communications regarding the removal of the outdoor pay telephone at 1710 East Charleston Boulevard.


SIXTEENTH ST
EARL ST
SEVENTEENTH ST
SPENCER ST
CIRCLE DR
BRUCE ST
MOBILE HOME PARK 22 M.H.
LEWIS AVE
MAYFAIR CIR
LEWIS AVE
CHARLESTON BLVD
THELMA LN
HILLSIDE PL
CURTIS DR
SEVENTEENTH ST
DISCOUNT MALL
ALBERTSON'S
CHARLESTON SENIOR APTS 320 UNITS
OFFICE
CHAPMAN DR
FRANKLIN AVE
CRESTWOOD ELEMENTARY SCHOOL

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VRENCE WEEKLY
.MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

July 27, 2004 CERTIFIED & REGULAR MAIL

Custom Communications Network
Mr. Steve Mednicoff
5000 West Oakey Blvd, Ste. B-6
Las Vegas, Nevada 89146

Re: Appeal of the Notice to Remove Outdoor Pay Telephone at 1710 East Charleston Boulevard

Dear Mr. Mednicoff:

You are hereby notified that a hearing has been scheduled before the Las Vegas City Council at 400 Stewart Avenue, Las Vegas, Nevada on the 18th day of August, 2004, at the hour of 1:00 p.m. This hearing is in response to your letter dated June 1, 2004 requesting the same, concerning the Notice to Remove an Outdoor Pay Telephone on property located at 1710 East Charleston Boulevard.

You may be present at the hearing. You may be, but need not be, represented by counsel. You may present any relevant evidence and will be given full opportunity to cross-examine all witnesses testifying against you. You may request the issuance of subpoenas to compel the attendance of witnesses and the production of book, documents or other things by filing an affidavit therefore with the City Clerk on behalf of the Las Vegas City Council.

If you have any questions or need further information please do not hesitate to contact David Semenza in the Department of Neighborhood Services at 229-4888.

Sincerely,

Beverly K Bridges

Beverly K. Bridges, CMC
Chief Deputy City Clerk

/bkb

cc: Orlando Sanchez, Director, Neighborhood Services
David Semenza, Manager, Neighborhood Response, Neighborhood Services
Dan Still, Deputy City Attorney
Paul Wilkins, Director, Department of Building & Safety
Susie Martinez, Ward 3 Liaison

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
'RENCE WEEKLY
/CHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

June 28, 2004

Custom Communications Network
5000 West Oakey Blvd., Suite B-6
Las Vegas, NV 89146

ATTN: Steve Mednicoff
RE: Outdoor Pay Telephone; 1710 East Charleston Blvd.

Dear Mr. Mednicoff:

I recently received a copy of your letter to the Office of the City Clerk requesting an appeal of the City's request to remove the outdoor pay telephone at 1710 East Charleston Blvd. The written request for removal of this pay telephone was made in the form of a letter from me dated May 25, 2004. The letter in which you make your appeal, although dated June 1, 2004, was not received in the Office of the City Clerk until June 9, 2004. The process for this appeal is subject to the provisions of Las Vegas Municipal Code 9.04.070 entitled Appeal Procedures. The first sentence of that provisions states,

"Within ten days after service of the notice of violation, the owner or responsible party may appeal to the City Council..."

Since the appeal was not received until June 9, 2004 (14 days later), you have not met the requirement of the appeal process referenced above and therefore do not qualify for an appeal before the City Council. As such, you must immediately remove the outdoor pay telephone from 1710 East Charleston Blvd. If no such action is taken by July 1, 2004, by close of business (5 PM), then the City will remove the outdoor pay telephone and cost of retrieval will be at your expense. Your cooperation is appreciated.

Sincerely,

Jim DiFiore, Manager
Business Services Division
Finance & Business Services

Cc: David Semenza
Beverly Bridges
Lon Grasmick

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

CUSTOM COMMUNICATIONS NETWORK
5000 W. Oakey, Ste. B-6
Las Vegas, Nevada 89146
Phone (702) 822-1225
Fax (702) 822-1229

June 1, 2004

RE: City Request for Removal dated 5-25-04

To Whom It May Concern:

This document is to serve as a written request for an appeal. Custom Communications Network would like to appeal in an expressed time frame the formal notification and request to remove a pay telephone sent to us by the City of Las Vegas. The pay telephone in question is located at 1710 East Charleston Boulevard.

If you have any questions please feel free to contact me at (702) 822-1225.

Sincerely,

Steve Mednicoff

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

' ARRY BROWN
'RENCE WEEKLY
.ΛICHAEL MACK
JANET MONCRIEF

DOUGLAS A. SELBY
CITY MANAGER

May 25, 2004

Custom Communications Network
5000 West Oakey Blvd. Suite B-6
Las Vegas, NV 89146

ATTN: Ilbert and Steven Mednicoff
RE: Outdoor pay telephone violations
1710 East Charleston Blvd.

Dear Mssrs. Mednicoff:

The outdoor pay telephone owned by Custom Communications Network at the above-referenced location has been determined to be a nuisance due to the reported criminal activity that is associated with the location placement of this outdoor pay telephones. Pursuant to Las Vegas Municipal Code 6.58—Outdoor Pay Telephone Section .040 entitled **Prohibited where**, it states:

"It is unlawful for any person to install, construct or maintain an outdoor pay telephone:

....(G) On any property or at any location which has been determined by Metro, The Department of Finance and Business Services or the Department of Neighborhood Services to create a nuisance under this Chapter based upon prior actual use."

Las Vegas Municipal Code 6.58.090 requires the removal of outdoor pay telephones determined to be a nuisance within **fourteen** days after notification to the licensee.

Please consider this as a formal notification and request to have the aforementioned outdoor pay telephones removed within fourteen days of the date of this letter. You may appeal this notification subject to the provisions of Las Vegas Municipal Code 9.04.070 (attached), however, if you fail to meet the requirements to appeal this decision the City will proceed with the removal of these outdoor pay telephones following the required time period subject to this notification. I appreciate your cooperation in this matter.

Sincerely,

Jim DiFiore

Jim DiFiore, Manager
Business Services Division
Finance & Business Services

CC: David Semenza
Wendy Smith
Lon Grasmick
Carol Klinkhammer

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

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City of Las Vegas

Agenda Item No. 87

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

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

SUBJECT:
Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W. Van Buren Avenue. PROPERTY OWNER: JOANNA SMITH - Ward 5 (Weekly)

Fiscal Impact

[ ]	**No Impact**	**Amount:** $2,475.50
[X]	**Budget Funds Available**	**Dept./Division:** Neigh. Svcs./Response
[ ]	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:
The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired ADS Consulting to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:
1. That the City Council approve the report of expenses in the amount of $2,475.50 in order that the above charges be filed and recorded against the property constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer

BACKUP DOCUMENTATION:
1. Agenda Memo
2. Notice of Public Hearing
3. Location Map
4. Report of Expenses
5. Contractor Disclosure
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted after final agenda - Protests and objections letter from Jan Lindsey with attachments
9. Video shown but not submitted

MOTION:
WEEKLY – ABEYANCE to 9/1/2004 – UNANIMOUS

City of Las Vegas

Agenda Item No. 87

CITY COUNCIL MEETING OF AUGUST 18, 2004
Neighborhood Services Department
Item 87 – 221 W. Van Buren Avenue

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

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

APPEARANCES:
OSCAR GOODMAN, Mayor
DAVID SEMENZA, Manager Neighborhood Response, Neighborhood Services
JAN LINDSEY, 1627 Clarksville Court, Henderson, Nevada
LAWRENCE WEEKLY, Councilman
DAN STILL, Deputy City Attorney
CHARLENE ROGERS, 2511 Natalie Avenue
LARRY BROWN, Councilman

MAYOR GOODMAN declared the Public Hearing closed.

(1:10 – 1:23)

3-199

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W Van Buren Avenue. PROPERTY OWNER: JOANNA SMITH - Ward 5 (Weekly)

ADS Consulting, Inc completed work on June 3, 2004 at a cost of $1,870, a boarding fee of $325.00, plus a 15% administrative fee, for a total of $2,475.50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings," the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

LAWRENCE WEEKLY

MICHAEL MACK

JANET MONCRIEF

STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
AUGUST 18, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **221 W. VAN BUREN AVENUE** legally described as **VALLEY VIEW ADD, PLAT BOOK 1 PAGE 50, LOT 7 BLOCK 20.** Owner of record at time of abatement: **JOANNA SMITH – WARD 5 (WEEKLY)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,475.50 was expended ($1,870.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $280.50 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov

18112-001-6/04

F ST
E ST
D ST
C ST
B ST
A ST
JEFFERSON AVE
MADISON AVE
MONROE AVE
JACKSON AVE
VAN BUREN AVE
HARRISON AVE
OWENS AVE
INTERSTATE ROUTE 15
INTERSTATE RT NO 15
CHURCH
PARKING LOT
SHOPS
MARKET
COMM. CENTER
VACANT

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 23, 2003

Re: Report of Expenses for the abatement of Dangerous Building located at 221 W Van Buren Avenue - Ward 5 (Weekly)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above referenced property to be corrected by boarding the structure, removing all trash and debris, and by posting "No Trespassing" signs on the property. Work was completed on June 3, 2004 by ADS Consulting Inc at a cost of $1,870.00. The Department of Neighborhood Services accepted these costs.

Contract Amount .... $	1,870.00
AMOUNT DUE	1,870.00
Boarding Fee	325.00
Administrative processing fee	280.50
TOTAL AMOUNT DUE .... $	2,475.50

OWNER OF RECORD: JOANNA SMITH

PROPERTY ABATED: 221 W VAN BUREN AVENUE

ASSESSOR'S PARCEL: 139 27 111 030

LEGAL DESCRIPTION: VALLEY VIEW ADD
PLAT BOOK 1 PAGE 50
LOT 7 BLOCK 20

DS:LD

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531-3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

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

ADS Consulting

By: ______________________

STATE OF NEVADA)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public, on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68868-1

____
NOTARY PUBLIC in and for said County and State

NOTICE OF PUBLIC HEARINGS
AUGUST 18, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08.010 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORTS OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **208 N. 20TH STREET** legally described as **NOBLITT ADD AMD, PLAT BOOK 2 PAGE 15, LOT 5 BLOCK 4 & LOT 6.** Owner of record at time of abatement: **JULIO TOBAR – WARD 3 (REESE)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $1,859.10 was expended ($1,334.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $200.10 Administrative Processing Fee).
>
> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **221 W. VAN BUREN AVENUE** legally described as **VALLEY VIEW ADD, PLAT BOOK 1 PAGE 50, LOT 7 BLOCK 20.** Owner of record at time of abatement: **JOANNA SMITH – WARD 5 (WEEKLY)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,475.50 was expended ($1,870.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $280.50 Administrative Processing Fee).
>
> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **105 N. YALE STREET** legally described as **LAS VEGAS SQUARE, PLAT BOOK 1 PAGE 96, LOT 17 BLOCK 20.** Owner of record at time of abatement: **RONALD J. BATES – WARD 1 (MONCRIEF)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,474.35 was expended ($1,869.00 to K O Construction, for cleaning the property; $325.00 Boarding Fee and $280.35 Administrative Processing Fee).

If upon hearing the reports, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

APN 139 27 111 030
Case # 11383

<u>NOTICE AND CLAIM OF LIEN OF ASSESSMENT</u>

<u>TO</u>: **JOANNA SMITH**
<u>(Reputed Owner(s)) at time of abatement.</u>

Assessor's Parcel No.:	**139 27 111 030**
Commonly known as:	**221 W VAN BUREN AVENUE**
Legal Description:	**VALLEY VIEW ADD**
	PLAT BOOK 1 PAGE 50
	LOT 7 BLOCK 20

On **June 3, 2004**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$2,150.50** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **August 4, 2004**, ordered the above charges in the amount of **$2,150.50**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

____
BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

____
BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this ____ day of __________, 2004

____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE

PROTESTS and OBJECTIONS
August 13, 2003

RECEIVED
CITY CLERK

To the abatement expenses and proposed order of lien recommended by the 2004 AUG 16 P 1:28
Neighborhood Services Director (NSD) against the private property known as **221 W. Van Buren Avenue, legally described as Valley View Add, Plat Book 1, Page 50, Lot 7 Block 20:**

Facts provided by NSD supporting Grounds for Protest:

A. I only learned of the fact that there had been a notice for clean up and boarding of my property on August 8, 2004 when I found posted on the front of the house, the ***attached Notice of Public Hearing for August 18, 2004.*** I immediately contacted the NSD, DAVID SEMENZA and met with him at his office on ***August 11, 2004.***
B. Mr. SEMENZA advised the he had provided written notice and order to JOANNA SMITH via RRR mail on or about March 23, 2004 and that he had received the return receipt proof of delivery on or about April 1, 2004. He stated he did not receive any response from SMITH. He thereafter ordered the abatement of SMITH'S property, supra, on or about May 19, 2004. During this meeting, Mr. SEMENZA again checked the Clark county property records on his computer and exclaimed that the owner was still listed
C. Mr. SEMENZA exhibited VHS video tape recordings, a **before (clean up)** video done on May 10, 2004 and an **after (board up)** video done on June 21, 2004. He could not provide the date of completion of the abatement work by ADS Consulting Inc.

Facts submitted by current owner supporting Grounds for Protest:

A. I purchased captioned property from JOANNE SMITH of CA for cash on or about May 13, 2004; ***see Land Title of NV Settlement Statement showing that escrow was closed on May 13, 2004.*** An error occurred in recording the documents with the Clark county Assessor, who noticed me by letter dated May 25, 2004 (attached). I immediately contacted the escrow officer, JUDY CABELLERO, who instructed me to forward the assessors' letter and she would correct immediately and re-record the documents. She told me not to worry about the error, that she would immediately correct the error with the assessor
B. On May 14, 2004, I enlisted the aid of an associate, CHARLENE RODGERS, to clean out the house, pick up all the trash outside and get bids from her handyman JESUS, to board up the windows and doors after clean up. RODGERS obtained a large dumpster on May 19, 2004 from J and B Hauling ***(see receipt of payment attached)*** and hired JOSE JESUS VASQUEZ for two days, May 19 and 20, 2004 to clean out all trash from inside the house and pick up all trash outside. Ms. RODGERS inspected the property both days and attests the clean up was completed on May 20, 2004. ROSIE RODRIGUEZ, who resides next door and is

Protest

Submitted after final agenda
Date 8/16/04 Item #87

home most days, also attests that JESUS and a nearby resident known as PABLO conducted the two-day clean up.

C. On May 28th or shortly thereafter, I notified RODGERS of the error in recording and that Land Title was correcting. I told her to wait on the boarding up until I was certain that I was the owner. I called Land Title and KELLY HOUSE assured me that I was THE owner of captioned property and that all prior year taxes, sewer and other liens have been satisfied as of the closing date, supra. I then told RODGERS to go forward with renovation and find an AC contractor to replace the roof mounted water cooler with a new heat pump AC unit before we closed up the doors and windows.
D. On or about June 2, 2004, I received word that my mother-in-law had been the victim of a stroke. My wife and I immediately booked air transport and traveled to Paragould, Arkansas where we stayed for about 3 weeks. We returned June 21, 2004. RODGERS advised the AC unit would be installed June 27-28, and that the ductwork had been completed prior to that date. She advised I would need to come on site to inspect and pay the contractor. I did so on June 28, 2004. This was the first date that I noticed the windows were boarded up.

Objection to proposed lien of $2, 475.50 on captioned property:

I object to the charges for clean up ($1870) based on the facts cited above, that I received no prior notice giving me the opportunity to conduct the necessary clean up prior to the order issued by NSD, the fact that I have already had the property cleaned up, trash removed and hauled off and the fact that I ***PAID $ 450.00*** for the clean up (receipts attached).

I object to the charges of $325 boarding fee because I did not receive the proper legal notice from NSD and was in the process of getting bids to do the boarding up myself.

Finally, and I hope that the City Council and NSD will take no offense but will be advised and properly informed, that neighbors and others in the area have confessed that this property has been abandoned for over two years without being noticed that it was an endangerment to the neighborhood. Property taxes, water and sewer liens were in arrears for 18 or more months; all of which have been paid and brought current from my purchase funds. An amount totaling about $4,500 was withheld by the escrow officer and paid to the appropriate taxing and sewer service agencies to bring those accounts up to date.

Submitted to Las Vegas City Council on August 16, 2004, to BARBARA JO RONEMUS, City Clerk, per request of DAVID SEMENZA and per the Notice of Public Hearing posting I found pinned to my property on or about August 8, 2004, my first notice that NSD was involved in creating expenses on my property.

JAN LINDSEY Telephone (702) 241-0900
C/o Liberty Home Buyers
2500 Anthem Village Drive E-400
Henderson, NV 89052

NOTICE OF PUBLIC HEARINGS
AUGUST 18, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Sectic 16.08.010 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, Augu 18, 2004**, at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, La Vegas, Nevada, the City Council will consider the following REPORTS OF EXPENSES submitted by th Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **208 N. 20TH STREET** legally described as **NOBLITT ADD AMD, PLAT BOOK 2 PAGE 15, LOT 5 BLOCK 4 & LOT 6.** Owner of record at time of abatement: **JULIO TOBAR – WARD 3 (REESE)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $1,859.10 was expended ($1,334.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $200.10 Administrative Processing Fee).
>
> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **221 W. VAN BUREN AVENUE** legally described as **VALLEY VIEW ADD, PLAT BOOK 1 PAGE 50, LOT 7 BLOCK 20.** Owner of record at time of abatement: **JOANNA SMITH – WARD 5 (WEEKLY)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,475.50 was expended ($1,870.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $280.50 Administrative Processing Fee).
>
> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **105 N. YALE STREET** legally described as **LAS VEGAS SQUARE, PLAT BOOK 1 PAGE 96, LOT 17 BLOCK 20.** Owner of record at time of abatement: **RONALD J. BATES – WARD 1 (MONCRIEF)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,474.35 was expended ($1,869.00 to K O Construction, for cleaning the property; $325.00 Boarding Fee and $280.35 Administrative Processing Fee).

If upon hearing the reports, the City Council is satisfied with the correctness of the expenses incurred by tl City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in tl same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with tl City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest objection must contain a description of the property in which the signer thereof is interested and the groun of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it wa received by her. She shall present such protests or objections to the City Council at the time set for tl hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

LandTitle
OF NEVADA, INC.
2775 S. RAINBOW BLVD., SUITE 201 • LAS VEGAS, NEVADA 89146
Phone: (702) 474-3300 • Fax (702) 364-5567

June 2, 2004

Liberty Homebuyers, Inc.
2500 Anthem Village Ste. E-400
Henderson, NV 89052

RE: ESCROW NO.: **14040420-JC**
PROPERTY: **221 W. Van Buren Avenue, Las Vegas, NV**

The above referenced escrow closed on **May 13, 2004**. The following items are enclosed for your records.

- **Check in the amount of $ 73.71** – Re deposited 6/8/04 See Bank Statement
- **HUD Settlement Statement**

County Taxes on your property have been paid to 07/01/04 If taxes are included in your monthly mortgage payment, the Lender typically pays future taxes; otherwise, please be aware that taxes are payable as follows: Quarterly Installments are due the first Monday in July, October, January, and March and become delinquent ten days thereafter. If you do not receive a tax bill one month prior to the delinquency date, please contact the Clark County Tax Collector. Your parcel number is: **139-27-111-030**
Please do not hesitate to contact our office if you have any questions regarding this matter.

It has been a pleasure handling this transaction for you, and we hope we may serve you again in the future.

Sincerely,

Judy Caballero
Escrow Officer

Mstr078.doc

Borrov

SETTLEMENT STATEMENT 06/02/2004 11:56:29

A. U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT OMB No. 2502-0265

B.
Type of Loan: Sale Escrow
File Number: 14040420
Loan Number:
Mortgage Insurance Case No.:

C. NOTE: The items indicated by "P.O.C." or "*" on this Settlement Statement have been included at the direction of the lender for disclosure purposes only. The settlement agent has no direct information concerning these expenditures, other than what has been provided by lender, nor any obligation to authenticate "P.O.C.".

D. NAME OF BORROWER: Liberty Homebuyers, Inc.
ADDRESS OF BORROWER: 2500 Anthem Village Ste. E-400 Henderson, NV 89052

E. NAME OF SELLER: Joanna Smith
ADDRESS OF SELLER: 1229 Anacapa Avenue Hanford, CA 93230

F. NAME OF LENDER:
ADDRESS OF LENDER:

G. PROPERTY LOCATION: 221 W. Van Buren Avenue Las Vegas, NV

H. SETTLEMENT AGENT: Land Title of Nevada, Inc. I. SETTLEMENT DATE: 05/13/2004
PLACE OF SETTLEMENT: 2775 S. Rainbow Blvd., Suite 201 Las Vegas, Nevada 89146

J. SUMMARY OF BORROWER'S TRANSACTION			K. SUMMARY OF SELLER'S TRANSACTION	
100	**GROSS AMOUNT DUE FROM BORROWER**			
101	Contract Sales Price	53,000.00		
102	Misc Adjustments			
103	Settlement charges to borrower (line 1400)	1,147.30		
104	Payoff Principal			
105				
	Adjustments for items paid by seller in advance			
106	County taxes 05/13/2004 to 07/01/2004	69.09		
107	City/town taxes			
108	Assessments			
109	Rents			
110	Homeowners Association			
111	Interest			
112	Insurance			
113				
114				
115				
20	**Gross Amount Due From Borrower**	**54,216.39**		
200	**AMOUNTS PAID BY OR IN BEHALF OF BORROWER:**			
201	Deposit of Money	54,290.10		
202	Principal Amount of New Loan			
203	Existing loan(s) taken subject to			
204				
205				
206	Adjustments			
207				
208				
209	Loan by Seller			
	Adjustments for items unpaid by seller			
210	County taxes			
211	City/town taxes			
212	Assessments			
213				
214				
215				
216				
217				
218				
219	Paid Outside Escrow			
220	**Total Paid By/For Borrower**	**54,290.10**		
300	**CASH AT SETTLEMENT FROM/TO BORROWER**			
301	Gross Amount Due (120)	[illegible]		

(Borrower's)

File Number 14040420

L. SETTLEMENT CHARGES

		PAID FROM BORROWER'S FUNDS AT SETTLEMENT	
700	**TOTAL SALES/BROKER'S COMMISSION based on price $63,000.00**		
	Division of Commission (line 700) as follows:		
701	$		
702	$		
703	Commission Paid at Settlement		
704			
800	**ITEMS PAYABLE IN CONNECTION WITH LOAN**		
801	Loan Origination fee		
802	Loan Discount		
803	Appraisal fee		
804	Credit report		
805	Lenders Inspection Fee		
806	Mortgage Insurance Application Fee		
807	Assumption fee		
808	Tax Service Contract		
809	Lender's Document Preparation Fee		
810	ALTA Bringdown Fee		
811	Warehouse Fee		
900	**ITEMS REQUIRED BY LENDER TO BE PAID IN ADVANCE**		
901	Interest in Advance		
902	Mortgage Insurance Premium for		
903	Fire Insurance Premium		
904	Flood Insurance Premium for		
1000	**RESERVES DEPOSITED WITH LENDER**		
1001	Hazard Insurance Impounds		
1002	Mortgage Insurance		
1003	City Proprty taxes		
1004	County property taxes		
1005	Annual assessments		
1006			
1100	**TITLE AND SETTLEMENT SERVICE CHARGES**		
1101	Settlement Services/Escrow Fee to Land Title of Nevada, Inc.	335.00	
1102	Document Preparation to Land Title of Nevada, Inc.	50.00	
1103	Loan Tie-in		
1104	IBA Set-Up Fee		
1108	*****Title Insurance Premium*** Lines 1109, 1110 and 1111**		
1109	Owner's Policy of Title Insurance to Land Title of Nevada, Inc.	477.00	
1110	Lender's Policy of Title Insurance		
1200	**GOVERNMENT RECORDING & TRANSFER CHARGES**		
1201	PCOR Penalty		
1202	County Transfer Tax to Land Title of Nevada	270.30	
1203	City/Special Tax		
1204	Recording Grant Deed to Land Title of Nevada, Inc.	15.00	
1206	Recording Releases to Land Title of Nevada, Inc.		
1300	**ADDITIONAL SETTLEMENT CHARGES**		
1301	County Taxes to Clark County Tax Collector		
1302	Judgement Lien/Individual to Goldsmith & Guymon		
1303	Judgement Lien/Individual to Goldsmith & Guymon		
1304	Sewer Lien to Republic Services of Southern Nevada		
1305	Sewer Lien to Republic Services of Southern Nevada.		
1306	Sewer Lien to City of Las Vegas		
1400	**TOTAL SETTLEMENT CHARGES (entered on lines 103, Section J and 502, Section K)**	1,147.30	

*** REFER TO ATTACHED DETAILED STATEMENT**

ALIGN TYPE DIRECTLY ON THIS LINE

to fit 771 or 5036-1 Envelopes

INVOICE

J & B HAULING
1200 N. Lamb Boulevard #36
Las Vegas, Nevada 89110

(702) 453-9114

DATE 5/19/04 ORDER NO.

SHIP TO

TO Liberty Homebuyers Inc
2511 Natalie Ave
LVNV 89121

SALESPERSON	DATE SHIPPED	SHIPPED VIA	F.O.B. POINT	TERMS

QUANTITY	DESCRIPTION	UNIT PRICE	TOTAL
1	20 Yard Roll OFF Box		250.00
	221 VanBuren		
	pd cash		

THANK YOU

To Reorder: 800-225-6380 or nebs.com

00662

CUSTOMER'S ORDER NO.	DATE 5-20-04

NAME Liberty Home Buyers Inc

ADDRESS 224 Van Buren

CITY, STATE, ZIP Las Vegas, NV 89106

SOLD BY	CASH	C.O.D.	CHARGE	ON ACCT.	MDSE RETD	PAID OUT

	QUAN.	DESCRIPTION	AMOUNT
1		Labor for	200 –
2		clean up	
3			
4		PD Cash	
5			
6			
7			
8			
9			
10			
11		by Jose Vega	
12			

RECEIVED BY

KEEP THIS SLIP FOR REFERENCE

DC3705

CITY COUNCIL MEETING OF
August 18, 2004

VERBATIM TRANSCRIPT — ITEM 87

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 221 W. Van Buren Avenue, Property Owner: Joanna Smith – Ward 5 (Weekly)

Appearance List:
OSCAR GOODMAN, Mayor
DAVID SEMENZA, Manager Neighborhood Response, Neighborhood Services
JAN LINDSEY, 1627 Clarksville Court, Henderson, Nevada
LAWRENCE WEEKLY, Councilman
DAN STILL, Deputy City Attorney
CHARLENE ROGERS, 2511 Natalie Avenue
LARRY BROWN, Councilman

(1:10 – 1:23)
3-192

13 minutes

Typed by: Ydoleena Yturralde
Proofed by: Jo Ann Williams

MAYOR GOODMAN
Item 87 is a public hearing to consider the report of expenses to recover cost for the abatement of dangerous building at 221 West Van Buren Avenue.. The property owner is Joanna Smith and this is in ward 5.

DAVID SEMENZA
Good afternoon, Your Honor, members of the council. Dave Semenza, Neighborhood Services, Neighborhood Response Manager. As you can see the condition to this property was a public hazard and attractive nuisance. It was an open and accessible building. There's a lot of vagrant activity. The Department of Neighborhood Services notified the owner and, when no action was taken, we went to bids and hired ADS consulting to board the structure and clean the property and remove the trash. The recommendation to the City Council is that you approve the report of expenses in -- the amount of $2,475.50, in order the above charges be filed and recorded against the property constituting the special assessment and lien and authorize the notice and lien of assessment be duely recorded with the County Treasurer.

MAYOR GOODMAN
All right. Thank you very much. Is anybody here on behalf of Joanna Smith?

JAN LINDSEY
No, Your Honor. But --

MAYOR GOODMAN
Why don't you step up to the mike and tell us who you are, please.

JAN LINDSEY
Yes, sir. I'm Jan Lindsey; I live at 1627 Clarksville Court in Henderson.

MAYOR GOODMAN
Okay. Where's Henderson?

JAN LINDSEY
Where's Henderson?

MAYOR GOODMAN
No, just kidding. Go ahead.

JAN LINDSEY
Close to --

MAYOR GOODMAN
No, just kidding. Just kidding.

JAN LINDSEY
Um.

MAYOR GOODMAN
If you'd be kind enough to speak in the mike though, we have to be able to record this, thanks.

JAN LINDSEY
Yes. My first time to appear before the council. I purchased this property from Joanna Smith on May the thirteenth of this year. I had tried to negotiate with her for about 4 or 5 months said to buy the property. She lives in California. During my negotiation I asked her numerous times if there was any liens or levies on the property or any sewer bills or water bills on the property, and she repeatedly told me know. I continued to -- negotiate with her and finally arrived at a price, I purchased the property as I said on May the thirteenth, and I spoke with Mr. Semenza a few days ago, and he told me that the property records still show Joanna Smith as the owner as of this date or, as of the day that I talked to him on the eleventh of August.
The first time I was, had notice that the City or Neighborhood Services said had done anything on this property was August the eighth this past August the eighth, when I found a posting on the property. And I immediately contacted Mr. Semenza and went up and spoke with him. I

received no notice prior to that. I understand that there was a notice sent to Joanna Smith probably back in March or April. And, as I recall from my -- conversation with Mr. Semenza she either did not respond or she signed off on the registered letter that was sent her or the notice that was sent her and sent that back to him so he had proof that the -- notice was delivered. On May the nineteenth and May the twentieth, I, with an associate I hired to -- clean this property up and I also paid for a dumpster to -- be delivered out there to clean all this stuff that you saw in the -- film clip and I had to, my associate was out there who's in -- here today, Charlene Rogers, who actually conducted the clean up and monitored it, insure that everything was clean inside and out.

MAYOR GOODMAN
Was that before or after the city went in to clean it up?

JAN LINDSEY
I believe it was before because I don't think the contract was -- let until the nineteenth or maybe the twentieth of May. Maybe Mr. Semenza can look at --

MAYOR GOODMAN
When -- was the picture taken then, Mr. Semenza, that, we saw?

DAVID SEMENZA
Um, the pictures were taken, just a second, Your Honor.

COUNCILMAN WEEKLY
Your Honor can they just rerun the video?

DAVID SEMENZA
Yeah it was awarded --

MAYOR GOODMAN
Oh.

DAVID SEMENZA
-- to our contractor on the 21st.

MAYOR GOODMAN
Of what?

DAVID SEMENZA
Of May. April first, Joanna Smith signed that she received our certified card and it was recorded on May -- the nineteenth. Clark County Recorders. And as I said, our records still show that Joanna Smith as the owner.

MAYOR GOODMAN
And when did you close with Ms. Smith?

JAN LINDSEY
I closed on the property with land title on May the thirteenth.

MAYOR GOODMAN
Okay and Mr. Still, it looks like there's lawsuit looming out here.

DAN STILL
You're correct, Your Honor. But that -- the obligation is, obviously is on the seller to disclose the notice. That should not preclude the city from moving forward with this particular item today.

MAYOR GOODMAN
Okay.

DAVID SEMENZA
Well, the video was taken on May the ninth, Your Honor --

MAYOR GOODMAN
May the ninth.

DAVID SEMENZA
-- this video.

MAYOR GOODMAN
And when did you have your clean up men?

CHARLENE ROGERS
I had my crew out there cleaning up on --

MAYOR GOODMAN
And your name once again for the record.

CHARLENE ROGERS
Oh, I'm sorry. My name is Charlene Rogers 2511natalie Avenue.

MAYOR GOODMAN
Yes, ma'am.

CHARLENE ROGERS
May nineteenth is when I had two gentlemen that I work with go out there and clean it up and I was there every day checking up on it.

MAYOR GOODMAN
When did our crew go out again, Mr. Semenza?

DAVID SEMENZA
Um, I don't know the exact date. It was awarded on the 21st and our contractor definitely secured and boarded the house and cleaned the exterior of the property, but I can't say anything about the interior because I don't know.

CHARLENE ROGERS
We have receipts showing J & B hauling dropping a, one of those big boxes, and I have that thing filled with all the trash that was outside and everything that was inside --

MAYOR GOODMAN
Okay.

CHARLENE ROGERS
So I don't see how this other company could have done any clean up when I did all that. The only thing they did was board the place up, and that's it.

COUNCILMAN WEEKLY
Do you have pictures, Ms. Rogers, of your clean up?

CHARLENE ROGERS
Unfortunately no, because we didn't know that there was an issue going on with the City. If I had known, I would have been taking pictures. But, if you'd like, you can call J & B Hauling and ask the gentlemen who picked up the canister to show that it was filled.

MAYOR GOODMAN
Does he have a picture of that?

CHARLENE ROGERS
I doubt it.

MAYOR GOODMAN
Probably not. I mean if they don't know there's a problem.

CHARLENE ROGERS
Again, we didn't know we were going to have an issue with the City because we were --

MAYOR GOODMAN
I appreciate that.

CHARLENE ROGERS
-- going ahead --

MAYOR GOODMAN
-- I appreciate that. Well, I think you probably have a good, I'm not gonna comment whether it's a great lawsuit but it looks like there's a lawsuit against Ms. Smith here that's --

COUNCILMAN WEEKLY
Absolutely --

MAYOR GOODMAN
That's for sure. But I -- think that we're gonna have to go forward and then have you resolve it with her.

CHARLENE ROGERS
Well, here's my question.

MAYOR GOODMAN
Yes?

CHARLENE ROGERS
Um, if we already did the clean up, why are we paying 1800 dollars to a company that supposedly did the clean up?

MAYOR GOODMAN
Because, that's a very good question. But --

CHARLENE ROGERS
That is -- that means --

MAYOR GOODMAN
That's a very good question, and I think I'm not gonna interfere. It's Councilman Weekly's ward but --

COUNCILMAN WEEKLY
I think it's a very good question also, but does that say that we didn't clean it up also?

CHARLENE ROGERS
Correct.

MAYOR GOODMAN
Well --

CHARLENE ROGERS
Because I was there every day --

MAYOR GOODMAN
Maybe we'll bring them in --

CHARLENE ROGERS
So there's gonna be a lawsuit, then lawsuit is going to be against AD, whatever company you guys hired. Because we did the clean up. They didn't do anything but board the place up.

JAN LINDSEY
May I add one other thing, Councilman Weekly.

MAYOR GOODMAN
I'd like to abey it -

COUNCILMAN WEEKLY
Do we do any -- hold on one second, Mr. Lindsey. Do we do, ever do any follow up where who we award these contracts to make sure --

DAVID SEMENZA
Well, we go back and do --

COUNCILMAN WEEKLY
I mean, we actually video ours --

DAVID SEMENZA
Right.

COUNCILMAN WEEKLY
-- every two weeks of different types of abatement.

DAVID SEMENZA
We go back and do the after video.

COUNCILMAN WEEKLY
Correct.

DAVID SEMENZA
They didn't tell me that they got there and the property was clean.

MAYOR GOODMAN
Well --

DAVID SEMENZA
They went out to clean the property and secure it as we asked them to --

COUNCILMAN WEEKLY
Your Honor, I'm sorry just one more. Mr. Lindsey was going to ask a question.

JAN LINDSEY
No, I wanted to -- just make another statement.

COUNCILMAN WEEKLY
Yes, sir.

JAN LINDSEY
The next-door neighbor to this property who could not be here today, I asked her to come up and to speak to you. She ad -- advised that she was outside watching the clean up that Ms. Rogers did on the nineteenth and the twentieth. And I also have a receipt for where I paid a laborer guy that -- was out there, Mr. Vasquez who's out there doing the clean up and he also had another guy that was named Pablo that was helping him clean up --

MAYOR GOODMAN
I'd abey it for two weeks and bring everybody in.

JAN LINDSEY
And my -- my neighbor, this property here also advised that she had watched the clean up by Ms. Roger's people, and then she watched the say DS come, out and she said all they did was pick up a few items that had blown in there during the interim from May the 20th until whatever time they cleaned it up. I don't think you had the --

COUNCILMAN WEEKLY
Right.

DAVID SEMENZA
I didn't know the exact date. No.

MAYOR GOODMAN
Okay --

COUNCILMAN WEEKLY
I guess, Your Honor, my -- thing is I wish that I could be blessed every other week with mystery clean ups and some of these abandoned properties that I have in my district, but what I'd like to do, Mr. Semenza, because I don't want -- I know we see what you all do every other week at our Council meeting and then I don't want to say that you all didn't have -- you have no reason to stand here and tell us that you didn't, that you did do it when you didn't.

JAN LINDSEY
Well -- my neighbor would have been down here today, but she had a doctor's a appointment --

MAYOR GOODMAN
Okay --

VERBATIM TRANSCRIPT — ITEM 87

COUNCILMAN WEEKLY
What we'll -- do Mr. Lindsey is we'll abey this for two weeks and, Mr. Semenza, we'll -- wanta have everybody come back in.

DAVID SEMENZA
Okay.

COUNCILMAN WEEKLY
And we want to bring in who we awarded this contract to --

DAVID SEMENZA
Bring in ADS. Just -- for your information, the cost of the boarding would be consistent, or the lien replacing, would be consistent with just the cost of the boarding on most properties. So, I wouldn't call it excessive by any means.

COUNCILMAN WEEKLY
And the last question, Ms. Rogers, when you all did your clean up there, did you all do any boarding at all, or did you just abey the property as far as the clean up.

CHARLENE ROGERS
I was in the process of the doing the boarding. We were actually going out to go buy the plywood to go put it, in and the next day I noticed it was already boarded it up. So, I was -- wondering what had happened. He was out of town because he had a family emergency, so I could not reach him until three weeks later when he came back into town. And then that's when we -- realized that neither one of us did the boarding up. 'Cause I wasn't sure if he hired someone before he left town to do the boarding.

COUNCILMAN WEEKLY
Yes, ma'am, thank you. I'm sorry Councilman Brown. I'm sorry about that.

COUNCILMAN BROWN
Your Honor?

MAYOR GOODMAN
Yes, Councilman.

COUNCILMAN BROWN
Mr. Semenza, a couple of questions that maybe can be answered in a couple of weeks. One is when we on the back up documentation as far as the fee schedule, with the contract amount is for 1870, is -- that just a set contract amount or is that what they bill back --

DAVID SEMENZA
That is -- that was the lowest bid amount.

COUNCILMAN BROWN
Okay but that 1870 would reflect clean up of the property and not the boarding --

DAVID SEMENZA
And --

COUNCILMAN BROWN
-- which is a separate.

DAVID SEMENZA
-- and boarding.

COUNCILMAN BROWN
Oh, the boarding is listing as a separate fee of 325.

DAVID SEMENZA
That's a fee that the City charges --

COUNCILMAN BROWN
Okay, that's our fee.

DAVID SEMENZA
-- For boarded buildings. That's our fee.

COUNCILMAN BROWN
So, somewhere in that 1870, this contract will be able to explain to you how that breaks down as far as --

DAVID SEMENZA
That's correct.

COUNCILMAN BROWN
Okay. And secondly, you indicated that our records, that the city still show a Joanna Smith as the owner.

DAVID SEMENZA
That's correct, Councilman.

COUNCILMAN BROWN
Well, let's -- look into that.

DAN STILL
That's the recorders office, Councilman. Sometimes they're behind the power curve on recording documents.

COUNCILMAN BROWN
We see -- that -

DAN STILL
We have to rely on what's -- what we have access to.

COUNCILMAN BROWN
And -- I agree. But there seems to be a victim caught in the middle here. We see that during planning commission and our planning and development in the afternoon where we notify neighborhoods, people say they haven't been notified because they're not in the records yet. But that -- certainly has to come into play here. It seems to be this gentleman has been caught in the middle of that.

DAN STILL
Right. Well, the victimization I think occurred by the -- seller you know, perpetrated on him is what it sounds like as we're observing what's going on here.

COUNCILMAN BROWN
Wouldn't -- disagree with that, but we have a gentlemen investing in this land that seems to be doing all the right things and because of quote government and the bureaucracy is caught in the middle. And thirdly, David, a lot of times you will put that little time line in here where we notify and all those things.

DAVID SEMENZA
Yes.

COUNCILMAN BROWN
It's not in this back up. Is that something we've moved away from?

DAVID SEMENZA
Not -- in particular.

COUNCILMAN BROWN
Okay. I always enjoy seeing those because that helps give a perspective.

DAVID SEMENZA
Okay.

MAYOR GOODMAN
Well, I'd -- like the idea of the abeyance for two weeks. You have your witnesses here because this will save you a lot of money when you go to court over this with the woman who was, the record owner; we'll save you a lot of money by being able to do it here. I'm gonna put them under oath, and they better tell the truth or else they'll get in a lot of trouble with us, at least. And we'll get to the bottom of it, and we'll do it real fast and clean and then everybody can go their way and do what they have to do. So the motion is to abey for two weeks. Let's vote please, post. Motion carries. **(Motion carried unanimously)** See you in two weeks.

CHARLENE ROGERS
Thank you.

JAN LINDSEY
Thank you, Your Honor.

MAYOR GOODMAN
Your welcome.

(END OF DISCUSSION)

/yy

City of Las Vegas

Agenda Item No. 88

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ [ ] CONSENT [X] DISCUSSION

SUBJECT:

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 105 N Yale Street. PROPERTY OWNER: RONALD J. BATES - Ward 1 (Moncrief)

Fiscal Impact

[ ] No Impact	**Amount:** $2,474.35	
[X] Budget Funds Available	**Dept./Division:** Neigh. Svcs./Response	
[ ] Augmentation Required	**Funding Source:** General Fund	

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired K O Construction to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of $2,474.35 in order that the above charges be filed and recorded against the property constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Notice of Public Hearing
3. Location Map
4. Report of Expenses
5. Contractor Disclosure
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Video shown but not submitted

MOTION:

MONCRIEF – APPROVED the action of Neighborhood Services – UNANIMOUS

MINUTES:

MAYOR GOODMAN declared the Public Hearing open.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Neighborhood Services Department
Item 88 – 105 North Yale Street

MINUTES – Continued:
DAVID SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. The vacant building was open and accessible. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, K.O. Construction was hired to abate the problem. They cleaned and secured the property, removed all trash and debris, and posted No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $2,474.35 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

MAYOR GOODMAN verified with MR. SEMENZA that even though the expense amount is similar to the last item, the contractors are different.

The property owner was not present.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(1:23 – 1:25)
3-617

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 105 N Yale Street. PROPERTY OWNER: RONALD J. BATES - Ward 1 (Moncrief)

K O Construction completed work on June 3, 2004 at a cost of $1,869, a boarding fee of $325.00, plus a 15% administrative fee, for a total of $2,474.35.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings," the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

NOTICE OF PUBLIC HEARING
AUGUST 18, 2004

Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **105 N. YALE STREET** legally described as **LAS VEGAS SQUARE, PLAT BOOK 1 PAGE 96, LOT 17 BLOCK 20**. Owner of record at time of abatement: **RONALD J. BATES – WARD 1 (MONCRIEF)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $2,474.35 was expended ($1,869.00 to K O Construction, for cleaning the property; $325.00 Boarding Fee and $280.35 Administrative Processing Fee).

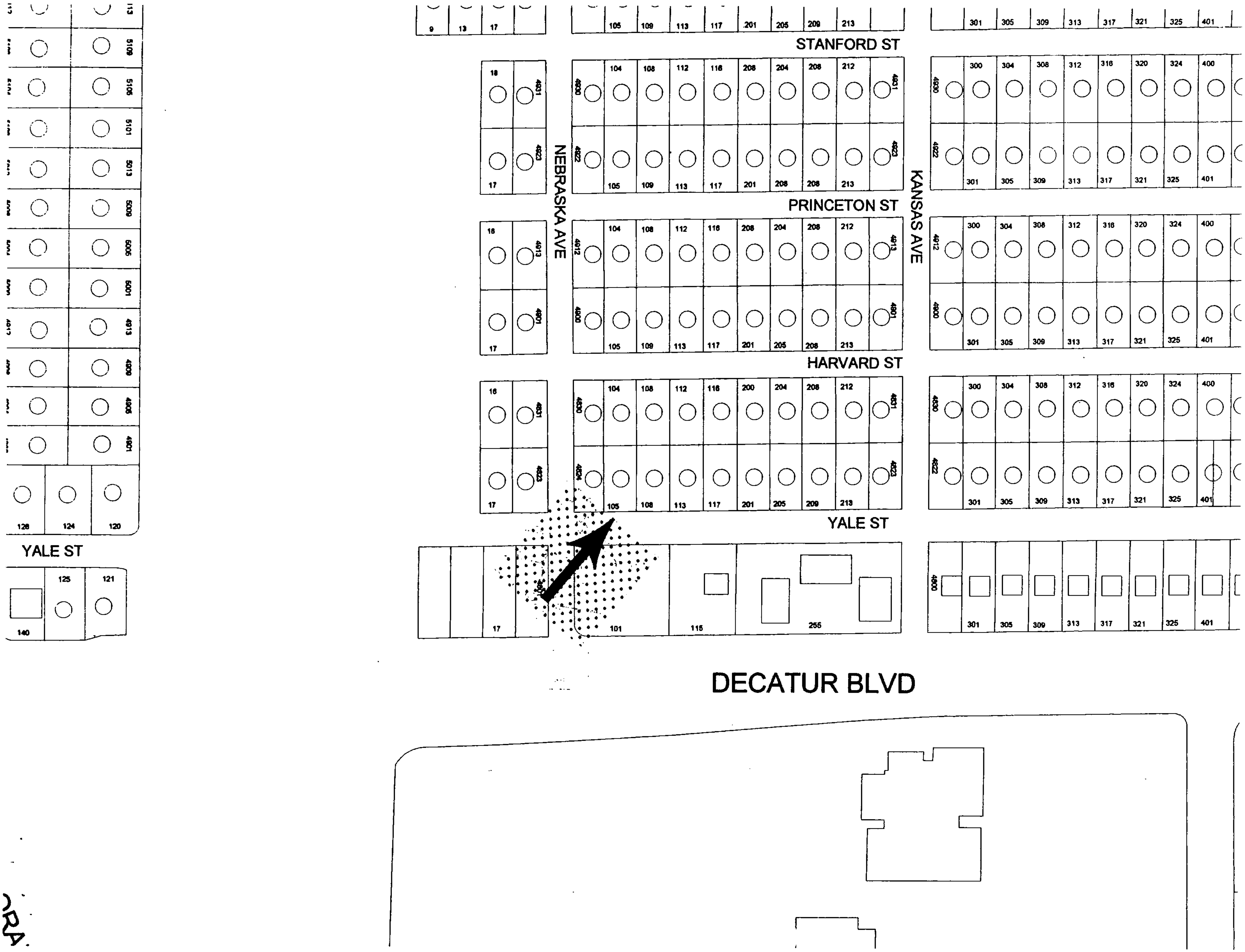
If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04



STANFORD ST
PRINCETON ST
HARVARD ST
YALE ST
YALE ST
NEBRASKA AVE
KANSAS AVE
DECATUR BLVD

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 23, 2003

Re: Report of Expenses for the abatement of Dangerous Building located 105 N Yale Street - Ward 1 (Moncrief)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding the structure; removing all trash, debris, and by posting "No Trespassing" signs on the property. Work was completed on June 3, 2004 by K O Construction at a cost of $1,869.00. The Department of Neighborhood Services accepted these costs.

Contract Amount	$	1,869.00
AMOUNT DUE		1,869.00
Boarding Fee		325.00
Administrative processing fee		280.35
TOTAL AMOUNT DUE	$	2,474.35

OWNER OF RECORD: RONALD J. BATES

PROPERTY ABATED: 105 N YALE STREET

ASSESSOR'S PARCEL: 138 25 812 194

LEGAL DESCRIPTION: LAS VEGAS SQUARE
PLAT BOOK 1 PAGE 96
LOT 17 BLOCK 20

DS:LD

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC [Contracting Entity] and all persons and entities holding more than a 1% interest in K.O. CONST INC [Contracting Entity] or any principal of K.O. CONSTRUCTION INC [Contracting Entity] are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPF	LAS VEGAS, NV 89139	
3. ROSE KOPF		
4.		
5.		
6.		

Continue list until full and complete disclosure is made.

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

[Contracting Entity] K.O. CONSTRUCTION INC

By: [signature]

Subscribed and sworn to before me this 28 Day of October 1999.

Nancy Nickle
Notary Public

NANCY NICKLE
Notary Public - Nevada
No. 88-1453-1
My appt. exp. May 15, 2002

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531-3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

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

ADS Consulting

By: ______________________

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68969-1

____
NOTARY PUBLIC in and for said
County and State

PHONE 7/20/2004 8:55:00 AM JESSICA LARRAMENDY

JL) Lena, ADS, called regarding status of payment. The abatement was completed. Referred to DS to get with Laura.

INSP 6/21/2004 2:21:00 PM LAURA DEARMOND

24) PROPERTY IS BOARDED/SECURED, BOARDS PAINTED, SIGNS POSTED. 90% OF LITTER REMOVED BUT 10% REMAINS ON E/SIDE OF BLDG. THE LARGE TREE ON W/SIDE STILL OVERHANGS S/W AREA W/C ADS.

PHONE 6/21/2004 4:15:00 AM LAURA DEARMOND

24) L/M W/ADS SEC'Y FOR SUPR TO CALL ME

BIDA 5/21/2004 10:25:00 AM

Ld) AWARDED TO ADS, WCB W/START DATE

BIDR 5/20/2004 2:56:00 PM LAURA DEARMOND

Ld) REC'D A BID FROM ADS $1,870.00

RECORD 5/19/2004 1:41:00 PM JESSICA LARRAMENDY

JL) Recorded N&O at Clark County today. Book: 20040519 Inst: 02421.

BIDS 5/14/2004 8:25:00 AM LAURA DEARMOND

Ld) FAXED BID TO CONTRACTORS; DUE BACK 5/19

INSP 5/9/2004 3:01:00 PM LAURA DEARMOND

24) HOUSE VACANT-ALL WINDOWS OUT, LITTER IN ALL YARDS, LARGE OVERGROWN TREE IN SIDEWALK AREA, HI VEG
IN TRANSITION AREA, REFER TO LD FOR BIDS, PRE PICS & VIDEO TAKEN, DISK IN FILE, VIDEO TO D.S.

INSP 4/19/2004 9:24:00 AM ERIN HERNANDEZ

27 no improvements house remains open, trash, debris, weeds, on all yards. Proceed with abatement refer to 24 assess fee

INSP 4/12/2004 2:50:00 PM LYNN NIHIPALI

27) SITUATION REMAINS THE SAME, NO IMPROVEMENT, ASSESS FEE, CONTINUE WITH ABATEMENT. CB 4/19

MISC 4/1/2004 7:48:00 AM LAURA DEARMOND

Ld) REC'D CERT CARD FROM OWNER: JOANNA SMITH

NOPOST 3/25/2004 8:00:00 AM LYNN NIHIPALI

19)POSTED

INSP 3/25/2004 8:00:00 AM LYNN NIHIPALI

19)NO CHANGE

MISC 3/23/2004 3:42:00 PM LAURA DEARMOND

Ld) N&O LETTER ATTACHED IN OLE.

NOTICE 3/23/2004 3:40:00 PM LAURA DEARMOND

Ld) SENT DANG BLDG N&O TO OWNER: JOANNA SMITH; POST 3/24; CB 4/5

PHONE 3/22/2004 8:00:00 AM LAURA DEARMOND

19) FOUND # ON SEWER, L/M FOR OWNER

INSP 3/19/2004 12:30:00 PM

19) VERIFIED HOUSE IS VACANT & UNSECURED, EVERY WINDOW & DOOR ARE BROKEN & OPEN, YARDS HAVE HIGH
WEEDS, T/D, CLOTHING, JUNK FURNITURE, PIX TAKEN, REFER TO 24/16 FOR N&O APPROVAL

Time in

RECORD 6/15/2004 2:21:00 PM JESSICA LARRAMENDY

JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040615 INST: 02949.

MISC 6/14/2004 3:43:00 PM LAURA DEARMOND

Ld) CERT LETTER TO OWNER RETURNED...ATTEMPTED UNKNOWN

INSP 6/8/2004 5:05:00 PM LAURA DEARMOND

24) POST VIDEO COMPLETED. EVERYTHING IS SECURE. GATES LOCKED. SHEDS PADLOCKED. ABANDONED VEHICLE IS
GONE. LOOKS GREAT! BOARDS PAINTED ALSO. TAPE TO D.S.

VIDREQ 6/3/2004 7:43:00 AM LAURA DEARMOND

Ld) FAXED VIDEO REQUEST TO 24

BIDA 5/28/2004 10:40:00 AM

Ld) AWARDED TO K O CONSTRUCTION, WILL ABATE TODAY

BIDR 5/28/2004 7:36:00 AM LAURA DEARMOND

Ld) REC'D BIDS (1)K O CONSTRUCTION $1,869.00 (2)C&W ENTERPRISES $2,700.00

Ld) FAXED BID TO CONTRACTORS; DUE BACK 5/27

INSP 5/22/2004 5:46:00 PM LAURA DEARMOND

24) VACANT, FRONT/REAR ACCESS, ALL YARDS & INTERIOR TRASHED, LARGE AMOUNT OF STORAGE, JUNK, REFUSE,
SEVERAL ALUM SHEDS TOO (OPEN), PICS & VIDEO COMPLETED, TAPE TO D.S, FILE TO LD FOR BIDS, PLEASE
EXPEDITE, LOTS OF TEENAGERS IN THIS HOOD

VOICE 5/19/2004 8:32:00 PM FABIANA AXELROD

22)RECEIVED VOICE MAIL MESSAGE FROM MARIA/PPTY MANAGER AT 4343 N RANCHO DR.INDICATING CLASSIC ESCROW
NO LONGER A TENANT AT 4343 N RANCHO.

INSP 5/18/2004 2:05:00 PM FABIANA AXELROD

22)ALL VIOLATIONS REMAIN.FRONT DOOR IS NOW OPEN AND ACCESSIBLE.INTERIOR OF THE PROPERTY IS VERY
MESSY,T/D,FURNITURE,CLOTHING,GARGABE SCATTERED EVERYWHERE.PIX. REFER CASE TO 24 FOR REVIEW.

PHONE 5/17/2004 12:55:00 PM

COMPLAINANT CONCERNED THAT VAGRANT IS LIVING IN HOUSE WITH NO ELECTRICITY...PROPERTY REMAINS OPEN.

NOPOST 5/10/2004 3:55:00 PM LYNN NIHIPALI

22)N&O POSTED AT 4343 N RANCHO DR STE 130

INSP 5/10/2004 3:20:00 PM LYNN NIHIPALI

22)NO CHANGE

NOPOST 5/10/2004 3:20:00 PM LYNN NIHIPALI

22)N&O POSTED ON SITE.

Details NOTICE 5/5/2004 8:15:00 AM

Ld) SENT N&O TO OWNER: RONALD BATES; POST 5/6; CB 5/18

NOREQ 5/2/2004 3:31:00 PM FABIANA AXELROD

22)N&O PREPARED AND FORWARDED TO 24 FOR REVIEW.

INSP 5/2/2004 12:58:00 PM FABIANA AXELROD

22)OBSERVED OVERGROWN VEGETATION IN ALL YARDS;FURNITURE,BOXES,APPLIANCES,ELECTRONICS,TOOLSAND
MISC ITEMS IN FRONT,SIDES AND REAR YARDS.PROPERTY IS VACANT AND ACCESSIBLE.PIX.

APN 138-25-812-194
Ref # - 13665

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **RONALD J. BATES**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**APN 138-25-812-194**
Commonly known as:	**105 NORTH YALE STREET**
Legal Description:	**LAS VEGAS SQUARE**
	PLAT BOOK 1 PAGE 96
	LOT 17 BLOCK 20

On **June 3, 2004**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$2,474.35** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **August 18, 2004**, ordered the above charges in the amount of **$2,474.35**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 20th day of August, 2004

NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
BEVERLY K. BRIDGES
My Appointment Expires
July 10, 2006
No. 93-4081-1

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101

City of Las Vegas

Agenda Item No. 89

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ [ ] **CONSENT** [X] **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 224 W Philadelphia Avenue. PROPERTY OWNER: MARY H. McKINNEY LIVING TRUST 1989 - Ward 1 (Moncrief)

Fiscal Impact

[ ] No Impact	**Amount:** $3,437.50	
[X] Budget Funds Available	**Dept./Division:** Neigh. Svcs./Response	
[ ] Augmentation Required	**Funding Source:** General Fund	

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired K O Construction to board the structures and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of $3,437.50 in order that the above charges be filed and recorded against the property constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Notice of Public Hearing
3. Location Map
4. Report of Expenses
5. Contractor Disclosure
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien

MOTION:

REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

City of Las Vegas

Agenda Item No. 89

CITY COUNCIL MEETING OF AUGUST 18, 2004
Neighborhood Services Department
Item 89 – 224 W. Philadelphia Avenue

MINUTES:
There was no discussion.

(1:04 – 1:10)
3-1

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 224 W Philadelphia Avenue. PROPERTY OWNER: MARY H. MCKINNEY LIVING TRUST 1989 - Ward 1 (Moncrief)

This abatement of dangerous building at 224 W Philadelphia Avenue was an emergency board-up requested by the City Manager. K O Construction completed work on May 3, 2004 at a cost of $2,700, a boarding fee of $325.00, plus a 15% administrative fee, for a total of $3,437,50.

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings," the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

NOTICE OF PUBLIC HEARING
AUGUST 18, 2004

Pursuant to Section 9.04.086 of the City of Las Vegas Municipal Code NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure and posting "No Trespassing" signs on property located at **224 W. PHILADELPHIA AVENUE** legally described as **MEADOWS ADD, PLAT BOOK 1 PAGE 43, LOT 30 BLOCK 15.** Owner of record at time of abatement: **MARY H. McKINNEY LIVING TRUST 1989- WARD 1 (MONCRIEF)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $3,437.50 was expended ($2,700.00 to K O Construction, for cleaning the property; $325.00 Boarding Fee and $412.50 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order: 1) that the cost of abating the dangerous buildings and imminent hazard shall be a personal obligation of the property owners and direct the City Attorney to collect all costs, fees and interest by any and all appropriate legal remedies; and/or 2) that a lien of assessment be recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

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BALTIMORE AVE
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FAIRFIELD AVE
FAIRFIELD AVE
CHESTER STUPAK PARK
STRATOSPHERE PARKING GARAGE
STRATOSPHERE HOTEL & CASINO
PAUL-SON GAMING SUPPLIES
OPEN STORAGE
PARKING LOT
UNION HALL
CHURCH

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 26, 2003

Re: Report of Expenses for the abatement of Dangerous Building located 224 W Philadelphia - Ward 1 (Moncrief)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above-referenced property to be corrected by boarding the structures and posting "No Trespassing" signs on the property. Work was completed on May 3, 2004 by K O Construction at a cost of $2,700. The Department of Neighborhood Services accepted these costs.

Contract Amount	$	2,700.00
AMOUNT DUE		2,700.00
Boarding Fee		325.00
Administrative processing fee		412.50
TOTAL AMOUNT DUE	$	3,437.50

OWNER OF RECORD: MARY H. MCKINNEY LIVING TRUST 1989

PROPERTY ABATED: 224 W PHILADELPHIA AVENUE

ASSESSOR'S PARCEL: 162 04 710 115

LEGAL DESCRIPTION: MEADOWS ADD
PLAT BOOK 1 PAGE 43
LOT 30 BLOCK 15

DS:LD

EXHIBIT A

DISCLOSURE OF PRINCIPALS

The principals and partners of K.O. CONSTRUCTION INC [Contracting Entity] and all persons and entities holding more than a 1% interest in K.O. CONST INC [Contracting Entity] or any principal of K.O. CONSTRUCTION INC [Contracting Entity] are the following:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE
1. CHRIS HARRISON	4855 W. MAULDING AVE	702-361-4221
2. EDWARD KOPF	LAS VEGAS, NV 89139	
3. ROSE KOPF		
4.		
5.		
6.		

Continue list until full and complete disclosure is made.

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

[Contracting Entity] K.O. CONSTRUCTION INC

By: [signature]

Subscribed and sworn to before me this 29 Day of October, 1999.

Nancy Nickle
Notary Public

NANCY NICKLE
Notary Public - Nevada
No. 88-1453-1
My appt. exp. May 15, 2002

INSP 5/24/2004 11:20:00 AM LAURA DEARMOND

24) BOTH FRONT & REAR BLDG BOARDED, I DON'T KNOW WHICH ONE WAS RECENTLY DONE, THERE IS A SMALL WINDOW @ REAR OF FRONT BLDG THAT IS BROKEN, NOT BOARDED, BOARDS ON REAR BLDG NOT PAINTED,
SCATTERED HI WEEDS & LITTER

MISC 5/20/2004 10:16:00 AM LAURA DEARMOND

Ld) SENT KO INVOICE $2,700.00 TO FINANCE

INSP 5/11/2004 3:40:00 PM LYNN NIHIPALI

20)OF UTILITIES TO PREVENT FURTHER VANDALISM. OWNER IS DECEASED AND CURRENTLY VACANT. GANG
MEMBERS WERE TAKEN OUT BY METRO POLICE. DATE AND TIME AND EVENT # UNKNOWN AT THIS TIME.BONNIE REQUESTED A FAX REGARDING CURRENT STATUS BE GIVEN TO HER

INSP 5/11/2004 3:40:00 PM LYNN NIHIPALI

20)WELLS FARGO BANK IS THE TRUSTEE FOR THE ESTATE OF THIS SINGLE FAMILY DWELLING.CONTACT PERSON IS BONNIE AT 791-6156. FAX 791-6164.SHE ASKED IF THE HOUSE HAS BEEN CONDEMNED. FIRE DEPARTMENT ASKED FOR AN EMERGENCY BOARDING UP OF THE PROPERTY AND REMOVAL

DIRECT 5/11/2004 2:16:00 PM DAVID SEMENZA

DS)NEED UPDATE ON THIS CASE NO LATER THAN 5/25/04

AWARD 4/29/2004 2:40:00 PM DAVID SEMENZA

DS BOARD W/O NOTICE TO K.O. CONSTRUCTION $3265.00 bid reduced to $2700.00

PHONE 4/27/2004 4:45:00 PM KATHY STEWART

20) Spoke with Tim Stickler, Fire Dept. Called me & asked me to make sure David Semenza hasn't forgot to get the emergency boarding up going. C/B 4/27.

BIDS 4/27/2004 3:32:00 PM LAURA DEARMOND

Ld) FAXED BID REQUEST TO CONTRACTORS; DUE BACK TOMORROW 12PM & WORK TO START NO LATER THAN
THURDAY 4/29 MORNING

INSP 4/26/2004 10:05:00 AM KATHY STEWART

CONT'D) up by on the contractors on our list. Tim will check each day until boarded up. C/B 4/27.

INSP 4/26/2004 10:05:00 AM KATHY STEWART

20) MVTF) Tim Stickler & I were in the house, the area gang has broken into it; graffiti inside, owner's fate or whereabouts unknown at this time. I know she is elderly & has been very ill. Tim called David Semenza via cell & asked for an emergency board

DIRECT 4/20/2004 4:40:00 PM SHIRLEY WARMOUTH

PER PAM, CONTACTED JIM SHADRICK RE THIS CASE

DIRECT 4/20/2004 8:00:00 AM ERIN HERNANDEZ

Found entry in schedule window pasting in log:
DS VISITED BY JIM AND TIM STICKLER FIRE. RECOMMEND IMMINENT HAZARD STATUS.

APN 162 04 710 115
Case # 13309

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **MARY H. MCKINNEY LIVING TRUST 1989**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**162 04 710 115**
Commonly known as:	**224 W PHILADELPHIA AVENUE**
Legal Description:	**MEADOWS ADD**
	PLAT BOOK 1 PAGE 43
	LOT 30 BLOCK 15

On **May 3, 2004**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$3,437.50** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **August 4, 2004**, ordered the above charges in the amount of **$3,437.50** assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

____
BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

____
BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this ____ day of __________, 2004

____
NOTARY PUBLIC, in and for said County and State

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE

City of Las Vegas

Agenda Item No. 90

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ ☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Public hearing to consider the report of expenses to recover costs for the abatement of dangerous building at 208 N 20th Street. PROPERTY OWNER: JULIO TOBAR - Ward 3 (Reese)

Fiscal Impact

☐	**No Impact**	**Amount:** $1,859.10
☒	**Budget Funds Available**	**Dept./Division:** Neigh. Svcs./Response
☐	**Augmentation Required**	**Funding Source:** General Fund

PURPOSE/BACKGROUND:

The condition of the property was a public hazard and an attractive nuisance. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken nor an appeal filed the Department of Neighborhood Services hired ADS Consulting to board the structure remove all trash and debris and post "No Trespassing" signs.

RECOMMENDATION:

1. That the City Council approve the report of expenses in the amount of $1,859.10 in order that the above charges be filed and recorded against the property constituting a special assessment and lien. 2. Authorize that the Notice and Lien of Assessment be duly recorded with the County Treasurer

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Notice of Public Hearing
3. Location Map
4. Report of Expenses
5. Contractor Disclosure
6. Chronological List of Events
7. Copy of the Notice and Claim of Lien
8. Submitted after final agenda - Protest letter from Matthew Robinson, current owner
9. Video shown but not submitted

MOTION:

REESE – APPROVED the action of Neighborhood Services – UNANIMOUS

City of Las Vegas

Agenda Item No. 90

CITY COUNCIL MEETING OF AUGUST 18, 2004
Neighborhood Services Department
Item 90 – 208 North 20th Street

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

DAVID SEMENZA, Neighborhood Response Manager, Department of Neighborhood Services, presented a video of the subject property and stated that the condition of the property was a public hazard and an attractive nuisance. The vacant building was open and accessible. The Department of Neighborhood Services declared the property in violation and started legal notification. When no corrective action was taken or appeal filed, ADS Consulting was hired to abate the problem. They cleaned and secured the property, removed all trash and debris, and posted "No Trespassing" signs on the property. MR. SEMENZA recommended the City Council approve the report of expenses in the amount of $1,859.10 in order that the charges be filed and recorded against the property, constituting a special assessment and lien and authorize that the Notice and Lien of Assessment be filed and recorded with the County Treasurer's Office.

The property owner was not present.

No one appeared in opposition.

MAYOR GOODMAN declared the public hearing closed.

(1:25 – 1:26)

3-677

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: Neighborhood Services
ITEM DESCRIPTION: Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 208 N 20th Street
PROPERTY OWNER: JULIO TOBAR - Ward 3 (Reese)

ADS Consulting completed work on April 29, 2004 at a cost of $1,334, a boarding fee of $325 plus a 15% administrative fee, for a total of $1,859.10

Today's public hearing is to consider the Report of Expenses filed by the Department of Neighborhood Services and to hear any objections thereto. Under the "Uniform Code for the Abatement of Dangerous Buildings", the City Council may make revisions or adjustments to the Report of Expenses as deemed proper. If the Report of Expenses is confirmed and accepted by the Council, the Council can then declare the charges to be a personal obligation on the part of the property owner or may order the charges assessed against the property by means of a Lien of Assessment. In this particular case, we recommend a Lien of Assessment.

If the Lien is approved by the Council, certified copies of the recorded lien will be given to the County Treasurer's Office and the amount of the assessment will be collected at the same time and in the same manner as ordinary property taxes. All laws applicable to the collection and enforcement of property taxes shall be applicable to such assessment, and the amount of the assessment will be added to the next regular property tax bill levied against the parcel.

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
\WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

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

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-6/04

NOTICE OF PUBLIC HEARING
AUGUST 18, 2004

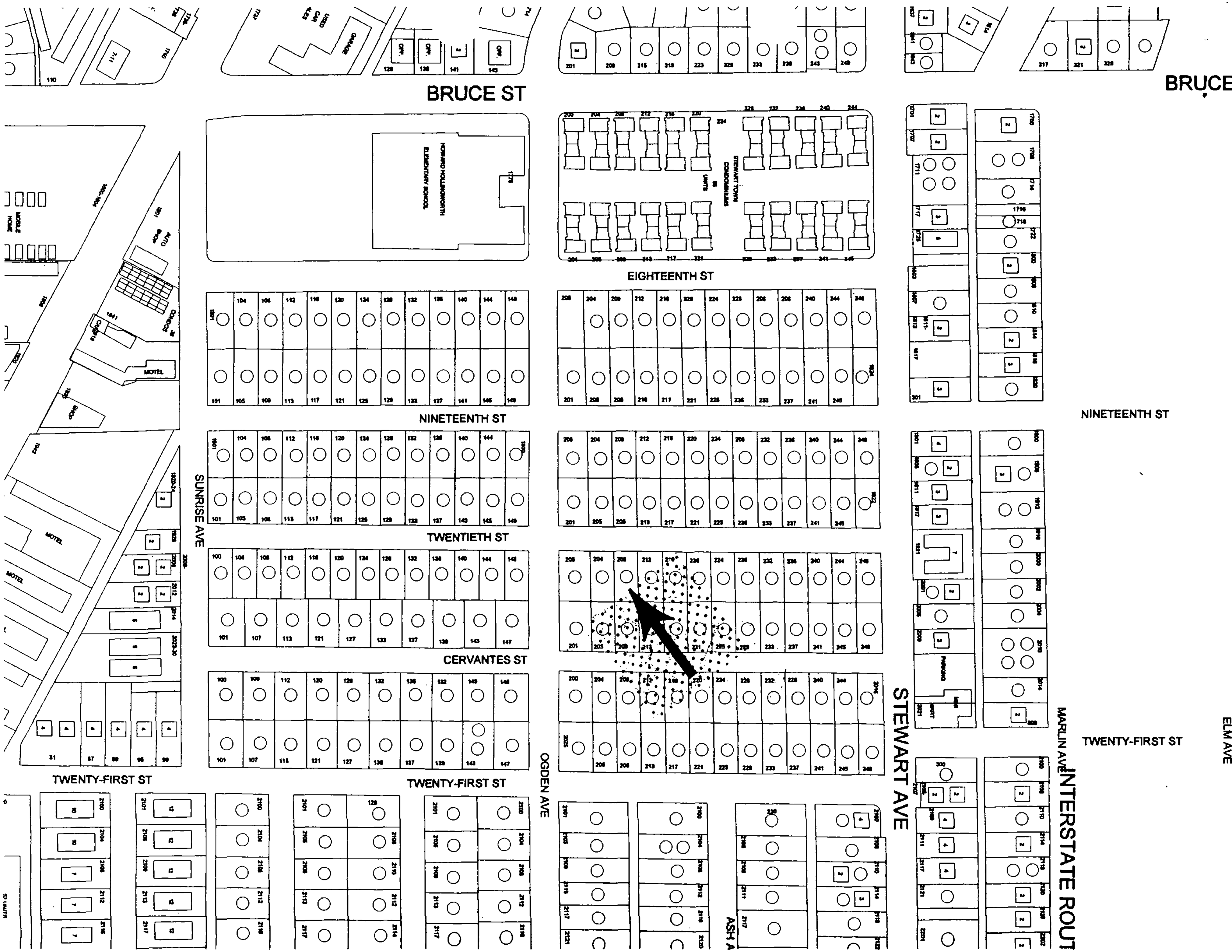
Pursuant to Section 302 of the Uniform Code for the Abatement of Dangerous Buildings adopted as Section 16.08, Title 9.04 of the Las Vegas Municipal Code. NOTICE IS HEREBY GIVEN THAT ON **Wednesday, August 18, 2004,** at the hour of **1:00 P.M.**, in the Council Chambers, City Hall Complex, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will consider the following REPORT OF EXPENSES submitted by the Director of Neighborhood Services incurred by the City of Las Vegas for:

> Abatement of the property by boarding the structure, removing all trash and debris and by posting "No Trespassing" signs on property located at **208 N. 20TH STREET** legally described as **NOBLITT ADD AMD, PLAT BOOK 2 PAGE 15, LOT 5 BLOCK 4 & LOT 6**. Owner of record at time of abatement: **JULIO TOBAR – WARD 3 (REESE)**
>
> The Director of Neighborhood Services certifies in the report that the sum of $1,859.10 was expended ($1,334.00 to ADS Consulting, Inc. for cleaning the property; $325.00 Boarding Fee and $200.10 Administrative Processing Fee).

If upon hearing the report, the City Council is satisfied with the correctness of the expenses incurred by the City, it may order a lien of assessment recorded and given to the County Treasurer to be collected in the same manner as ordinary property taxes.

Any person interested in or affected by the proposed charge may file written protests or objections with the City Clerk at any time prior to the time set for the hearing on the Report of Expenses. Each such protest or objection must contain a description of the property in which the signer thereof is interested and the grounds of such protest or objection. The City Clerk shall endorse on every such protest or objection the date it was received by her. She shall present such protests or objections to the City Council at the time set for the hearing, and no other protests or objections shall be considered.

BARBARA JO RONEMUS
CITY CLERK



BRUCE ST
BRUCE
EIGHTEENTH ST
NINETEENTH ST
NINETEENTH ST
TWENTIETH ST
CERVANTES ST
TWENTY-FIRST ST
TWENTY-FIRST ST
TWENTY-FIRST ST
SUNRISE AVE
OGDEN AVE
STEWART AVE
MARLIN AVE
INTERSTATE ROUT
ELM AVE
ASH A
HOWARD HOLLINGWORTH ELEMENTARY SCHOOL
STEWART TOWN CONDOMINIUMS
MOTEL
MOTEL
MOTEL
USED CAR SALES
GARAGE
AUTO SHOP
MOBILE HOME
PARKING

Memorandum

City of Las Vegas
Neighborhood Services Department

To: Barbara Jo Ronemus, City Clerk

From: David Semenza, Manager – Neighborhood Response Division

CC: File

Date: July 26, 2003

Re: Report of Expenses for the abatement of dangerous building located at 208 N 20th Street - Ward 3 (Reese)

After giving due process, notification, and an opportunity for an appeal hearing as specified in the Las Vegas Municipal Code for "Dangerous Building," the Department of Neighborhood Services caused the above referenced property to be corrected by boarding the structure, removing all trash and debris, and by posting "No Trespassing" signs on the property. Work was completed on April 29, 2004 by ADS Consulting at a cost of $1,334. The Department of Neighborhood Services accepted these costs.

Contract Amount	$	1,334.00
AMOUNT DUE		1,334.00
Boarding Fee		325.00
Administrative processing fee		200.10
TOTAL AMOUNT DUE	$	1,859.10

OWNER OF RECORD: JULIO TOBAR

PROPERTY ABATED: 208 N 20^{TH} STREET

ASSESSOR'S PARCEL: 139 35 712 011

LEGAL DESCRIPTION: NOBLITT ADD AMD
PLAT BOOK 2 PAGE 15
LOT 5 BLOCK 4 & LOT 6

DS:LD

ADS Consulting Inc.
1801 S Eastern Ave.
Las Vegas, NV 89104

Disclosure of Principals

The principals and partners of *ADS Consulting*, and all persons and entities holding more than 1% interest in *ADS Consulting* or any principal of *ADS Consulting* are the following:

	Full Name	Business Address	Business Phone
1.	Nelson Quezada	1801 S. Eastern Avenue	(702) 531-3336
2.			
3.			
4.			
5.			
6.			
7.			

Continue list until full and complete disclosure is made.

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

ADS Consulting

By: ______________________

STATE OF NEVADA)
)
COUNTY OF CLARK)

Subscribed and sworn to before me, a Notary Public,
on this 24th day of April, 2002.

Notary Public - State of Nevada
County of Clark
SHIRLEY JEREZANO
My Appointment Expires
April 1, 2005
No: 01-68868-1

____
NOTARY PUBLIC in and for said
County and State

MISC 6/15/2004 2:43:00 PM JESSICA LARRAMENDY

JL) Invoice paid in Oracle and forwarded to Accounts Payable.

PHONE 6/11/2004 2:43:00 PM JESSICA LARRAMENDY

JL) T/C FROM ADS REGARDING WHERE PAYMENT WAS FOR ABATEMENT. INVOICED IN APRIL. NO PAYMENT RECEIVE

MISC 5/26/2004 7:18:00 AM LAURA DEARMOND

Ld) SENT INVOICE TO D.S. FOR SIGNATURE

INSP 5/24/2004 2:40:00 PM LAURA DEARMOND

24) SECURE, CLEAN, SIGNS POSTED, T/D SHEDS, ETC REMOVED, LOOKS GREAT, POST VIDEO & POST PIX TAKEN

MISC 5/18/2004 7:42:00 AM LAURA DEARMOND

Ld) REC'D INVOICE & SENT REQUEST FOR VIDEO TO PH

RECORD 5/3/2004 2:00:00 PM JESSICA LARRAMENDY

JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040503 INST: 002544.

BIDA 4/20/2004 7:16:00 AM LAURA DEARMOND

Ld) AWARDED TO ADS, WCB W/START DATE

BIDR 4/16/2004 8:23:00 AM LAURA DEARMOND

Ld) REC'D BIDS (1) ADS CONSULTING $1,334.00 (2)C&W $2,000.00 (3)WEAVER CONSTRUCTION $2,062.00 (4)K O CONSTRUCTION $2,349.00

INSP 4/12/2004 12:06:00 PM JESSICA LARRAMENDY

24) Inspection/Pre-pics (video). Scattered refuse & waste, discarded appliances, clothing, misc junk in all yards & open metal shed (in rear yard). All windows except South side of house, are broken. Both front & rear doors all latched. Scattered weeds

BIDS 4/12/2004 12:00:00 PM LAURA DEARMOND

Ld) FAXED BID TO CONTRACTORS; DUE BACK 4/15

INSP 4/12/2004 JESSICA LARRAMENDY

24) cont. & turf grass needs trimming also. Garbage scattered in living room & kitchen. Open animal pen East side of shed. Pics & video completed; to Jessica for Power Point presentation.

MISC 4/1/2004 7:16:00 AM LAURA DEARMOND

Ld) CERT & REG LETTERS TO OWNER RETURNED...LEFT W/O NOTICE NO FORWARD ON FILE

INSP 3/23/2004 8:00:00 AM LYNN NIHIPALI

21) SAME CONDITION

21) POST PROPERTY

NOTICE 3/22/2004 8:56:00 AM LAURA DEARMOND

Ld) SENT N&O TO OWNER: JULIO TOBAR & ARM FINANCIAL; POST 3/23; CB 4/5

INSP 3/16/2004 8:10:00 AM LAURA DEARMOND

21) ...MOTOR OIL, ETC, WASHER IN REAR YARD, FALLEN WOOD GATE LAYING ON D/W, BIRD COOP IN NORTHEAST CORNER OF REAR YARD..REFER TO OFFICE DANG BLDG N&O & CLEANUP, NEW PIX

INSP 3/16/2004 8:10:00 AM LAURA DEARMOND

21) MISTAKE OWNER REMAINS SAME-JULIO TOBAR, PROPERTY NOW OPEN, VACANT, ACCESSIBLE, SHED IN REAR OPEN, BROKEN WINDOWS IN REAR & NORTH SIDE NEXT TO FRONT DOOR-DOOR SECURE, T/D, LITTER IN ALL YARDS: BOTTLES, PAPERS, OLD CAR PARTS, WOOD, USED (CONT...)

INSP 3/5/2004 3:00:00 PM LAURA DEARMOND

21) NEW OWNER ON SEWER SCREEN: DUPUIS INVEST SERVICES LTD SPOKE TO ALICE THEY RECENTLY BOUGHT PROPERTY FAXED C/N TO BOARD/SECURE, CLEAN PROPERTY 258-4124 FAX/258-4128 CB 3/16

INSP 2/23/2004 2:20:00 PM LAURA DEARMOND

23) STRUCTURE VACANT, WINDOWS BROKEN OUT, VEHS REMOVED, T/D ALL YARDS, SHED IN REAR OPEN FULL OF DEBRIS, TOOK PIX (SEND N&O) 75.00 FEE CB 2/26

INSP 2/9/2004 9:00:00 AM LAURA DEARMOND

21) T-BIRD ON YARD, T-CANS ON STREET, LITTER IN SIDE & FRONT YARD, ISSUED FINAL NOTICE, ASSESS $75 FEE CB 2/17 N/A AT DOOR APPEARS VACANT INSIDE BLDG SECURE, 212 THINKS THEY MOVED.

INSP 1/28/2004 8:05:00 AM LAURA DEARMOND

21) CANS STILL ON S/W BLUE FORD PU RED T-BIRD ON FRONT YARD ISSUED C/N TO REMOVE VEH REMOVE CANS AFTER EVERY PU & REMOVE ANY PET WASTE (SPOKE TO JULIO) CB 2/6

INSP 1/27/2004 9:45:00 AM LAURA DEARMOND

21) TRASH CANS ON ROW EMPTY TODAY TRASH DAY CB 1/28

APN 139-35-712-011
Ref # - 9126

NOTICE AND CLAIM OF LIEN OF ASSESSMENT

TO: **JULIO TOBAR**
(Reputed Owner(s)) at time of abatement.

Assessor's Parcel No.:	**APN 139-35-712-011**
Commonly known as:	**208 NORTH 20TH STREET**
Legal Description:	**NOBLITT ADD AMD**
	PLAT BOOK 2 PAGE 15
	LOT 5 BLOCK 4 & LOT 6

On **April 29, 2004**, as provided in the Municipal Code, 16.08, Section 302, the City of Las Vegas caused the abatement of a nuisance condition on the following property after due notification.

Expenses in the amount of **$1,859.10** were incurred by the City of Las Vegas in the above nuisance condition abatement procedure.

The Las Vegas City Council, at a duly noticed public hearing held on **August 18, 2004**, ordered the above charges in the amount of **$1,859.10**, assessed against the property by means of a Lien of Assessment, such a lien to be duly recorded and certified copies of said lien given to the County Treasurer for collection as ordinary property taxes. Said lien shall also be prior to and superior to all liens, claims, encumbrances and titles, other than liens of assessment and general taxes. All laws applicable to the levy, collection, and enforcement of property taxes shall be applicable to this lien.

All or any portion of this lien of assessment, which remains unpaid after 30 days from the date of the recording thereof on the assessment roll, shall become delinquent and shall accrue interest at the rate of 7 percent per annum from and after said date. This lien shall continue until the assessment, which forms the subject matter thereof, and all interest due and payable thereon, shall have been paid in full.

BARBARA JO RONEMUS, City Clerk
400 Stewart Avenue
Las Vegas, NV 89101 - (702) 229-6311

STATE OF NEVADA)
)
COUNTY OF CLARK)

BARBARA JO RONEMUS, being duly sworn, deposes and says that she is the person who executed the foregoing instrument on behalf of the City of Las Vegas and that she has read the same and knows the contents thereof, that the matters stated herein are true to her own knowledge, except such matters as are stated to be on information and belief, and as to those matters, she believes them to be true.

BARBARA JO RONEMUS, City Clerk

Subscribed and sworn to before me this 20th day of August, 2004

NOTARY PUBLIC, in and for said County and State

Notary Public-State Of Nevada
COUNTY OF CLARK
BEVERLY K. BRIDGES
My Appointment Expires
July 10, 2005
No. 93-4081-1

WHEN RECORDED, RETURN TO:
CITY OF LAS VEGAS, DEPARTMENT OF NEIGHBORHOOD RESPONSE
400 STEWART AVENUE
LAS VEGAS, NV 89101

Matthew Robinson
208 No. 20th St.
Las Vegas, NV 89101

RECEIVED
CITY CLERK

2004 AUG 17 A 8:03

August 17, 2004

Barbara Jo Ronemus
City Clerk
400 Stewart Avenue
Las Vegas, NV 89101

Re: 208 No. 20th St.
Legally described as: NOBLITT ADD AMD, Plat Book 2 Page 15, Lot 5 Block 4 & Lot 6
Public Hearing scheduled: August 18, 2004 at 1:00 p.m.

Dear Ms. Ronemus:

I am in receipt of the Notice of Public Hearing regarding the above-referenced property where it is the intent of the city to place a lien on said property. Please consider this letter my formal protest to the city's proposed action. As of July 23, 2004, I am the current owner of 208 No. 20th St. I purchased the property through HUD as part of the 'Teacher Next Door' program.

According to records obtained from the city's Department of Neighborhood Services, bid requests to clean up the property were solicited on April 12, 2004. The bid was awarded to ADS Consulting who performed the work sometime between April 21, 2004 and May 17, 2004. During this time period, the property was owned by Bank Washington Mutual F A as indicated by the Clark County Assessor's records. A copy is attached hereto for reference. On May 18, 2004, title transferred to the Department of Housing and Urban Development.

On May 18, 2004, the Department of Neighborhood Services received an invoice from ADS Consulting for services rendered. Said invoice was forwarded to Dennis Semenza, Manager of Neighborhood Services for his signature on May 26, 2004. On June 15, 2004, ADS Consulting contacted the Neighborhood Services Department looking for payment. On that date, the invoice was forwarded to Accounts Payable and a demand for payment was faxed to Arm Financial Group (Julio Tobar's lender).

Protest

Submitted after final agenda

Date 8/17/2004 Item #90

I first became aware of this property through the 'Teacher Next Door' program website approximately June 16, 2004. The work performed by ADS Consulting for the City of Las Vegas was done prior to my viewing, bidding and ultimately purchasing the property. Therefore, I appeal to the Council members to <u>not</u> approve the proposed recordation of a lien against 208 No. 20th St. and instead encourage communication between the Department of Neighborhood Services and HUD through their affiliate First Preston Foreclosure Specialists.

Respectfully yours,

Matthew Robinson

Matthew Robinson

Enc.: Clark County Assessor Records
Case notes - Dept. of Neighborhood Services

Cc: Councilman Gary Reese
Sam Rainwater/GTR, HUD
First Preston Foreclosure Specialists

M.W. Schofield, Assessor

PARCEL OWNERSHIP HISTORY

Assessor Map | Aerial View | Current Ownership

ASSESSOR DESCRIPTION
NOBLITT ADD AMD PLAT BOOK 2 PAGE 15 LOT 5 BLOCK 4 & LOT 6

CURRENT PARCEL NO.	CURRENT OWNER	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-35-712-011	ROBINSON MATHEW G	*20040722:05148	07/22/2004	NO STATUS	200	SUBDIVIDED LOT

PARCEL NO.	PRIOR OWNER(S)	RECORDED DOCUMENT NO.	RECORDED DATE	VESTING	TAX DISTRICT	ESTIMATED SIZE
139-35-712-011	SECRETARY HOUSING & URBAN DEV	*20040518:05528	05/18/2004	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	BANK WASHINGTON MUTUAL F A	*20040330:02806	03/30/2004	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	TOBAR JULIO	*990929:00838	09/29/1999	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	PRINCIPLE GROUP INC	*990625:03264	06/25/1999	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	SECRETARY HOUSING & URBAN DEV	*990310:00613	03/10/1999	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	NORWEST MORTGAGE INC	*990111:01838	01/11/1999	NO STATUS	200	SUBDIVIDED LOT
139-35-712-011	VOLBRUCK TOM L	*921005:00433	10/05/1992	NO STATUS	200	SUBDIVIDED LOT
020-553-016	RUGGLES JACK D & AMARALIS	*920819:00629	08/19/1992	NO STATUS	200	SUBDIVIDED LOT
020-553-016	RUGGLES JACK D & AMARALIS LANGLEY VALERIE A	*890410:01107	04/10/1989	JOINT TENANCY	200	SUBDIVIDED LOT
020-553-016	RUGGLES JACK D SR	*2226:2185864	12/03/1985	NO STATUS	200	SUBDIVIDED LOT
020-553-016	RUGGLES JACK D & AMARILIS	*1808:1767359	09/22/1983	JOINT TENANCY	200	SUBDIVIDED LOT
020-553-016	SEC HOUSING & URBAN DEV	*1761:1720928	06/28/1983	NO STATUS	200	SUBDIVIDED LOT
020-553-016	COMMUNITY FUNDING CORP	*1760:1719772	06/24/1983	NO STATUS	200	SUBDIVIDED LOT
020-553-016	FLASHNER JOYCE A	*1352:1311568	02/06/1981	NO STATUS	200	SUBDIVIDED LOT
020-553-016	VANSCOY RIES G	*1289:1248346	09/30/1980	NO STATUS	200	SUBDIVIDED LOT

CASENO 9126 CODEENF **02426-66**

Address: **208 N 20TH ST**

TRASH CANS ON SIDEWALK ALL THE TIME OUT FRONT CAUSING BUGS; DOG FECES IN R/Y; GARBAGE GOING INTO NEIGHBORS SIDE - THROWS TRASH WHEREVER IT LANDS WHEN MISSING THE GARBAGE CAN

Parcel(s)

Parcel:	*Size:*	*Subdivision Name:*
13935712011	0.11 ACRE	NOBLITT ADD AMD

Owner Information:

02-Jun-04	11-Aug-04	SECRETARY HOUSING & URBAN DEV % FIRST PRESTON FORECLOSURE 1520 NUTMEG PL #112; COSTA MESA, CA 92626-2557
14-Apr-04	02-Jun-04	BANK WASHINGTON MUTUAL F A P O BOX 1169; MILWAUKEE, WI 53201-1169
10-Aug-02	14-Apr-04	TOBAR JULIO 208 N 20TH ST; LAS VEGAS, NV 89101-4454
11-Aug-04		ROBINSON MATHEW G 208 N 20TH ST; LAS VEGAS, NV 89101-4454

Inspection Summary

Inspector:	*Status:*		*Scheduled DT:*	*Start Dt:*	*Comp DT:*	*Min:*
960066	Passed	Partial	1/27/2004	01/27/2004 9:45	01/27/2004 9:50	5
960066	Failed		1/28/2004	01/28/2004 8:05	01/28/2004 8:10	5
960066	Failed		2/6/2004	02/09/2004 9:00	02/09/2004 9:10	10
880076	Failed		2/17/2004	02/23/2004 14:30	02/23/2004 14:30	0
960066	Passed	Partial	2/26/2004	03/05/2004 15:00	03/05/2004 15:15	15
960066	Passed	Partial	4/5/2004	03/16/2004 8:10	03/16/2004 8:20	10
960066	Passed	Partial	4/5/2004	03/23/2004 8:00	03/23/2004 8:15	15
960066	Failed		4/5/2004	04/12/2004 12:06	04/12/2004 12:47	41
870076	Passed		4/19/2004	05/24/2004 14:40	05/24/2004 14:51	11
					Time in Minuets:	112

Violation Details

Violation	*Violation DT*	*Resolve DT*	*Location:*
A-VEHICLE	1/28/2004	2/23/2004	
REMOVE ALL VEHS FROM FRONT YARD, MUST BE ON APPROVED SURFACE.			
A-REFUSE/WST	1/28/2004	5/24/2004	
REMOVE ALL DOG/PET WASTE FROM REAR YARD.			
A-LITTER	1/28/2004	5/24/2004	
TRASH CANS MUST BE REMOVED FROM FRONT OF PROPERTY AFTER EVERY PICKUP.			
A-BLD DNGR	2/17/2004	5/24/2004	
SECURE BROKEN WINDOWS. SECURE SHED (REAR).			

Log

Type:	*Date:*	*Employee:*	*Min:*

FAX 6/15/2004 3:11:00 PM JESSICA LARRAMENDY 0

JL) FAX'D DEMAND FOR PAYOFF TO JAMIE JEFFERS - ARM FINANCIAL CORP. 1-800-540-0390. PHONE (858)689-9735. LIEN NOT PLACED YET...PAYOFF OF ABATEMENT WILL BE $1,859.10.

MISC 6/15/2004 2:43:00 PM JESSICA LARRAMENDY 0

JL) Invoice paid in Oracle and forwarded to Accounts Payable.

PHONE 6/11/2004 2:43:00 PM JESSICA LARRAMENDY 0

JL) T/C FROM ADS REGARDING WHERE PAYMENT WAS FOR ABATEMENT. INVOICED IN APRIL. NO PAYMENT RECEIVED.

MISC 5/26/2004 7:18:00 AM LAURA DEARMOND 0

Ld) SENT INVOICE TO D.S. FOR SIGNATURE

INSP 5/24/2004 2:40:00 PM LAURA DEARMOND 11

24) SECURE, CLEAN, SIGNS POSTED, T/D SHEDS, ETC REMOVED, LOOKS GREAT, POST VIDEO & POST PIX TAKEN

MISC 5/18/2004 7:42:00 AM LAURA DEARMOND 0

Ld) REC'D INVOICE & SENT REQUEST FOR VIDEO TO PH

RECORD 5/3/2004 2:00:00 PM JESSICA LARRAMENDY 0

JL) RECORDED N&O AT CLARK COUNTY. BOOK: 20040503 INST: 002544.

BIDA 4/20/2004 7:16:00 AM LAURA DEARMOND 0

Ld) AWARDED TO ADS, WCB W/START DATE

BIDR 4/16/2004 8:23:00 AM LAURA DEARMOND 0

Ld) REC'D BIDS (1) ADS CONSULTING $1,334.00 (2)C&W $2,000.00 (3)WEAVER CONSTRUCTION $2,062.00 (4)K O CONSTRUCTION $2,349.00

INSP 4/12/2004 12:06:00 PM JESSICA LARRAMENDY 41

24) Inspection/Pre-pics (video). Scattered refuse & waste, discarded appliances, clothing, misc junk in all yards & open metal shed (in rear yard). All windows except South side of house, are broken. Both front & rear doors all latched. Scattered weeds

BIDS 4/12/2004 12:00:00 PM LAURA DEARMOND 0

Ld) FAXED BID TO CONTRACTORS; DUE BACK 4/15

INSP 4/12/2004 JESSICA LARRAMENDY 0

24) cont. & turf grass needs trimming also. Garbage scattered in living room & kitchen. Open animal pen East side of shed. Pics & video completed; to Jessica for Power Point presentation.

MISC 4/1/2004 7:16:00 AM LAURA DEARMOND 0

Ld) CERT & REG LETTERS TO OWNER RETURNED...LEFT W/O NOTICE NO FORWARD ON FILE

INSP 3/23/2004 8:00:00 AM LYNN NIHIPALI 15

21) SAME CONDITION

NOPOST 3/23/2004 8:00:00 AM LYNN NIHIPALI 15

21) POST PROPERTY

NOTICE 3/22/2004 8:56:00 AM LAURA DEARMOND 0

Ld) SENT N&O TO OWNER: JULIO TOBAR & ARM FINANCIAL; POST 3/23; CB 4/5

INSP 3/16/2004 8:10:00 AM LAURA DEARMOND 0

21) ...MOTOR OIL, ETC, WASHER IN REAR YARD, FALLEN WOOD GATE LAYING ON D/W, BIRD COOP IN NORTHEAST CORNER OF REAR YARD..REFER TO OFFICE DANG BLDG N&O & CLEANUP, NEW PIX

3/30/04 Title [illegible]

INSP 3/16/2004 8:10:00 AM LAURA DEARMOND 10

21) MISTAKE OWNER REMAINS SAME-JULIO TOBAR, PROPERTY NOW OPEN, VACANT, ACCESSIBLE, SHED IN REAR OPEN, BROKEN WINDOWS IN REAR & NORTH SIDE NEXT TO FRONT DOOR-DOOR SECURE, T/D, LITTER IN ALL YARDS: BOTTLES, PAPERS, OLD CAR PARTS, WOOD, USED (CONT...)

INSP 3/5/2004 3:00:00 PM LAURA DEARMOND 15

21) NEW OWNER ON SEWER SCREEN: DUPUIS INVEST SERVICES LTD SPOKE TO ALICE THEY RECENTLY BOUGHT PROPERTY FAXED C/N TO BOARD/SECURE, CLEAN PROPERTY 258-4124 FAX/258-4128 CB 3/16

INSP 2/23/2004 2:20:00 PM LAURA DEARMOND 10

23) STRUCTURE VACANT, WINDOWS BROKEN OUT, VEHS REMOVED, T/D ALL YARDS, SHED IN REAR OPEN FULL OF DEBRIS, TOOK PIX (SEND N&O) 75.00 FEE CB 2/26

INSP 2/9/2004 9:00:00 AM LAURA DEARMOND 10

21) T-BIRD ON YARD, T-CANS ON STREET, LITTER IN SIDE & FRONT YARD, ISSUED FINAL NOTICE, ASSESS $75 FEE CB 2/17 N/A AT DOOR APPEARS VACANT INSIDE BLDG SECURE, 212 THINKS THEY MOVED.

INSP	1/28/2004 8:05:00 AM	LAURA DEARMOND	5

21) CANS STILL ON S/W BLUE FORD PU RED T-BIRD ON FRONT YARD ISSUED C/N TO REMOVE VEH REMOVE CANS AFTER EVERY PU & REMOVE ANY PET WASTE (SPOKE TO JULIO) CB 2/6

INSP	1/27/2004 9:45:00 AM	LAURA DEARMOND	5

21) TRASH CANS ON ROW EMPTY TODAY TRASH DAY CB 1/28

Time in minuets: 137

City of Las Vegas

AGENDA SUMMARY PAGE

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT
DIRECTOR: ROBERT S. GENZER

PLANNING & DEVELOPMENT DEPARTMENT PM SESSION INDEX:

CONSENT AGENDA

EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW

91 **EOT-4778** - Applicant: Cantwell Anderson, Inc. – Owner: Cloudbreak Las Vegas, Limited Liability Company

EXTENSION OF TIME - VARIANCE RELATED TO EOT-4778

92 **EOT-4779** - Applicant: Cantwell Anderson, Inc. – Owner: Cloudbreak Las Vegas, Limited Liability Company

DISCUSSION/ACTION ITEMS

APPEAL OF DIRECTOR'S DECISION

93 **ABEYANCE ITEM - DIR-4797** - Applicant: Orion Outdoor Media – Owner: Lapour Grand Central, Limited Liability Company

REVIEW OF CONDITION - PUBLIC HEARING

94 **ABEYANCE ITEM - ROC-4709** - Applicant: Fletcher Jones Mercedes – Owner: Roman Catholic Bishop of Las Vegas

95 **ROC-4825** - Applicant/Owner: Royal Seal Investments, Inc.

SITE DEVELOPMENT PLAN REVIEW - PUBLIC HEARING

96 **SDR-4182** - Applicant: Tesa Partners I – Owner: Rancho Pines II, Limited Partnership

97 **SDR-4630** - Applicant: State of Nevada Public Works Board – Owner: State of Nevada Buildings and Grounds

98 **SDR-4639** - Applicant: Triple Five Development – Owner: Village Square, Limited Liability Company

99 **SDR-4820** - Applicant: Planet Nissan – Owner: Northwest Autoworld Ltd.

MASTER SIGN PLAN - PUBLIC HEARING

100 **ABEYANCE ITEM - MSP-4380** - Applicant: Vision Sign, Inc. – Owner: D 2801 Westwood, Inc.

MAJOR MODIFICATION - PUBLIC HEARING

101 **MOD-4484** - Applicant/Owner: Ritter Charitable Trust

102 **MOD-4615** - Applicant: Cooper Custom Homes – Owner: MB Holdings, Limited Liability Company

City of Las Vegas

PLANNING & DEVELOPMENT - Page Five
INDEX
City Council Meeting of August 18, 2004

REZONING RELATED TO GPA-4607 - PUBLIC HEARING

140 **ZON-4608** - Applicant: Help Las Vegas Housing Corporation II and City of Las Vegas – Owner: City of Las Vegas

GENERAL PLAN AMENDMENT - PUBLIC HEARING

141 **GPA-4634** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

REZONING RELATED TO GPA-4634 - PUBLIC HEARING

142 **ZON-4640** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

VARIANCE RELATED TO GPA-4634 AND ZON-4640 - PUBLIC HEARING

143 **VAR-4642** - Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

SITE DEVELOPMENT PLAN REVIEW RELATED TO GPA-4634, ZON-4640 AND VAR-4642 - PUBLIC HEARING

144 **SDR-4641--** -- Applicant: D.R. Horton, Inc. – Owner: Spring Mountain Ranch, Limited Liability Company

GENERAL PLAN AMENDMENT - PUBLIC HEARING

145 **GPA-4637** - Applicant/Owner SF Investments, Limited Liability Company

WAIVER RELATED TO GPA-4637 AND ZON-4644 - PUBLIC HEARING

146 **WVR-4767** - Applicant/Owner SF Investments, Limited Liability Company

REZONING RELATED TO GPA-4637 AND WVR-4767 - PUBLIC HEARING

147 **ZON-4644** - Applicant/Owner SF Investments, Limited Liability Company

City of Las Vegas

Agenda Item No. 91

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [X] CONSENT [ ] DISCUSSION

SUBJECT:
EXTENSION OF TIME - SITE DEVELOPMENT PLAN REVIEW - **EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY** - Request for an Extension of Time of an approved Site Development Plan Review [Z-0076-83(2)] FOR A SINGLE ROOM OCCUPANCY RESIDENCE on 1.58 acres at 525 East Bonanza Road (APN 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:
REESE – APPROVED Item 91 [EOT-4778] and Item 92 [EOT-4779] subject to conditions – UNANIMOUS

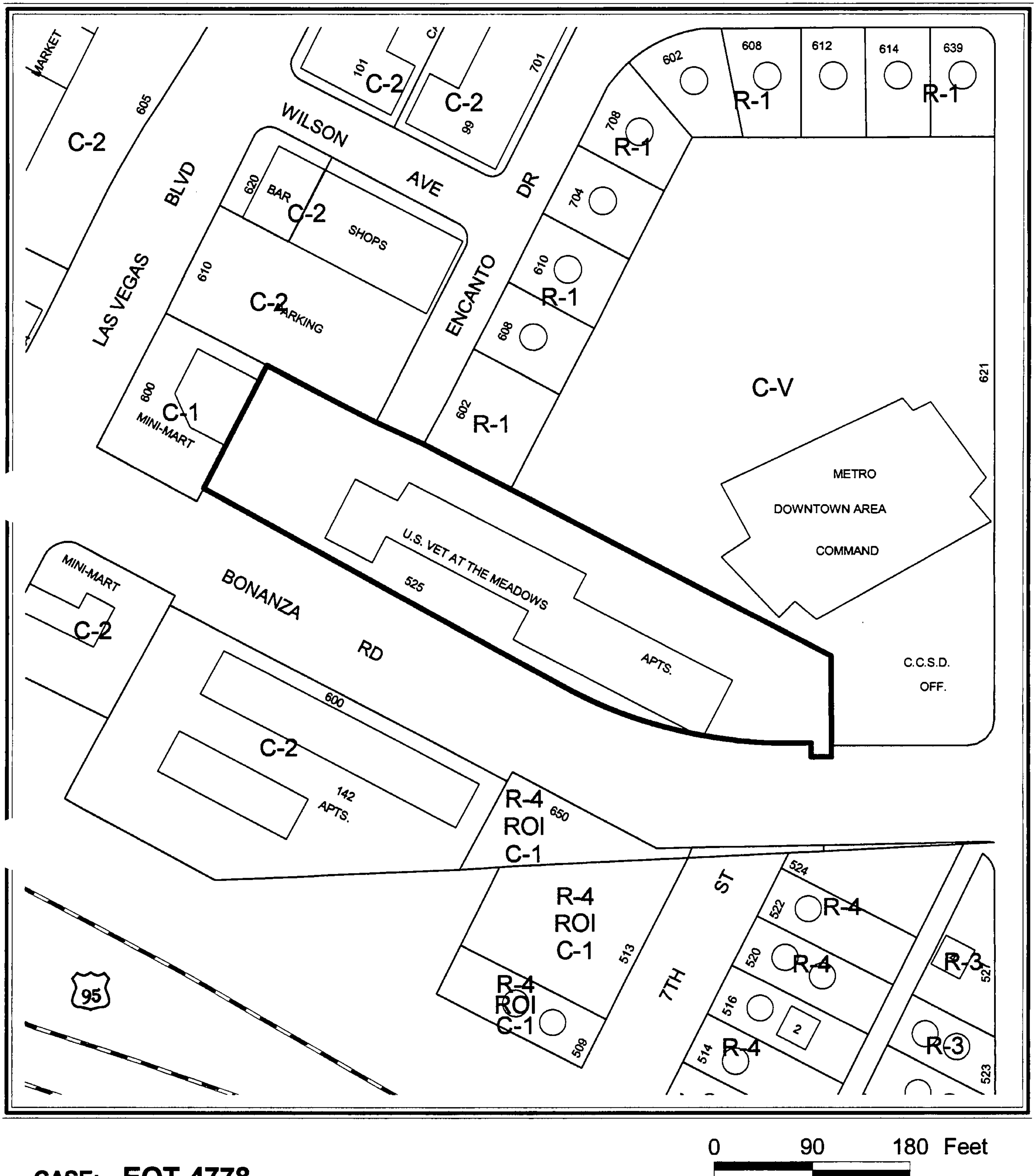
MINUTES:
There was no discussion.

(1:26 – 1:27)
3-722

CONDITIONS:
Planning and Development

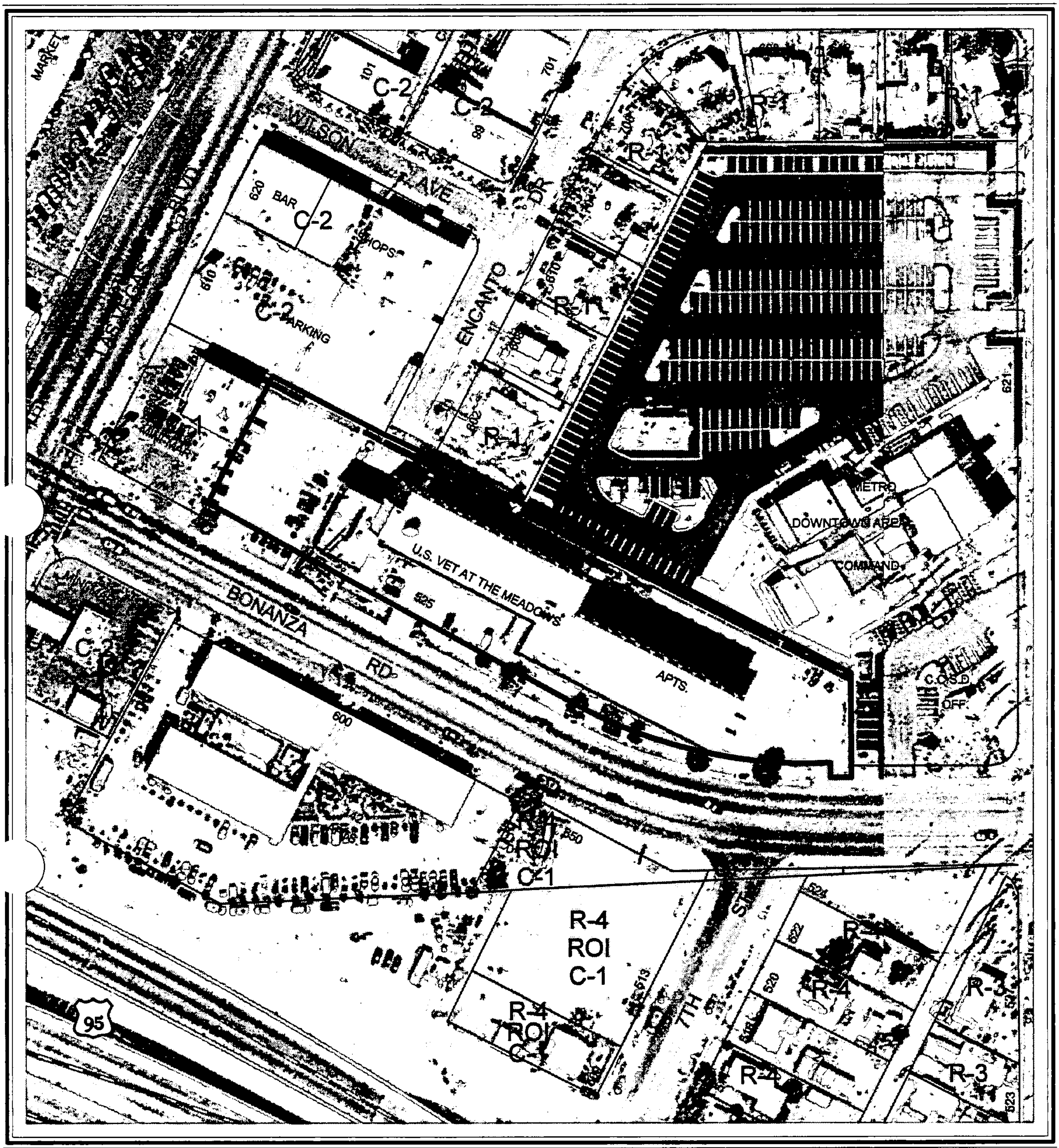
1. This Extension of Time shall expire on August 21, 2006 unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to the Conditions of Approval for Special Use Permit U-0077-02, Variance V-0042-02, Site Development Plan Review Z-0076-83(2) and Extension of Time EOT-4779.



CASE: **EOT-4778**

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)



0 90 180 Feet

CASE: EOT-4778

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY

** CONDITIONS **

Staff recommends APPROVAL, subject to:

Planning and Development

1. This Extension of Time shall expire on August 21, 2006 unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to the Conditions of Approval for Special Use Permit U-0077-02, Variance V-0042-02, Site Development Plan Review Z-0076-83(2) and Extension of Time EOT-4779.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for an Extension of Time of an approved Site Development Plan Review for a 216-unit single room occupancy residence at 525 East Bonanza Road.

B) Applicant's Justification

The applicant's letter indicates the extension is necessary in order to continue with renovation work. Additionally, negotiations with ground lessor have affected the financing. Once the renovation work has been completed and financing secured, the applicant will move forward with the addition.

BACKGROUND INFORMATION

A) Previous Actions

10/19/83	The City Council approved a Rezoning (Z-0076-83) to C-2 (General Commercial) on the subject site for a proposed hotel. The Planning Commission recommended approval on September 27, 1983.
08/21/02	The City Council approved a Special Use Permit (U-0077-02) and a Site Development Plan Review [Z-0076-83(2)] for a 216-unit single room occupancy residence, and a Variance (V-0042-02) to allow for reduced parking on this subject site. The Planning Commission and staff recommended approval on July 25, 2002.
10/01/03	The City Council approved an Extension of Time (EOT-2778) for the approved Variance (V-0042-02) to allow for a reduction in parking for the 216-unit single room occupancy residence on this site, with an expiration date of August 21, 2004. The Planning Commission and staff recommended approval on August 28, 2003.
08/18/04	The City Council will hear a related request for an Extension of Time (EOT-4779) for the approved Variance (V-0042-02) to allow for a reduction in parking for the 216-unit single room occupancy residence on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for this request.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres:	1.58

B) Existing Land Use

Subject Property:	Commercial Building
North:	Parking Lot, Police station
South:	Apartments
East:	Police station
West:	Convenience Store

C) Planned Land Use

Subject Property:	MXU (Mixed Use)
North:	PF (Public Facility) and MXU (Mixed Use)
South:	MXU (Mixed Use)
East:	PF (Public Facility)
West:	MXU (Mixed Use)

D) Existing Zoning

Subject Property:	C-2 (General Commercial)
North:	C-V (Civic), R-1 (Single-Family Residential) and C-2 (General Commercial)
South:	C-2 (General Commercial), and R-4 (High Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
East:	C-V (Civic)
West:	C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Used) on the Redevelopment Plan Area Map of the General Plan. The proposed single room occupancy residence is in compliance with the MXU (Mixed Use) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Downtown North	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located in the Redevelopment Plan and Downtown North Plan areas. The site is designated as MXU (Mixed Use) by the redevelopment Plan and the proposed single room occupancy residence is allowed in this designation. There were no changes to this designation as a result of the Downtown North plan.

PROJECT DESCRIPTION

The approved site plan depicts the 216-unit single room occupancy residence includes a proposed addition will occupy the west side of the site leaving the building setback approximately 13 feet from the west property line. An approximately 250 square foot recreation area including a swimming pool is located centrally on the south side of the property. Parking is depicted underneath and surrounding the structure, and a six-foot high masonry wall borders the entire property.

ANALYSIS

A) Zoning Code Compliance

A1) Development Standards

The approved site conforms to the standards set forth in Tile 19 with the implementation of the Conditions of Approval for the original Site Development Plan Review.

A2) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	**Units**	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Single Room Occupancy Residence *(Multi-family and Condominium Development, Studio and one bedroom)*	216	One and one-quarter space per unit, plus one guest space for every six units	306	See below	159*	
Handicap breakdown			298	8	153	6

The approved Variance request allowed 159 parking spaces where a total of 306 spaces are require.

B) General Analysis and Discussion

- Site Plan

The approved site plan depicts a 216-unit single room occupancy residence that with the implementation of the Conditions of Approval of Z-0076-83(2) remains appropriate at this location and is compatible with the existing development in the surrounding area. The subject Site Development Plan Review remains appropriate for this development and it is recommended it be extended for two more years

The applicant has not been able to move forward with the addition to the building and no permits have been submitted. Once renovation work has been completed and financing secured, the applicant will move forward with the addition.

FINDINGS

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **"The proposed development is compatible with adjacent development and development in the area;"**

   The approved 216-unit single room occupancy residence remains compatible with the development in the surrounding area.

2. **"The proposed development is consistent with the General Plan, Title 19, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted City Plans, policies and Standards;"**

   The proposed 216-unit single room occupancy residence will be consistent with the General Plan, Title 19, The Design Standards Manual, and other applicable design standards with the implementation of the approved conditions.

3. **"Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;"**

   The street network adjacent to the subject site will have adequate capacity to accommodate traffic generated by the proposed development.

4. **"Building and landscape materials are appropriate for the areas and for the City;"**

   The proposed project will incorporate appropriate building elevations and materials for the area. The proposed landscape materials will also be appropriate for the area.

5. **"Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;"**

The building elevations are typical of single-family developments and will be compatible with other single-family subdivisions in the area.

6. **"Appropriate measures are taken to secure and protect the public health, safety and general welfare."**

The proposed development will be subject to the Uniform Building Code, and therefore the development will not compromise the public health, safety or welfare.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: EOT-4778 ~~Z-0076-83(2)~~ APN: 139-27-805-003

Name of Property Owner: Cloudbreak Las Vegas, LLC

Name of Applicant: Cantwell-Anderson, Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

_____ Yes   x No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____ _____

APN: _____

Signature of Property Owner/Authorized Agent: [signature]

Print Name: Randall A. Bishop

Subscribed and sworn before me

This 30th day of June, 2004

[signature]

Notary Public in and ~~for said~~ County and State

KYLE C. NORDBERG
COMMISSION 1492252
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires May 27, 2008

PROJECT DATA

LEGAL DESCRIPTION

SITE AREA:

EXISTING:	82,752 SF
PROP'D ADDITION:	8,981 SF
TOTAL:	91,733 SF (2.10 AC)

BUILDING AREA / #ROOMS:

	EXISTING	PROPOSED ADDITION	TOTAL
GROUND:	3,975SF/0	4,794 SF/0	8,779SF/0
FIRST:	23,514SF/50 ROOMS	6,433SF/22 ROOMS	29,947SF/72 ROOMS
SECOND:	21,537SF/50 ROOMS	6,433SF/22 ROOMS	27,970SF/72 ROOMS
THIRD:	21,537SF/50 ROOMS	6,433SF/22 ROOMS	27,970SF/72 ROOMS
TOTALS:	70,573SF/150 ROOMS	24,093SF/66 ROOMS	94,186SF/216 ROOMS

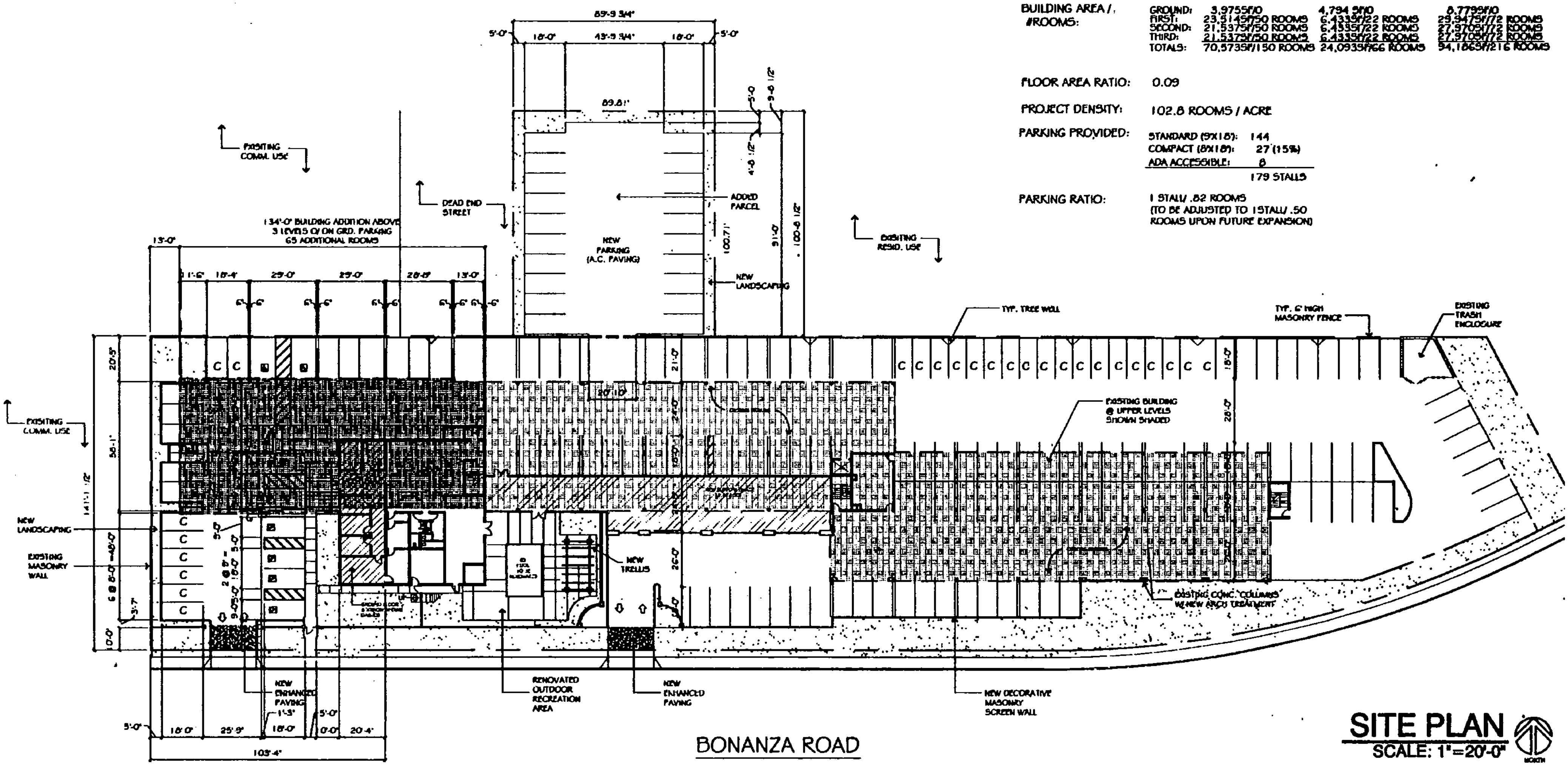
FLOOR AREA RATIO: 0.09

PROJECT DENSITY: 102.8 ROOMS / ACRE

PARKING PROVIDED:

STANDARD (9X18'):	144
COMPACT (8X18'):	27 (15%)
ADA ACCESSIBLE:	8
	179 STALLS

PARKING RATIO: 1 STALL/ .82 ROOMS (TO BE ADJUSTED TO 1 STALL/ .50 ROOMS UPON FUTURE EXPANSION)

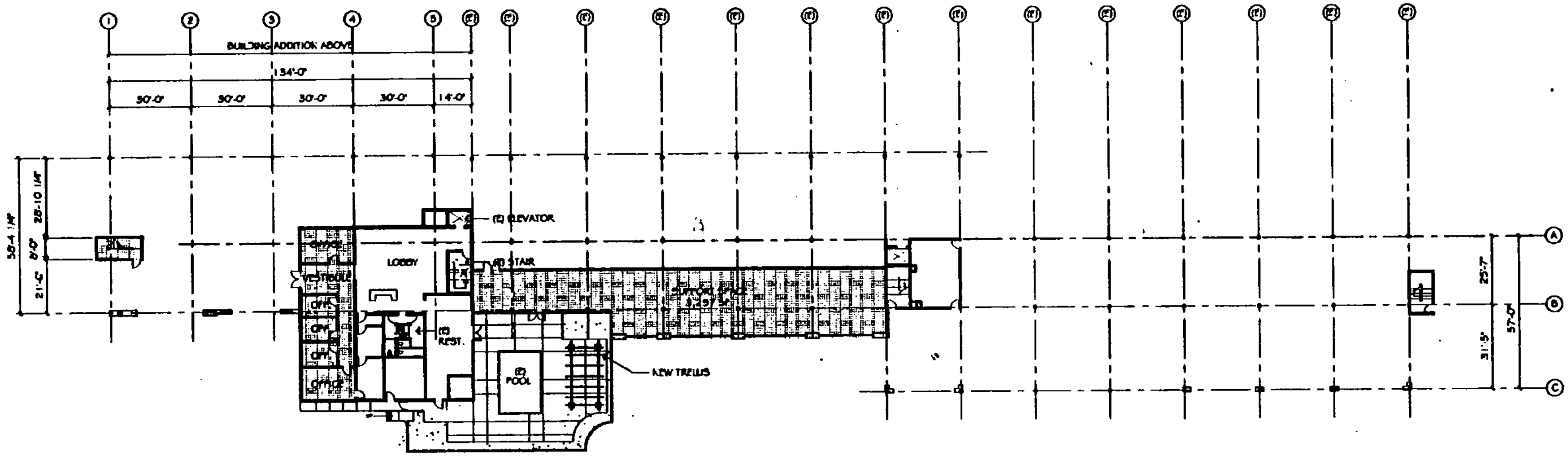


SITE PLAN
SCALE: 1"=20'-0"

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA

EOT-4778
8-18-04 CC



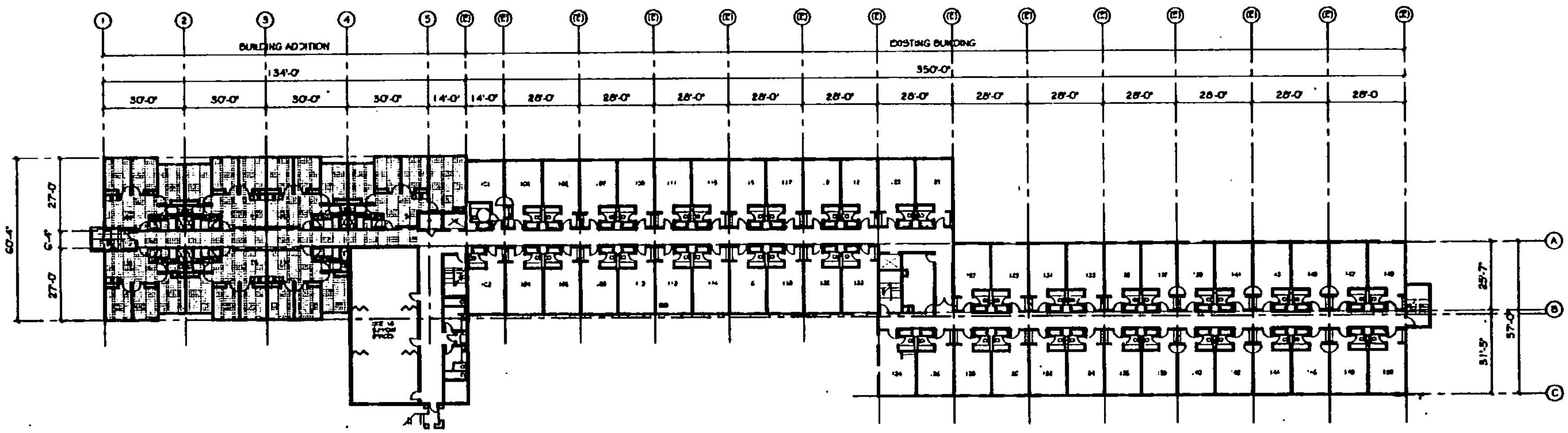
EOT-4778
8-18-04 CC

EXISTING FLOOR AREA: 3,985 SF
PROPOSED ADDITION: 4,794 SF
TOTAL FLOOR AREA: 8,779 SF

GROUND
SCALE: 1" = 20'-0"

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



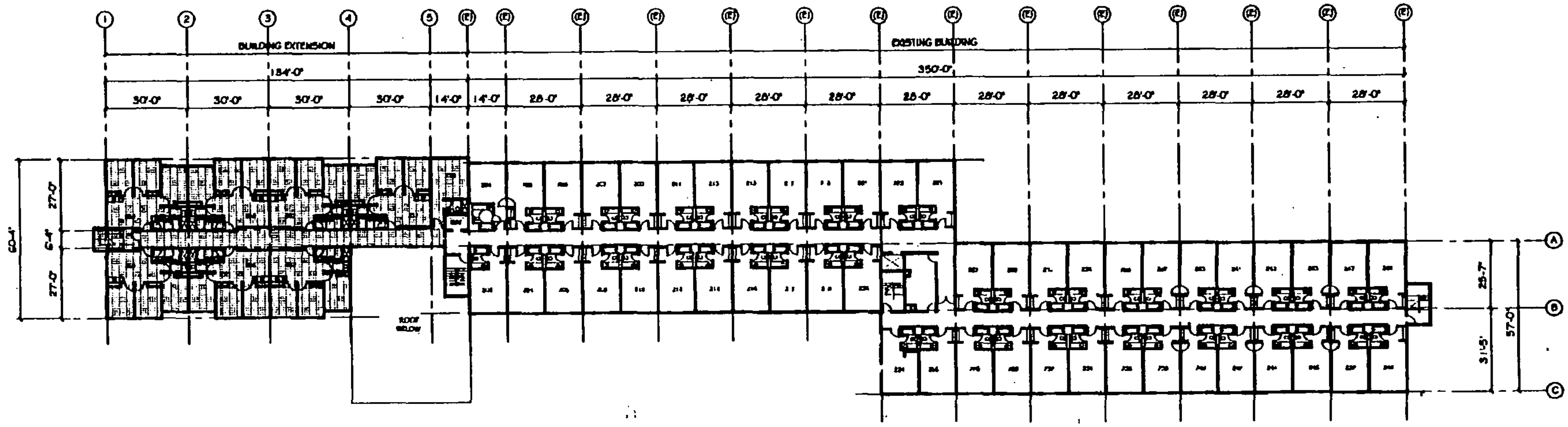
EXISTING FLOOR AREA:	23,514 SF/50 ROOMS
PROPOSED ADDITION:	6,433 SF/22 ROOMS
TOTAL FLOOR AREA:	29,977 SF/72 ROOMS

FIRST FLOOR
SCALE: 1"=50'-0"

EOT-4778
8-18-04 CC

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



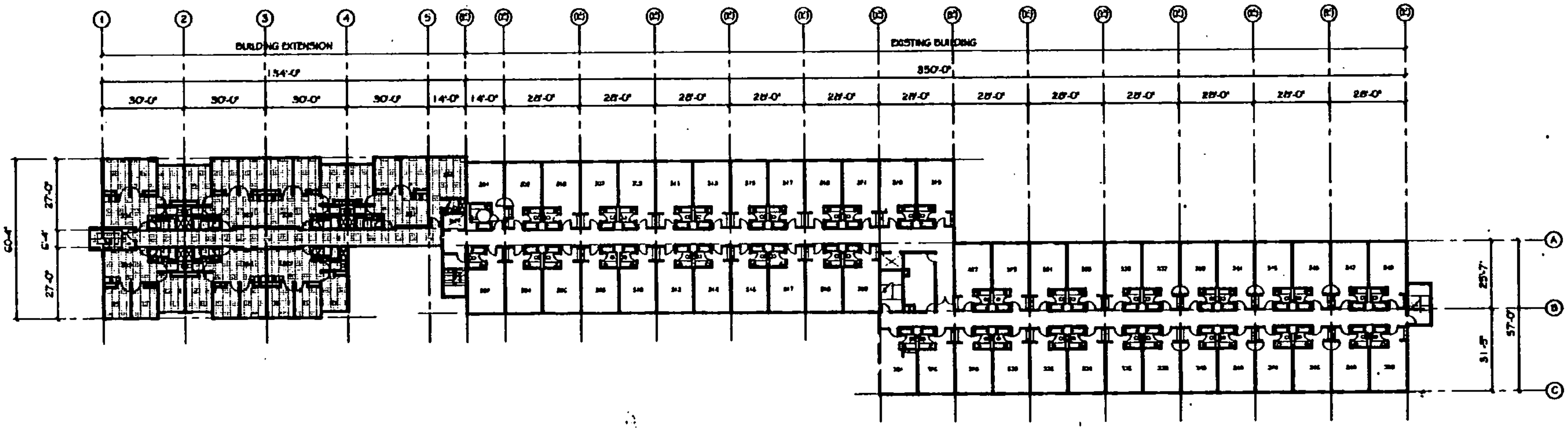
EXISTING FLOOR AREA:	21,537 SF/50 ROOMS
PROPOSED ADDITION:	6,433 SF/22 ROOMS
TOTAL FLOOR AREA:	27,970 SF/72 ROOMS

SECOND FLOOR

EOT-4778
8-18-04 CC

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



EXISTING FLOOR AREA:	21,537 SF/50 ROOMS
PROPOSED ADDITION:	6,433 SF/22 ROOMS
TOTAL FLOOR AREA:	27,970 SF/72 ROOMS

THIRD FLOOR

EOT-4778

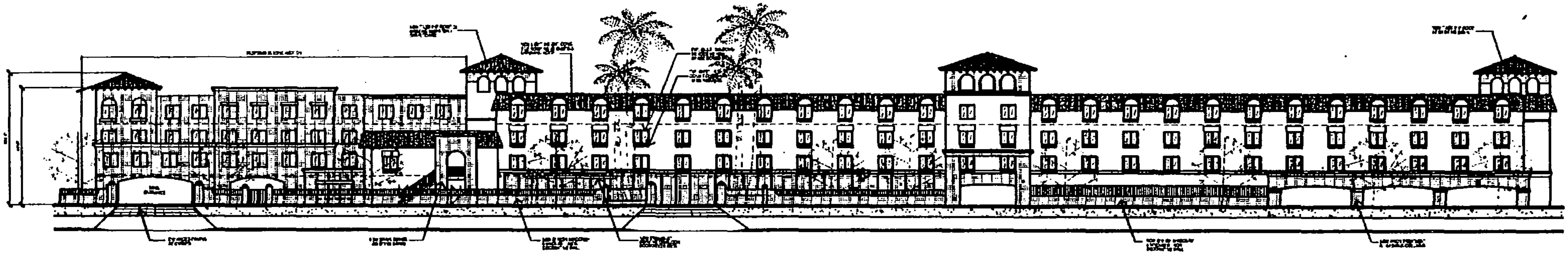
8-18-04 CC

SUAREZ ARCHITECTS

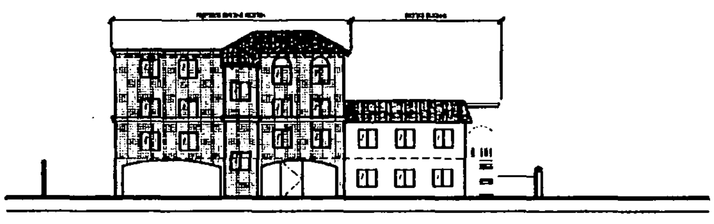
LAS VEGAS RESIDENCE HALL

LAS VEGAS, NEVADA

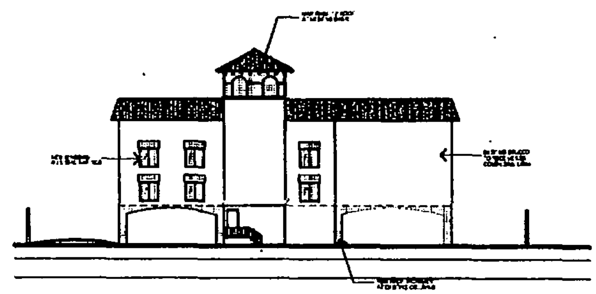
EOT-4778
8-18-04 CC



BONANZA AVE. ELEVATION
SCALE: 1/16" = 1'-0"



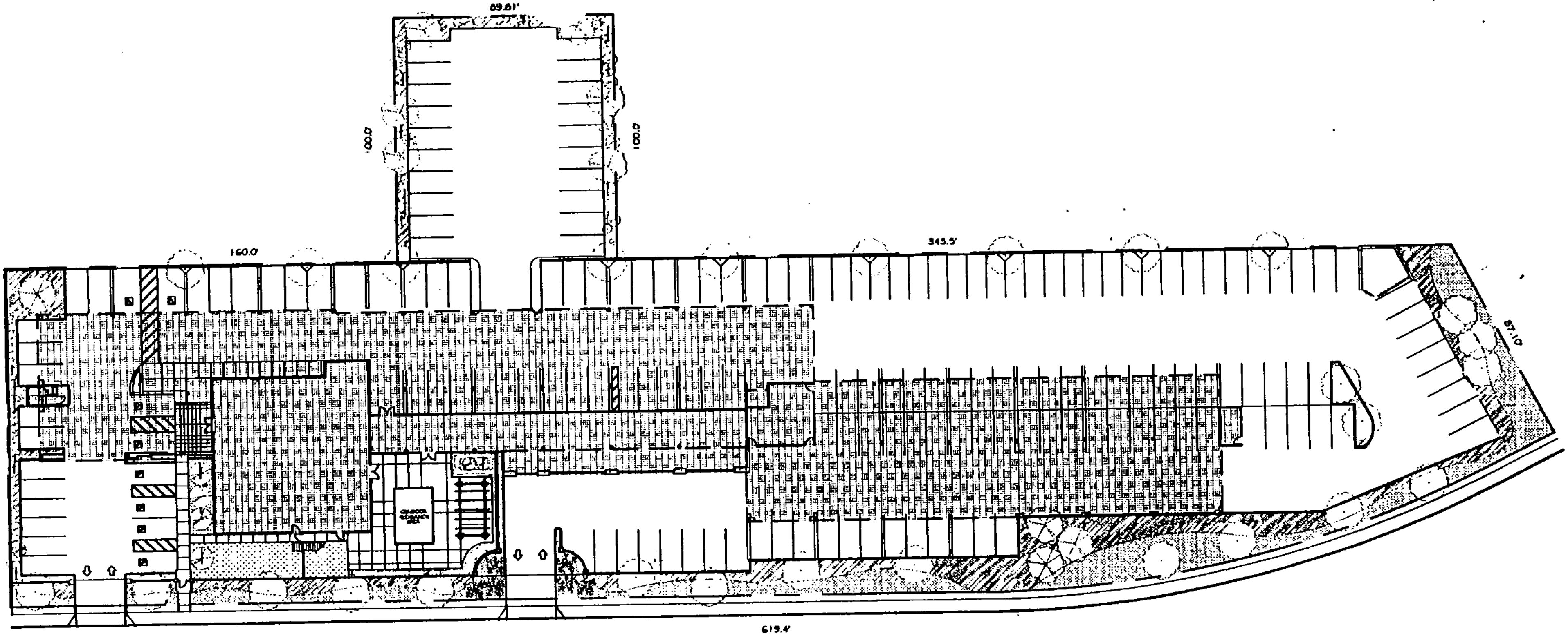
WEST-SIDE ELEVATION
SCALE: 1/16" = 1'-0"

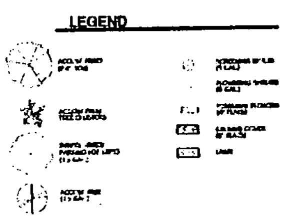


EAST-SIDE ELEVATION
SCALE: 1/16" = 1'-0"

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



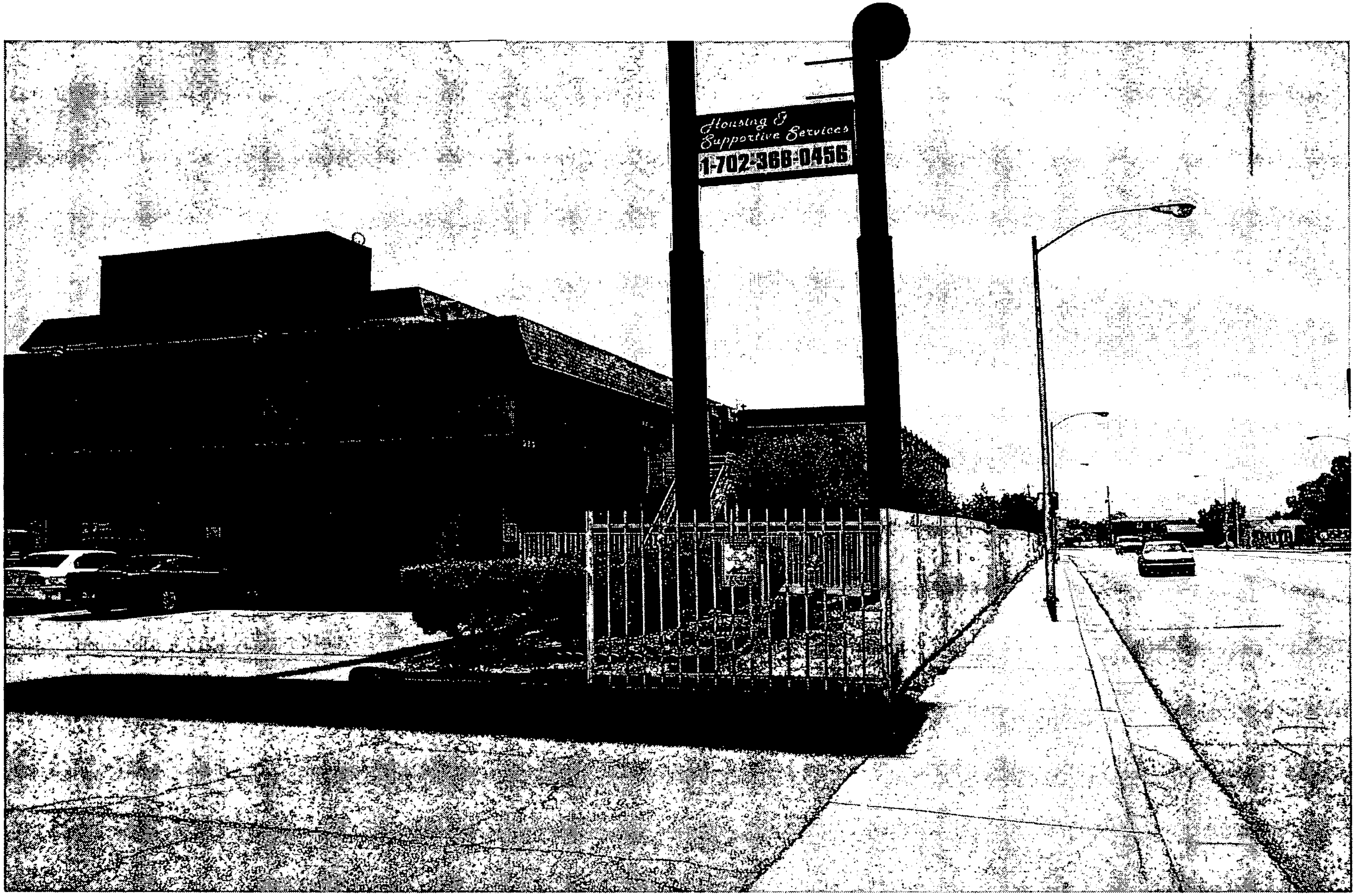


EOT-4778
8-18-04 CC

LANDSCAPE PLAN
SCALE: 1"=60'-0"

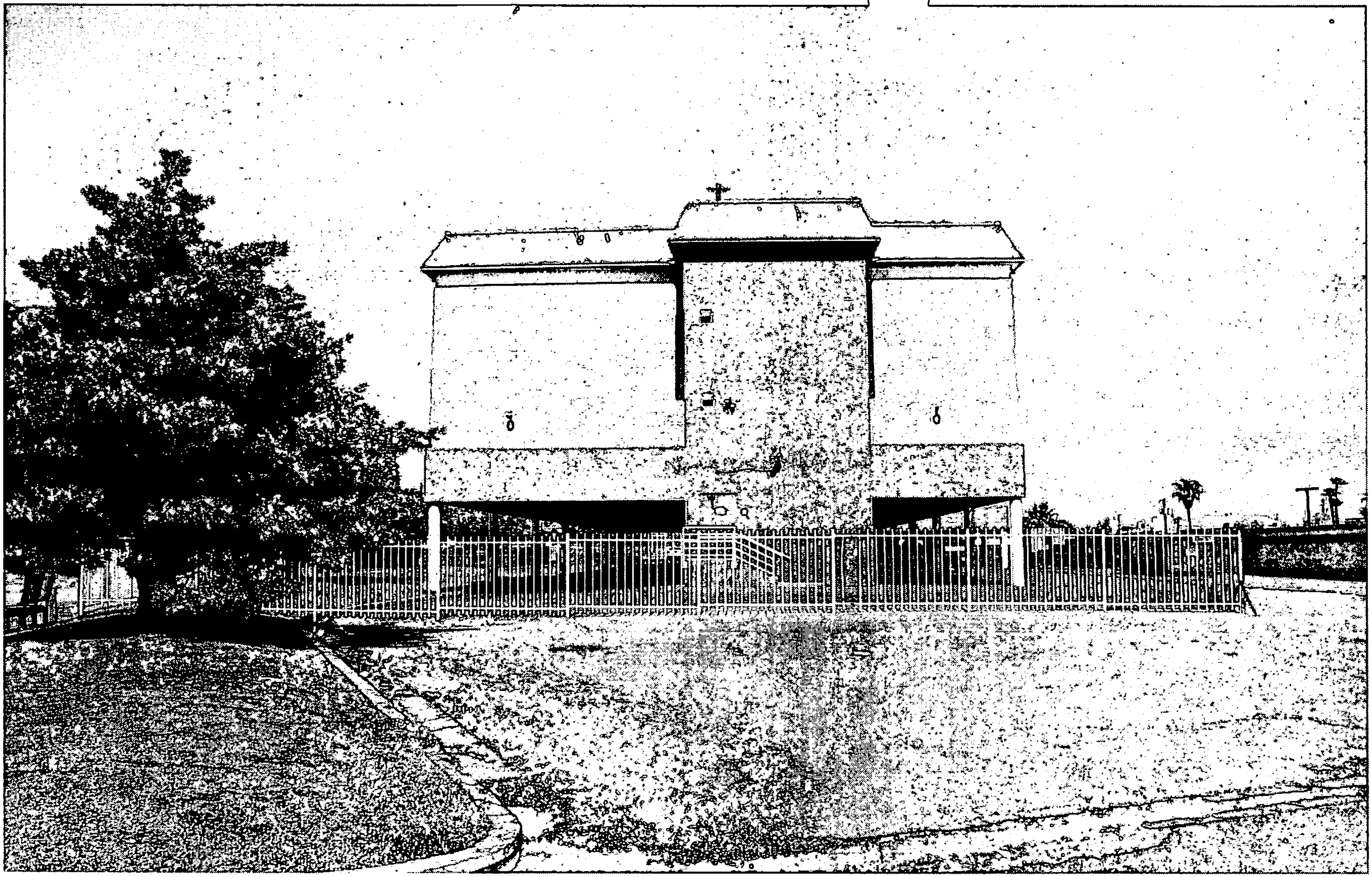
SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04



EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04

EOT-4778 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04

City of Las Vegas

Agenda Item No. 92

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER [X] CONSENT [ ] DISCUSSION

SUBJECT:

EXTENSION OF TIME - VARIANCE RELATED TO EOT-4778 - **EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY** - Request for an Extension of Time of an approved Variance (V-0042-02) WHICH ALLOWED 159 PARKING SPACES WHERE 306 PARKING SPACES ARE THE MINIMUM REQUIRED FOR A PROPOSED SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road (APN 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends APPROVAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:

Staff recommends APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:

REESE – APPROVED Item 91 [EOT-4778] and Item 92 [EOT-4779] subject to conditions – UNANIMOUS

MINUTES:

There was no discussion.

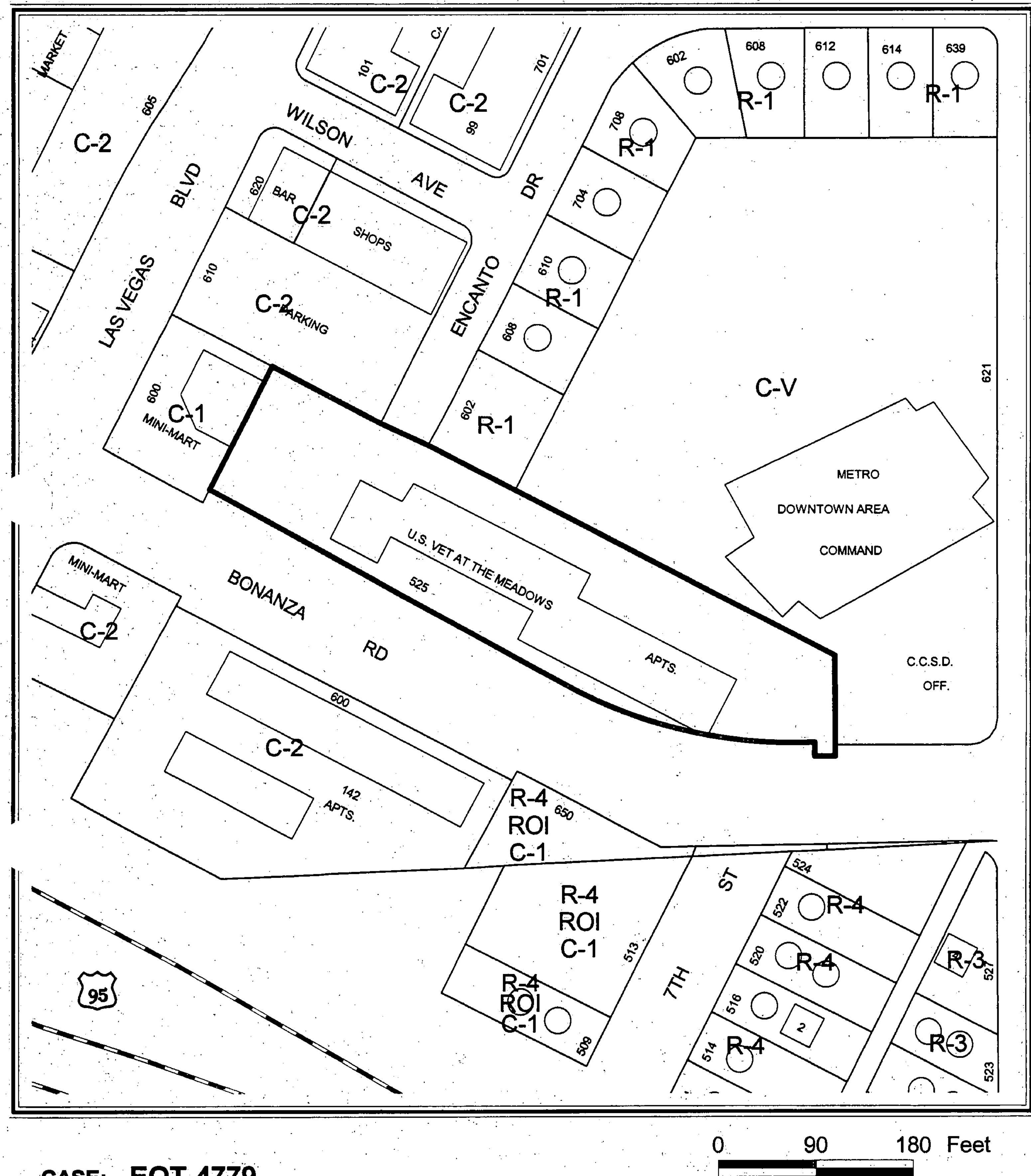
(1:26 – 1:27)
3-722

CONDITIONS:

Planning and Development

1. This Extension of Time shall expire on August 21, 2006 unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to the Conditions of Approval for Special Use Permit U-0077-02, Variance V-0042-02, Site Development Plan Review Z-0076-83(2) and Extension of Time EOT-4778.



CASE: EOT-4779

ZONING OF SUBJECT PROPERTY: C-2 (GENERAL COMMERCIAL)

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY

** CONDITIONS **

STAFF RECOMMENDATION: **APPROVAL,** subject to:

Planning and Development

1. This Extension of Time shall expire on August 21, 2006 unless it is exercised or an Extension of Time is granted by the City Council.

2. Conformance to the Conditions of Approval for Special Use Permit U-0077-02, Variance V-0042-02, Site Development Plan Review Z-0076-83(2) and Extension of Time EOT-4778.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This request is for an Extension of Time of an approved Variance allow 159 parking spaces where 306 parking spaces are the minimum required for a proposed single room occupancy residence at 525 East Bonanza Road.

B) Applicant's Justification

The applicant's letter indicates the extension is necessary in order to continue with renovation work. Additionally, negotiations with ground lessor have affected the financing. Once the renovation work has been completed and financing secured, the applicant will move forward with the addition.

BACKGROUND INFORMATION

A) Previous Actions

10/19/83	The City Council approved a Rezoning (Z-0076-83) to C-2 (General Commercial) on the subject site for a proposed hotel. The Planning Commission recommended approval on September 27, 1983.
08/21/02	The City Council approved a Special Use Permit (U-0077-02) and a Site Development Plan Review [Z-0076-83(2)] for a 216-unit single room occupancy residence, and a Variance (V-0042-02) to allow for reduced parking on this subject site. The Planning Commission and staff recommended approval on July 25, 2002.
10/01/03	The City Council approved an Extension of Time (EOT-2778) for the approved Variance (V-0042-02) to allow for a reduction in parking for the 216-unit single room occupancy residence on this site, with an expiration date of August 21, 2004. The Planning Commission and staff recommended approval on August 28, 2003.
08/18/04	The City Council will hear a related request for an Extension of Time (EOT-4778) for the approved Site Development Plan Review [Z-0076-83(1)] for the 216-unit single room occupancy residence on this site.

B) Pre-Application Meeting

A pre-application meeting is not required for this request.

C) Neighborhood Meetings

A neighborhood meeting is not required for this request.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres:	1.58

B) Existing Land Use

Subject Property:	Commercial Building
North:	Parking Lot, Police station
South:	Apartments
East:	Police station
West:	Convenience Store

C) Planned Land Use

Subject Property:	MXU (Mixed Use)
North:	PF (Public Facility) and MXU (Mixed Use)
South:	MXU (Mixed Use)
East:	PF (Public Facility)
West:	MXU (Mixed Use)

D) Existing Zoning

Subject Property:	C-2 (General Commercial)
North:	C-V (Civic), R-1 (Single-Family Residential) and C-2 (General Commercial)
South:	C-2 (General Commercial), and R-4 (High Density Residential) under Resolution of Intent to C-1 (Limited Commercial)
East:	C-V (Civic)
West:	C-1 (Limited Commercial)

E) General Plan Compliance

The subject site is located on the Southeast Sector Map of the General Plan. The site is designated as MXU (Mixed Used) on the Redevelopment Plan Area Map of the General Plan. The proposed single room occupancy residence is in compliance with the MXU (Mixed Use) designation.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan	X	
Downtown North	X	
Redevelopment Plan Area	X	
Special Overlay District		X
Trails		X
Study Area		X
Rural Preservation Neighborhood		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

This site is located in the Redevelopment Plan and Downtown North Plan areas. The site is designated as MXU (Mixed Use) by the redevelopment Plan and the proposed single room occupancy residence is allowed in this designation. There were no changes to this designation as a result of the Downtown North plan.

A) Zoning Code Compliance

A1) Parking and Traffic Standards

Pursuant to Title 19.10, the following Parking Standards apply to the subject proposal:

Uses	Units	Ratio	**Required** Parking		**Provided** Parking	
			Regular	Handicap	Regular	Handicap
Single Room Occupancy Residence *(Multi-family and Condominium Development, Studio and one bedroom)*	216	One and one-quarter space per unit, plus one guest space for every six units	306	See below	159*	
Handicap breakdown			298	8	153	6

The original Variance request allowed 159 parking spaces where a total of 306 spaces are require.

B) General Analysis and Discussion

The proposed ingle room occupancy residence use approved for this site is required to provide parking based on a formula used for a typical high density residential development, because a separate parking requirement does not exist for a use of this type. Since the single room occupancy residence use differs in its operation from a typical high density multi-family development, the strict application of the zoning code would result in an exceptional and undue hardship on the property owner. The subject Variance remains appropriate for this development and it is recommended it be extended for two more years.

It should be noted a revised site plan was submitted with this Extension of Time request that depicts additional parking will be provided on an R-1 (Single Family Residence) zoned property to the north of this site. In order to use this R-1 site for parking, all appropriate land use applications must be approved prior to its development as a parking lot. Therefore, the additional parking shown on the site plan cannot be considered at this time.

FINDINGS

In accordance with the provisions of Title 19.18.070(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.18.070L states:

> "Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

Although, no evidence of a unique or extraordinary circumstance has been presented, in relation to the parcel itself, the Single Room Occupancy Residence proposed for this site is being held to a parking standard intended for typical high density residential development rather than the actual use on the subject site. Therefore, the strict application of the zoning code would result in an exceptional and undue hardship on the property owner.

The applicant has not been able to move forward with the addition to the building that generated the need for this Variance. No permits have been submitted for the proposed addition to date. Once renovation work has been completed and financing secured, the applicant will move forward with the addition.

NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT

DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ~~V-0042-02~~ EOT-4779 APN: 139-27-805-003

Name of Property Owner: Cloudbreak Las Vegas, LLC

Name of Applicant: Cantwell-Anderson, Inc.

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

______ Yes ___x___ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: __________

Partner(s): __________ __________

APN: __________

Signature of Property Owner/Authorized Agent: __________

Print Name: Randall A. Bishop

Subscribed and sworn before me

This 30TH day of June, 2004

Notary Public in and for said County and State

KYLE C. NORDBERG
COMMISSION 1492252
NOTARY PUBLIC-CALIFORNIA
LOS ANGELES COUNTY
My Comm. Expires May 27, 2008

Revised 2/12/02

f:\depot\Application Packet\Statement of Financial Interest.doc

PROJECT DATA

LEGAL DESCRIPTION

SITE AREA:

EXISTING:	82,752 SF
PROP'D ADDITION:	8,981 SF
TOTAL:	91,733 SF (2.10 AC)

BUILDING AREA / #ROOMS:

	EXISTING	PROPOSED ADDITION	TOTAL
GROUND:	3,975SF/0	4,794 SF/0	8,779SF/0
FIRST:	25,514SF/50 ROOMS	6,433SF/22 ROOMS	29,947SF/72 ROOMS
SECOND:	21,537SF/50 ROOMS	6,433SF/22 ROOMS	27,970SF/72 ROOMS
THIRD:	21,537SF/50 ROOMS	6,433SF/22 ROOMS	27,970SF/72 ROOMS
TOTALS:	70,573SF/150 ROOMS	24,093SF/66 ROOMS	94,186SF/216 ROOMS

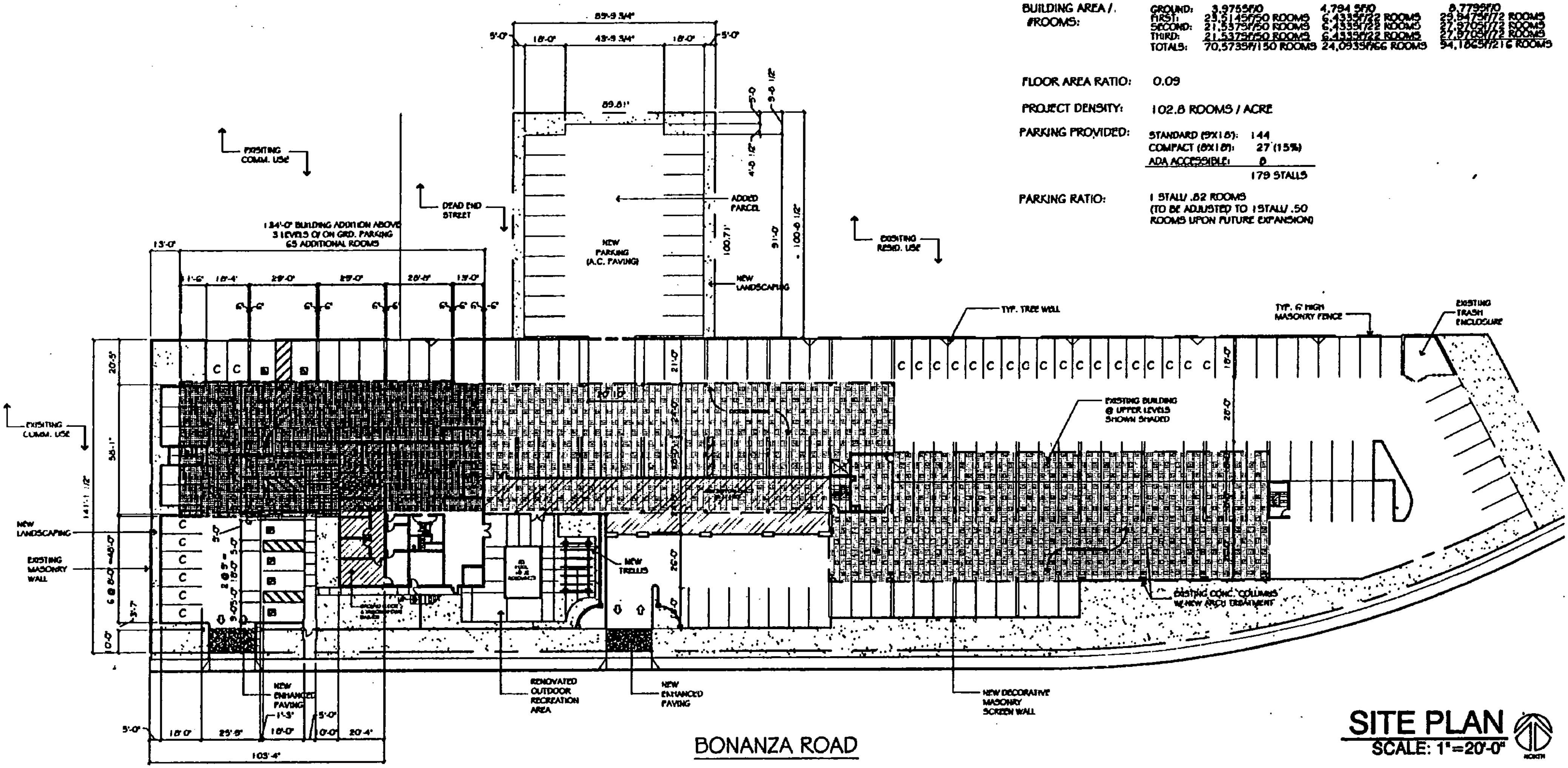
FLOOR AREA RATIO: 0.09

PROJECT DENSITY: 102.8 ROOMS / ACRE

PARKING PROVIDED:

STANDARD (9X18):	144
COMPACT (8X18):	27 (15%)
ADA ACCESSIBLE:	8
	179 STALLS

PARKING RATIO: 1 STALL/ .82 ROOMS (TO BE ADJUSTED TO 1 STALL/ .50 ROOMS UPON FUTURE EXPANSION)



SITE PLAN

SCALE: 1"=20'-0"

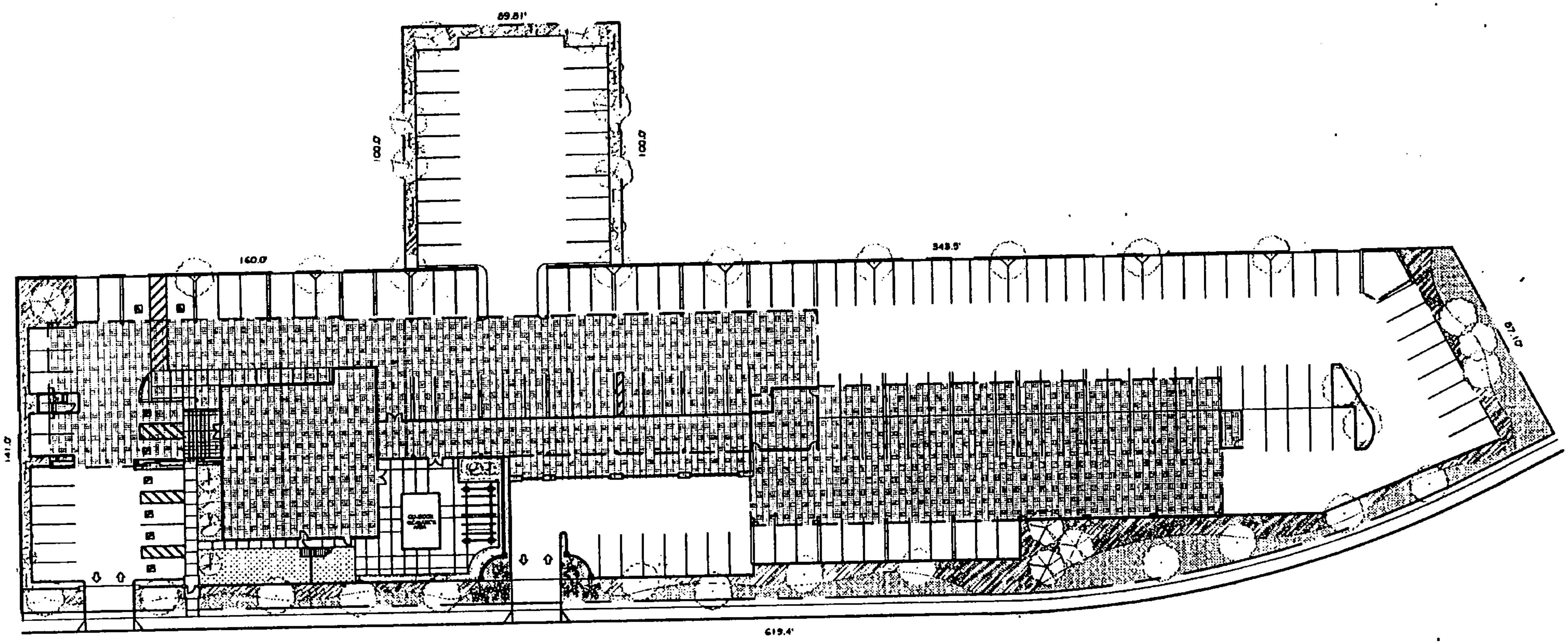
SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL

LAS VEGAS, NEVADA

EOT-4779

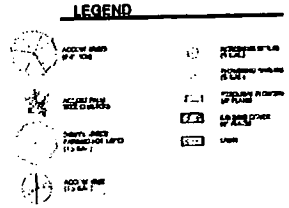
8-18-04 CC



EOT-4779

8-18-04 CC

LEGEND



LANDSCAPE PLAN

SCALE: 1"=60'-0"

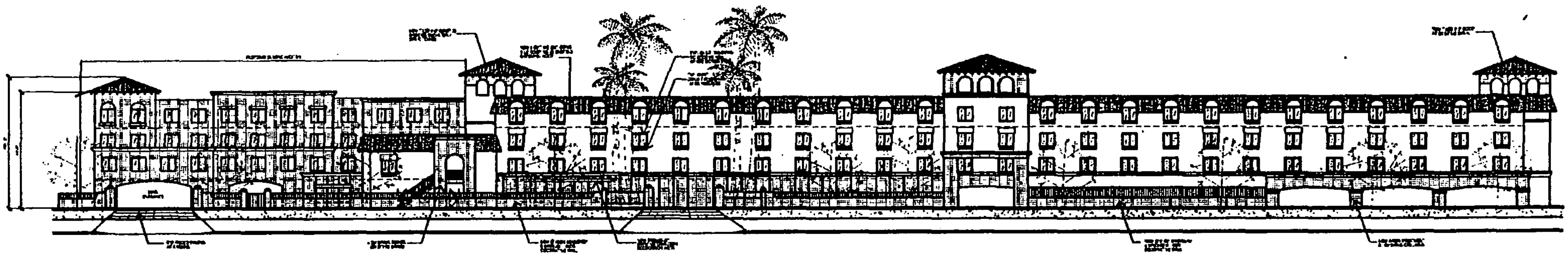
SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL

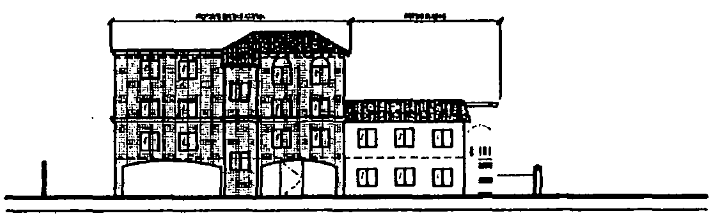
LAS VEGAS, NEVADA

EOT-4779

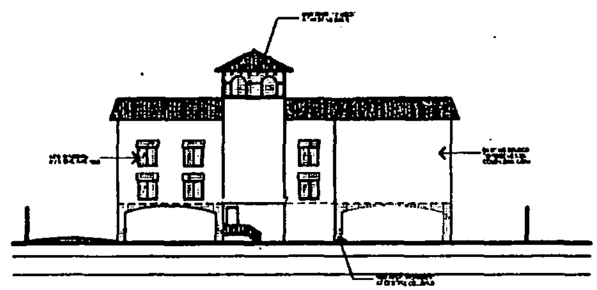
8-18-04 CC



BONANZA AVE. ELEVATION
SCALE: 1/16" = 1'-0"



WEST-SIDE ELEVATION
SCALE: 1/16" = 1'-0"

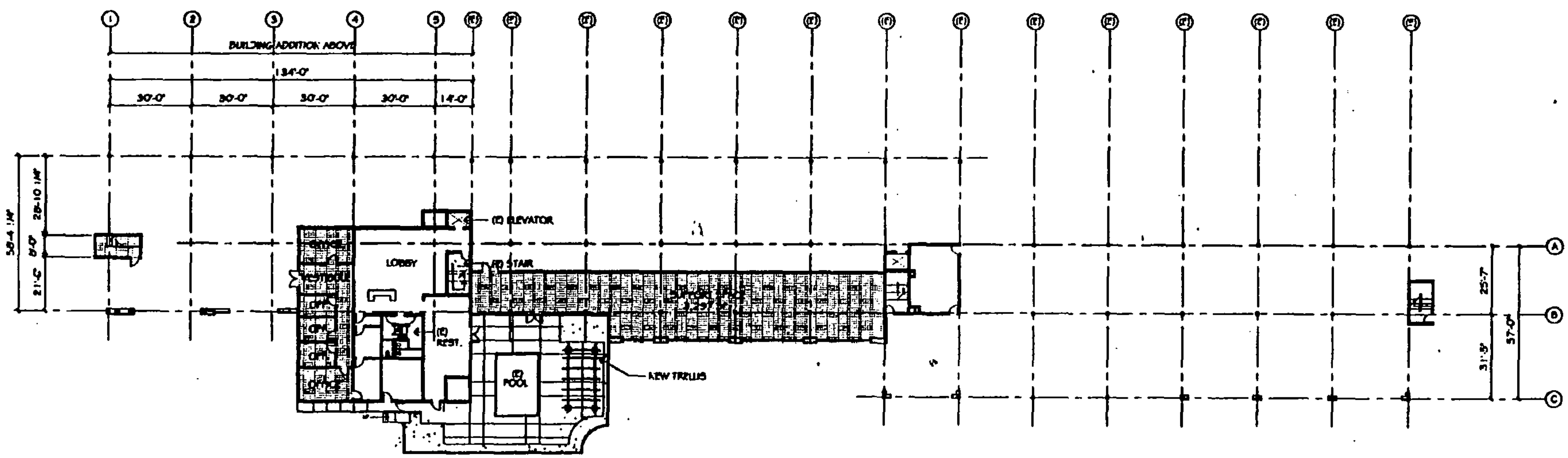


EAST-SIDE ELEVATION
SCALE: 1/16" = 1'-0"

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL

LAS VEGAS, NEVADA



EOT-4779

8-18-04 CC

EXISTING FLOOR AREA:	3,985 SF
PROPOSED ADDITION:	4,794 SF
TOTAL FLOOR AREA:	8,779 SF

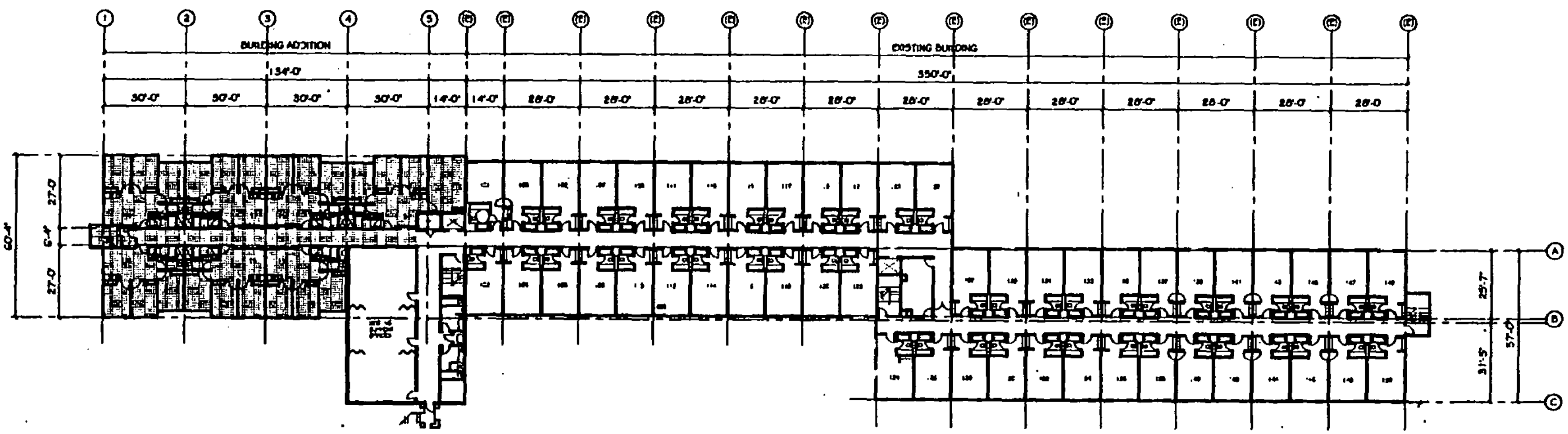
GROUND

SCALE: 1"=20'-0"

SUAREZ
RCHITECTS

LAS VEGAS RESIDENCE HALL

LAS VEGAS, NEVADA



EXISTING FLOOR AREA: 23,514 SF/50 ROOMS
PROPOSED ADDITION: 6,433 SF/22 ROOMS
TOTAL FLOOR AREA: 29,977 SF/72 ROOMS

FIRST FLOOR

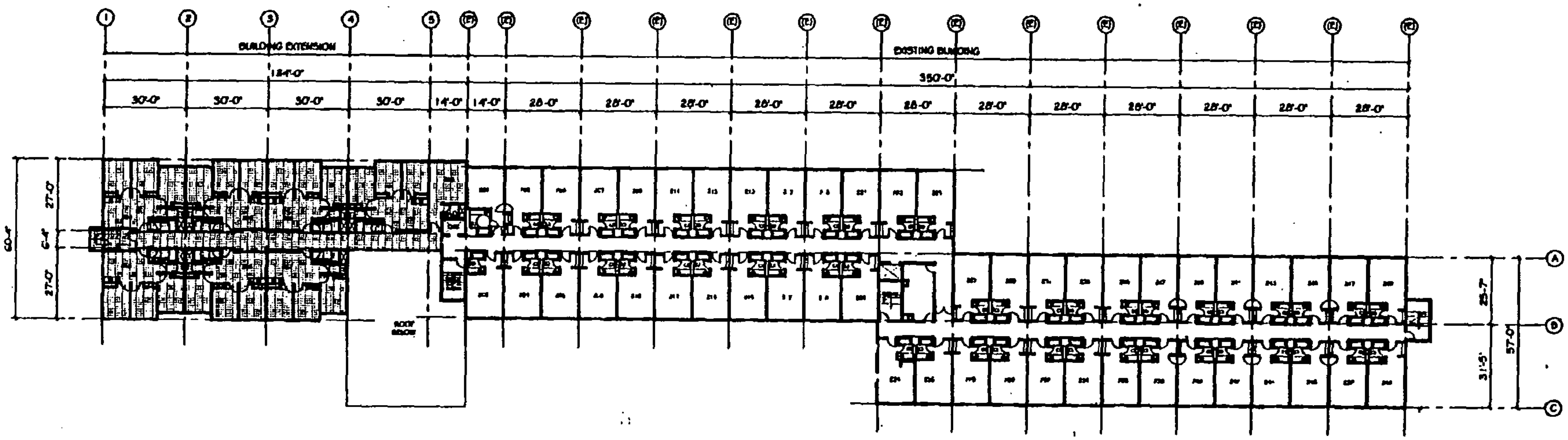
EOT-4779

8-18-04 CC

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL

LAS VEGAS, NEVADA



EXISTING FLOOR AREA:	21,537 SF/50 ROOMS
PROPOSED ADDITION:	6,433 SF/22 ROOMS
TOTAL FLOOR AREA:	27,970 SF/72 ROOMS

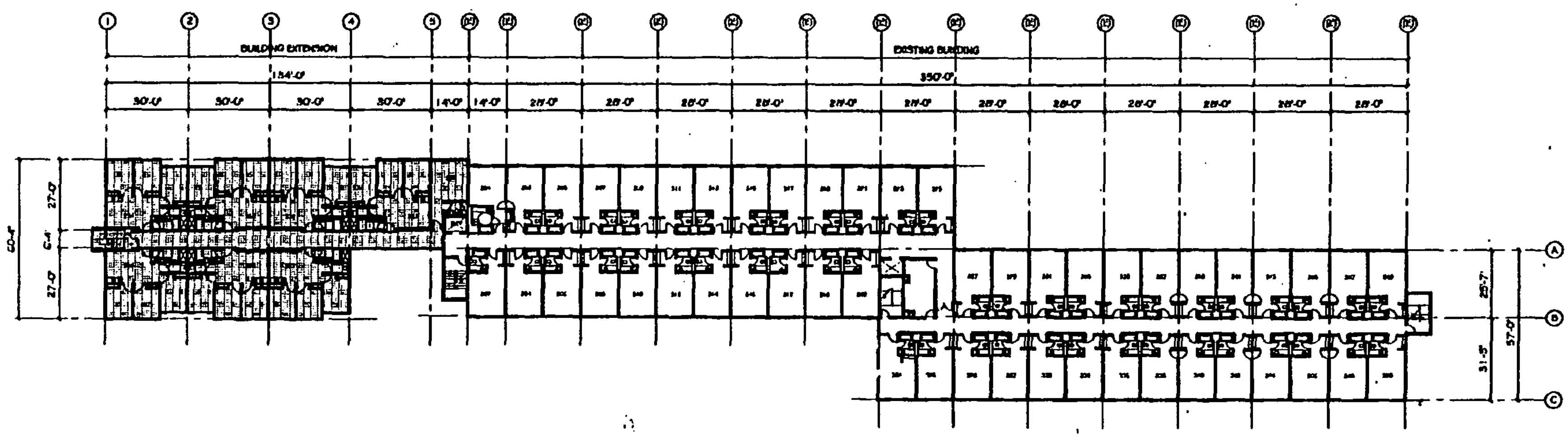
SECOND FLOOR
SCALE: 1"=20'-0"

EOT-4779

8-18-04 CC

SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



EXISTING FLOOR AREA:	21,537 SF/50 ROOMS
PROPOSED ADDITION:	6,433 SF/22 ROOMS
TOTAL FLOOR AREA:	27,970 SF/72 ROOMS

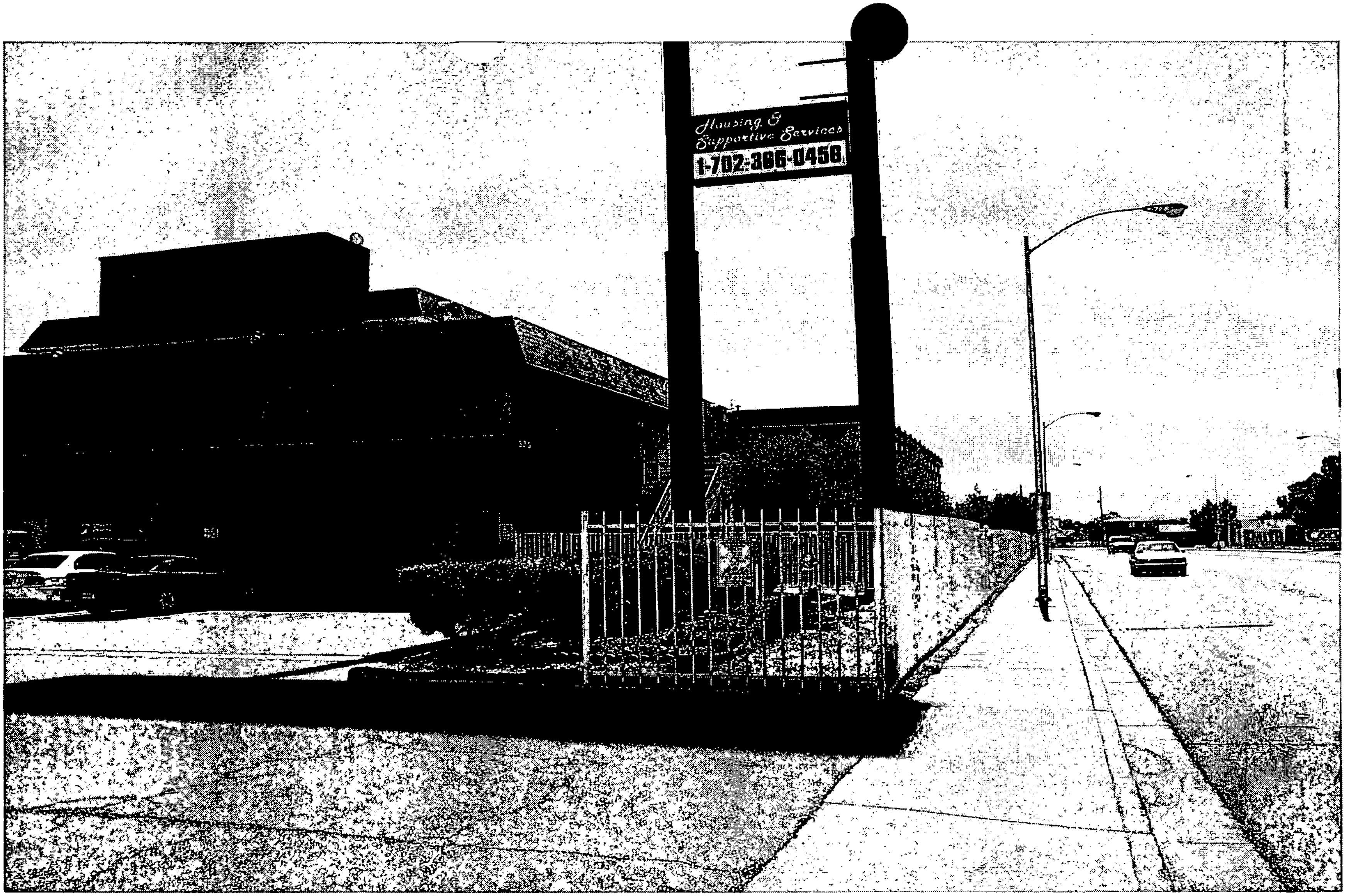
THIRD FLOOR
SCALE: 1"=30'-0"

EOT-4779

8-18-04 CC

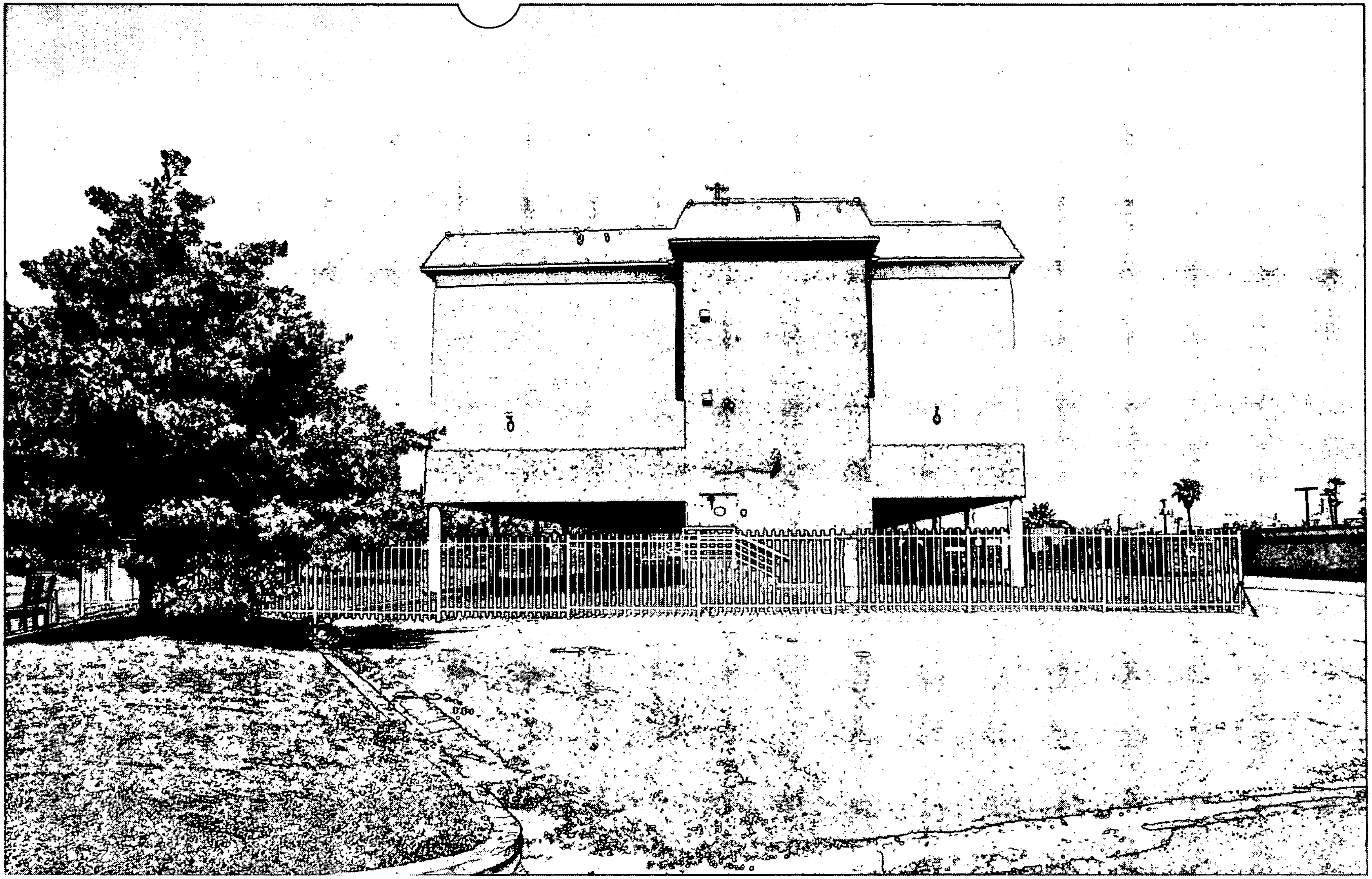
SUAREZ ARCHITECTS

LAS VEGAS RESIDENCE HALL
LAS VEGAS, NEVADA



EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04



EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04

EOT-4779 - APPLICANT: CANTWELL ANDERSON, INC. – OWNER: CLOUDBREAK LAS VEGAS, LIMITED LIABILITY COMPANY
525 East Bonanza Road
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/5/04

City of Las Vegas

Agenda Item No. 93

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER ☐ CONSENT ☒ DISCUSSION

SUBJECT:
ABEYANCE ITEM - APPEAL OF DIRECTOR'S DECISION - **DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY** - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Special Use Permit for a proposed Off-Premise Advertising (Billboard) Sign at 211 West Charleston Boulevard (APN: 162-04-504-009) for failure to comply with Title 19.14.100, Ward 1 (Moncrief). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

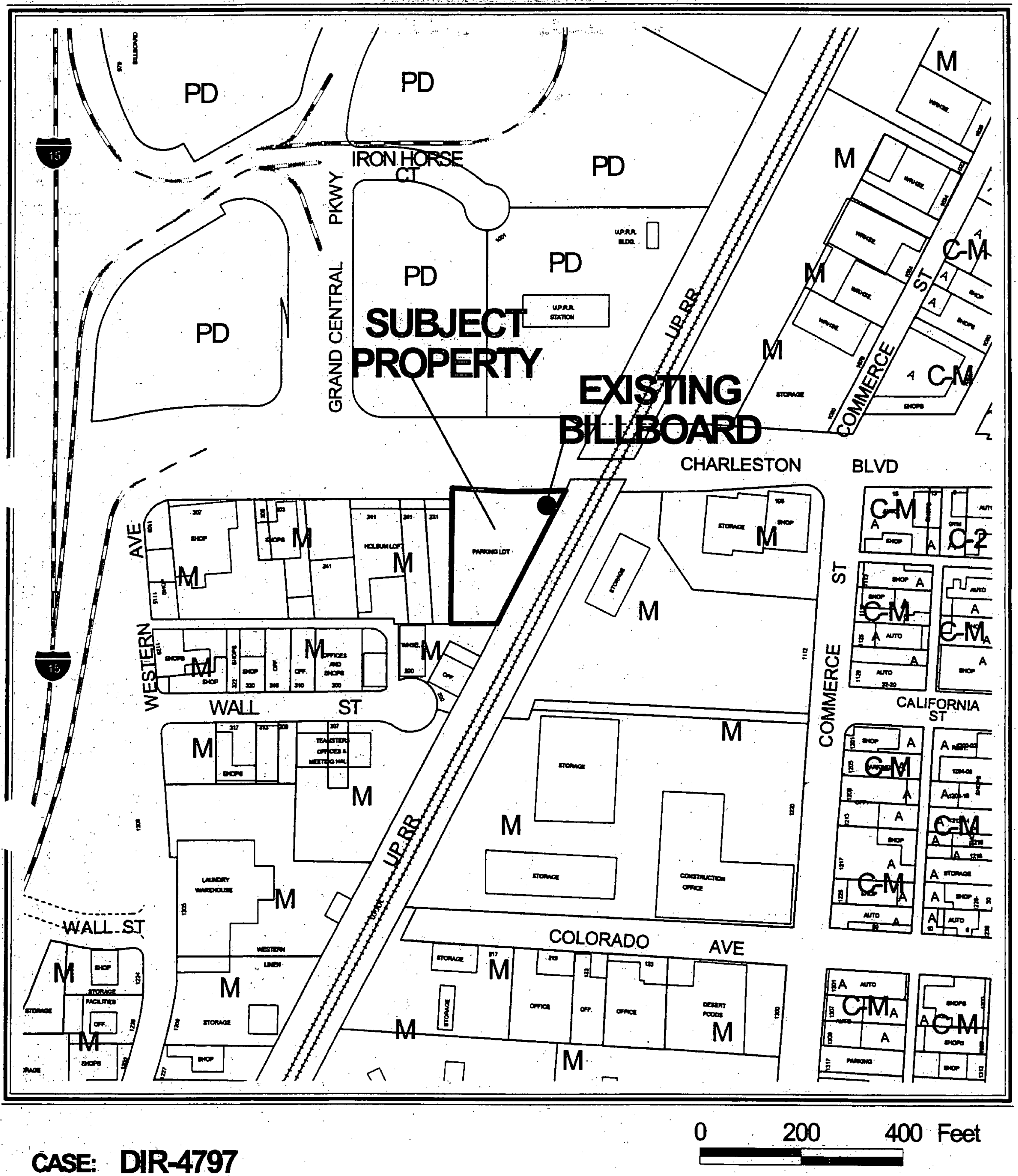
RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application – Not Applicable
3. Staff Report
4. Abeyance request by Singer and Brown
5. Submitted after final agenda – Four property photographs submitted by Planning & Development

MOTION:
REESE – Motion to STRIKE Item 86 [1710 E. Charleston Boulevard] and Item 89 [224 W. Philadelphia Avenue], HOLD IN ABEYANCE Item 93 [DIR-4797], Item 117 [ZON-4368], Item 118 [VAC-4420], Item 119 [SDR-4370], Item 141 [GPA-4634], Item 142 [ZON-4640], Item 143 [VAR-4642] and Item 144 [SDR-4641] to 9/1/2004; Item 102 [MOD-4615], Item 103 [ZON-4616], Item 104 [SDR-4617], Item 112 [SUP-4592], Item 113 [SUP-4593], Item and 114 [SUP-4594] to 9/15/2004 – UNANIMOUS

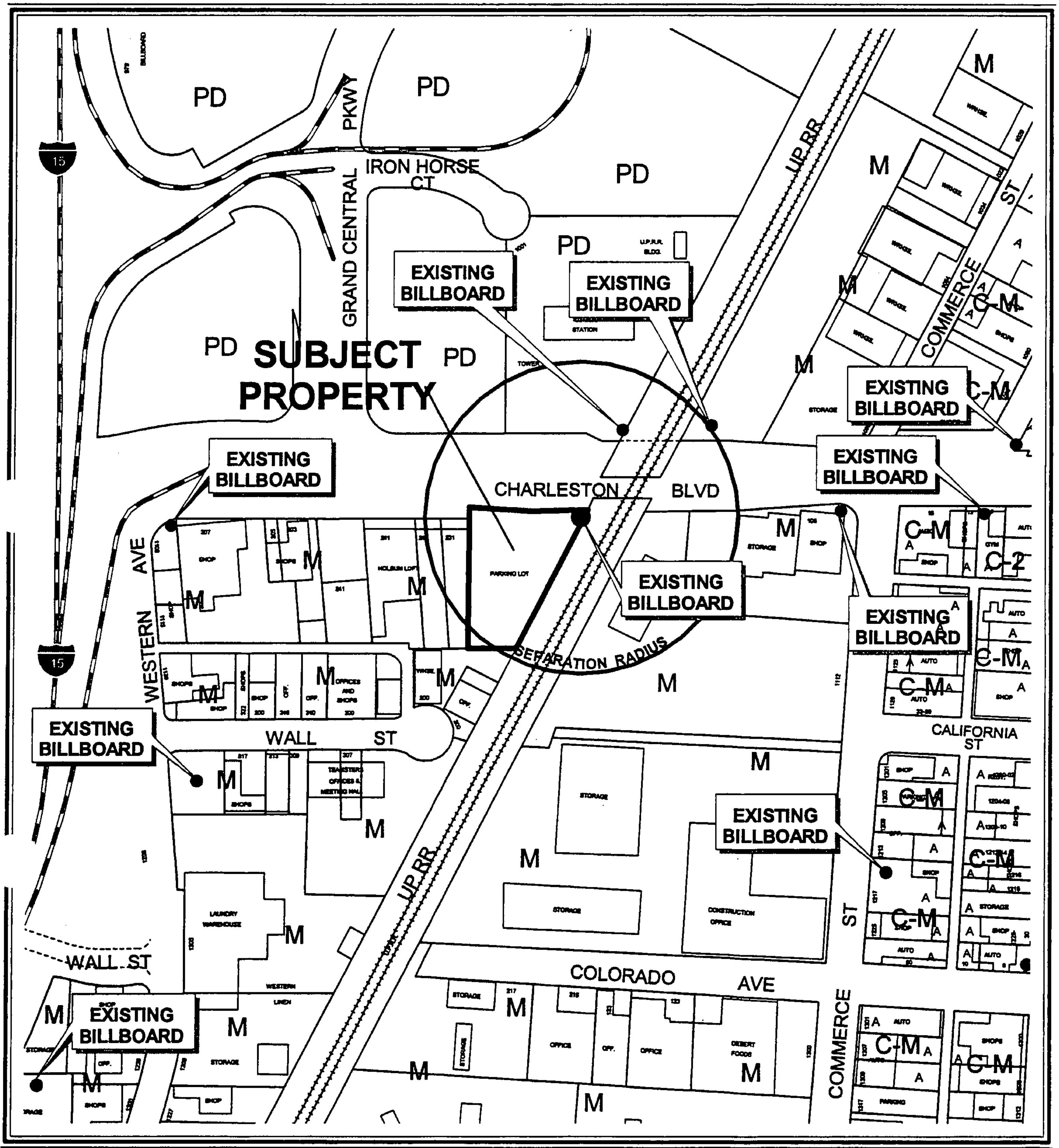
MINUTES:
MAYOR GOODMAN disclosed that Item 93 [DIR-4797], Item 112 [SUP-4592], Item 113 [SUP-4593] and Item 114 [SUP-4594] deal with billboard signs, and discussion is taking place in his law firm about billboards, but it will not affect these billboards. Therefore, he will be voting on all the mentioned items.

(1:04 – 1:10)



CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)



CASE: DIR-4797

SEPARATION RADIUS: 300 FT

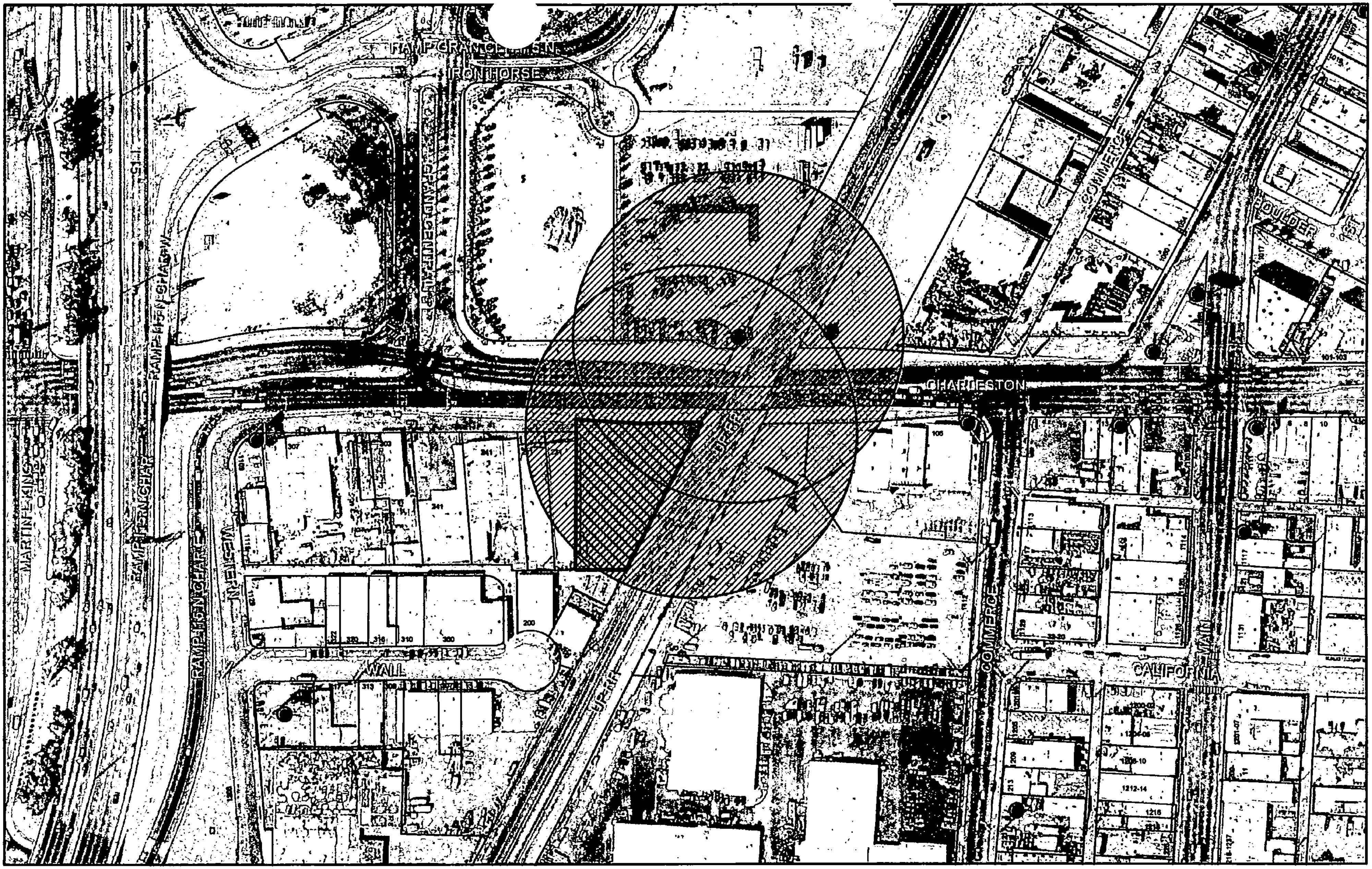
ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

0 200 400 Feet

CASE: DIR-4797

ZONING OF SUBJECT PROPERTY: M (INDUSTRIAL)

N



DIR-4797

City of Las Vegas Billboard Data

Subject Parcel

City of Las Vegas Billboard Location

300 Foot Buffer Around Impacted Billboard

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT
ITEM DESCRIPTION: ABEYANCE ITEM - DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA – OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

Staff recommends DENIAL.

** STAFF REPORT **

APPLICATION REQUEST

This is an Appeal of the Planning and Development Director's decision per Title 19.00.070.F to deny the acceptance of a application for a Special Use Permit for an Off-Premise Advertising (Billboard) Sign for failure to comply with Title 19.14.100. The location of the proposed off-premise sign is 211 West Charleston Boulevard.

APPLICANT'S JUSTIFICATION

The applicant justifies this request by stating that while the existing off-premise sign can be moved to comply with current zoning requirements, doing so would conflict with the proposed mixed-use project on the site. According to the applicant, Title 19.14.100.B allows the City Council to consider aspects of the proposed billboard's compatibility with the surrounding area, including the existence (or lack thereof) of other signage in the area.

BACKGROUND DATA

12/17/03	The City Council approved a Site Development Plan Review (SDR-3199) and Waivers of the parking lot and perimeter buffer landscaping standards for the redevelopment of an existing 36,223 square-foot commercial building at 299 West Charleston Boulevard, including the subject property. The Planning Commission and staff recommended approval.
12/17/03	The City Council approved a Variance (VAR-3202) to allow 101 parking spaces where 150 is the minimum required on the 2.25-acre site at 299 West Charleston Boulevard, including the subject site. The Planning Commission and staff recommended approval.

No data is available regarding the approval of a building permit for the subject off-premise sign or approval of a Special Use Permit for such a use on the subject site.

ANALYSIS & FINDINGS

The applicant is seeking application for a Special Use Permit for a proposed 40-foot tall, 14-foot by 48-foot off-premise advertising (billboard) sign on property located at 211 West Charleston Boulevard. Planning and Development Department staff refused to accept the application, claiming that Code requirements with regard to distance separation could neither be met nor varied given the proposed location of this new off-premise sign.

An existing off-premise advertising (billboard) sign owned by the applicant is located on the northeastern corner of the subject site and is oriented toward Charleston Boulevard. Another billboard is legally located 190 feet to the northeast along the western edge of the Union Pacific Railroad. The current zoning code (Title 19.14.100.C) does not allow any off-premise sign to be located any closer than 300 feet in any direction to any other off-premise sign. It also requires a new Special Use Permit in order to be moved to any other location or reconstructed in the same location. The applicant requests to remove the existing 40-foot tall, 14-foot by 48-foot sign structure and to rebuild a 40-foot tall, 14-foot by 48-foot off-premise sign in the same location. This is contrary to the provisions of Title 19.14.100.B.1 and 19.14.100.C.2.

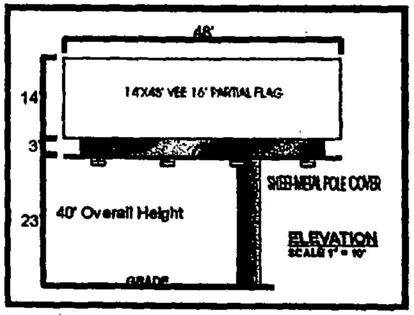
This property is currently being developed as part of a mixed-use project (Holsum Lofts) consisting of office, retail, and residential uses. It is possible for the existing billboard to be shifted on the subject property to points greater than 300 feet from another existing billboard, although it is unclear whether the billboard would be viewable from Charleston Boulevard, given the approved location of the proposed mixed-use project. Title 19.14.100.C.2 states, "No off-premise sign certificate of any kind shall be issued for an existing or proposed sign unless the sign is consistent with all requirements of this Chapter (including those protecting existing signs)." Title 19.14.100.D does not allow any off-premise sign to be located on property to be used for residential purposes, as this site will be.

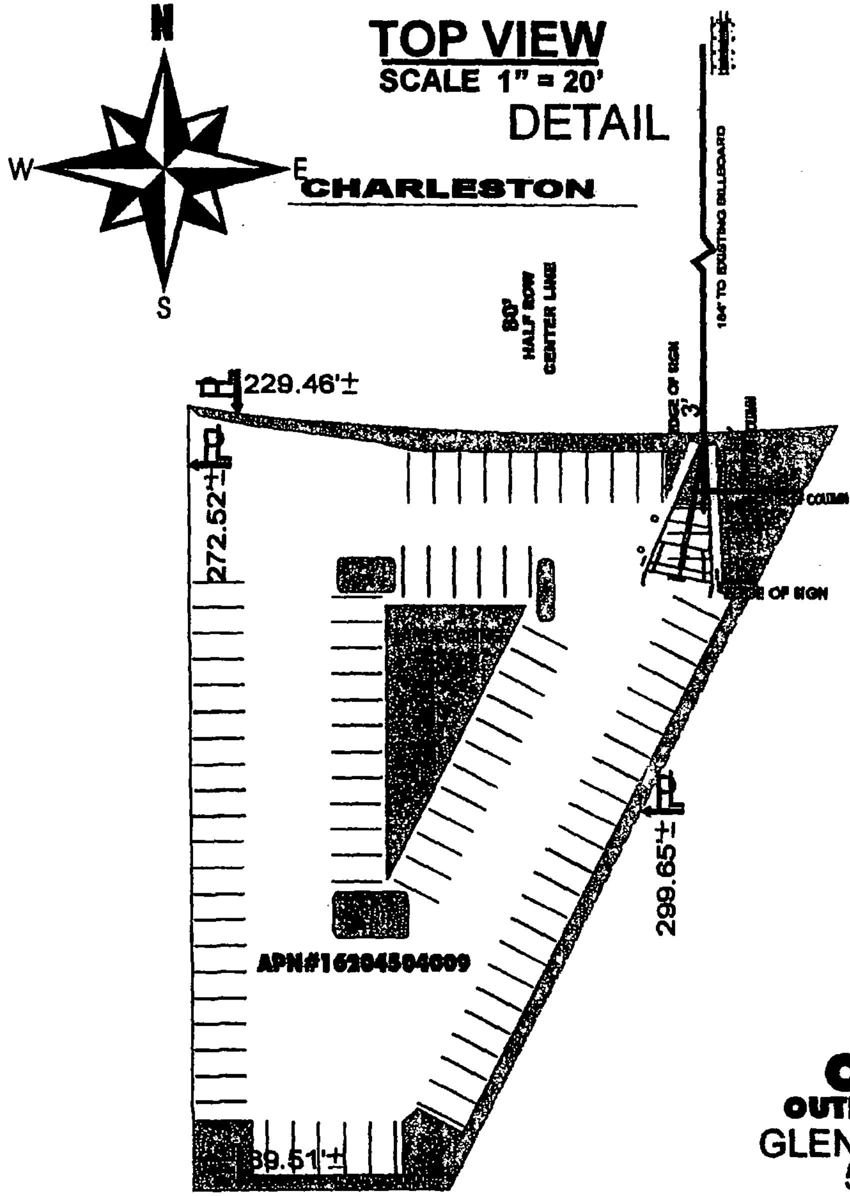
According to Title 19.18.070.B, a Variance cannot be granted to vary any minimum spacing requirement between uses. Given this restriction under the current Zoning Code, a new off-premise advertising (billboard) sign cannot legally be constructed in the proposed location. The Director's decision to deny the application for a Special Use Permit for a new off-premise sign at this location was therefore based on the inability to meet code requirements and the impossibility of the applicant to gain approval under current State and local laws.

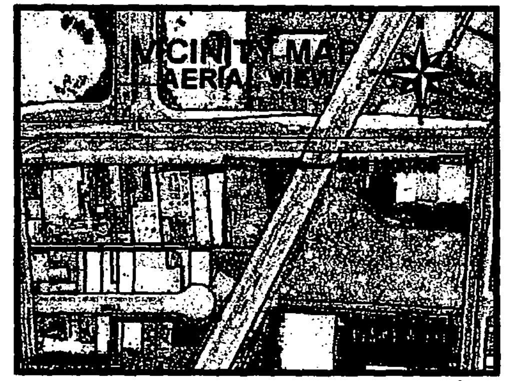
NOTICES MAILED N/A

APPROVALS 0

PROTESTS 0







REPLACEMENT OF EXISTING SIGN

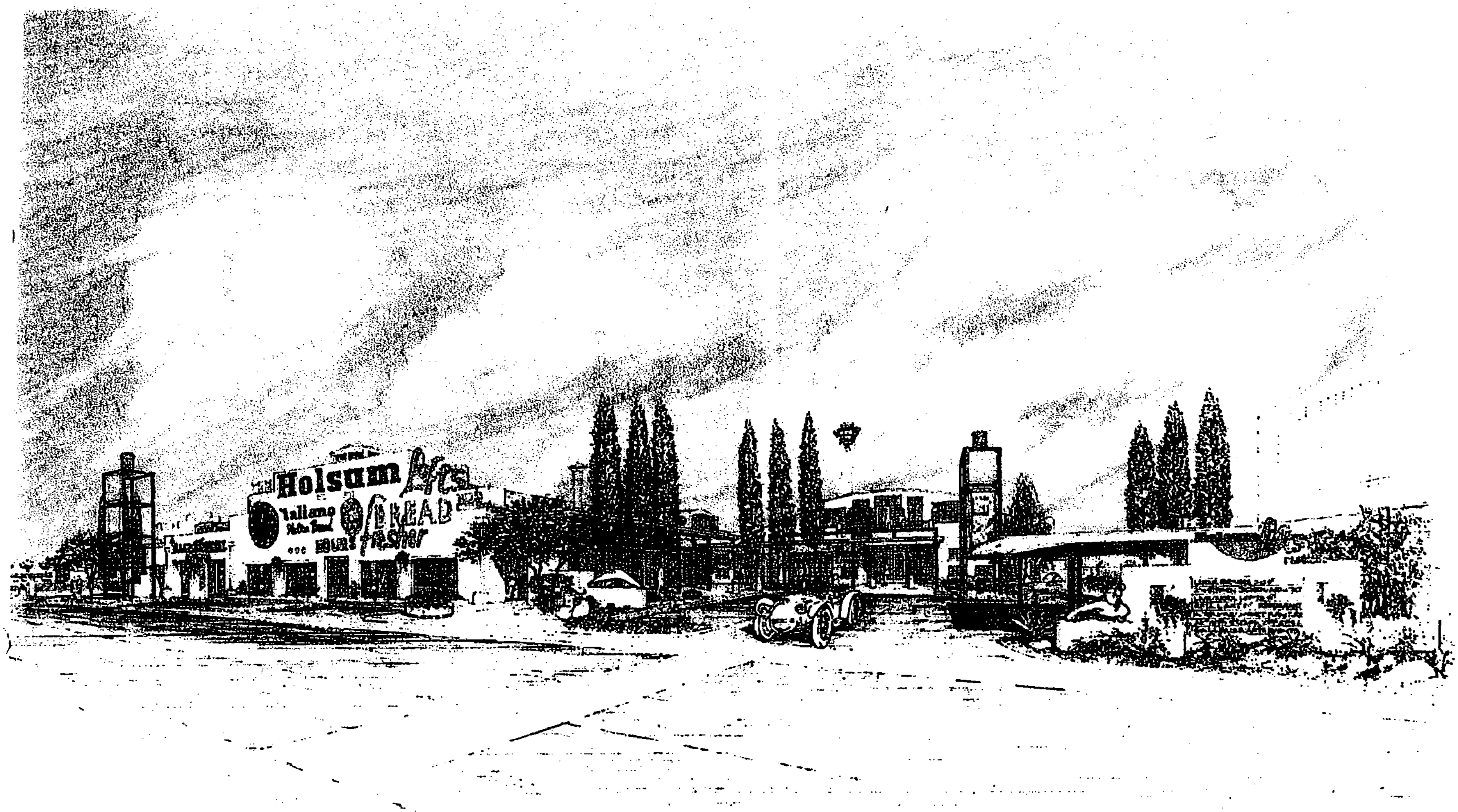
DIR-4797

8-4-04 CC

GENERAL NOTES
APN#16204504009
ZONEING (M)
REPLACEMENT OF EXISTING SIGN
14'X48' BILLBOARD
NO PARKING SPACE TAKEN

ORION
OUTDOOR MEDIA
GLENDA LIPPMAN
595-4896

OWNER: LAPOUR GRAND CENTRAL L L C	
SCALE: NOTED	DATE: 3-04-04
LOCATION: 1211 W CHARLESTON BLVD	
APN#16204504009	DRAWING NUMBER: 188



DIR-4797

8-4-04 CC

LAW OFFICES
Singer & Brown
A NEVADA LLC

MICHAEL H. SINGER
JAY H. BROWN

520 SOUTH FOURTH STREET
LAS VEGAS, NEVADA 89101-6593

TELEPHONE (702) 384-5563
FACSIMILE (702) 385-1023
Brownltd@earthlink.net

August 11, 2004

VIA FACSIMILE to 382-4803

RECEIVED
CITY CLERK
2004 AUG 11 A 11:40

City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101
Attn: Barbara Jo Ronemus
City Clerk's Office

Re: Item No. 90, August 18, 2004 City Council Agenda
DIR-4797-Orion Outdoor Media on behalf of
LaPour Grand Central, LLC

Dear Ms. Romenus:

Please be advised that I represent Orion Outdoor Media in connection with the above entitled matter.

On behalf of my client, I am requesting that the above referenced matter be continued from the August 18, 2004 City Council agenda and reset for the September 1, 2004.

Very truly yours,

Jay H. Brown

Jay H. Brown

JHB:ss

cc: Department of Planning & Development, Attn: Shelly by fax to 385-7268

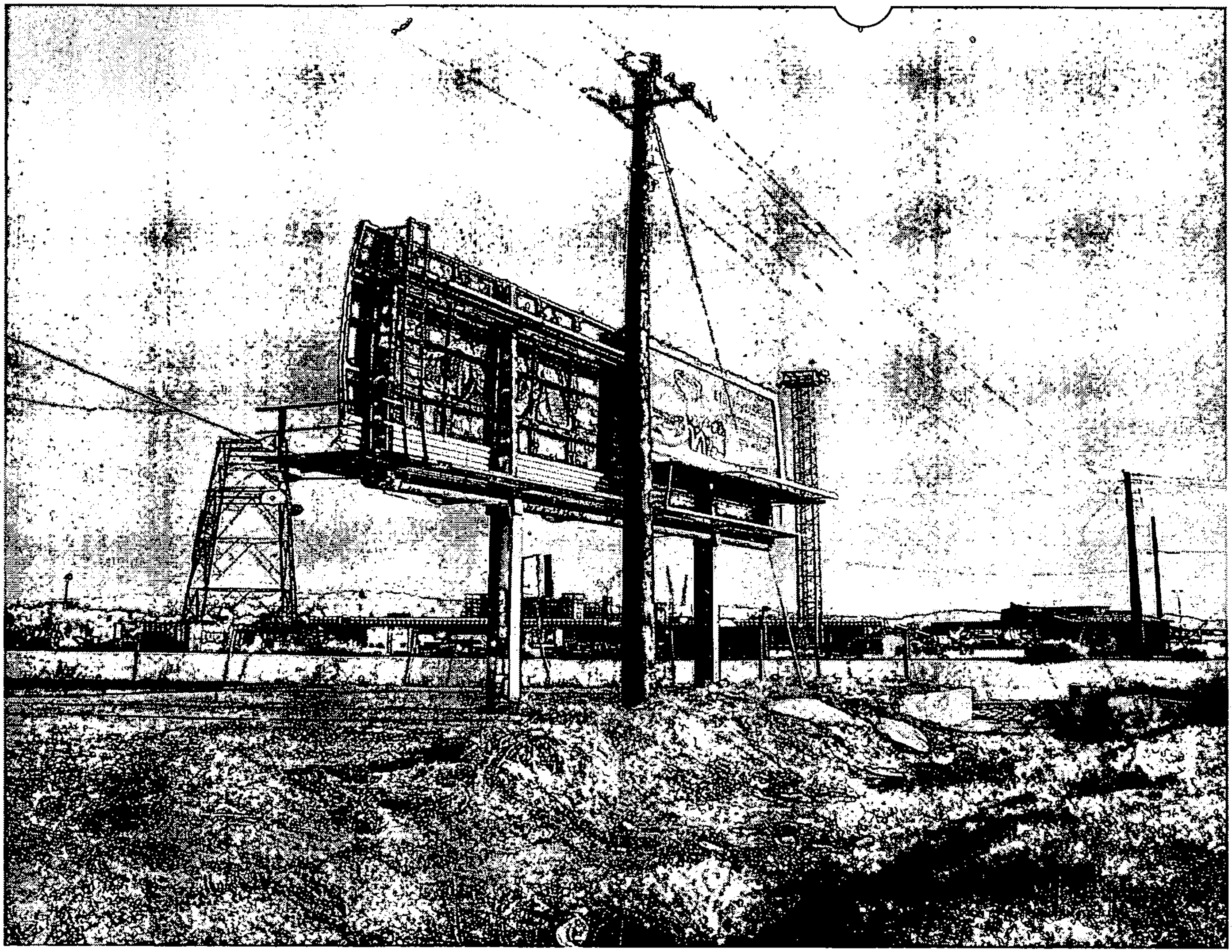
Submitted after final agenda
Date 8/16/04 Item #93

DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY
211 West Charleston Boulevard
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/16/04

DIR-4797 - APPLICANT: ORION OUTDOOR MEDIA - OWNER: LAPOUR GRAND CENTRAL, LIMITED LIABILITY COMPANY
211 West Charleston Boulevard
AUGUST 18, 2004 CITY COUNCIL MEETING

Picture taken 08/16/04



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Picture taken 08/16/04

City of Las Vegas

Agenda Item No. 94

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

CITY COUNCIL MEETING OF: AUGUST 18, 2004

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: ROBERT S. GENZER [ ] CONSENT [X] DISCUSSION

SUBJECT:
ABEYANCE ITEM - REVIEW OF CONDITION - PUBLIC HEARING - **ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES - OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS** - Request for a Review of Condition No. 10 of an approved Special Use Permit (U-0054-95) which required approval of the parking and driveway plans to add language requiring a shared parking agreement to allow off-site parking for Fletcher Jones Mercedes employees at 2323 South Tenaya Way (APN: 163-03-404-006), R-E (Residence Estates) Zone, Ward 1 (Moncrief). Staff recommends DENIAL

PROTESTS RECEIVED BEFORE:		APPROVALS RECEIVED BEFORE:	
Planning Commission Mtg.	0	Planning Commission Mtg.	0
City Council Meeting	0	City Council Meeting	0

RECOMMENDATION:
Staff recommends DENIAL.

BACKUP DOCUMENTATION:
1. Location Map
2. Conditions For This Application
3. Staff Report

MOTION:
MONCRIEF – DENIED – UNANIMOUS with GOODMAN abstaining as he leases a car from Fletcher Jones and BROWN abstaining as he is a board member of Catholic Charities of Southern Nevada

NOTE: It was directed that staff would issue the applicant a sixty-day Temporary Commercial Permit (TCP) allowing continued use of the lot, during which time the applicant shall acquire another location. It was further directed that once the use of the TCP expires, the use of the lot terminates.

NOTE: MAYOR GOODMAN indicated that he received a telephone call from BISHOP PEPE, Bishop of the Roman Catholic Church, indicating that the church is neutral on this issue and not taking any position. He further disclosed that he leases a car from Fletcher Jones at a fair market value and does not believe that should affect his ability to vote. However, DEPUTY CITY ATTORNEY BRYAN SCOTT advised him that he should abstain, as there is a contractual relationship between the Mayor and the applicant.

CITY COUNCIL MEETING OF AUGUST 18, 2004
Planning and Development Department
Item 94 – ROC-4709

MINUTES:
MAYOR GOODMAN declared the Public Hearing open.

GUS HOPPEL, Fletcher Jones Mercedes, 7300 West Sahara Avenue, appeared on behalf of the applicant. He indicated that after meeting with the neighbors concessions were made regarding utilizing the parking facility located behind the dealership for employee parking from 7:00 a.m. to 6:30 p.m. He asked that the City Council allow the applicant to continue utilizing the parking for their employees.

MAYOR GOODMAN asked MR. HOPPEL to explain about the landscaping and access to the facility. MR. HOPPEL replied that access to the parking facility will be limited through Via Olivero only and restricted off of Tenaya Way. Security will be provided on the parking facility during business hours. There will be no loitering, and employees will not be allowed to park after 7:00 p.m. Arrangements have been made to vacate the parking lot on weekends for church use. The applicant proposes to landscape all the berms surrounding the parking spaces. They will provide 24 36-inch box trees to soften the parking lot from the neighborhood. In addition, if necessary, trees will be planted on the inside of the parking lot on the existing islands. The lighting will be shielded from the residents.

MARK FRENCH, President of the Rainbow Neighborhood Park Association, asked that the City Council deny the application because the C-2 (Commercial) zoning will impact the R-E (Residential Estate) zoning. This will set a precedent as other vacant properties exist in the vicinity. Other dealerships have leased off-site properties to park their new cars. When this particular dealership was granted the permit in 1999, they were to provide 460 spaces for employees and customers. However, they have never used the garage facility for that purpose, but rather park in the street. He recognized COUNCILWOMAN MONCRIEF'S efforts in obtaining the two-hour parking signs to alleviate this problem. At a meeting held on July 28th, most of the residents opposed the project.

RAY TUNTLAND, 2260 Villefort Court, owns property west of the parking lot, which he bought two years ago when Fletcher Jones was under construction. He was aware that the parking lot use was granted on a conditional basis for weekend parking. However, the parking lot is being used all the time. The temporary commercial permit has expired.

IRENE KLEIN, 2290 South Tenaya Way, resides across from the parking lot and stated that she is not comfortable having a security car in the parking lot. She observed cars being loaded and unloaded in the middle of the street, as well as in front of the church along Tenaya Way. In addition, she hears music playing from the radios as cars drive into the parking lot and the beeping of locking cars.

MINUTES – Continued:

COUNCILWOMAN MONCRIEF thanked the applicant for limiting the parking hours, for the additional landscaping and trees on all four sides of the site. The unloading and loading of the cars on the street has diminished and should continue to diminish. However, she has concerns about this request. She received numerous calls about the dealership not being a good neighbor. Since the dealership moved from Rancho to this location, business has increased, and she is certain that it will keep on growing. The approximately 150 employees will affect the privacy of the adjacent residential neighborhood. If she lived to the north, east or west, she would not want this many employees parking in the area everyday. Upon researching other existing dealerships in the City and County, she found that they all have off-site parking. She recommended that the applicant obtain off-site parking. She followed staff recommendation for denial.

COUNCILMAN WEEKLY expressed concern about the impact on the residents if the employees park on the street again. He asked staff if there is an alternative for the applicant. ROBERT GENZER, Director, Planning and Development Department, clarified that a number of conditions were imposed when the dealership was first approved. The site plan that was part of the approval provided sufficient on-site parking for both the vehicles that were going to be displayed for sale, as well as for the employees. In fact, a condition was imposed that on Sundays, a portion of the sales lot was going to be utilized by members of the church for parking use. However, the opposite has occurred. The church obtained their approval through a Special Use Permit issued in 1995 for their overflow parking and, through an agreement, a 90-day Temporary Commercial Permit was given to the dealership to utilize this particular lot while they were in the process of seeking a permanent solution to this particular problem. That has not occurred.

MR. GENZER added that on the south side of Via Olivero the applicant could possibly build a one-story parking structure with ground parking and one level to provide for additional spaces. The other option would be to find an appropriate location for off-site parking. However, there are no parcels in this vicinity that they could use. The burden is put upon the applicant to find that other location.

COUNCILMAN MACK noted that the applicant has more cars stored on the lot than originally proposed. He suggested that the applicant obtain off-site storage and leave the parking for their employees. He also expressed concern about the impact on the residents if the employees were to park on the street.

MINUTES – Continued:
MR. HOPPEL commented that the majority of complaints began when the employees were using the parking lot shortly after the facility was opened and then were required to leave the parking lot. Along Via Olivero and Tenaya Way, parking signs have been installed. However, employees could possibly park along those streets. MR. HOPPEL added that they cannot immediately eliminate part of the inventory to provide for employee parking. He understands the residents' concerns, and the unloading of vehicles on the street has been addressed. Notices have been given to employees regarding loitering in the parking lot. The business has grown with the needs of the City. He asked that they be allowed to utilize the parking lot until they can find a viable alternative.

COUNCILMAN MACK asked if signs have ever been placed stating that deliveries are not allowed on certain streets. MR. GENZER replied that he was not aware of that happening.

COUNCILWOMAN MONCRIEF commented that the business' expansion should not be at the burden of the neighborhood. She feels that the applicant could find off-site parking.

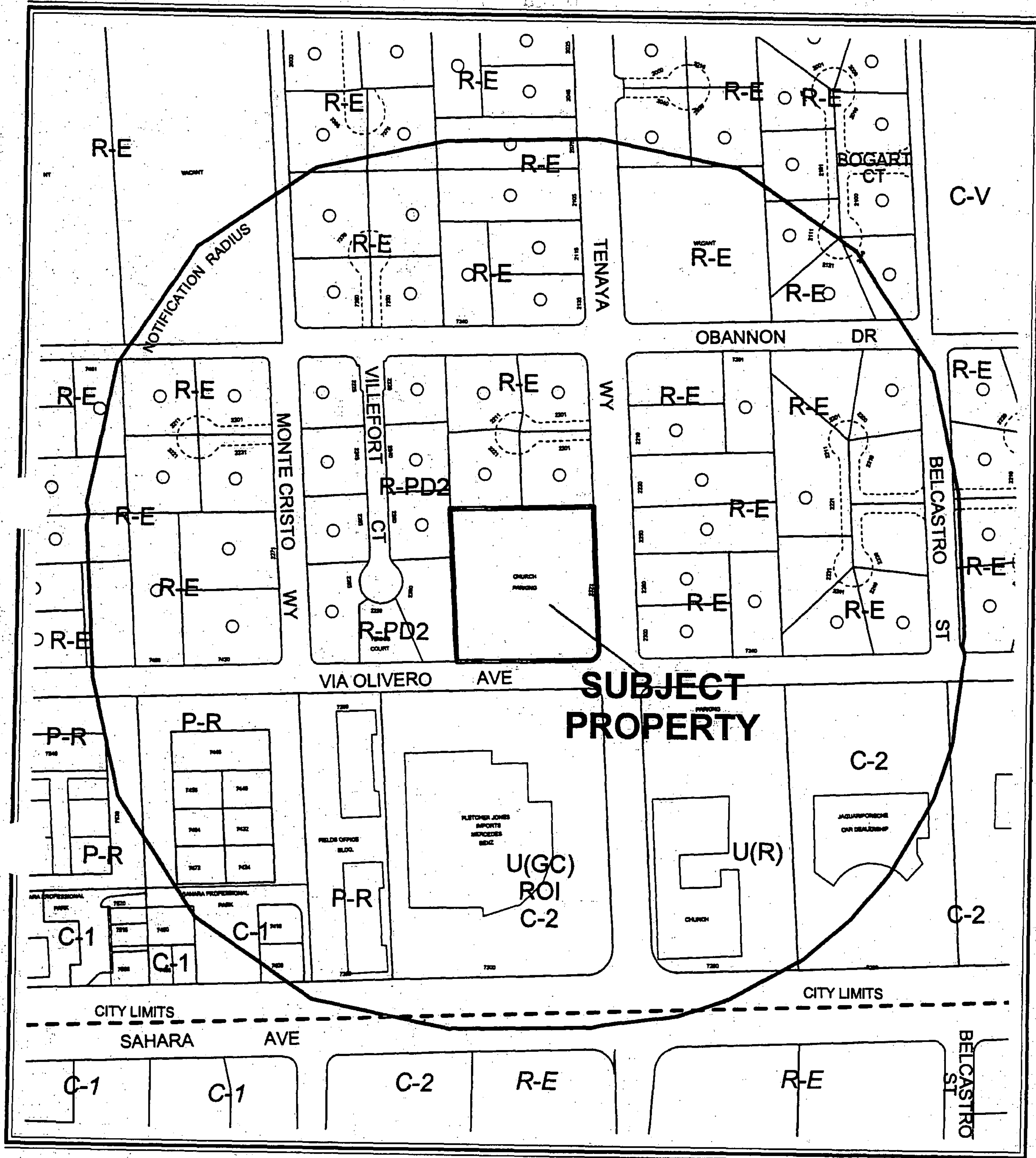
COUNCILMAN WOLFSON stated that the dealership chose to move its location to an area that already had an abundance of residences and other commercial uses. The applicant should bear the burden of the reality of the concerns of its neighbors.

If the motion for denial carried, COUNCILWOMAN MONCRIEF asked that a condition be imposed to grant the applicant 60 days to acquire a site so that the cars are not sitting in the street. MR. GENZER clarified that it would not be a condition. He verified with COUNCILWOMAN MONCRIEF that this would mean that if the item is denied the applicant would be allowed 60 additional days to utilize this lot while they are finding another location. That direction can be enforced. MR. GENZER clarified for CITY CLERK BARBARA JO RONEMUS that it would not be a condition. Staff would issue a Temporary Commercial Permit (TCP) for 60 days to allow the continued use of the lot, and when the TCP expires, the use of the lot terminates.

MAYOR PRO TEM REESE declared the Public Hearing closed.

(1:27 – 1:55)

3-738

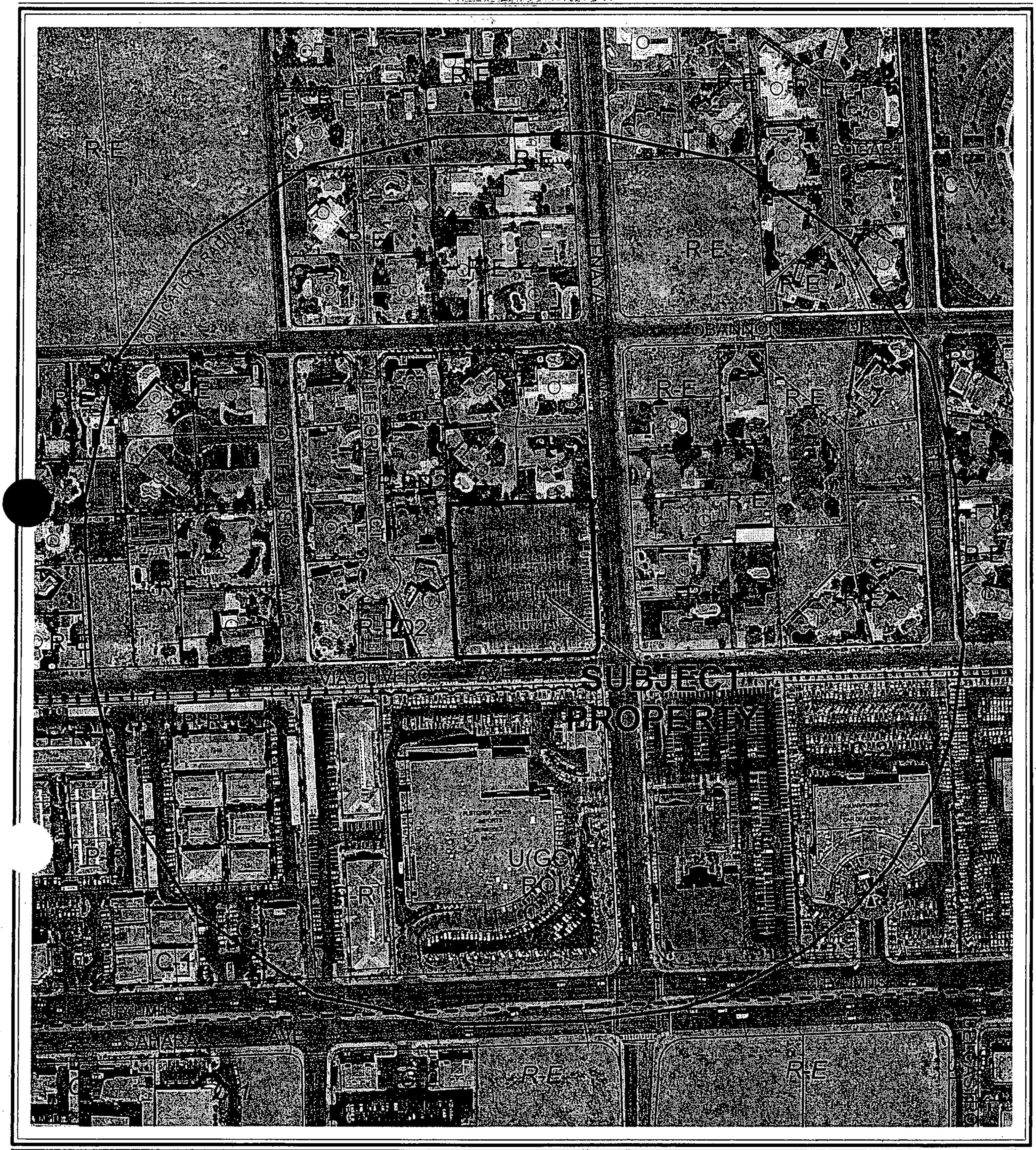


CASE: **ROC-4709**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 200 400 Feet



CASE: **ROC-4709**

RADIUS: 750 FT

ZONING OF SUBJECT PROPERTY: R-E (RESIDENCE ESTATES)

0 200 400 Feet

N

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: AUGUST 18, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: ABEYANCE ITEM - ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS

THIS ITEM WAS HELD IN ABEYANCE FROM THE AUGUST 4, 2004 CITY COUNCIL MEETING AT THE APPLICANT'S REQUEST.

** CONDITIONS **

Staff recommends DENIAL. If Approved, subject to:

Planning and Development

1. Condition Number 10 of Special Use Permit (U-0054-95) shall be amended to read: "Approval of the parking and driveway plans by the Traffic Engineer. Upon approval, the owners of the subject property and the adjacent auto dealership property shall execute an agreement, satisfactory to the City Attorney, which outlines the terms and conditions of a shared parking arrangement. The agreement must contain the legal description of both parcels and must be of sufficient duration to ensure the continued use of the shared parking facilities. In order to provide record notice of the existence of the shared parking arrangement, the City may record the agreement in the office of the County Recorder, or require the applicant to do so."

2. Employee parking hours shall be limited to the hours of 9:00 a.m. to 6:00 p.m.

3. On-site security shall be provided at all times the lot is available for employee use.

4. A six-month review by the City Council.

** STAFF REPORT **

APPLICATION REQUEST

A) Action Requested

This is a request for a Review of Condition of an approved Special Use Permit (U-0054-95) for a church satellite parking lot at 2323 South Tenaya Way. The applicant would like to review Condition Number 10, which required approval of the parking and driveway plans, and add language requiring a shared parking agreement to allow off-site parking for the auto dealership located to the south of the subject property.

B) Applicant's Justification

According to the applicant's justification letter, the Fletcher Jones Imports dealership was originally designed to adequately accommodate customer service, and employee vehicles. However, business has rapidly increased, forcing the dealership to seek additional parking. The proposed site would accommodate employee vehicles only; therefore, the applicant claims the new parking arrangement would not adversely impact the neighborhood.

C) Neighborhood Meeting

A neighborhood meeting is not required for a Review of Condition application; however, the applicant has scheduled a meeting for July 28 at nearby St. Joseph, Husband of Mary Roman Catholic Church to discuss neighbors' concerns.

BACKGROUND INFORMATION

A) Previous Actions

1985	The subject property was annexed into the City of Las Vegas (A-0009-85).
05/23/95	The Board of Zoning Adjustment approved a Special Use Permit (U-0054-95) for a church parking lot on the subject site. Staff recommended approval.
10/22/96	The Board of Zoning Adjustment approved a Reinstatement and Extension of Time [U-0054-95(1)] of an approved Special Use Permit for a church parking lot on the subject site. Staff recommended approval.
11/23/98	The City Council approved a General Plan Amendment (GPA-0027-98) from R (Rural Density Residential) to DR (Desert Rural Density Residential) on the subject property as part of a larger request. The Planning Commission and staff recommended approval.

12/01/99 The City Council approved a Rezoning (Z-0056-99) from U (Undeveloped) [O (Office) and SC (Service Commercial) General Plan Designations] under Resolution of Intent to C-1 (Limited Commercial) to C-2 (General Commercial) adjacent to the northwest corner of Sahara Avenue and Tenaya Way. The City Council also approved a Site Development Plan Review [Z-0056-99(1)] for a proposed 214,300 square-foot new and used automobile dealership with ancillary auto repair on the same site. The Planning Commission and staff recommended denial on both items.

04/14/04 Staff administratively approved a Temporary Commercial Permit (TCP-4303) to allow 90 days of employee parking on the subject property for the Fletcher Jones Imports auto dealership located at 7300 West Sahara Avenue. The Temporary Commercial Permit expired July 14, 2004.

B) Pre-Application Meeting

05/25/04 The applicant and staff agreed to make the request for a shared parking agreement between the auto dealership and the church part of the original Special Use Permit for the satellite parking lot. A Review of Condition application would be submitted to this end.

DETAILS OF APPLICATION REQUEST

A) Site Area

Net Acres:	2.14

B) Existing Land Use

Subject Property:	Parking lot for church patrons
North:	Single-Family Residential Dwellings
South:	Motor Vehicle Sales (New)
East:	Single-Family Residential Dwellings
West:	Single-Family Residential Dwellings

C) Planned Land Use

Subject Property:	DR (Desert Rural Density Residential)
North:	DR (Desert Rural Density Residential)
South:	GC (General Commercial)
East:	DR (Desert Rural Density Residential)
West:	DR (Desert Rural Density Residential)

D) Existing Zoning

Subject Property:	R-E (Residence Estates)
North:	R-E (Residence Estates)
South:	U (Undeveloped) under Resolution of Intent to C-2 (General Commercial)
East:	R-E (Residence Estates)
West:	R-PD2 (Residential Planned Development – 2 Units per Acre)

E) General Plan Compliance

The subject site is designated DR (Desert Rural) on the Southwest Sector Map of the General Plan. This category allows residential uses of no more than two units per gross acre. Churches, parks and ancillary uses are also permitted. The R-E (Residence Estates) zoning designation conforms to this General Plan category. The parking lot, when considered as an ancillary use of the nearby church, is an acceptable use for the subject property.

SPECIAL DISTRICTS/ZONES	Yes	No
Special Area Plan		X
Special Overlay District		X
Trails		X
Rural Preservation Neighborhood		X
County/North Las Vegas/HOA Notification		X
Development Impact Notification Assessment		X
Project of Regional Significance		X

No special districts, zones, or studies are related to the subject site.

ANALYSIS

A) General Analysis and Discussion

- Zoning

The subject site is zoned R-E (Residence Estates) with an approved Special Use Permit to allow auxiliary church parking. Properties to the north and east are also zoned R-E. The auto dealership site is currently under a Resolution of Intent to C-2 (General Commercial).

- Use

The 2.14-acre site was previously approved for a parking lot to accommodate overflow parking for St. Joseph, Husband of Mary Roman Catholic Church, located at 7260 West Sahara Avenue. This lot contains 257 spaces. The Fletcher Jones Imports property lies south of the subject site, across Via Olivero Avenue. In a private "handshake" agreement reported to have occurred before the dealership opened, the church and dealership agreed to allow employees of the dealership to use the overflow parking lot. A Temporary Commercial Permit was issued in April 2004 to legally allow this arrangement; however, the permit expired July 14, 2004.

The approved site plan for the auto dealership indicates that while 342 parking spaces are required by the Zoning Code, the developer provides 611 on-site spaces. Of these 611 spaces, 486 were to be dedicated for use by customers and employees, with the remainder to be occupied by display and inventory vehicles.

On Thursday, June 17, 2004, a meeting was held at the Fletcher Jones Import Dealership to discuss complaints the City had received with regard to the parking. During the meeting, staff asked how many employees actually park on the Fletcher Jones Import site. The General Manager stated that approximately 25 employees park on the dealership site. He further stated that all remaining employees park on the church overflow lot. According to the General Manager, this has been the case since the dealership opened.

On Monday, July 26, 2004, a City Code Enforcement officer inspected the church overflow parking lot, counting 122 vehicles. The officer verified that 257 spaces were available on this lot.

- Conditions

If approved, Condition Number 10 of the original Special Use Permit (U-0054-95) would be amended to require a shared parking agreement between the two owners, with language satisfactory to the City Attorney, to be recorded in the office of the County Recorder. The parking agreement should specifically limit the hours that the lot may be used for employee parking and require security on the lot during hours of availability. These are also recommended as conditions of approval of this item. This case shall be reviewed in six months, at which time the City Council will assess the status of the agreement.

FINDINGS

There is more than adequate parking provided to accommodate employee, customer and display vehicles onsite. The applicant claims that because the business' growth has exceeded expectations, the additional parking above the 611 on-site spaces provided is needed. This is strictly a business decision. As parking ratios in the Zoning Code are based on the type and size of uses on a given site, the number of required spaces on the dealership property does not change. The applicant has chosen to occupy all of the excess parking area on the site (269 spaces), and was already aware that additional space would be necessary prior to the opening of the dealership. In addition, car carriers have been unloading and loading cargo in the Tenaya Way and Via Olivero Avenue rights-of-way because there is a lack of space onsite to park the carriers. The applicant is not obliged to use additional parking elsewhere when it has created an artificial need for this parking.

With the number of spaces provided well over the amount required by the Code, the applicant has failed to show that employee parking is warranted on the overflow church lot. In addition, the lot was not approved for uses on the site other than in relation to the church, nor does the property have the proper zoning designation for commercial uses such as the auto dealership. The dealership should consider purchasing additional land for an off-site storage area for new vehicles.

NOTICES MAILED 78 by Planning Department

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEVELOPMENT SERVICES CENTER

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: ROC-4709 APN: 163-03-404-006

Name of Property Owner: ROMAN CATHOLIC Bishop of LAS VEGAS

Name of Applicant: FLETCHER JONES IMPORTS

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

______ Yes X No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: __________

Partner(s): __________ __________

APN: __________

Signature of Property Owner/Authorized Agent: [signature] ATTORNEY-IN-FACT

Print Name: BR JOHN J. Dodd CSU

Subscribed and sworn before me

This 15th day of June, 2004

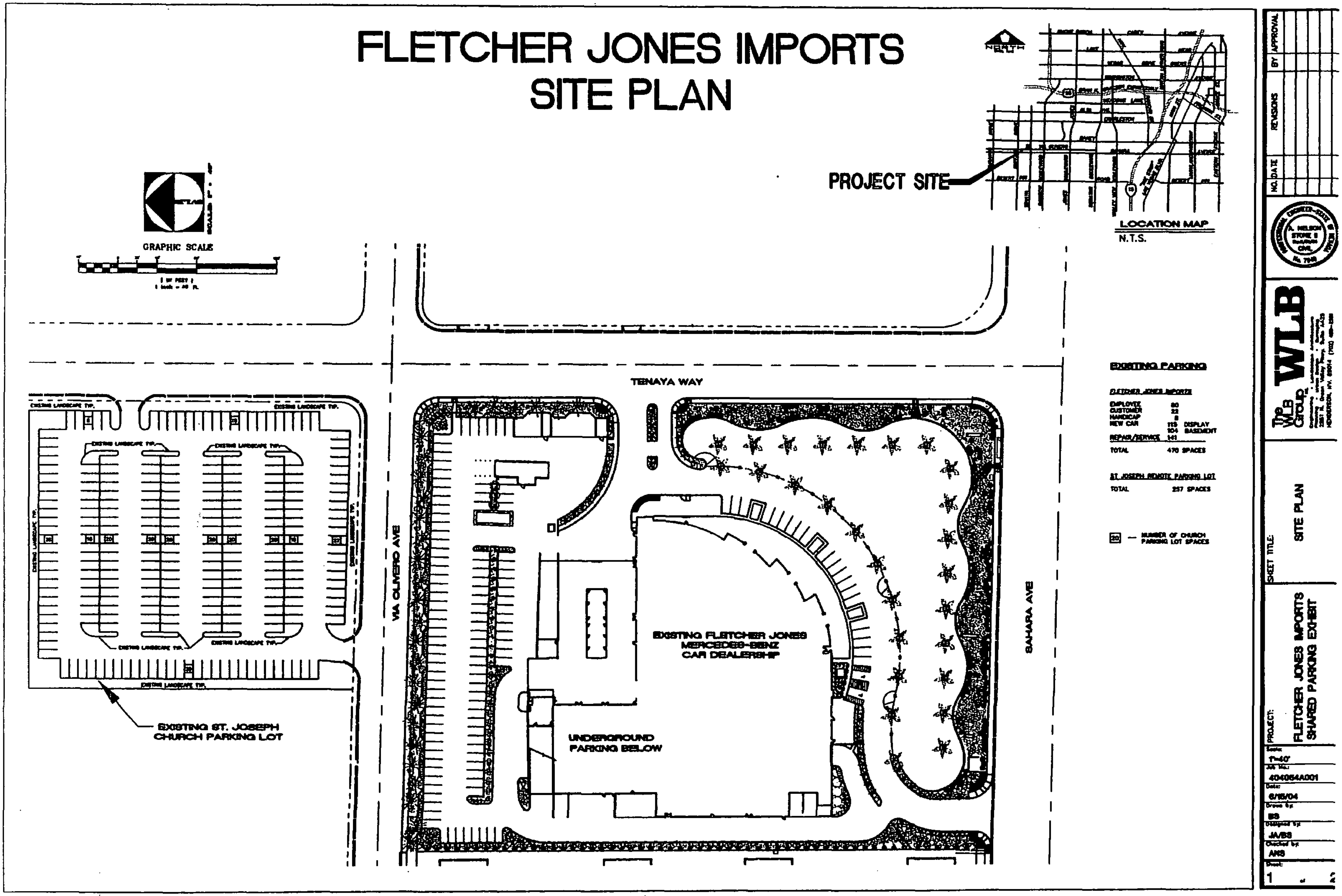
Mary L Aldrich Carroll

Notary Public in and for said County and State

NOTARY PUBLIC
STATE OF NEVADA
County of Clark
MARY L. ALDRICH-CARROLL
No: 01-66354-1
My Appointment Expires Oct. 3, 2004

Revised 2/12/02 f:\depot\Application Packet\Statement of Financial Interest.doc

FLETCHER JONES IMPORTS
SITE PLAN

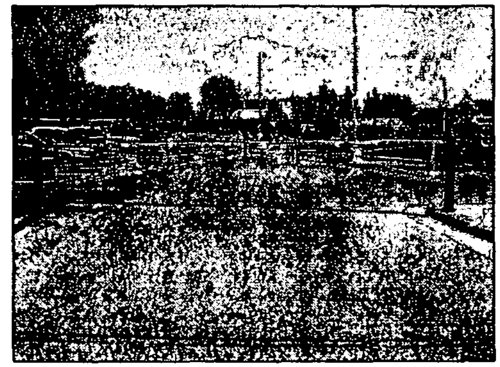


ROC-4709 8-4-04 CC

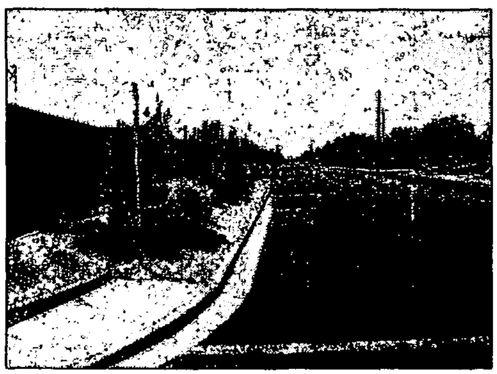
FLETCHER JONES IMPORTS
SITE PHOTOS

ST JOSEPH'S PARKING LOT
SOUTH PROPERTY LINE
LOOKING WEST ON VIA OLIVERO

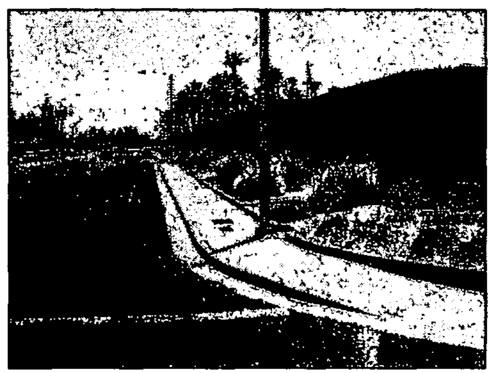
ST JOSEPH'S PARKING LOT
EAST PROPERTY LINE
LOOKING NORTH ON TENAYA



ST JOSEPH'S PARKING LOT
VIA OLIVERO ENTRANCE



FLETCHER JONES DEALERSHIP
NORTH PROPERTY LINE
LOOKING WEST ON VIA OLIVERO



FLETCHER JONES DEALERSHIP
EAST PROPERTY LINE
LOOKING SOUTH ON TENAYA

FLETCHER JONES DEALERSHIP
TENAYA ENTRANCE

ROC-4709

8-4-04 CC

NO.	DATE	REVISIONS	BY	APPROVAL

The WLB Group, Inc.

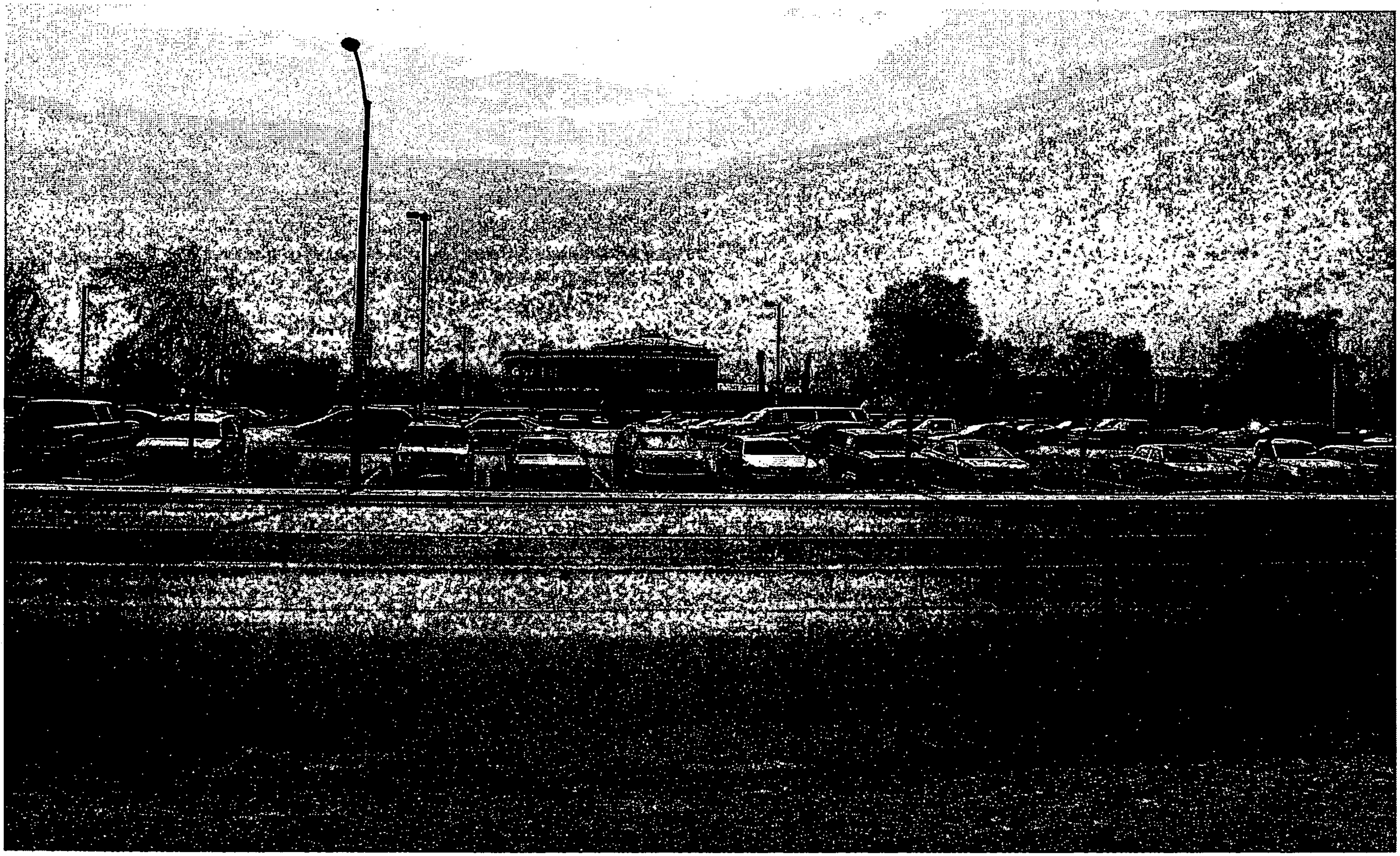
SHEET TITLE: SITE PHOTOS

PROJECT: FLETCHER JONES IMPORTS SHARED PARKING EXHIBIT

Scale: NONE
Job No.: 404064-A001
Date: 6/16/04
Drawn by: JA
Designed by: JA/BS
Checked by: ANB
Sheet: 2 of 2

ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS
2323 South Tenaya Way
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04



ROC-4709 - APPLICANT: FLETCHER JONES MERCEDES – OWNER: ROMAN CATHOLIC BISHOP OF LAS VEGAS
2323 South Tenaya Way
AUGUST 4, 2004 CITY COUNCIL MEETING

Picture taken 07/17/04