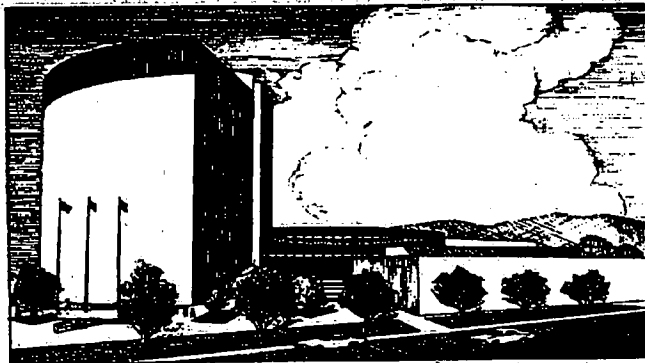




MINUTES

City of Las Vegas

CITY COUNCIL

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

CITY COUNCIL Meeting of

DECEMBER 1, 2004

INVOCATION PLEDGE OF ALLEGIANCE

CITY COUNCIL

MAYOR OSCAR B. GOODMAN

COUNCILMAN GARY REESE

MAYOR PRO-TEM

(Excused from PM session at 3:53 PM)

COUNCILMAN LARRY BROWN

(Excused from PM session until 1:41 PM)

COUNCILMAN LAWRENCE WEEKLY

COUNCILMAN MICHAEL MACK

(Excused from PM session until 1:50 PM)

COUNCILWOMAN JANET MONCRIEF

COUNCILMAN STEVE WOLFSON

DOUG SELBY, CITY MANAGER

BRAD JERBIC, CITY ATTORNEY

BRYAN SCOTT, DEPUTY CITY ATTORNEY (PM session)

TOM GREEN, DEPUTY CITY ATTORNEY

BARBARA JO RONECUS, CITY CLERK

PRESENT

ABSENT

EXCUSED

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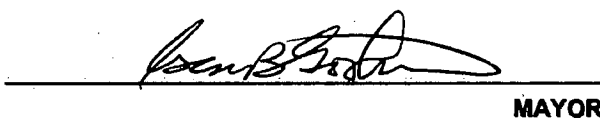
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APPROVED BY REFERENCE: February 16, 2005

ATTEST:


CITY CLERK


MAYOR

**THIS MEETING
CONTAINS SOME
PAGE(S) THAT ARE
ILLEGIBLE/POOR
QUALITY**



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)

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

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

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

DECEMBER 1, 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 - STAKE PRESIDENT GORDON BYWATER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS**
- PLEDGE OF ALLEGIANCE**
- RECOGNITION OF THE CITIZEN OF THE MONTH**
- RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER**

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of September 15, 2004

CONSENT AGENDA

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

ADMINISTRATIVE - CONSENT

3. Approval and ratification of Margo Wheeler as Director of the Planning & Development Department (\$110,000 + Benefits - General Fund)

FINANCE & BUSINESS SERVICES - CONSENT

4. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
5. Approval to allocate \$1,000,000 of the Capital Improvement Plan Bid Reserve to the Mirabelli Community Center reconstruction project - Ward 1 (Moncrief)
6. Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Acevedo & Acevedo, dba Little Mexico Restaurant, 7280 Azure Drive, Suite 150, Sally Acevedo, 50%, Rito I. Acevedo, 50% - Ward 6 (Mack)
7. Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, From: U.S.H. Los Prados, Inc., Joe L. Weathersby, Pres, Curtis W. Meyer, Asst Secy, To: Los Prados Community Association, dba Los Prados Clubhouse, 5150 Los Prados Circle, Steven M. Fagnant, Gen Mgr - Ward 6 (Mack)
8. Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Renee Poole, dba Call Renee! Estate Liquidation, From: 3618 Redwood Street, To: 1422 Western Avenue, Renee Poole, 100% - Ward 1 (Moncrief)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a Restricted Gaming License for 7 slots subject to Health Dept. regulations, Dashmesh Oil Company, dba From: Dashmesh Gas Station and Market, To: Guru Express Market, 6698 Sky Pointe Drive, Gurpreet S. Grewal, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)
10. Approval of a new Hypnotist License, Collen Cichocki, dba Advantage Clinical Hypnosis, 416 South Jones Boulevard, Collen A. Cichocki, 100% - Ward 1 (Moncrief)
11. Approval of a new Psychic Art & Science License, Maria Crudele, dba Reverend Maria Crudele, 6848 West Charleston Boulevard, Maria Crudele, 100% - Ward 1 (Moncrief)
12. Approval of Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, From: Rancho Decatur Restaurants, LLC, dba Doc Holliday's Saloon, Thomas J. Brletic, Mmbr, 91%, Brletic Family Gaming Trust, Mmbr, 9%, Thomas J. Brletic, Grantor, Trustee, To: KBT Enterprises, LLC, dba On The Rocks, 2801 North Tenaya Way, Suite A, Don T. Bartakian, Mmbr, Mgr, 50%, Craig E. Tribus, Mmbr, Mgr, 50% - Ward 4 (Brown)
13. Approval of Contract No. 040396, Municipal Court Software Development, Licensing and Royalty Fee - Municipal Court - Award recommended to: NEVSYS, INC. (\$925,000 - Municipal Court Admin Assessment Special Revenue Fund)
14. Approval of Contract No. 050075 for Microsoft Enterprise Software - Department of Information Technologies - Award recommended to: ASAP SOFTWARE (\$600,000 - Computer Services Internal Service Fund)
15. Approval of award of Contract No. 050125, General and Civil Engineering Services - Department of Field Operations - Award recommended to: HARRIS & ASSOCIATES, INC.(\$350,000 - Public Works Capital Projects Fund)

FINANCE & BUSINESS SERVICES - CONSENT

16. Approval of ratification of purchase order 222219 for Repairs to Lufkin Industries Gear Box - Department of Public Works - Award to: LUFKIN INDUSTRIES, INC. (\$75,716 - Sanitation Enterprise Fund)
17. Approval of issuance of a purchase order for a DekoCast System - Office of Communications, Video Services - Award recommended to: PINNACLE SYSTEMS (\$37,830 - Video Productions Enterprise Fund)
18. Preapproval of award of Bid Number 03.15341.06, Circle Park Tire Wall to the lowest responsive and responsible bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - (\$34,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)
19. Approval of five contractors for inclusion on the Qualified Contractor List for the City Hall East Tower Project - Department of Finance and Business Services - Approval of: CLARK & SULLIVAN CONSTRUCTORS, INC., JAYNES CORPORATION, MARTIN-HARRIS CONSTRUCTION, SLETTEN CONSTRUCTION of NEVADA, INC. and WHITING TURNER CONTRACTING COMPANY.
20. Approval of award of Bid No. 04.15341.41-LED, Centennial Hills Park Volleyball Courts and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADE WEST CONSTRUCTION, INC. (\$297,200 - Capital Project Fund) - Ward 6 (Mack)

FIRE & RESCUE - CONSENT

21. Approval of a federal grant from the Federal Emergency Management Agency (FEMA) in the amount of \$400,000 for the Metropolitan Medical Response System (MMRS) in order to provide local relief in the event of nuclear, biological or chemical terrorist incidents - All Wards

HUMAN RESOURCES - CONSENT

22. Approval of payment for a Permanent Partial Disability award - Claim WC03110270 - as required under the workers' compensation statutes (\$72,421 - Workers' Compensation Internal Service Fund)

NEIGHBORHOOD SERVICES - CONSENT

23. Approval of an additional \$167,898 of Community Development Block Grant (CDBG) Construction funds for a total allocation of \$242,898 for the construction of an entry vestibule at the Doolittle Senior Center located at 1950 J Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - CONSENT

24. Approval of a revised list of Round Six Projects for nomination for funding from the Special Account established through the sale of Bureau of Land Management (BLM) lands in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) - All Wards

PUBLIC WORKS - CONSENT

25. Approval of a Dedication from the City of Las Vegas, for a portion of the Northwest Quarter of Section 30, Township 20 South, Range 61 East, Mount Diablo Meridian, for right-of-way located at the northeast corner of Decatur Boulevard and Washington Avenue for a right turn lane, APN 139-30-201-001 - Ward 5 (Weekly)

PUBLIC WORKS - CONSENT

26. Approval of a Declaration of Utilization from the Bureau of Land Management, for a portion of the Northwest Quarter of Section 1, Township 20 South, Range 59 East, Mount Diablo Meridian, for road, sewer and drainage purposes (30-feet) on the north side of Stange Avenue located between Puli Road and Cliff Shadows Parkway alignments, APN 137-01-201-003 - Ward 4 (Brown)
27. Approval of a Dedication from the City of Las Vegas, for a portion of the Southwest Quarter of Section 28, Township 20 South, Range 60 East, Mount Diablo Meridian for two drainage easements for the Silver Sky Assisted Living Center located at the northeast corner of Roland Wiley Road and Silver Sky Drive, APN 138-28-401-014 - Ward 2 (Wolfson)
28. Approval of an Encroachment Request from Makenzie Corporation, owner (231 West Philadelphia Avenue) - Ward 1 (Moncrief)
29. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Red Rock Engineering and Surveying, Incorporated, on behalf of NW Investment, LLC, owner (northwest corner of Dapple Gray Road and Hickam Avenue, APN 138-05-301-028) - County (near Ward 4 - Brown)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (Farm Road and Jensen Street, APNs 125-18-301-005, 125-18-301-006, 125-18-301-007, 125-18-301-008, 125-18-301-009, 125-18-301-010, 125-18-301-011, 125-18-301-012, 125-18-301-015, 125-18-301-016, 125-18-301-017, 125-18-301-018, 125-18-301-019, 125-18-301-020, 125-18-301-021 and 125-18-301-022) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (southeast corner of Hualapai Way and Farm Road, APNs 125-18-301-001 and 125-18-301-013) - County (near Ward 6 - Mack)
32. Approval of an Encroachment Request from Investment Equity Development on behalf of Tech Retail Center, LLC, owner (northeast corner of Smoke Ranch Road and Buffalo Drive) - Ward 4 (Brown)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Raymond Tagliaferri, IRA, owner (northwest corner of Conquistador Street and Tropical Parkway, APN 125-30-204-004) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Dwyer Engineering on behalf of Rodney Jordan, owner (southeast corner of Tropical Parkway and Riley Street, APN 125-29-610-003) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Taney Engineering on behalf of Coleman-Toll, Limited Partnership, owner (southeast corner of Rome Avenue and Torrey Pines Drive, APNs 125-23-802-001, 125-23-802-002, 125-23-802-003 and 125-23-802-004) - County (near Ward 6 - Mack)

RESOLUTIONS - CONSENT

36. R-173-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)
37. R-174-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

38. Report from the City Manager on the completion of the City of Las Vegas' 2004 Citizen's Academy

CITY ATTORNEY - DISCUSSION

39. Discussion and possible action on Appeal of Work Card Denial: Martin Shaw Cox, 1957 Bookbinder, Las Vegas, Nevada 89108
40. Discussion and possible action on Appeal of Work Card Denial: Abraham A. Harely, 2445 Carnegie Hall Street, Las Vegas, Nevada 89135
41. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Mary L. Oliphant, 4221 Walnut Family Court, Las Vegas, Nevada 89115
42. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Yolanda Rochelle White, 2762 Eldora Circle #D, Las Vegas, Nevada 89146

FINANCE & BUSINESS SERVICES - DISCUSSION

43. ABEYANCE ITEM - 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)
44. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: Estela Figueroa, dba El Santaneco Restaurant #2, Estela Figueroa, 100%, To: Ana Maria Bahena Bahena, dba El Arroyo Mexican Restaurant, 1510 Las Vegas Boulevard South, Anna M. Bahena Bahena, 100% - Ward 1 (Moncrief)
45. Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Watana Pongpan, dba House of Thai, 210 West Sahara Avenue, Watana Pongpan, 100%, To: Ocha Cuisine, Inc., dba Ocha Cuisine, Inc., 2211 Las Vegas Boulevard South, Suite A, Watana Pongpan, Dir, Pres, Treas, 50%, Vilawan Pongpan, Dir, VP, Secy, 50% - Ward 3 (Reese)
46. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: King of Clubs, Inc., dba King of Clubs (Non-operational), Norma C. Kastler, Dir, Pres, 50%, Lois C. Swier, Dir, Secy, Treas, 50%, To: B & B Investors, Inc., dba El Tequila Club, 1401 North Decatur Boulevard, Suite 6, Burt J. Blum, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

NEIGHBORHOOD SERVICES - DISCUSSION

47. Discussion and possible action on reprogramming \$43,100 in Community Development Block Grant (CDBG) funds to The Latin Chamber of Commerce for operation of the Arturo Cambiero Senior Citizens Center located at 330 North 13th Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - DISCUSSION

48. Discussion regarding possible changes to current Title 19.14.100 of the Las Vegas Zoning Code that would amend certain existing standards for off-premise signs, as well as establish new ones - All Wards

PUBLIC WORKS - DISCUSSION

49. Discussion and possible action on the I-515 Corridor Study prepared for the Nevada Department of Transportation - Wards 3, 4 and 5 (Reese, Brown and Weekly)

RESOLUTIONS - DISCUSSION

50. R-175-2004 - Discussion and possible action regarding a Resolution Concerning the Use of Funds Generated from the Enactment of a Sales and Use Tax Increase in Response to Clark County Advisory Question No. 9
51. R-176-2004 - Discussion and possible action regarding a Resolution Adopting Guidelines for Development Within the Kyle Canyon Gateway Area

BOARDS & COMMISSIONS - DISCUSSION

52. Discussion and possible action on the appointment of a member of the City Council to serve on the Oversight Panel for School Facilities
53. Appointment and reappointment of members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

54. Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
55. Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief
56. Bill No. 2004-74 - Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District. Sponsored by: Councilman Larry Brown
57. Bill No. 2004-75 - Provides for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements. Proposed by: Robert S. Genzer, Director of Planning and Development

NEW BILLS - DISCUSSION

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.

58. Bill No. 2004-76 - Updates the membership of the Design Review Committee for the Downtown Entertainment Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
59. Bill No. 2004-77 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilwoman Janet Moncrief
60. Bill No. 2004-78 - Clarifies the procedures and standards that apply to the installation of speed humps on residential streets. Proposed by: Richard D. Goecke, Director of Public Works

NEW BILLS - DISCUSSION

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.

61. Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
62. Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
63. Bill No. 2004-81 - Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise. Proposed by: Barbara Jo Ronemus, City Clerk

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

64. 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

65. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 1401 Comstock Drive. PROPERTY OWNERS: WILLIS J. JR. & GLINDA BOWDEN - Ward 5 (Weekly)
66. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at 7009 Dramatic Way. PROPERTY OWNERS: LORI ANN & DALE F. NITZSCHKE - Ward 6 (Mack)
67. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot between 5504 & 5516 Alpine Place (Parcel #138-36-407-023). PROPERTY OWNER: SAMER N. NAKHLE - Ward 1 (Moncrief)
68. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 3201 Arlene Way. PROPERTY OWNER: MICHAEL J. MARUNA - Ward 6 (Mack)
69. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 314 N. 16th Street. PROPERTY OWNER: YVONNE C. FUKUMOTO - Ward 5 (Weekly)
70. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot on Maydelle Place (North of 395 Maydelle Place). PROPERTY OWNER: CABRERA INVEST - Ward 3 (Reese)
71. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 1106 Norman Avenue. PROPERTY OWNER: CARL R. SAUNDERS - Ward 3 (Reese)

PLANNING & DEVELOPMENT

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 - 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.

72. EOT-5451 - APPLICANT/OWNER: MASONIC MEMORIAL TEMPLE - Request for an Extension of Time of an approved Rezoning (Z-0011-02) FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: O (OFFICE) AND C-V (CIVIC) on 13.70 acres adjacent to the northeast corner of Rancho Drive and Mesquite Avenue (APN 139-29-801-005), Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

73. ROC-5319 - APPLICANT/OWNER: COKE MAGGIE, LLC - Request for a Review of Condition Number 8 of an approved Tentative Map of Coke and Conough (TMP-1179) WHICH REQUIRED OFF-SITE IMPROVEMENTS FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.72 acres adjacent to the southeast corner of Iron Mountain Road and Conough Lane (APN 125-09-510-001 through 019), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends APPROVAL
74. ROC-5520 - PUBLIC HEARING - APPLICANT/OWNER: RICHMOND AMERICAN HOMES - Request for a Review of Condition Numbers 3 and 4 of an approved Site Development Plan Review [Z-0073-02(1)] TO ALLOW THREE STORIES WHERE TWO STORIES WAS THE MAXIMUM HEIGHT ALLOWED; AND TO CHANGE THE SETBACKS TO A MINIMUM OF 6 FEET IN FRONT OF THE GARAGE, AND 10 FEET IN THE REAR WHERE THE SETBACKS WERE APPROVED AS A MINIMUM OF 10 FEET TO THE FRONT OF THE HOUSE, 18 FEET TO THE FRONT OF THE GARAGE, AND 6 FEET IN THE REAR for an approved 261 lot single family development on 21.5 acres adjacent to the south side of Gowan Road, approximately 700 east of Cliff Shadows Parkway (APN 137-12-311-001 through 145; and 137-12-313-001 through 115), PD (Planned Development) Zone, Ward 4 (Brown). Staff recommends DENIAL
75. SDR-5184 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: INFIELDFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD - Request for a Site Development Plan Review FOR A 14,000 SQUARE FOOT OFFICE BUILDING AND A 17,250 SQUARE FOOT COMMERCIAL BUILDING AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS TO ALLOW A 10 FOOT REAR SETBACK WHERE 20 FEET IS REQUIRED on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), O (Office) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant requests to withdraw the portion of this application for APN 138-12-110-021)
76. SDR-5310 - PUBLIC HEARING - APPLICANT/OWNER: LONGFORD AT LAKE MEAD, LLC - Request for a Site Development Plan Review and a Waiver of Title 19.12.050.E to eliminate a required minimum five-foot landscape buffer between the street curb and sidewalk FOR A PROPOSED 41,863 SQUARE-FOOT COMMERCIAL CENTER WITH A DRIVE-THROUGH RESTAURANT on 4.85 acres adjacent to the south side of Lake Mead Boulevard, approximately 300 feet east of Tonopah Drive (APN 139-21-314-001), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
77. SDR-5314 - PUBLIC HEARING - APPLICANT: STANLEY CONSULTANTS, INC - OWNER: SNIP ST CROIX, LP - Request for Site Development Plan Review FOR A 256-UNIT RESIDENTIAL CONDOMINIUM CONVERSION on 10.62 acres at 6661 Silverstream Avenue (APN 138-26-302-002 and 138-26-401-002), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

78. MOD-5254 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: PR-OS (PARK/SCHOOL/RECREATION/OPEN SPACE) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) General Plan Designation] and U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
79. ZON-5256 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (UNDEVELOPED) [PF (PUBLIC FACILITIES) AND [PR-OS (PARKS/RECREATION/OPEN SPACE) GENERAL PLAN DESIGNATIONS] TO: PD (PLANNED DEVELOPMENT) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
80. SDR-5257 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED BASEBALL AND SOFTBALL PARK on approximately 102.6 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-201-006, 138-07-102-001, 138-07-201-010, 138-07-103-002, 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] [PROPOSED: PD (Planned Development)], U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] under Resolution of Intent to PD (Planned Development), C-V (Civic) Zone under Resolution of Intent to PD (Planned Development) Zone, and PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL
81. VAR-5288 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Variance TO ALLOW 78 PERCENT OF THE TOTAL FLOOR AREA OF A LIVE/WORK UNIT TO BE USED FOR RESIDENTIAL PURPOSES WHERE 50 PERCENT IS THE MAXIMUM ALLOWED in conjunction with a proposed 71-unit multi-family live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
82. SUP-5287 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Special Use Permit FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommends APPROVAL
83. WVR-5289 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Waiver of Title 18.12.100 TO ALLOW 32-FOOT PRIVATE STREETS WHERE 39 FEET IS THE MINIMUM WIDTH REQUIRED on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
84. SDR-5286 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Site Development Review and Waivers of streetscape and build-to requirements FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL
85. SUP-4808 - TABLED ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 51 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL
86. SUP-4809 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

87. SUP-4830 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northwest corner of Westcliff Drive and Rainbow Boulevard (APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson). The Planning Commission (6-1 vote) and staff recommend DENIAL
88. SUP-5228 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Special Use Permit FOR AN EXISTING ANIMAL HOSPITAL, CLINIC, OR SHELTER WITH OUTSIDE PENS AND A PROPOSED ADDITION TO THE HOSPITAL at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
89. SDR-5094 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Site Development Plan Review and a Waiver of perimeter landscaping standards FOR A PROPOSED 2,890 SQUARE-FOOT ADDITION TO AN EXISTING ANIMAL HOSPITAL WITH OUTSIDE PENS on 2.18 acres at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
90. SUP-5230 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for Special Use Permit for BEER & WINE SALES, OFF-PREMISE located at 6955 N. Durango, Suite #1113 and #1114 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
91. SUP-5231 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for a Special Use Permit FOR PACKAGE LIQUOR SALES located at 6955 N. Durango, Suite #1115 and #1116 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
92. SUP-5276 - PUBLIC HEARING - APPLICANT/OWNER: DAVID A. TACK AND SUSAN M. TACK - Request for a Special Use Permit FOR A PROPOSED 40-FOOT HIGH, 21-FOOT X 32-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1720 South Main Street (APN 162-03-301-003), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
93. SUP-5291 - PUBLIC HEARING - APPLICANT/OWNER: HENRIK NAZERIAN - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE (MINOR) at 5001 West Charleston Boulevard (APN 163-01-502-011) C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
94. SUP-5296 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit TO ALLOW A DENSITY OF 66.94 UNITS PER ACRE WHERE 50 UNITS PER ACRE IS THE MAXIMUM ALLOWED FOR A PROPOSED 399-UNIT HIGH DENSITY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
95. SDR-5295 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Site Development Review FOR A PROPOSED 399-UNIT FIVE-STORY HIGH DENSITY RESIDENTIAL DEVELOPMENT on 5.96 acres adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

96. SUP-5305 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Special Use Permit FOR A PROPOSED MINI-WAREHOUSE FACILITY adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL.
97. SDR-5307 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Site Development Plan Review and Waivers to allow a zero-foot rear yard setback where 20 feet is required and of the perimeter landscaping requirements FOR A PROPOSED 85,555 SQUARE-FOOT MINI-WAREHOUSE FACILITY on 2.69 acres adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL.
98. SUP-5466 - PUBLIC HEARING - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE SEPARATION DISTANCE REQUIREMENT at 425 Fremont Street (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL.
99. ZON-5222 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL.
100. SUP-5225 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Special Use Permit FOR A PROPOSED AUTO SMOG CHECK AND CARWASH, SELF SERVICE located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.
101. SDR-5223 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Site Development Plan Review and a Waiver of perimeter buffering and landscaping standards FOR A PROPOSED SMOG CHECK AND CAR WASH, SELF SERVICE on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL.
102. ZON-5302 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R-E (RURAL ESTATES) AND RNP (RURAL NEIGHBORHOOD PRESERVATION) GENERAL PLAN DESIGNATIONS] TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL.
103. VAR-5306 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Variance TO ALLOW ZERO ACRES OF OPEN SPACE WHERE 0.54 ACRES OF OPEN SPACE IS REQUIRED in conjunction with a proposed 33-lot single-family residential development on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL.

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5304 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Site Development Plan FOR A PROPOSED 33-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL
105. ZON-4216 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Rezoning FROM: U (Undeveloped) [TC (Town Center) General Plan Designation] TO: T-C (Town Center) on 17.66 acres adjacent to the northwest corner of Deer Springs Way and Fort Apache Road (APN 125-19-602-001, 003 thru 011), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
106. ZON-5313 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) [L-TC (LOW DENSITY RESIDENTIAL) TOWN CENTER SPECIAL LAND USE DESIGNATION] TO: T-C (TOWN CENTER) on 2.50 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-002), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
107. VAC-4218 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located south of Dorrell Lane, west of Chieftain Street, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
108. SDR-5317 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO AND PARDEE HOMES OF NEVADA - Request for a Site Development Plan FOR A PROPOSED 108-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 20.18 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-001 thru 011), U (Undeveloped) Zone [TC (Town Center) L-TC (Low Density Residential Town Center General Plan Designation)] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
109. GPA-5034 - ABEYANCE - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
110. ZON-4941 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT - 50 UNITS PER ACRE) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
111. VAR-5035 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW A 20 FOOT SETBACK WHERE 1,212 FEET IS REQUIRED on 16.78 acres north of Alta Drive and west Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
112. VAR-5479 - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW 153,879 SQUARE FEET OF OPEN SPACE WHERE 606,678 SQUARE FEET IS REQUIRED FOR AN 854-UNIT MULTIFAMILY DEVELOPMENT on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

113. SDR-5155 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Site Development Plan FOR A PROPOSED 21 STORY, 840 UNIT CONDOMINIUM DEVELOPMENT IN THREE BUILDINGS on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
114. GPA-5120 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
115. ZON-5121 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) TO: R-PD8 (RESIDENTIAL PLANNED DEVELOPMENT - 8 UNITS PER ACRE) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
116. VAR-5124 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Variance TO ALLOW 0.44 ACRES OF OPEN SPACE WHERE 0.66 ACRES IS THE MINIMUM REQUIRED FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), GC (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
117. SDR-5122 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission recommends APPROVAL
118. GPA-5157 - ABEYANCE ITEM - PUBLIC HEARING - OWNER/APPLICANT: CITY OF LAS VEGAS - Request to amend the Master Plan Recreation and Transportation Trail Elements TO RE-DESIGNATE PORTIONS OF PROPOSED ALIGNMENTS IN DEVELOPED AREAS AS PEDESTRIAN PATHS, Ward 1, 3, 4, 5 and 6 (Moncrief, Reese, Brown, Weekly and Mack); AND TO REVISE CROSS SECTIONS, All Wards. The Planning Commission (6-1 vote) and staff recommend APPROVAL
119. MOD-5497 - NOT TO BE HEARD BEFORE 4:00 P.M. - PUBLIC HEARING - APPLICANT: TRIPLE FIVE DEVELOPMENT NEVADA - OWNER: GREAT MALL OF LAS VEGAS, LLC - Request for a Major Modification to the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan TO CHANGE THE LAND USE DESIGNATION FROM: MS-TC (MAIN STREET MIXED USE - TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN CENTER) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95 (APN 125-21-201-001), Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

SET DATE

120. 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

CITIZENS PARTICIPATION

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

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

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

(Mailing required under the provisions of NRS Chapter 241)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **23rd day of November, 2004**, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **City of Las Vegas, City Council Meeting** to be held on the **1st day of December, 2004**, was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

 **STACEY CAMPBELL**
Notary Public State of Nevada
No. 04-92740-1
My appt. exp. Oct. 14, 2008

AFFIDAVIT OF POSTING
(Posting required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Paula Clark and Sharisse Yarborough, employees of the City of Las Vegas, Nevada being first duly sworn, depose and say that on the **23rd day of November, 2004** at the hour of **4:00 P.M.** there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **City of Las Vegas, City Council Meeting** to be held on the **1st day of December, 2004**, at **9:00 A.M.**, Las Vegas, Nevada; to be posted on Public Bulletin Boards at the following locations:

S.Y. 1. City Clerk's Bulletin Board, 400 Stewart Avenue, 2nd Floor Skybridge (in the walkway area next to the entrance of the Human Resources Department)

S.Y. 2. Court Clerk's Office Bulletin Board, City Hall Plaza, 400 Stewart Avenue (near the entrance to the Court Clerk's Office)

pl 3. Las Vegas Library, 833 Las Vegas Blvd.

pl 4. Clark County Government Center, 500 S. Grand Central Parkway

pl 5. Grant Sawyer Building, 555 E. Washington Avenue

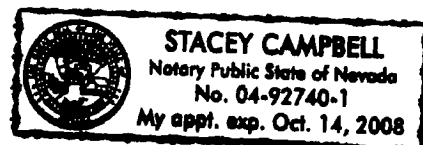
Sarisse Yarborough
Paula Clark
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

24TH day of November, 2004

Stacey Campbell
NOTARY PUBLIC in and for said County and State



CITY COUNCIL AGENDA
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

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

- CALL TO ORDER

MINUTES:

PRESENT: MAYOR GOODMAN and COUNCILMEMBERS REESE (excused from the afternoon session at 3:53 p.m.), BROWN (excused from the afternoon session until 1:41 p.m.), WEEKLY, MACK (excused from the afternoon session until 1:50 p.m.), MONCRIEF (excused from the afternoon session until 1:43 p.m.), and WOLFSON

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

- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

ANNOUNCEMENT MADE - Meeting noticed and posted at the following locations:

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

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(9:06 - 9:07)

1-1

- INVOCATION - STAKE PRESIDENT GORDON BYWATER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS

MINUTES:

STAKE PRESIDENT GORDON BYWATER, Church of Jesus Christ of Latter-Day Saints, gave the invocation.

(9:07- 9:08)

1-21

- PLEDGE OF ALLEGIANCE

MINUTES:

MAYOR GOODMAN led the audience in the Pledge.

(9:08 - 9:09)

MINUTES - Continued:

1-63

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE CITIZEN OF THE MONTH

BACKUP DOCUMENTATION:

1. Submitted at meeting: copy of certificate for Walt Walters, Citizen of the Month for December 2004
2. Submitted after meeting: copy of Proclamation recognizing Walt Walters on December 1, 2004, as Citizen of the Month

MOTION:

None required. A presentation was made.

AMENDMENT ATTACHED

MINUTES:

Before recognizing the Citizen of the Month, MAYOR GOODMAN stated that the Councilmembers have shared many moments of laughter, but this day they were sharing grief due to the recent passing of COUNCILMAN REESE'S mother. She was a wonderful woman who loved life.

COUNCILWOMAN MONCRIEF recognized WALT WALTERS, President of the Gateway District Neighborhood Association, known as Meadows Village, as Citizen of the Month for being instrumental in redefining the mission of the Association and identifying ways to brand the neighborhood. COUNCILWOMAN MONCRIEF read the Proclamation and presented it to MR. WALTERS, along with a Citizen of the Month certificate. Copies of both documents are included in the backup documentation.

MR. WALTERS was surprised to be recognized. He expressed his appreciation and felt honored. He thanked all the Councilmembers for their manner of doing business. He especially thanked COUNCILWOMAN MONCRIEF and City staff members LIDO REYES and MARIA CASTILLO-COUCH for their guidance.

(9:11 - 9:15)

1-167

Amendment to Final Minutes

Office of the City Clerk

City Council Meeting Minutes of December 1, 2004

Date Submitted: July 3, 2006

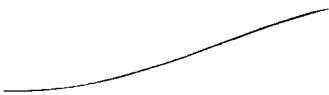
Amendment to Ceremonial Item – Recognition of the Citizen of the Month

NOTE: Subsequent to the finalization of the minutes, a Verbatim Transcript was made a part of the Final Minutes.

Submitted By: Angela Colli

Signature: [Signature]
City Clerk or Chief Deputy

Date: July 10, 2006



**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – CEREMONIAL

1 RECOGNITION OF THE CITIZEN OF THE MONTH

2

3 Appearance List:

4 OSCAR GOODMAN, Mayor

5 JANET MONCRIEF, Councilwoman

6 WALT WALTERS, President of the Gateway District Neighborhood Association

7

8 (9:11 – 9:15)

9 1-167

10 4 minutes

11

12 Typed by: Angela Crolli

13 Proofed by: Jo Ann Williams

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – CEREMONIAL

14 **MAYOR GOODMAN**

15 This is the first item this morning, is the recognition of the Citizen of the Month and
16 Councilwoman Moncrief will – handle that.

17

18 **COUNCILWOMAN MONCRIEF**

19 Thank you, Your Honor. We are here today to recognize Walt Walters as Ward 1 Citizen of
20 Month. Walt Walters, could you please come forward. Walt didn't know he was getting
21 recognized today.

22

23 **MAYOR GOODMAN**

24 Congratulations.

25

26 **COUNCILWOMAN MONCRIEF**

27 Walt Walters is President of the Gateway District Association, better known as Meadows
28 Village. He's been instrumental in redefining the mission of a neighborhood association and has
29 identified ways to brand the Gateway District area. Walt Walters is passionate about stabilizing
30 this community and continues to dream up projects to improve the quality of life in the Gateway
31 District area. He has invested in the future of this neighborhood by buying and improving
32 several properties, which has in turn enhanced the lives of these residents. He's, he is now
33 building the first apartment complex behind the Stratosphere since 1984.

34 To address crime concerns, Walt hired a security firm to keep areas safe. He's been working
35 closely with Neighborhood Service, Code Enforcement, and Metro's Chronic Nuisance Unit to
36 remove various crime elements from sections of this neighborhood. Since his partnership, the
37 community has become a much safer place. Walt is very active in the Weed and Seed Task
38 Force and has begun to network with other businesses, such as Arts District, the Downtown
39 Business Operators Council and the Cultural Corridor Coalition in order to develop a common
40 vision for our Downtown area.

41 Walt Walters, we appreciate everything you've done for us and I just want to thank you so much
42 and I want to give you this proclamation.

VERBATIM TRANSCRIPT – CEREMONIAL

53

56 (END OF DISCUSSION)

Page 3 of 3

CEREMONIAL BACKUP

RECOGNITION OF CITIZEN OF THE MONTH



City of Las Vegas Citizen of the Month December 2004

Walt Walters

Gary Reese
Councilman Gary Reese

Michael Mack
Councilman Michael Mack

Oscar B. Goodman
Mayor Oscar B. Goodman

Larry Brown
Councilman Larry Brown

Janet Moncrief
Councilwoman Janet Moncrief

Laurence Weekly
Councilman Laurence Weekly

Steve Wolfson
Councilman Steve Wolfson

City of Las Vegas

Proclamation

- Whereas;** Walt Walters is investing in the future of the Gateway District, better known as Meadows Village, by buying and improving several properties, which has in turn, enhanced the lives of residents in this community. He is building the first apartment complex since 1984.
- Whereas;** As President of the Gateway District Association, he's been instrumental in taking the members through a strategic session defining the mission of the group. Through focus group meetings, he and the Office of Business Development have identified ways to brand the area.
- Whereas;** Walt Walters is passionate about stabilizing this community and continues to dream up projects to improve the quality of life of this area. He helped coordinate the September 25 neighborhood clean up and secured the Clark High School Varsity baseball team to volunteer. He is working with other downtown neighborhoods to develop an annual fund raising event. He recently contributed to the purchase of 100 turkeys for needy families within the Gateway District.
- Whereas;** He is active in the Weed and Seed Task Force and has begun to network with other business associations (such as the Arts District, the Downtown Business Operators Council, and the Cultural Corridor Coalition) in order to develop a common vision for the downtown area.
- Whereas;** Walt Walters hired a security firm to keep areas safe, as well as, gather information about gang and crime activity. With this information, the City of Las Vegas Neighborhood Services Code Enforcement and Metro's Chronic Nuisance unit are working to remove crime elements from Philadelphia Street and other sections of this neighborhood.
- Therefore;** WE, THE MAYOR AND CITY COUNCIL OF THE CITY OF LAS VEGAS, ARE PLEASED TO CONGRATULATE AND RECOGNIZE WALT WALTERS ON THIS DAY, WEDNESDAY, DECEMBER 1, 2004, AS:

CITIZEN OF THE MONTH

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO APPLAUD WALT WALTERS FOR HIS OUTSTANDING COMMUNITY SERVICE AND CONTRIBUTIONS TO THE GATEWAY DISTRICT AND THE STUPAK COMMUNITY CENTER.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER

BACKUP DOCUMENTATION:

Submitted at meeting: copy of face of plaque for Dianne Flounory, Senior Citizen of the Quarter

MOTION:

None required. A presentation was made.

MINUTES:

JERRY KOSBAB, Chair of the Senior Citizens Advisory Board, honored DIANNE FLOUNORY as Senior of the Quarter. JERYLS HENDERSON of the Doolittle Senior Center nominated MS. FLOUNORY for her outstanding commitment to helping seniors and for her volunteering spirit. MR. KOSBAB congratulated MS. FLOUNORY on her commitment to enhance the lives of seniors and for making Las Vegas a better place for all Las Vegans.

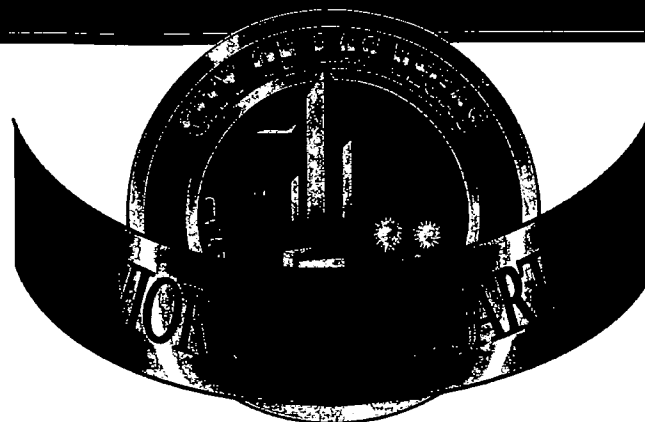
MS. FLOUNORY thanked the Councilmembers and accepted a plaque. She thanked God for so many blessings, especially for her daughter and friends, who were present to help her celebrate this day.

(9:15 -9:17)

1-269

CEREMONIAL BACKUP

RECOGNITION OF SENIOR CITIZEN OF THE QUARTER



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

Dianne Flounory

This the 1st day of December two thousand and four
with their sincere thanks and appreciation.

Mayor Oscar B. Goodman

Mayor Pro Tem Gary Reese

Councilman Lawrence Weekly

Councilwoman Janet Moncrief

Councilman Larry Brown

Councilman Michael Mack

Councilman Steve Wolfson

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

ADDITIONAL ANNOUNCEMENTS AND REGOGNITIONS

MINUTES:

RECOGNITION OF PHIL RANDAZZO

Also, MAYOR GOODMAN announced that last year PHIL RANDAZZO held a rally to raise money for the troops, and it was very successful. This year MR. RANDAZZO is going to hold a bigger and more special fundraising event for the troops. Thanks to MIKE LUBE the event will be held at the YMCA, located at 4141 Meadows Lane, on 12/11/2004. This event will honor the families of those who are serving our country in Iraq.

MR. RANDAZZO thanked the Council for inviting him to the meeting to extend an invitation to everyone. He described the many activities for this event. All the money raised will go to benefit military charities.

(9:17 - 9:28)

1-352

RECOGNITION OF STUDENTS FROM JACOBSEN ELEMENTARY SCHOOL

At the dais, MAYOR GOODMAN introduced students from Jacobson Elementary School, who are members of the "Jacobsonville" City Council and whom he recently had the privilege of swearing in. These are wonderful youngsters, and some of them would be sitting with the Las Vegas City Council for part of the meeting, while others would remain seated in the audience. MAYOR KIRSTEY THOMAS of the "Jacobsonville" City Council thanked MAYOR GOODMAN for visiting Jacobson Elementary School and for allowing her Council to be a part of this meeting. She aspires to be a good mayor like MAYOR GOODMAN.

(9:28 - 9:30)

1-687

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

BUSINESS ITEMS:

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

MOTION:

REESE - Motion to bring forward and STRIKE Item 5 and Hold in ABEYANCE Item 56 to 12/15/2004 - UNANIMOUS

MINUTES:

COUNCILMAN MACK requested Item 3 be pulled for discussion.

(9:30 - 9:31)

1-752

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council Meeting of September 15, 2004

MOTION:

REESE - APPROVED by Reference - UNANIMOUS

MINUTES:

There was no discussion.

(9:31)

1-802

AGENDA SUMMARY PAGE CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: ADMINISTRATIVE

DIRECTOR: DOUGLAS A. SELBY

☒ CONSENT ☐ DISCUSSION

SUBJECT:

ADMINISTRATIVE:

Approval and ratification of Margo Wheeler as Director of the Planning & Development Department (\$110,000 + Benefits - General Fund)

Fiscal Impact:

☐	No Impact	Amount:	\$110,000.00
☒	Budget Funds Available	Dept./Division:	City Manager/Planning
☐	Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

The Planning & Development Department prepares and implements plans, administers and recommends entitlements, and offers advice about development that will enhance the quality of life of the citizens of Las Vegas. Ms. Wheeler has served as the Deputy Planning & Development Director since June 2003 and as a Planning Manager for both Current and Comprehensive Planning since her employment with the City of Las Vegas in December 2001. Her extensive planning and development experience makes her highly qualified for this position.

RECOMMENDATION:

It is recommended by the City Manager that the City Council ratify the appointment of Margo Wheeler to the position of Director of the Planning & Development Department with an effective date of January 2, 2005.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED as recommended - UNANIMOUS

MINUTES:

COUNCILMAN MACK said that even though ROBERT GENZER, Director of Planning and Development, will be sorely missed when he retires at the end of this year, he has full confidence that MARGO WHEELER is the person to fill his shoes. She is very dedicated and a quick study. COUNCILMAN REESE agreed that MS. WHEELER is going to do a great job.

MS. WHEELER thanked COUNCILMAN MACK for his confidence. She then thanked CITY MANAGER SELBY and DEPUTY CITY MANAGERS HOUCHENS and FRETWELL for giving her this opportunity. She feels privileged to be able to work for this Council, as well as with such a marvelous team of Department Directors and staff. But she owes this stupendous opportunity to MR. GENZER, because it was his leadership that shaped the Department and its staff.

MAYOR GOODMAN welcomed MS. WHEELER and commended her for her kind words and respect toward MR. GENZER. He will greatly miss MR. GENZER.

(9:34 - 9:36)

1-839

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

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

Fiscal Impact:

☐ No Impact	Amount: \$69,602,797.49
☒ Budget Funds Available	Dept./Division: Accounting Operations
☐ Augmentation Required	Funding Source: All Funds

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

BACKUP DOCUMENTATION:

Summary of cash expenditures for period of 11/01/04 - 11/15/04

Total Services and Materials Checks: \$20,918,844.45
Total Payroll Checks: \$7,997,095.35
Total Wire Transfers: \$40,686,857.69

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

NOTE: COUNCILMAN MACK disclosed that the location involved in Item 11 is located near a SuperPawn shop owned by his brother, Steven Mack. However, COUNCILMAN MACK indicated he would be voting, as he did not believe his brother's business would be impacted and they have not discussed it.

MINUTES:

NOTE: All the above discussion and action for consent matters took place under Item 3, but placed under Item 4 because Item 3 was pulled for discussion.

(9:31 - 9:34)

1-815

City of Las Vegas

Summary of Cash Expenditures

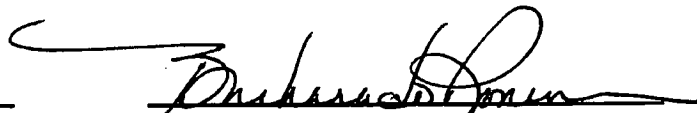
For period of 11/01/04 - 11/15/04

Total Services & Materials Checks :	\$20,918,844.45
Total Payroll Checks:	\$7,997,095.35
Total Wire Transfers:	\$40,686,857.69

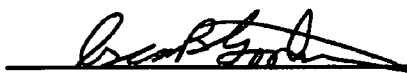
Grand Total:	\$69,602,797.49

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


Mark R Vincent
Director of Finance


Barbara Ronemus
City Clerk

On DECEMBER 1, 2004, the City Council approved the above cash expenditures.


Oscar B. Goodman
Mayor

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval to allocate \$1,000,000 of the Capital Improvement Plan Bid Reserve to the Mirabelli Community Center reconstruction project - Ward 1 (Moncrief)

Fiscal Impact:

☐

No Impact

Amount:

\$1,000,000.00

☒

Budget Funds Available

Dept./Division:

Finance and Business Services

☐

Augmentation Required

Funding Source:

Parks and Leisure Activities CPF

PURPOSE/BACKGROUND:

Construction bids for the Mirabelli Community Center Reconstruction project exceed current project funding due to the escalating costs for materials in the construction industry. The additional funding is required for bid award, including a seven percent contingency.

RECOMMENDATION:

Staff recommends approval of the allocation of \$1,000,000 in funding to the Mirabelli Community Center reconstruction project.

BACKUP DOCUMENTATION:

Parks in Progress Listing

MOTION:

REESE - Motion to bring forward and STRIKE Item 5 and Hold in ABEYANCE Item 56 to 12/15/2004 - UNANIMOUS

MINUTES:

There was no related discussion.

(9:30 - 9:31)

1-752

**City of Las Vegas
Parks in Progress
Council Actions**

Park/Facility	Project to Date Funding as of 11/1/04	City Council Agenda	Total
Alexander Hualapai Park	7,177,542		7,177,542
Artificial Turf Program	1,000,000		1,000,000
Big League Dreams Sports Complex	2,430,000		2,430,000
Bonanza Trail Construction	12,120,000		12,120,000
Boulder Plaza Park	0		0
Centennial Hills - Phase I	9,435,700		9,435,700
Centennial Hills Leisure Center	37,230,564		37,230,564
Centennial Hills Multi-Use Trail Segments	740,000		740,000
Centennial Hills Park Trail	440,000		440,000
Centennial Hills Prehistoric Riverbed Preservation	3,800,000		3,800,000
Chester Stupak Park	150,000		150,000
Chuck Minker Racquetball Court Conversions	0		0
Cultural Corridor Trails	0		0
Doolittle Complex Upgrades	250,000		250,000
East Las Vegas Community Ctr Marquee	0		0
East Las Vegas Community Ctr Upgrades	350,000		350,000
El Campo Grande	1,500,000		1,500,000
Equestrian Park	500,000		500,000
Estelle Neal Park Water Feature	100,000		100,000
Firefighters Memorial - Phase II	1,136,000		1,136,000
Fort Apache/Elkhorn Park	1,600,000		1,600,000
Fountain Park Phase II	2,960,616		2,960,616
Freedom Park Master Plan	750,000		750,000
Freedom Park Pool & Bathhouse	3,850,000		3,850,000
Garside Pool & Bathhouse	0		0
Gilmore Cliff Shadows Trailhead	1,500,000		1,500,000
Lone Mtn West #2 - Gilmore Cliff Shadows Park	517,161		517,161
Harmony Park	150,000		150,000
Horse/Bradley curb & gutter	100,000		100,000
Huntridge Circle Park Traffic Barriers	40,000		40,000
Iron Mountain Fort Apache Park	700,000		700,000
Johnson Community School Expansion	0		0
La Madre Mountain Trailhead	3,900,000		3,900,000
Las Vegas Senior Center Parking Lot	200,000		200,000
Las Vegas Wash Trail	1,920,000		1,920,000
Lone Mountain Trail System - Phase I	3,200,000		3,200,000
Lorenzi Park Tennis Complex	0		0
Lorenzi Park Upgrades	580,000		580,000
Mirabelli Community Center Reconstruction	6,889,759	1,000,000	7,889,759
Molasky Community School Modular	355,000		355,000
Mountain Ridge - Phase IV	2,495,000		2,495,000
Multi-use Transportation Trails	0		0
Multi-use Trails & Trailheads - 90 Miles	4,300,000		4,300,000
Natural History Museum Retrofit	100,000		100,000
Neon Boneyard Park	0		0
NW Regional Open Space Plan	250,000		250,000
Patriot Park Lighted Tennis Court	211,000		211,000
Pavillion Center Pool Lighting	0		0
Post Office Building	1,457,570		1,457,570
Reed Whipple Cultural Center Marquee	0		0
Sky Ridge Park Security Lighting	0		0
Stupak Community Center Demolish & Rebuild	700,000		700,000
Tenaya/Washington Park	1,105,000		1,105,000
Veterans Memorial Pool Cover	0		0
Washington/Bufalo Park - Phase I	41,450,000		41,450,000
Washington/Bufalo Park - Phase II	0		0
West Las Vegas Arts Center Security Package	100,000		100,000
	159,740,912	1,000,000	160,740,912
<u>CIP BID RESERVE</u>	6,308,000	(1,000,000)	5,308,000

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Acevedo & Acevedo, dba Little Mexico Restaurant, 7280 Azure Drive, Suite 150, Sally Acevedo, 50%, Rito I. Acevedo, 50% - Ward 6 (Mack)

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Supper Club License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Map

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

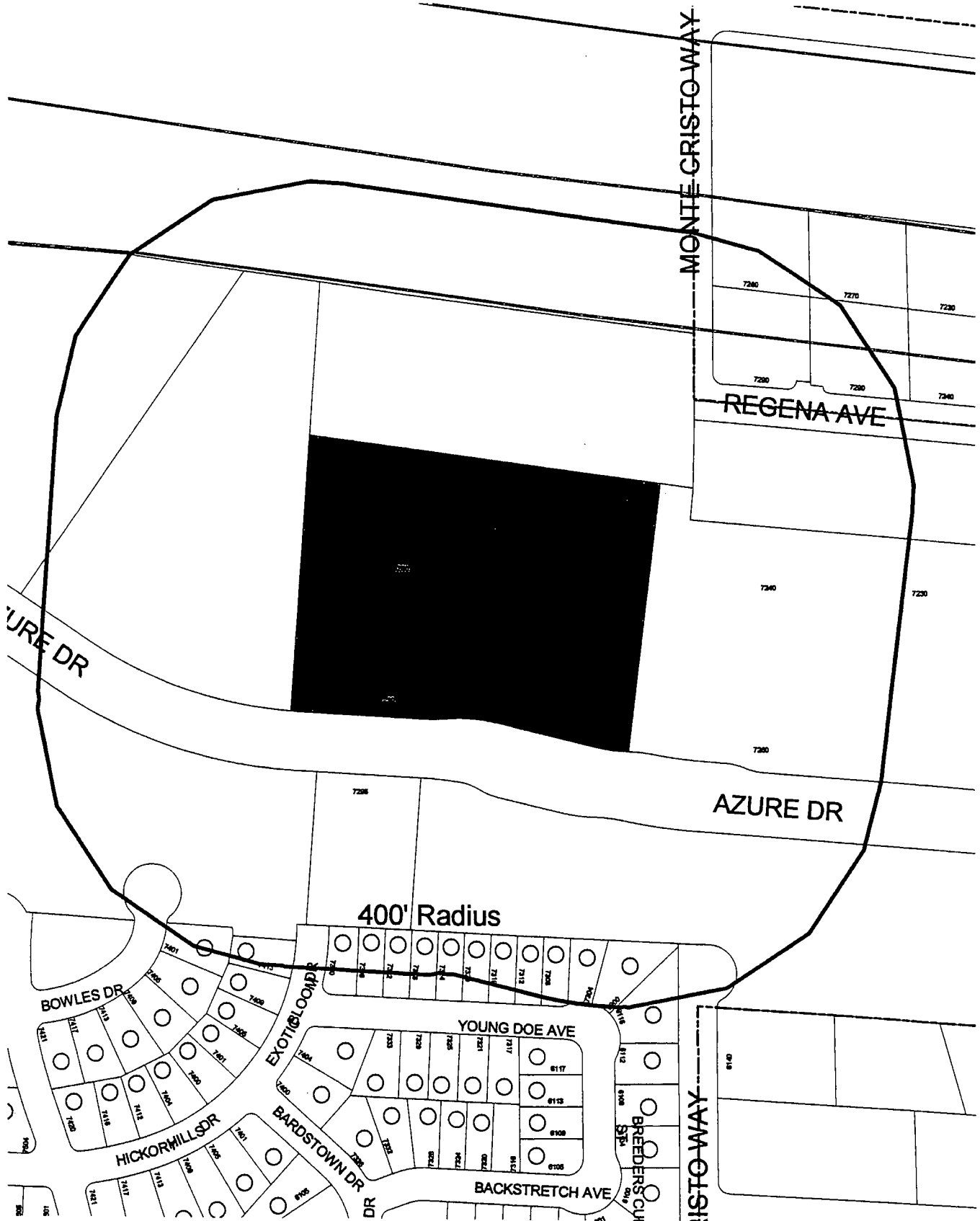
MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

LITTLE MEXICO RESTAURANT



0 100 200 Feet

0006 N

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, From: U.S.H. Los Prados, Inc., Joe L. Weathersby, Pres, Curtis W. Meyer, Asst Secy, To: Los Prados Community Association, dba Los Prados Clubhouse, 5150 Los Prados Circle, Steven M. Fagnant, Gen Mgr - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of Change of Ownership for a Tavern License.

RECOMMENDATION:

Recommend approval subject to Health Dept. regulations.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Renee Poole, dba Call Renee! Estate Liquidation, From: 3618 Redwood Street, To: 1422 Western Avenue, Renee Poole, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of Change of Location for a Class II Secondhand Dealer License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Map

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

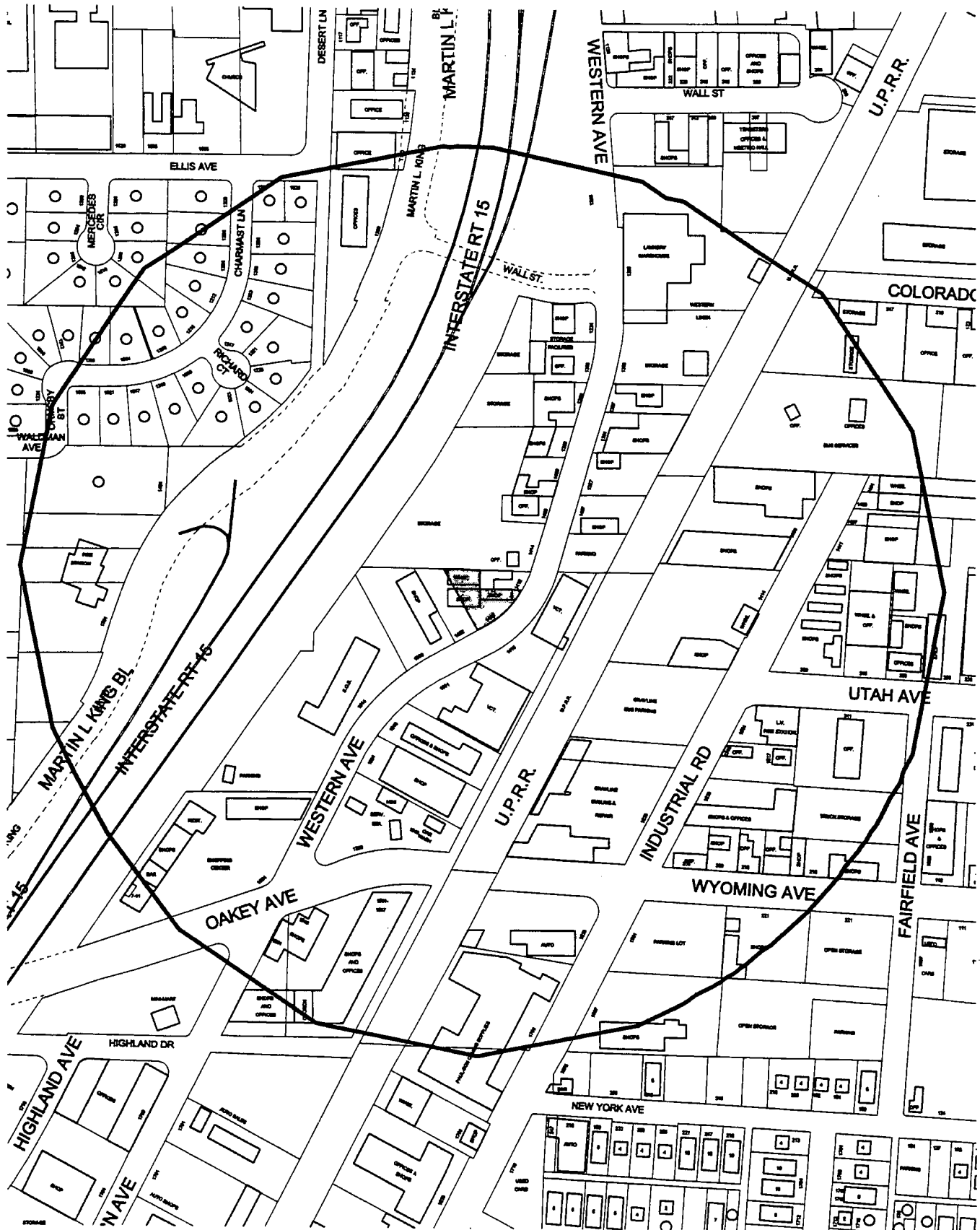
MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

CALL RENEE! ESTATE LIQUIDATION



0 200 400 Feet



008 N

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a Restricted Gaming License for 7 slots subject to Health Dept. regulations, Dashmesh Oil Company, dba From: Dashmesh Gas Station and Market, To: Guru Express Market, 6698 Sky Pointe Drive, Gurpreet S. Grewal, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a Restricted Gaming License for 7 slots.

RECOMMENDATION:

Recommend approval subject to Health Dept. regulations.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a new Hypnotist License, Collen Cichocki, dba Advantage Clinical Hypnosis, 416 South Jones Boulevard, Collen A. Cichocki, 100% - Ward 1 (Moncrief)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Approval of a new Hypnotist License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a new Psychic Art & Science License, Maria Crudele, dba Reverend Maria Crudele, 6848 West Charleston Boulevard, Maria Crudele, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of a new Psychic Art & Science License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

Map

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

NOTE: Under Item 3, COUNCILMAN MACK disclosed that the location involved in Item 11 is located near a SuperPawn shop owned by his brother, Steven Mack. However, COUNCILMAN MACK indicated he would be voting, as he did not believe his brother's business would be impacted and they have not discussed it.

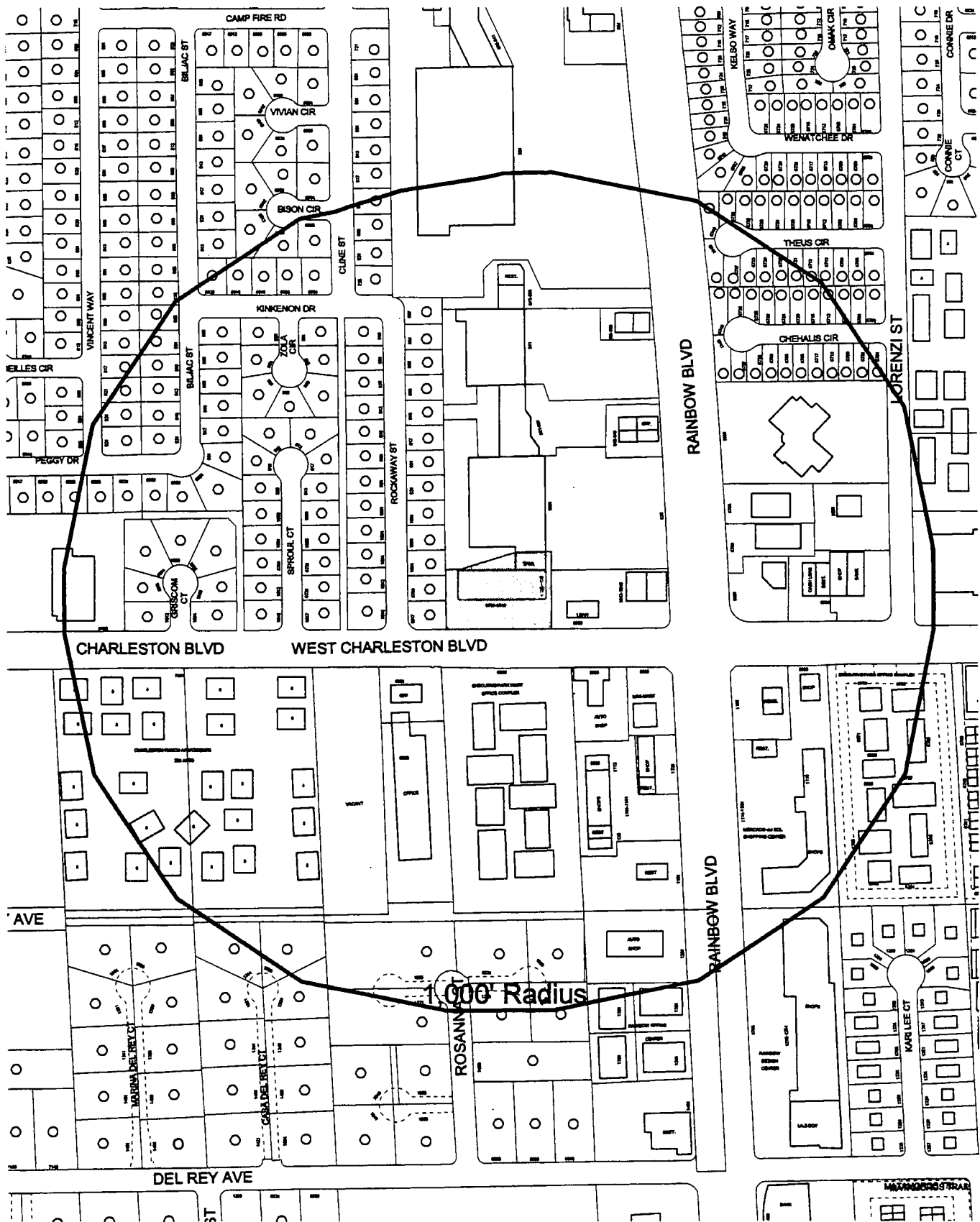
MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

REVEREND MARIA CRUDELE



0 200 400 Feet

011



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, From: Rancho Decatur Restaurants, LLC, dba Doc Holliday's Saloon, Thomas J. Brletic, Mmbr, 91%, Brletic Family Gaming Trust, Mmbr, 9%, Thomas J. Brletic, Grantor, Trustee, To: KBT Enterprises, LLC, dba On The Rocks, 2801 North Tenaya Way, Suite A, Don T. Bartakian, Mmbr, Mgr, 50%, Craig E. Tribus, Mmbr, Mgr, 50% - Ward 4 (Brown)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Contract No. 040396, Municipal Court Software Development, Licensing and Royalty Fee - Municipal Court - Award recommended to: NEVSYS, INC. (\$925,000 - Municipal Court Admin Assessment Special Revenue Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$925,000.00
☒ Budget Funds Available	Dept./Division:	Municipal Court
☐ Augmentation Required	Funding Source:	Special Revenue Fund

PURPOSE/BACKGROUND:

The NevSys developed software, support and maintenance, and professional services, will provide for a comprehensive court management system for City's Municipal Court System. NevSys will have title to, and market developed software, paying the City royalties based upon future NevSys licensing revenues. This purchase is exempt from the competitive bidding process pursuant to NRS 332.115.1(b), professional services.

PCC: D. Kaplan

POC: Javed Buttar - (702) 304-0550

RECOMMENDATION:

That City Council approve Contract No. 040396 for software development, travel, support and maintenance, professional services, and royalty agreement to NevSys Inc. in the amount of \$925,000; with software support and maintenance renewals in the estimated annual amount of \$110,000 as long as the bidding exception applies. Authority to execute contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1	Contracting Entity
Name	NEVSYS
Address	2431 TECH CENTER CT, # 102, LAS VEGAS, NV 89128
Telephone	702-304-0550
EIN or DUNS	88-0471019

Block 2	Description
Subject Matter of Contract/Agreement	
Software Development	
Contract No. 040396	

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

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	JAVED BUTTAR	2431 TECH CENTER CT	702-304-0550
2.	(100%)	#102, LAS VEGAS, NV 89128	
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

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



 Name

7-1-04

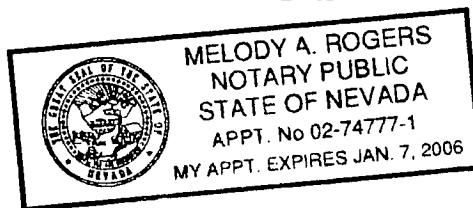
Date

Subscribed and sworn to before me this 1st day of

July, 2004



 Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Contract No. 050075 for Microsoft Enterprise Software - Department of Information Technologies - Award recommended to: ASAP SOFTWARE (\$600,000 - Computer Services Internal Service Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$600,000.00
☒ Budget Funds Available	Dept./Division:	Information Technologies
☐ Augmentation Required	Funding Source:	Computer Services ISF

PURPOSE/BACKGROUND:

This requirement is for the renewal of Microsoft Enterprise Software support and maintenance from date of award through October 31, 2005 with annual renewals as long as the competitive bidding exception applies. Contract is with Microsoft; actual purchase is through Microsoft authorized reseller, ASAP Software. This item is exempt from competitive bidding pursuant to NRS 332.115.1(h), software for computers.

PCC: G. Leaf

POC: Lynne Farmer - (602) 387-5233

RECOMMENDATION:

That the City Council approve award of Contract No. 050075 for Microsoft Enterprise Software support and maintenance renewals to ASAP for an estimated annual amount of \$600,000 as long as the bidding exception applies. Authority to execute contract is given to the Purchasing Manager R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of award of Contract No. 050125, General and Civil Engineering Services – Department of Field Operations - Award recommended to: HARRIS & ASSOCIATES, INC.(\$350,000 – Public Works Capital Projects Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$350,000.00
☒ Budget Funds Available	Dept./Division:	Field Operations
☐ Augmentation Required	Funding Source:	Public Works Capital Projects Fund

PURPOSE/BACKGROUND:

To provide General and Civil Engineering Services for various street rehabilitation and on-site projects city-wide. This requirement is exempt from competitive bidding pursuant to NRS 332.155.1(b), professional services.

PCC: D. Kaplan

POC: Dennis Anderson - (702) 597-9410

RECOMMENDATION:

That the City Council approve award of Contract No. 050125 for General and Civil Engineering Services to Harris & Associates, Inc. from the award date through December 31, 2005 with three (3) one year options in the annual amount of \$350,000. Authority to execute the contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

Certificate – Disclosure of Ownership/Principals

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1 Contracting Entity
Name Harris & Associates, Inc.
Address 120 Mason Circle, Concord, CA 94520
Telephone 925-827-4900
EIN or DUNS 94-2385238

Block 2 Description
Subject Matter of Contract/Agreement
General and Civil Engineering Services
RFP#

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

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	See Attached		
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

The Contracting Entity shall continue the above list on a sheet of paper entitled "disclosure of Principals – Continuation" until full and complete disclosure is made. If continuation sheets are attached, please indicate the number of sheets: 1.

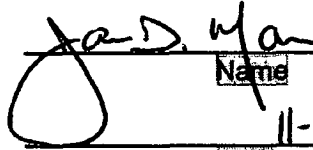
Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

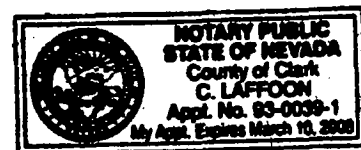
I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity


 Name
 11-17-04
 Date

Subscribed and sworn to before me this 17th day of

November, 2004

C. Laffoon
Notary Public



	FULL NAME/TITLE		BUSINESS ADDRESS	BUSINESS PHONE
1.	Harris, L. Carl	Chairman of the Board, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
2.	Erickson, Guy A.	President, Board of Directors, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
3.	Cooper, Jeffrey M.	Sr. Vice President, Board of Directors, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
4.	McCosker, Neil M.	Sr. Vice President, Board of Directors, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
5.	Parnley, James L.	Sr. Vice President, Board of Directors, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
6.	Phillips, Vernon A.	Sr. Vice President, Board of Directors, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
7.	Masdeo, Dan L.	Sr. Vice President, BOD, Secretary, Treasurer, Officer, Share	120 Mason Circle, Concord, CA 9452	925-827-4900
8.	Danley, Brian A.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
9.	Cooper, Michael K.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
10.	Duncan, Randall S.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
11.	Edwards, Edgar E.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
12.	Feher, Jules P.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
13.	Guerrero, James R.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
14.	Guletz, Robert S.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
15.	Hays, Andrew A.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
16.	Hissen, Nabil H.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
17.	Kozlowski, Edward A.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
18.	LeSher, Dana O.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
19.	Moore, Russell A.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
20.	Morris, James D.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
21.	Ow, Gregory G.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
22.	Roberts, Steven E.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
23.	Ross, Marian S.	Vice President, Chief Financial Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
24.	Seever, David T.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
25.	Shockley, Marie A.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
26.	Timmer, Larry G.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
27.	Tobey, Byron G.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
28.	Williams, Sr., Roland F.	Vice President, Officer, Shareholder	120 Mason Circle, Concord, CA 9452	925-827-4900
29.	Anderson, Dennis A.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
30.	Cooley, Rick	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
31.	Cox, Joan	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
32.	Dee, Isaac C.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
33.	Eberwein, Russ W.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
34.	Gilpatric, Scott	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
35.	Guiaro, Ramon	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
36.	Herrera, Ramiro S.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
37.	Huffman, Richard A.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
38.	Johnson, Craig A.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
39.	Little III, William	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
40.	McClellan, Sam	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
41.	Nethercutt, Matt	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
42.	Parnley, Craig	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
43.	Perry, Scott E.	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900
44.	Zemla, Noel	Shareholder, Associate	120 Mason Circle, Concord, CA 9452	925-827-4900



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of ratification of purchase order 222219 for Repairs to Lufkin Industries Gear Box - Department of Public Works - Award to: LUFKIN INDUSTRIES, INC. (\$75,716 - Sanitation Enterprise Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$75,716.00
☒ Budget Funds Available	Dept./Division:	Public Works
☐ Augmentation Required	Funding Source:	Sanitation Enterprise Fund

PURPOSE/BACKGROUND:

This is an emergency repair for the Water Pollution Control Facility on the gearbox between the methane engine that runs the blower for nitrification. This requirement is exempt from competitive bidding pursuant to NRS 332.115.1(c), repairs of equipment which may be more efficiently repaired by the original equipment manufacturer.

PCC: M. Froelich

POC: Norman Albert - (949) 249-7850

RECOMMENDATION:

That the City Council approve the ratification of purchase order 222219 for Repairs to Lufkin Industries Gear Box in the amount of \$75,716.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of issuance of a purchase order for a DekoCast System - Office of Communications, Video Services - Award recommended to: PINNACLE SYSTEMS (\$37,830 - Video Productions Enterprise Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$37,830.00
☒ Budget Funds Available	Dept./Division:	Office Communications
☐ Augmentation Required	Funding Source:	Video Productions Enterprise Fund

PURPOSE/BACKGROUND:

This request provides for the purchase of a DekoCast System that will give KCLV the ability to display pictures, moving video and text crawls all on the same screen. This purchase is reimbursed 100% by a FY04 Congressionally Mandated Grant. This item is exempt from competitive bidding pursuant to NRS 332.115.1(d), equipment which, by reason of the training of the personnel or of an inventory of replacement parts maintained by the local government is compatible with existing equipment.

PCC: K. Falline

POC: Arco Groenberg - (415) 908-3974

RECOMMENDATION:

That the City Council approve the award of a purchase order for a DekoCast System to Pinnacle Systems in the amount of \$37,830.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Preapproval of award of Bid Number 03.15341.06, Circle Park Tire Wall to the lowest responsive and responsible bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - (\$34,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)

Fiscal Impact:

☐ No Impact	Amount:	\$34,000.00
☒ Budget Funds Available	Dept./Division:	Public Works
☐ Augmentation Required	Funding Source:	Parks and Leisure Activities Capital Projects Fund

PURPOSE/BACKGROUND:

This project consists of reinforcing five existing walls. The walls are presently made up of randomly stacked tires filled with compacted sand. Contractor will be required to provide a layer of open mesh galvanized wire sprayed with a concrete material, i.e. Gunite shotcrete or stucco. Project location is Circle Park at the corner of Maryland Parkway and Francis Avenue.

PCC: L. E. Davis

RECOMMENDATION:

That the City Council preapprove the award of Bid Number 03.15341.06, Circle Park Tire Wall to the lowest responsive and responsible and approve the construction conflicts and contingency reserve set by Finance and Business Services. Authority to execute contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of five contractors for inclusion on the Qualified Contractor List for the City Hall East Tower Project - Department of Finance and Business Services - Approval of: CLARK & SULLIVAN CONSTRUCTORS, INC., JAYNES CORPORATION, MARTIN-HARRIS CONSTRUCTION, SLETTEN CONSTRUCTION of NEVADA, INC. and WHITING TURNER CONTRACTING COMPANY.

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This item is to request approval of the following contractors: Clark & Sullivan Constructors, Inc., Jaynes Corporation, Martin-Harris Construction, Sletten Construction of Nevada, Inc. and Whiting Turner Contracting Company for inclusion on the Qualified Contractor List for the City Hall East Tower Project.

RECOMMENDATION:

That the City Council approve Clark & Sullivan Constructors, Inc., Jaynes Corporation, Martin-Harris Construction, Sletten Construction of Nevada, Inc. and Whiting Turner Contracting Company for inclusion on the Qualified Contractor List for the City Hall East Tower Project.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of award of Bid No. 04.15341.41-LED, Centennial Hills Park Volleyball Courts and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADE WEST CONSTRUCTION, INC. (\$297,200 - Capital Project Fund) - Ward 6 (Mack)

Fiscal Impact:

☐ No Impact	Amount:	\$297,000.00
☒ Budget Funds Available	Dept./Division:	Public Works
☐ Augmentation Required	Funding Source:	Capital Project Fund

PURPOSE/BACKGROUND:

This project will consist of the removal and relocation of existing sand and soil to an identified area near the park site, re-grading of the existing volleyball courts and the installation of new sand. Park is located at Elkhorn and Buffalo Roads.

PCC: L. E. Davis

POC: C. Todd Leavitt - (702) 346-2757

RECOMMENDATION:

That the City Council approve the award of Bid No. 04.15341.4-LED, Centennial Hills Park to Trade West Construction, Inc. in the amount of \$297,000 and approve a construction conflicts and contingency reserve of \$29,700. Authority to execute the contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FIRE & RESCUE

DIRECTOR: DAVID WASHINGTON

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a federal grant from the Federal Emergency Management Agency (FEMA) in the amount of \$400,000 for the Metropolitan Medical Response System (MMRS) in order to provide local relief in the event of nuclear, biological or chemical terrorist incidents - All Wards

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

Las Vegas Fire & Rescue has been awarded FEMA funding in the amount of \$400,000 (no matching funds required by the City) to provide pharmaceutical replacements and a plan for distribution, ensuring operational viability of mass care shelters and medical treatment facilities and purchasing of specialized supplies. The period of performance is October 1, 2004 through March 31, 2006.

RECOMMENDATION:

Las Vegas Fire & Rescue recommends approval.

BACKUP DOCUMENTATION:

Assistance Award Form 40-21

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

**FEDERAL EMERGENCY MANAGEMENT AGENCY
ASSISTANCE AWARD/AMENDMENT**

1. ASSISTANCE INSTRUMENT ☐ COOPERATIVE AGREEMENT ☒ GRANT		2. TYPE OF ACTION ☒ AWARD ☐ AMENDMENT							
3. INSTRUMENT NUMBER EMW-2004-GR-0726	4. AMENDMENT NUMBER	5. EFFECTIVE DATE 10-01-2004	6. CONTROL NUMBER W384468Y						
7. RECIPIENT NAME AND ADDRESS City of Las Vegas John M. Myers Las Vegas Fire Rescue 500 North Casion Center Blvd Las Vegas NV 89101		8. ISSUING/ADMINISTRATION OFFICE Federal Emergency Management Agency Financial & Acquisition Management Div Grants Management Branch 500 C Street, S.W., Room 350 Washington DC 20472 Specialist: Cynthia Perry 202-646-4640							
9. RECIPIENT PROJECT MANAGER John Myers, 702-254-5626		10. FEMA PROJECT OFFICER Dennis Atwood, 202-646-2699							
11. ASSISTANCE ARRANGEMENT ☒ COST REIMBURSEMENT ☐ COST SHARING ☐ FIXED PRICE ☐ OTHER	12. PAYMENT METHOD ☒ TREASURY CHECK REIMBURSEMENT ☐ ADVANCE CHECK ☐ LETTER OF CREDIT	13. PAYMENT OFFICE Federal Emergency Management Agency Accounting Services Division Disbursement & Receivables Branch 500 C Street, S.W., Room 723 Washington DC 20472							
14. ASSISTANCE AMOUNT <table style="width:100%;"> <tr> <td style="width:60%;">PREVIOUS AMOUNT</td> <td style="text-align: right;">\$0.00</td> </tr> <tr> <td>AMOUNT THIS ACTION</td> <td style="text-align: right;">\$400,000.00</td> </tr> <tr> <td>TOTAL AMOUNT</td> <td style="text-align: right;">\$400,000.00</td> </tr> </table>		PREVIOUS AMOUNT	\$0.00	AMOUNT THIS ACTION	\$400,000.00	TOTAL AMOUNT	\$400,000.00	15. ACCOUNTING & APPROPRIATION DATA See Continuation Page	
PREVIOUS AMOUNT	\$0.00								
AMOUNT THIS ACTION	\$400,000.00								
TOTAL AMOUNT	\$400,000.00								

16. DESCRIPTION OF PROJECT

This award provides FY-2004 MMRS funding for the City of Las Vegas

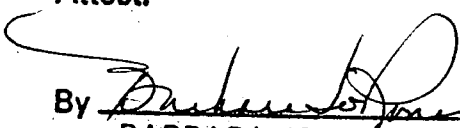
The CFDA number is 97.071. The period of performance is 10-01-2004 to 03-31-2006.

The total amount obligated under this agreement is \$400,000.00.

The terms and conditions are Attached as Agreement Articles.

END OF AWARD

Attest:

By 
BARBARA JO RONEUMUS, City Clerk

17. RECIPIENT REQUIREMENT ☒ RECIPIENT IS REQUIRED TO SIGN AND RETURN THREE (3) COPIES OF THIS DOCUMENT TO THE ISSUING/ADMIN OFFICE IN BLOCK 8. ☐ RECIPIENT IS NOT REQUIRED TO SIGN THIS DOCUMENT.	
18. RECIPIENT (Type name and title) Oscar B. Goodman, Mayor	19. ASSISTANCE OFFICER (Type name and title) Sylvia A. Carroll Assistance Officer
20. SIGNATURE OF RECIPIENT 	21. SIGNATURE OF ASSISTANCE OFFICER 

CONTINUATION PAGE

A.1 PRICE/COST SCHEDULE

ITEM NO.	DESCRIPTION OF SUPPLIES/SERVICES	QTY	UNIT	UNIT PRICE	AMOUNT
1	MMRS Grant Funding	1.00		\$400,000.00	\$400,000.00
	FUNDING/REQ NO: 1:	\$400,000.00	W384468Y		
	GRAND TOTAL ---				\$400,000.00
					=====

ACCOUNTING AND APPROPRIATION DATA:

ACRN APPROPRIATION	REQUISITION NUMBER	AMOUNT
1 2004-64 -6760RB-6600 -	-4101-D W384468Y P	\$400,000.00

PROGRAM NAME: METROPOLITAN MEDICAL RESPONSE SYSTEM PROGRAM

CFDA: 97.071

GRANTEE: City of Las Vegas

AGREEMENT NO.: EMW-2004-GR-0726

AMENDMENT NO.: N/A

ARTICLE I – AUTHORIZATION:

- A. Homeland Security Act of 2002, Public Law 107-296
- B. Defense Against Weapons of Mass Destruction Act of 1966
- C. National Defense Authorization Act for FY 1997, as amended

ARTICLE II – PROGRAM NARRATIVE DESCRIPTION

The Grantee shall perform the work described in the Program Narrative Statement, which is included as part of the application package dated August 18, 2004, including revisions dated thru August 31, 2004.

ARTICLE III – PERIOD OF PERFORMANCE/BUDGET PERIOD

- A. **Project Period:** The Project Period shall be a maximum of eighteen (18) months from the effective date of this Grant Agreement, and will correspond to the applicable approved Budget Period unless extensions have been approved.
- B. **Costs:** The Grantee shall only incur costs or obligate funds within the Budget Period for approved activities or within the approved Period of Performance if continuation award has been authorized. All additional funding under this Grant is subject to the availability of funds and the needs of the Federal Government.

ARTICLE IV – AMOUNT OF AWARD

A. **Approved Budget:** The approved budget for this award by category is:

OBJECT CLASS	CFA	S	SP	TOTAL
Personnel	100,000.00			100,000.00
Fringe Benefits				
Travel				
Equipment	105,000.00			105,000.00
Supplies		150,000.00		150,000.00
Contractual				
Construction				
Other	45,000.00			45,000.00
TOTAL DIRECT	250,000.00	150,000.00		400,000.00
Indirect Charges				
TOTAL BUDGET	250,000.00	150,000.00		400,000.00
FEDERAL SHARE	250,000.00	150,000.00		400,000.00

B. There is no cost-share or match required for this funding. The Department of Homeland Security will pay up to 100% of the costs identified in the approved budget listed under Article IV. A. Approved Budget. The maximum funding amount is \$400,000.00. If costs exceed the maximum amount of DHS approved funding, the Grantee shall pay the costs in excess of the approved budget .

ARTICLE V – RESPONSIBILITIES

A. The purpose of the FY 2004 MMRS Grant is to provide funding for:

1. the creation of new MMRS jurisdictions in those states and territories that do not have a MMRS;
2. obtaining FY 2004 capability objectives and or processes;
3. sustainment for existing jurisdictions; and
4. special projects, as applicable.

B. Objectives:

1. Preparedness to manage the medical, public health, population protection and environmental health impacts of a radiological release/nuclear detonation by terrorists.
2. Compliance with the National Incident Management System (NIMS), as a condition of the grant award. A major component includes preparation of MMRS operational planning materials.
3. Readiness to establish and enforce quarantine/isolation for a very large number of persons and sizeable geographic areas.

ARTICLE VI – REQUEST FOR REIMBURSEMENT

- A. FEMA uses the Direct Deposit/Electronic Funds Transfer (DD/EFT) method of payment to Grantees. To enroll in the DD/EFT, the Recipient must complete a Standard Form 1199A, Direct Deposit Form.
1. The Grantee may be paid in advance, or reimbursed by completing the Standard Form (SF) 270, Request for Advance/Reimbursement. In accordance with Treasury regulations at 31 CFR Part 205, the Grantee shall maintain procedures to minimize the time elapsing between the transfer of funds and the disbursement of said funds. (See 44 CFR Part 13.21(i) regarding payment of interest earned on advances.
 2. The Grantee may use the Internet at www.FEMA.gov/priv/carol.htm to download the Standard forms 1199A and 270.
- B. To request reimbursement, the Grantee shall submit Standard Form (SF) 270. Each voucher shall show the Grant agreement number, cost for billing period, and costs to date. The Grantee may submit requests for payments up to the amount of the estimated cost shown in Article IV. Payment requests which exceed the estimated cost will not authorized.
- C. Each request for payment shall show the Agreement Number and the cumulative costs to date. The Grantee shall submit an original and on copy of the request for payment to:

DHS/FEMA
Grants Management Branch
500 C Street, SW, Room 334
Attn: Assistance Officer-MMRS
Washington, DC 20472

ARTICLE VII – FINANCIAL REPORTS

- A. **Final Report:** The Financial Status Report is due 90 days from the expiration date of the Period of Performance.
- B. **Final Payment/Unexpended Funds:** Within 90 days from the expiration date of the Period of Performance, the Grantee shall pay all unliquidated obligations and shall report unexpended funds to the Assistance Officer. The Assistance Officer will process the deobligation of unexpended funds.
- C. **Report Submission:** DHS/FEMA
Grants Management Branch
500 C Street, SW, Room 334
Attn: Assistance Officer-MMRS
Washington, DC 20472

ARTICLE VIII – PERFORMANCE REPORTS

- A. **Quarterly Reports:** The Grantee shall submit quarterly performance reports that summarize accomplishments to the DHS/FEMA regional office, within 30 days after the end of each Federal quarter following the initial award. Reports are due January 30, April 30, July 30 and October 30.
- B. The final progress report is due to DHS within 90 days after the expiration date of the performance period. The final progress report will consolidate and summarize all prior reports and include technical reports and other products developed under this grant award.

Report Submission: Mr. Dennis Atwood
DHS/FEMA
Preparedness Division
500 C Street, SW, Room 202
Washington, DC 20472

ARTICLE IX – GRANT MANAGEMENT OFFICIALS

Officials for the Grant Agreement are as follows:

- A. **Project Manager:** The Project Manager (PM), designated by the Grantee, is responsible for performance of the activities approved in the award:

The Project Manager is: John Myers
City of Las Vegas
Fire Rescue, Operations/ Medical Services
500 N. Casino Center Blvd
Las Vegas, NV 89101
Tel: (702) 229-0322
Fax: (702) 229-0444
Email: jmmyers@lasvegasnevada.gov

- B. DHS Project Officer:** The DHS Project Officer (PO) shall be an official who will be responsible for the technical monitoring of the stages of work and technical performance of the activities described in the program narrative statement.

The DHS Project Officer is: Mr. Dennis Atwood
DHS/FEMA
Preparedness Division
500 C Street, SW, Room 202
Washington, DC 20472
202-646-2699
Fax: 202-646-4137
FEMA-mmrsadmin@dhs.gov

- C. DHS Assistance Officer:** The DHS Assistance Officer (AO) is the DHS official who has full authority to negotiate, administer and execute all business matters of the Grant award.

The DHS Assistance Officer is: Ms. Sylvia A. Carroll
DHS/FEMA
Grants Management Branch
500 C Street, SW, Room 334
Washington, DC 20472
202-646-3503
Fax: 202-646-4156
Sylvia.Carroll@dhs.gov

ARTICLE X – GRANT AWARD AMENDMENTS

All budget and program plan revisions shall be in compliance with OMB Circular A-102, Grants and Cooperative Agreement to States and Local Governments, or A-110, Uniform Administrative Requirements for Grants and Agreements With Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and OMB Circular A-21 Cost Principles for Educational Institutions, or A-87, Cost Principles for State and Local Governments, or A-122, Cost Principles for Non-Profit Organizations. In addition to these requirements, the Grantee shall submit and receive written prior approval before implementation for the following:

A. Budget Revisions:

1. Grantee must obtain prior approval from DHS/FEMA for transfers of funds between direct cost categories in the approved budget when such cumulative transfers among those direct cost categories exceed ten percent of the total budget.
2. Transfer of funds to entities, except those identified in the approved application requires prior DHS/FEMA approval.
3. Need for additional funds. DHS is not obligated to provide additional funds prior to the submission and approval of consecutive continuation options based on satisfactory performance and availability of funds.

B. Extension Request:

1. Requests for additional time extensions to the Period of Performance will be considered, but will not be granted automatically and must be supported by adequate justification in order to be processed. The justification is a written explanation of the reason or reasons for the delay; an outline of remaining funds available to support the extended period of performance; and a description of performance measures necessary to complete the project.
2. Extensions to the Period of Performance shall be authorized only in writing by the DHS Assistance Officer.
3. There is no DHS obligation to provide additional funding as a result of time extensions approved.
4. Financial and Performance Status Reports must be current, and the extension justification must be submitted or extensions requests will not be processed.

ARTICLE XI - PREAWARD COSTS

Preaward costs may be approved for up to ninety (90) calendar days prior to the effective date of the Grant under the following conditions:

- A. The costs have been incurred with the understanding that they were incurred at the Grantee's risk and may not be reimbursed, if adequate funding has not been awarded to cover preaward costs and approved activities to be completed under the award.
- B. The costs must be necessary for the effective and economical conduct of the project.

C. The costs are in compliance with the appropriate OMB Cost Principles.

D. The costs are supported with source documentation.

ARTICLE XII – OTHER TERMS AND CONDITIONS

The other terms and conditions of the agreement are as follows:

A. Buy America. The Grantee, Sub-grantees and contractors receiving funds from this grant shall comply with the Buy American Act (41 U.S.C. 10a et seq.) unless it is determined that it is inconsistent with the public interest, impracticable to comply with such a requirement or that it would unreasonably increase the cost of articles, materials, or supplies. The exception shall be noted in the specifications and documentation to justify the exception will be retained in the grant file for record.

B. Copyright. The Grantee is free to copyright original work developed in the course of or under this agreement. DHS reserves a royalty-free, nonexclusive and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use, the work performed under this award for Government purposes. Publication resulting from work performed under this agreement shall include an acknowledgement of financial support from DHS and include a statement that the publication does not necessarily reflect the DHS views.

C. Publication and Acknowledgement of DHS Sponsorship.

1. One copy of each article planned for publication will be submitted to the DHS Project Officer simultaneously with its submission for publication. Following publication, a copy of each published paper shall be submitted to the DHS Project Officer.
2. The Grantee agrees that when releasing information relating to this Grant, the release shall include a statement that the project or effort undertaken was or is sponsored by the Department of Homeland Security.
3. Disclaimer: The Grantee is responsible for assuring that every publication submission (including World Wide Web pages) based on or developed under this award, except scientific articles or papers appearing in scientific, technical or professional journals, contains the following disclaimer: "Any opinions, findings, and conclusion or recommendations expressed in this material are those of the author(s) and do not necessarily reflect the views of the Department of Homeland security."
4. For the purpose of this requirement, information includes news releases, articles, manuscripts, brochures, advertisements, still and motion pictures, speeches, trade association proceedings and symposia.

5. **Publications:** In compliance with the Section 623 of Treasury, Postal Service, and General Government Appropriations Act, 1993, and reenacted in Section 621 of the fiscal year 1994 Appropriations Act requires that all grantees disclose the amount and percentage of Federal funding and funding from non-governmental sources when making public announcements about Federally-funded projects in the amount of \$500,000 or more.

D. Patent Rights. Grantees are subject to applicable regulations governing patents and inventions, including government-wide regulations issued by the Department of Commerce, 37 CFR Part 401, "Rights to Inventions Made by Nonprofit Organizations and Small Business Firms under Government Grants, Contracts and Cooperative Agreements."

E. Environmental Standards. By accepting funds under this Grant, the grantee assures that will:

1. Comply with applicable provisions of the Clean Air Act (42 U.S.C. 7401, et seq.) and Clean Water Act (33 U.S.C. 1251, et seq.), as implemented by Executive Order 11738 [3 CFR, 1971-1975 comp., p. 799] and Environmental Protection Agency (EPA) rules at 40 CFR Part 15. In accordance with the EPA rules, the Grants further agrees that it will:
 - a. Not use any facility on the EPA's List of Violating Facilities in performing any award that is nonexempt under 40 CFR 15.5 (awards of less than \$100,000, and certain other awards, exempt from the EPA regulations), as long as the facility remains on the list.
 - b. Notify the awarding agency if it intends to use a facility in performing this award that is on the List of Violating Facilities or the Grantee knows has been recommended to be placed on the List of Violating Facilities.
2. Identify to the awarding agency any impact this award may have on:
 - a. The quality of the human environment, and provide help the agency may need to comply with the National Environmental Policy Act (NEPA, at 42 U.S.C. 4321, et seq.) and to prepare Environmental Impact (e.g., physical disturbance of a site such as breaking of ground) until the agency provides written notification of compliance with environmental impact analysis process.
 - b. Coastal barriers and provide help the agency may need to comply with Coastal Barriers Resource Act (16 U.S.C. 3501, et seq.), concerning preservation of barrier resources.

- c. Any existing or proposed component of the National Wild and Scenic Rivers system, and provide help the agency may need to comply with the Wild and Scenic River Act of 1968 (16 U.S.C. 1271, et seq.).

F. Refunds. The Grantee shall transfer to DHS the appropriate share, based on the Federal support percentage, of any refund, rebate, credit or other amounts arising from performance of this agreement, along with accrued interest. The Grantee shall take necessary action to effect prompt collection of all monies due or which may become due and to cooperate with DHS in any claim or suit in connection with amounts due.

G. Overpayment and Earned Interest.

Overpayment. Within ninety (90) days from the expiration date of the Performance Period, overpayment of funds shall be remitted to the Assistance Officer by check payable to DHS. An overpayment represents the difference between allowable actual expenditures and total DHS payment received by the Grantee.

H. Program Income. Program income is income earned as a result of Grantee or sub-grantee grant-supported activity, or earned as a result of the grant agreement during the Period of Performance. Program income shall be added to the award of funds under this grant and shall be used to expand the approved program activities. The Grantee shall submit a written list of expanded activities to be accomplished as a result of the program Income funds. This list shall be submitted to the DHS AO for review and the approval within 20 days of receipt of program income.

I. Security. The Grantee shall not be granted access to classified information under this Grant. If security restriction should happen to apply to certain aspects of the proposed activity, the Grantee will be informed. In the event that the scientific work under this Grant may either need classification or involve access to or storage of any classified data, the Government shall make a decision on the need to classify, or require such access or storage within 30 days after receipt of a written notice from the Grantee. If the decision is affirmative, the Government may invoke the Termination clause, as appropriate.

J. Controlled Unclassified Information. The parties understand that information and materials provided pursuant to or resulting from this Grant may be export controlled, sensitive, for official use only, or, otherwise protected by law, executive order or regulation. The Grantee is responsible for compliance with all applicable laws and regulations. Nothing in this Grant shall be construed to permit any disclosure in violation of those restrictions.

K. Travel. Allowability of Travel Expenses. Expenses for transportation, lodging, subsistence and related items incurred by project personnel and by outside consultants employed on the project (GPM) Section 614 who are in travel status on business related to an DHS-supported project are allowable as prescribed in the governing cost

principles. The requirements for prior approval detained in the governing cost principles are waived.

- L. Cargo Preference.** The grantee agrees that it will comply with the Cargo Preference Act of 1954 (46 U.S.C. 1241), as implemented by Department of Transportation regulations at 46 CFR 381.7, which require that at least 50 of equipment, materials or Grant, and which may be transported by ocean vessel, shall be transported on privately owned U.S.-flag commercial vessels, if available.
- M. Fly America Act.** Preference for U.S. Flag Air Carriers: Travel supported by U.S. Government funds under this Grant shall use U.S.-flag air carriers (air carriers holding certificates under 49 U.S.C. 41102) for international air transportation of people and property to the extent that such service is available, in accordance with the International Air Transportation Fair Competitive Practices Act of 1974 (49 U.S.C. 40118) and the interpretative guidelines issued by the Comptroller General of the United States in the March 31, 1981, amendment to Comptroller General Decision B138942.
- N. Site Visits.** DHS, through authorized representatives, has the right, at all reasonable times, to make site visits to review project accomplishments and management control systems and to provide such technical assistance as may be required. If any site visit is made by DHS on the premises of the grantee or a contractor under an award, the grantee shall provide and shall require its contractors to provide all reasonable facilities and assistance for the safety and convenience of the Government representatives in the performance of their duties. All site visits and evaluations shall be performed in such a manner that will not unduly delay the work.
- O.** Prior to the purchase of any equipment/supplies, the Grantee must submit a list of equipment/supplies to the DHS/FEMA Assistance Officer for approval.

ARTICLE XIII – AUDIT REQUIREMENTS

Grantees and Sub-grantees must follow the audit requirements under OMB Circular A-133. Non-Federal entities that expend \$500,000 or more Federal funds in a year shall have a single or program-specific audit conducted for that year in accordance with the provisions of A-133.

ARTICLE XIV – GOVERNING PROVISIONS

The Grantee and any subgrantee shall comply with all applicable laws and regulations. A non-exclusive list of regulations commonly applicable to DHS grants are listed below:

A. Administrative Requirements

1. OMB Circular A-102, State and Local Governments (10/07/94, amended 08/29/97)
2. OMB Circular A-110, Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations (11/19/93, amended 09/30/99), and
3. 44 CFR Part 13

B. Cost Principles

1. OMB Circular A-87, State and Local Governments (05/04/95, amended 08/29/97)
2. OMB Circular A-21, Educational Institutions (08/08/00)
3. OMB Circular A-122, Non Profit Organizations (05/19/98)

C. Audit Requirements.

OMB Circular A-133, States, Local Governments, and Non-Profit Organizations (06/24/97, includes revisions published in the *Federal Register* 06/27/03)

Grant award is approved by DHS on September 18, 2004.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: HUMAN RESOURCES

DIRECTOR: F. CLAUDETTE ENUS

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of payment for a Permanent Partial Disability award - Claim WC03110270 - as required under the workers' compensation statutes (\$72,421 - Workers' Compensation Internal Service Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$72,421.00
☒ Budget Funds Available	Dept./Division:	Human Resources - Insurance Services
☐ Augmentation Required	Funding Source:	Workers' Compensation Internal Service Fund

PURPOSE/BACKGROUND:

A City of Las Vegas firefighter sustained a Cervical Spine injury following a Motor Vehicle Accident where the firetruck he was riding in rolled over. He has been evaluated by a state authorized rating doctor who determined that the injury resulted in a 16 percent whole person impairment.

RECOMMENDATION:

Approval of the \$72,421 payment for permanent partial disability award.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an additional \$167,898 of Community Development Block Grant (CDBG) Construction funds for a total allocation of \$242,898 for the construction of an entry vestibule at the Doolittle Senior Center located at 1950 J Street - Ward 5 (Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$167,898.00
☒ Budget Funds Available	Dept./Division:	Neigh. Svcs./Neigh. Devel.
☐ Augmentation Required	Funding Source:	CDBG

PURPOSE/BACKGROUND:

On May 20, 2003, City Council approved the 2003-2004 budget for the City of Las Vegas, which included a \$75,000 CIP allocation for the Doolittle Senior Center facility improvements. Total project cost has been estimated at \$242,898 by a professional estimator. Additional funding in the amount of \$167,898 is needed to complete the project.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

Public Works - Office of Architectural Services cost estimate for the Doolittle Senior Center Entry

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AREAS	Estimate Date: CIP BUDGET	Estimate Date: PRE-DESIGN ESTIMATE	Estimate Date: 10/28/04 SCHEMATIC DESIGN EST	Estimate Date: DESIGN DEV. ESTIMATE	Estimate Date: CONST. BUD. ESTIMATE	Estimate Date: CONST. PHASE COSTS
Building Area:	SF	SF	280 SF	50% CDs SF	90% CDs SF	< UPDATE MONTHLY > SF
On-site Area:	AC	AC	AC	AC	AC	AC
Off-site Area:	SF	SF	SF	SF	SF	SF

DESIGN & MANAGEMENT FEES						
Architectural Services			0 OAS			
Engineering Services			15,500			
Land Survey			0 City Survey			
Geotech Report			2,200			
Material Testing / Special Inspect.						
Constructability Review						
Construction Management						
System Commissioning						
Cost Estimating			2,900			
Internal Labor						
Estimating Contingency:	0 10%	0 10%	2,080 10%	0 5%	0 0%	
TOTAL DESIGN & MANAGEMENT FEES	0	0	22,680	0	0	0

PERMITS						
Tortoise Mitigation						
Building Permit			1,702			
Land Development Permit						
Hydrology Study Review						
Traffic Signal Fee						
Water Service Connection						
Sewer Connection						
Power & Phone Service						
Gas & Cable Service						
Health District Fees						
State/County Environmental Permits			500			
Printing Cost			2,000			
Estimating Contingency:	0 20%	0 20%	630 15%	0 15%	0 10%	
TOTAL PERMITS	0	0	4,832	0	0	0

CONSTRUCTION COST						
Buildings			129,899 #REF!			Award
On-site work:			5790			
Off-site work:						
Designer's Contingency:	0 5.0%	0 5.0%	6,784 5.0%	0 2.5%	0 0.0%	
Owner's Scope Contingency:	0 10.0%	0 10.0%	13,569 10.0%	0 5.0%	0 0.0%	
F.F. & E.						
Key Cores			300			
Bronze Plaque & Monument Sign			4,300			
IT Equipment						
Estimating Contingency:	0 5.0%	0 5.0%	24,096 15.0%	0 5.0%	0 0.0%	
CONSTRUCTION TOTAL:	0	0	184,739	0	0	0
Months till Mid-point of Construction (see Schdie):	1229.7	10.8	10.8	0.0	0.0	
Escalation & Market Annual Rate: Next 6 Mos	0 10.0%	0 10.0%	9,237 10.0%	0 10.0%	0 10.0%	
Escalation & Market Annual Rate: Remaining Mos	0 4.0%	0 4.0%	2,956 4.0%	0 4.0%	0 4.0%	Contingency Amount
Construction Change Order Contingency:	0 10%	0 10%	18,474 10%	0 10%	0 10%	
TOTAL CONSTRUCTION COST	0	0	215,405	0	0	0

FUNDING						
TOTAL PROJECT COST:	0	0	242,898	0	0	0
TOTAL PROJECT FUNDING:	0	0	75,000	0	0	0
EXCESS FUNDS (OR SHORTFALL):	0	0	(167,898)	0	0	0

SCHEDULE				
	DATE	DAYS	DATE	DAYS
Date of this Estimate (from above)	01/00/00		10/28/04	
Anticipated Funding Date (Project Start Date)	01/01/01		11/15/04	
Pre-Design: Number of Days (130 avg.)				
Design: Start Date & Number of Days	01/01/01		11/15/04	80
10-20 ac Park = 150				
100 ac Park = 250				
Under 50k sf Building = 150 to 250				
100k sf Building = 250 to 350				
Permitting: Start Date & Days (70 avg.)	01/01/01		01/14/05	70
Bidding: Start Date & Number of Days (85 avg.)	01/01/01		03/25/05	85
Construction: Start Date & Number of Days	01/01/01		06/18/05	180
10-20 ac Park = 150 to 200				
100 ac Park = 400				
Under 50k sf Building = 150 to 350				
100k sf Building = 350 to 450				
Midpoint of Construction	01/01/01		09/18/05	
Months till Midpoint (used for escalation above)	1229.7		10.8	
Close-Out: Start Date & Number of Days	01/01/01		12/15/05	45
Final Completion Date	01/01/01		01/29/06	

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT GENZER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a revised list of Round Six Projects for nomination for funding from the Special Account established through the sale of Bureau of Land Management (BLM) lands in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The purpose of this item is to amend the list of parks, trails and open space projects that will be submitted to the BLM for consideration for possible funding through the Special Account established as a result of the Southern Nevada Public Lands Management Act.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Agenda Memo
2. SNPLMA Round 6 Proposed Project Map

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004
DEPARTMENT: PLANNING AND DEVELOPMENT
ITEM DESCRIPTION: REVISED NOMINATION LIST FOR ROUND 6 SNPLMA PROJECTS

On September 1, 2004, the City Council approved a list of projects for funding from the Special Account established through the sale of Bureau of Land Management (BLM) lands in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) of 1998. After this approval, city staff made minor changes to the project nomination list based on the current availability of land for the projects and on the opportunity to develop the projects in the immediate future

The list below depicts changes to the projects as recommended by the staffs of various departments involved in the process. A map is included with this agenda item to identify the location of specific projects.

PROJECT	CHANGE
Freedom Renovation	Funding request increased from \$22.6 to \$29.6 million
215 Beltway Trail Segments	Funding request increased from \$3.0 to \$3.4 million
Lorenzi Renovation with Trailhead Addition	Funding request increased from \$21.6 to \$25.9 million
Horse/Bradley Equestrian Trailhead and Trail Connections	Funding decreased from \$6.2 to \$3.6 million
Deer Springs Park (aka Centennial Hills Park)	Request not necessary- project funded in previous round
Jaycee Renovation	Funding request increased from \$7.6 to \$9.1 million
Whispering/Bradley Park and Trailhead	Funding request increased from \$3.2 to 4.9 million
Pedestrian Bridges	Project revised to specify locations and funding requests for three bridges
▪ Las Vegas Wash	\$3.0 million
▪ Lone Mountain Trail	\$3.0 million
▪ Cultural Trail	\$1.5 million

Sandhill/Owens Park and
Trailhead

Project revised to reflect three separate phases:

Acquisition of privately owned 4.91 acre parcel	\$1.5 million
Development of 4.91 acre parcel:	\$1.1 million
Development of city-owned 4.06 parcel	\$1.8 million

No. Gowan Detention Basin
Bike Trail

Funding request increased from \$1.5 to \$2.2 million

Mountain Bike Trail in Angel
Park detention basin

Funding request increased from \$3.9 to \$4.1 million

West Charleston Lions Park

Funding request increased from \$0.9 to \$2.1 million

Lone Mountain Trail

No change

Las Vegas Wash Trail

Funding request increased from \$3.5 to \$5.0 million

Stupak Community Center-
property acquisition for expansion

Request deleted- no willing seller located

Floyd Lamb improvements and
Restoration

No change

Angel Park and trail phase II

Funding request increased from \$2.5 to \$4.1 million

Washington Buffalo Park Phase II
million

Funding request increased from \$13.9 to \$15.0

Votec Park

Funding request increased from \$10.5 to \$12.9
million

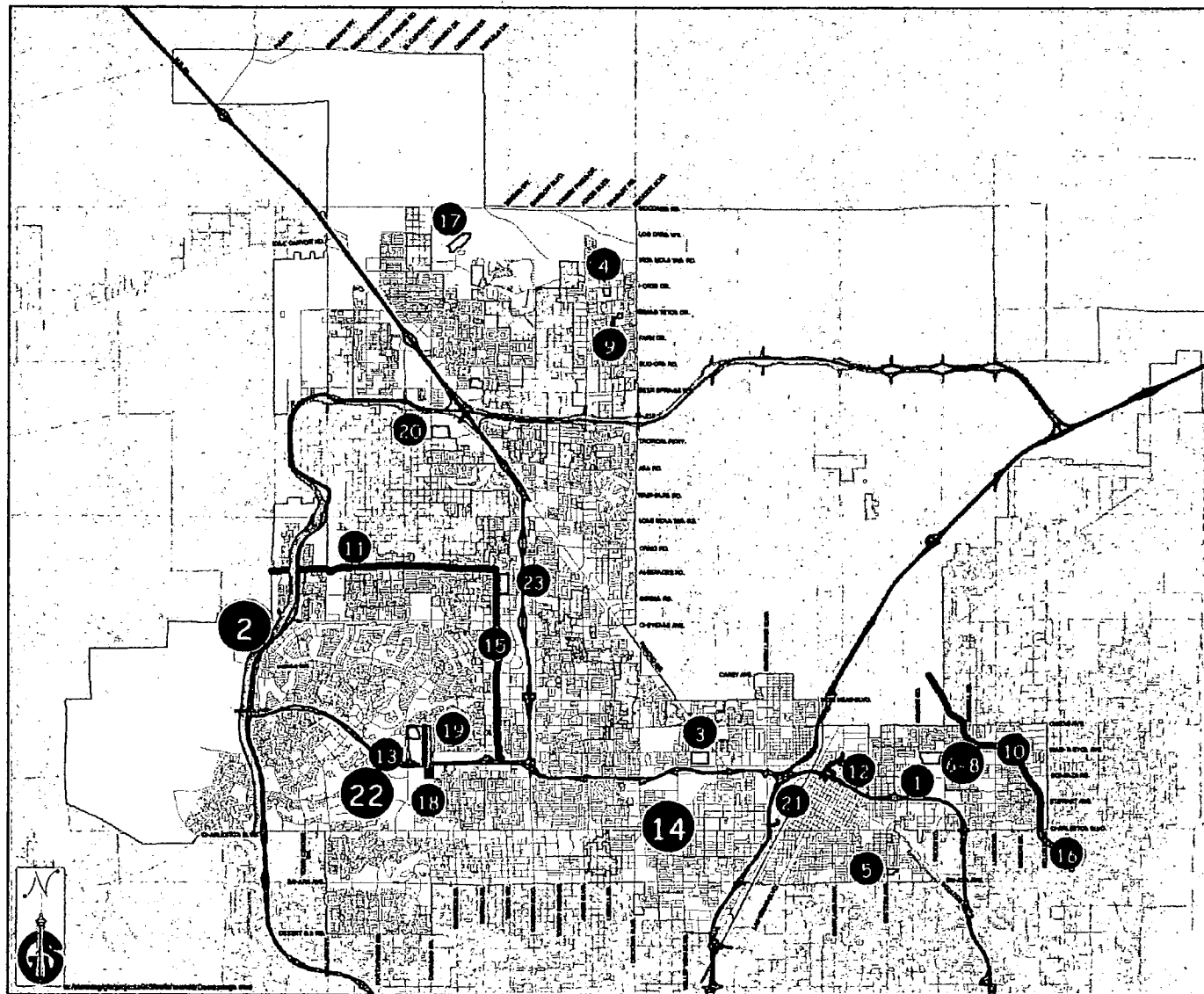
Union Park

Funding request decreased from \$4.0 to \$3.1
million

Alta Hualapai Park

Funding request increased from \$5.4 to \$6.4 million

Nominations for the next round, Round 6, were presented to Clark County for assemblage on November 9 for distribution to the BLM in November or December 2004. The City's projects are combined with those proposed by Clark County, Henderson, North Las Vegas, and regional governmental entities, including the Southern Nevada Water Authority, the Regional Flood Control District, and the Clark County Sanitation District. The projects are then evaluated and ranked by the Partners Working Group and the Federal Partners Executive Committee according to established criteria set forth in the Implementation Agreement. The actual priority ranking of the City's projects will not be known until after the Executive Committee ranks the projects and the Secretary of the Department of Interior approves the priority list sometime next year.



City of Las Vegas SNPLMA Round 6

Proposed Projects

- 1 FREEDOM RENOVATION
- 2 R15 BELTWAY TRAIL SEGMENTS
- 3 LORENZI RENOVATION WITH TRAILHEAD ADDITION
- 4 HORSE/BRADLEY EQUESTRIAN TRAILHEAD AND CONNECTION
- 5 JAYCEE RENOVATION
- 6 SANDHILL/OWENS PARK TRAILHEAD
- 7 SANDHILL/OWENS PARK TRAILHEAD
- 8 SANDHILL/OWENS PARK TRAILHEAD
- 9 TETON TRAILS PARK PHASE II
- 10 LAS VEGAS WASH GRADE SEPARATION
- 11 LONE MOUNTAIN TRAIL GRADE SEPARATION
- 12 CULTURAL CORRIDOR TRAIL GRADE SEPARATION
- 13 MOUNTAIN BIKE TRAIL IN ANGEL PARK DETENTION BASIN
- 14 WEST CHARLESTON LIONS PARK
- 15 LONE MOUNTAIN TRAIL
- 16 LAS VEGAS WASH TRAIL
- 17 FLOYD LAMB IMPROVEMENTS AND RESTORATION
- 18 ANGEL PARK
- 19 WASHINGTON/BUFFALO PARK PHASE II
- 20 VOTEC PARK
- 21 UNION PARK
- 22 ALTA/HUALAPAI PARK
- 23 GOWEN DETENTION BASIN BIKE TRAILHEAD



City of Las Vegas
Planning & Development
100 South Las Vegas Blvd.
Suite 1000
Las Vegas, NV 89101
Phone: 702-258-1000



Printed: November 6, 2004

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Dedication from the City of Las Vegas, for a portion of the Northwest Quarter of Section 30, Township 20 South, Range 61 East, Mount Diablo Meridian, for right-of-way located at the northeast corner of Decatur Boulevard and Washington Avenue for a right turn lane, APN 139-30-201-001 - Ward 5 (Weekly)

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Declaration of Utilization from the Bureau of Land Management, for a portion of the Northwest Quarter of Section 1, Township 20 South, Range 59 East, Mount Diablo Meridian, for road, sewer and drainage purposes (30-feet) on the north side of Stange Avenue located between Puli Road and Cliff Shadows Parkway alignments, APN 137-01-201-003 - Ward 4 (Brown)

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Dedication from the City of Las Vegas, for a portion of the Southwest Quarter of Section 28, Township 20 South, Range 60 East, Mount Diablo Meridian for two drainage easements for the Silver Sky Assisted Living Center located at the northeast corner of Roland Wiley Road and Silver Sky Drive, APN 138-28-401-014 - Ward 2 (Wolfson)

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from Makenzie Corporation, owner (231 West Philadelphia Avenue) - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for an approximate 1.5-foot wide area of landscaping on the south side of Philadelphia Avenue extending approximately 51-feet adjacent to the property line consisting of shrubs, crushed granite ground cover and an irrigation system for the proposed Philadelphia Apartments. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (Philadelphia Avenue)

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

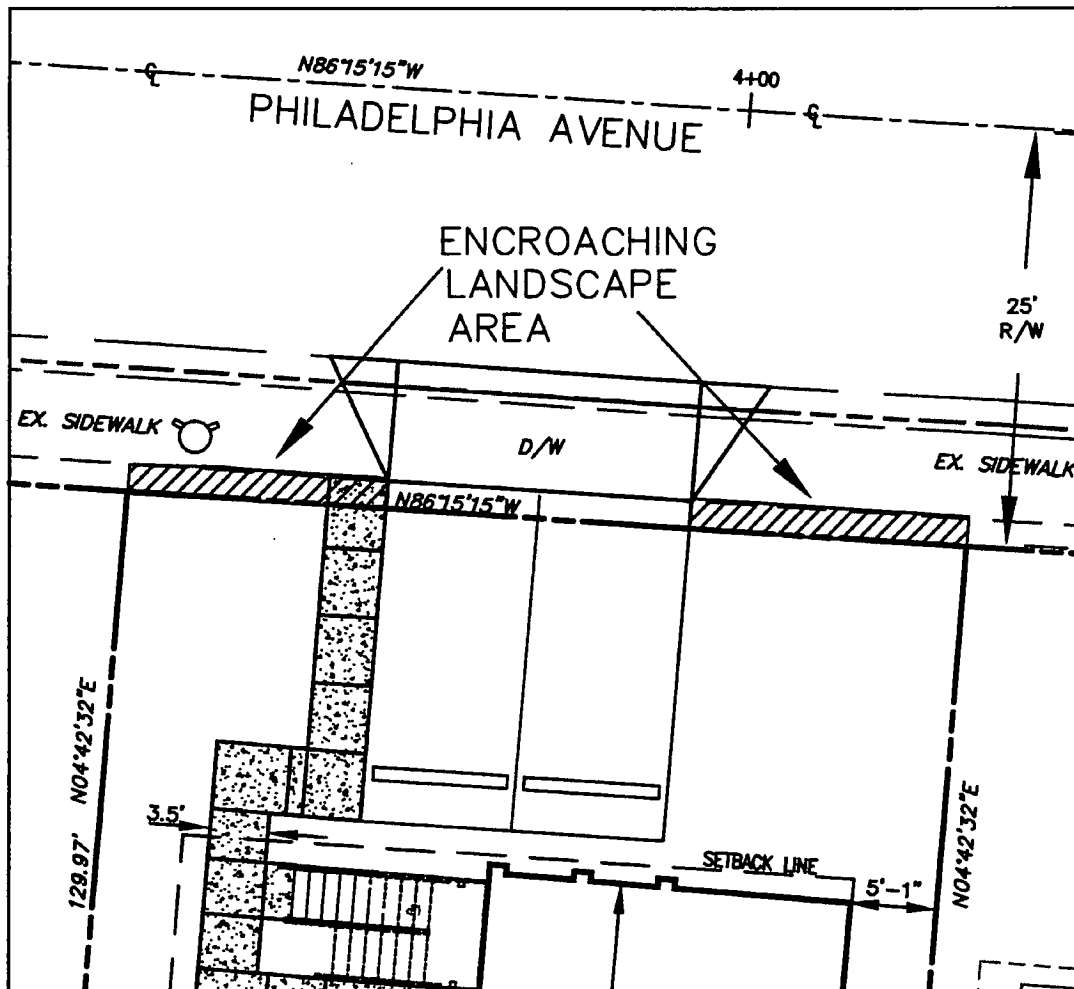
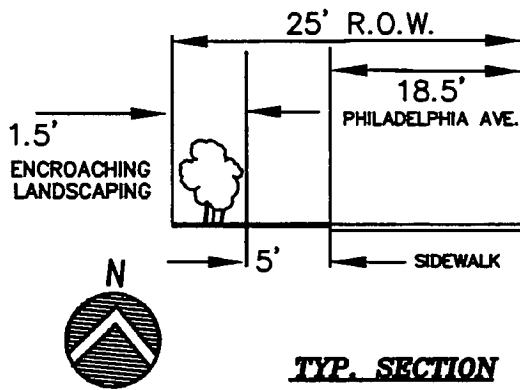
MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

EXHIBIT "A"



CivilWorksInc
 7625 S. Industrial Rd., Suite #101
 Las Vegas, NV 89139
 (702) 876-3474
 Project # 03900458.00

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Red Rock Engineering and Surveying, Incorporated, on behalf of NW Investment, LLC, owner (northwest corner of Dapple Gray Road and Hickam Avenue, APN 138-05-301-028) - County (near Ward 4 - Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect two single-family dwellings located at the northwest corner of Dapple Gray Road and Hickam Avenue. The owners propose to connect to an existing 8-inch sewer line located in Hickam Avenue. The Planning Department has determined the project does conform to the City's General Plan for the area; there is sufficient capacity in the City Sanitary Sewer. The applicants have signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

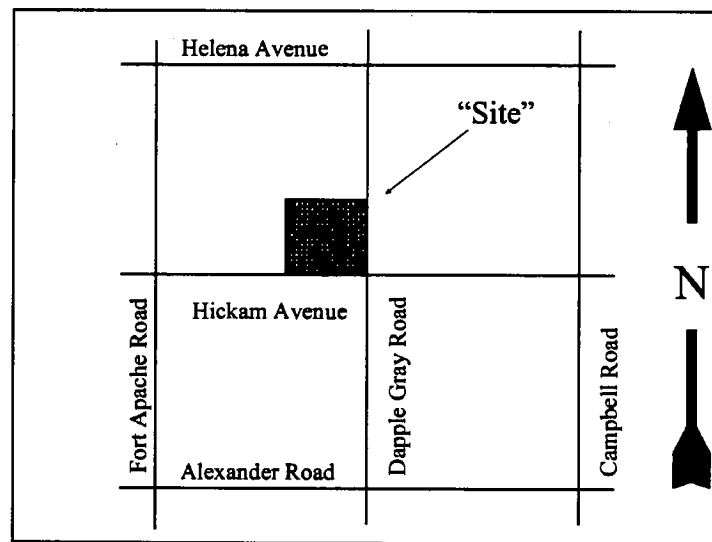
AGENDA MEMO

CITY COUNCIL MEETING DATE: December 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – RED ROCK ENGINEERING AND
SURVEYING, INCORPORATED, ON BEHALF OF NW INVESTMENT,
LLC, OWNER (NORTHWEST CORNER OF DAPPLE GRAY ROAD AND
HICKAM AVENUE, APN 138-05-301-028)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 30th day of July, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Northwest Investment, L.L.C. (approximately 2.50 acres -- vacant land; Parcel No. 138-05-301-028 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

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

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

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

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

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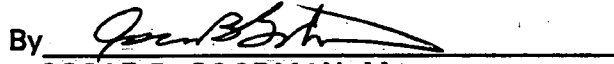
6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

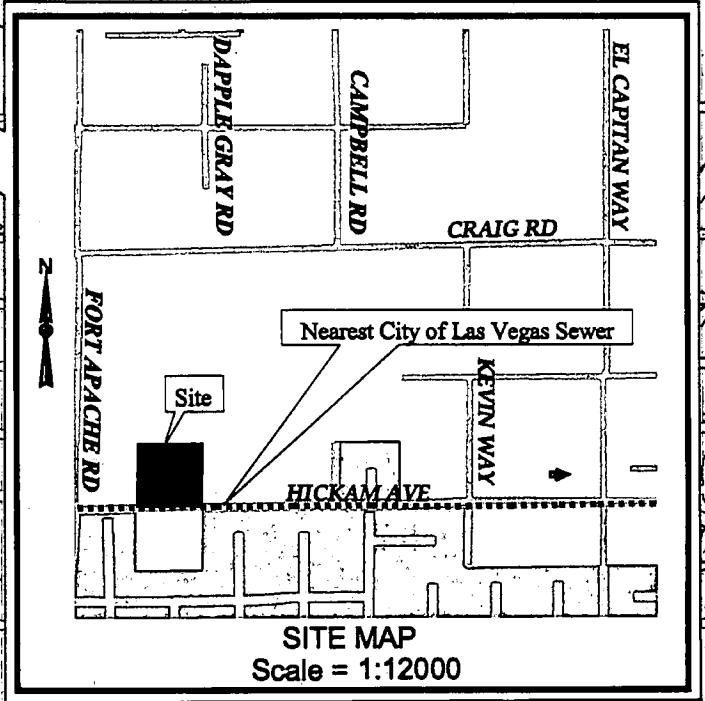
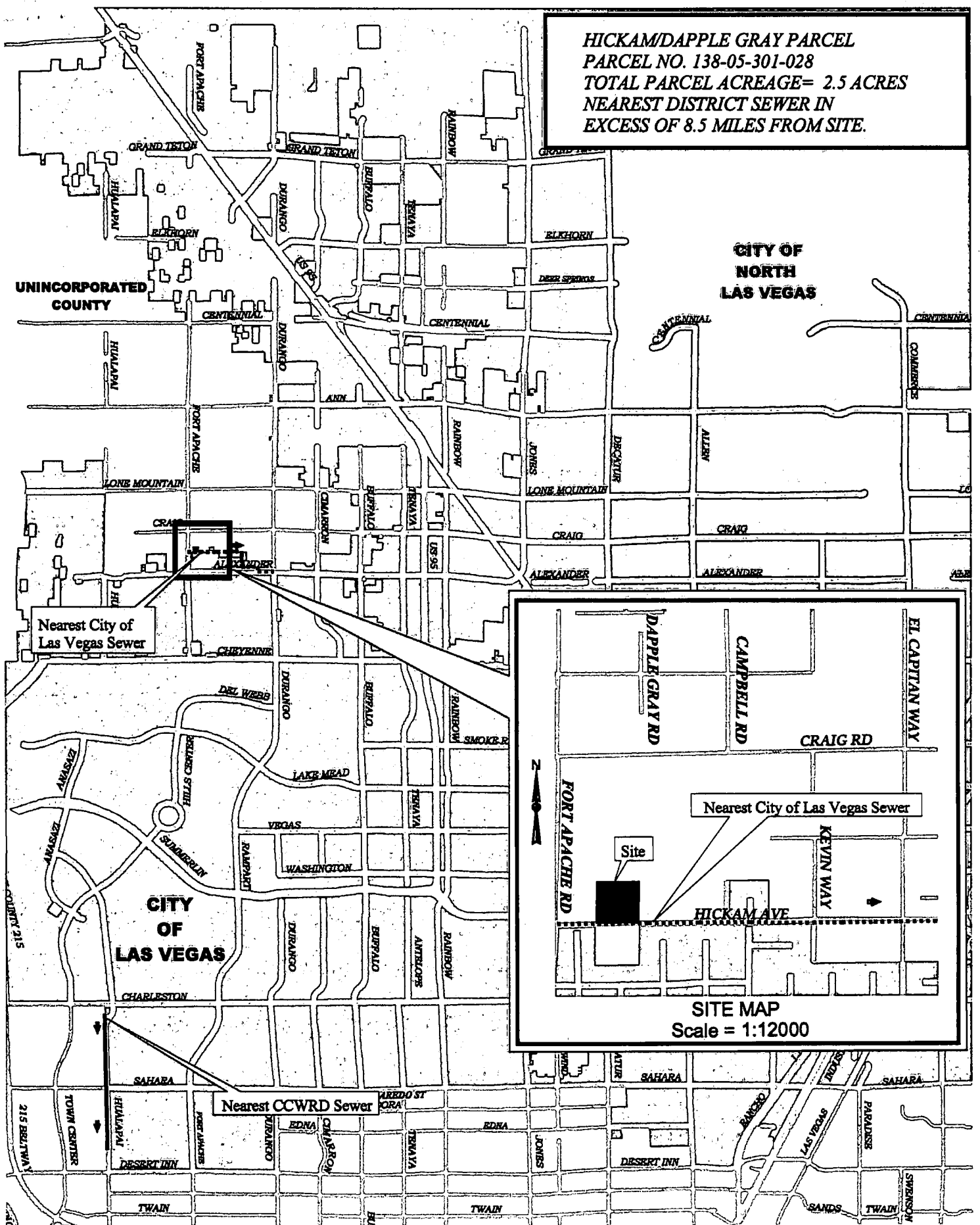
ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

HICKAM/DAPPLE GRAY PARCEL
PARCEL NO. 138-05-301-028
TOTAL PARCEL ACREAGE= 2.5 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 8.5 MILES FROM SITE.



Scale = 1:96000



Clark County
 Water Reclamation
 DISTRICT

ILA #306- EXHIBIT A

10/12/10

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (Farm Road and Jensen Street, APNs 125-18-301-005, 125-18-301-006, 125-18-301-007, 125-18-301-008, 125-18-301-009, 125-18-301-010, 125-18-301-011, 125-18-301-012, 125-18-301-015, 125-18-301-016, 125-18-301-017, 125-18-301-018, 125-18-301-019, 125-18-301-020, 125-18-301-021 and 125-18-301-022) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect 97 single-family dwellings located at Farm Road and Jensen Street. The owner proposes to connect to the 8-inch City sewer line in Farm Road or 12-inch City sewer line in Severance Lane. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

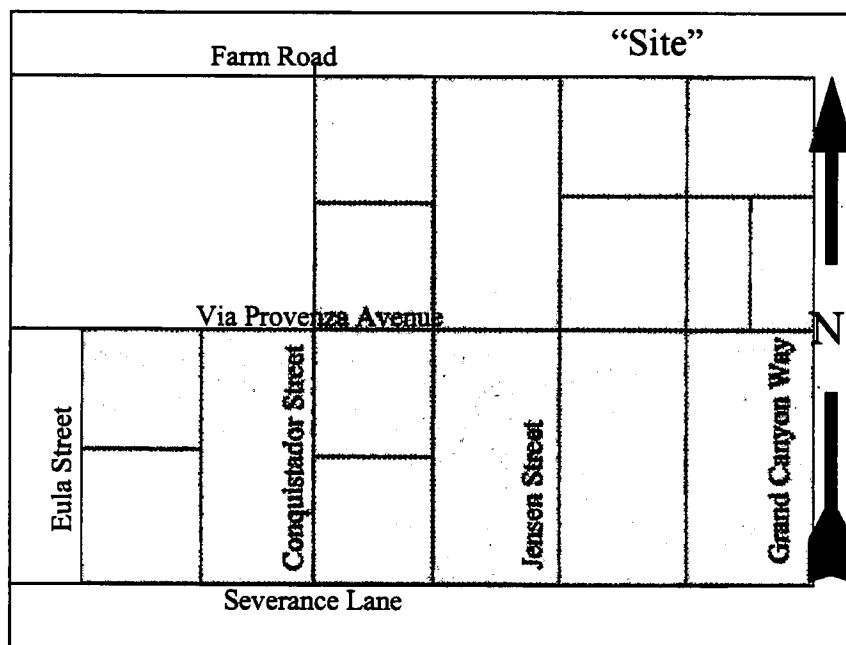
AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND INTERLOCAL CONTRACT WITH CLARK COUNTY WATER RECLAMATION DISTRICT – SLATER HANIFAN GROUP ON BEHALF OF PINNACLE-CAPRIANA I, LLC, OWNER (FARM ROAD AND JENSEN STREET, APN 125-18-301-005, 125-18-301-006, 125-18-301-007, 125-18-301-008, 125-18-301-009, 125-18-301-010, 125-18-301-011, 125-18-301-012, 125-18-301-015, 125-18-301-016, 125-18-301-017, 125-18-301-018, 125-18-301-019, 125-18-301-020, 125-18-301-021 AND 125-18-301-022)

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 21st day of October, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," (approximately 50.5 acres -- vacant land; owned as follows:

Pinnacle-Capriana LLC (48 acres)

APN #125-18-301-005 to 009

APN #125-18-301-011 and 012

APN #125-18-301-015 to 022

Connie L. Harris (2.5 acres)

APN #125-18-301-010

which are within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

1. CITY, at its established rates and in accordance with all CITY resolutions and

policies, shall allow connection to CITY sewage collection system by, and will provide sewer service to, that area as shown on attached Exhibit "A" which is located within Clark County.

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

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

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

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

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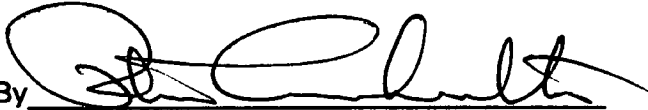
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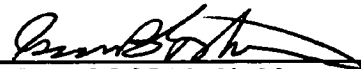
6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

SABLE CREEK SUBDIVISION
PARCEL NO. 125-18-301-005 THRU 012,
AND 015 THRU 022
TOTAL PARCEL ACREAGE= 50 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 11.3 MILES FROM SITE.

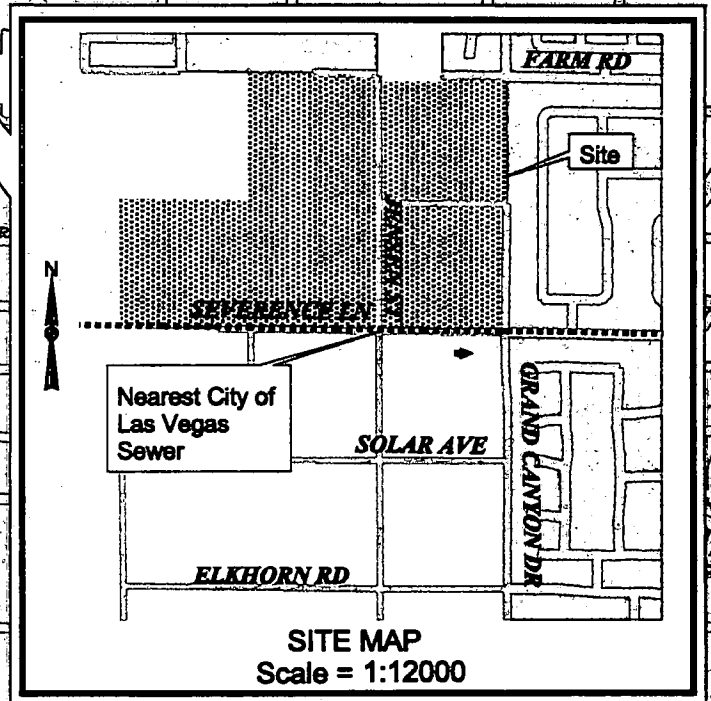
Nearest City of
Las Vegas Sewer

**CITY OF
NORTH
LAS VEGAS**

**UNINCORPORATED
COUNTY**

**CITY OF
LAS VEGAS**

Nearest CCWRD Sewer



Scale = 1:96000



Clark County
Water Reclamation
DISTRICT

ILA #322 - EXHIBIT A

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (southeast corner of Hualapai Way and Farm Road, APNs 125-18-301-001 and 125-18-301-013) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect 35 single-family dwellings located at the southeast corner of Hualapai Way and Farm Road. The owner proposes to connect to the 8-inch City sewer line in Farm Road or 12-inch City sewer line in Severance Lane. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

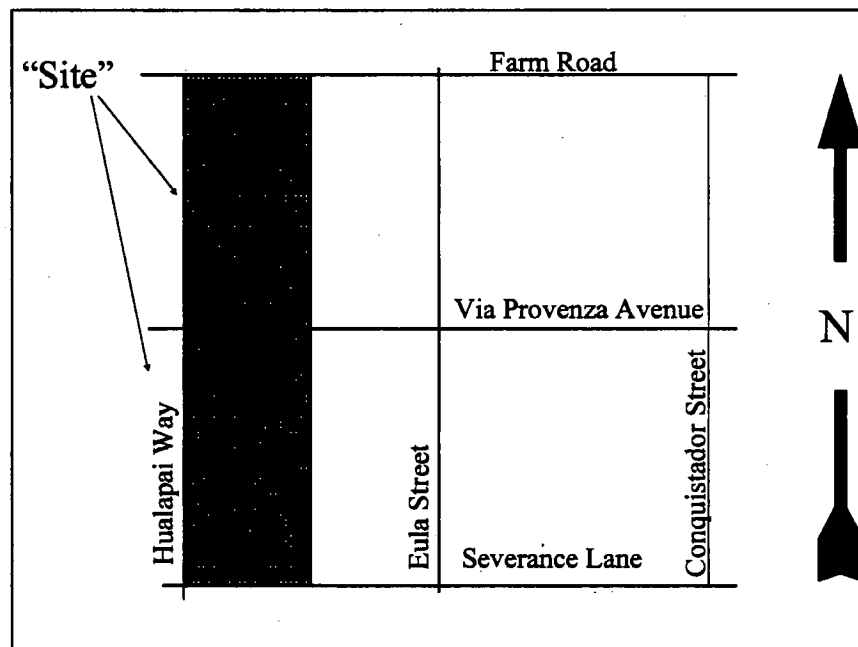
AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – SLATER HANIFAN GROUP ON BEHALF
OF PINNACLE-CAPRIANA I, LLC, OWNER (SOUTHEAST CORNER OF
HUALAPAI WAY AND FARM ROAD, APN 125-18-301-001 AND 125-18-
301-013)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 21st day of October, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Pinnacle-Capriana I, LLC (approximately 10.0 acres -- vacant land; Parcel No. 125-18-301-001 and 013 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

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

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

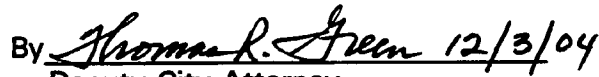
CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

PARCEL NO. 125-18-301-001 & 01
 TOTAL PARCEL ACREAGE= 10.0 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 11.3 MILES FROM SITE.

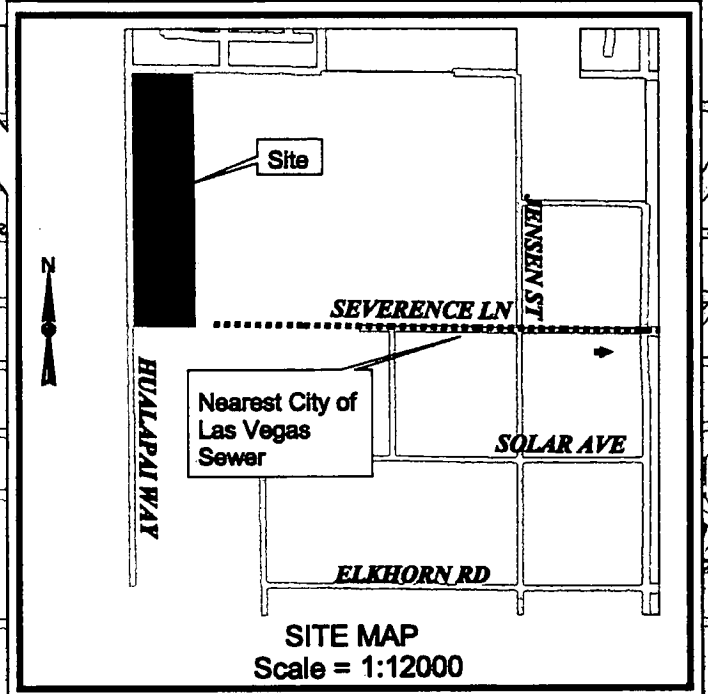
Nearest City of
 Las Vegas Sewer

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY

CITY
 OF
 LAS VEGAS

Nearest CCWRD Sewer



Scale = 1:96000



Clark County
 Water Reclamation
 DISTRICT

ILA #321 - EXHIBIT A

102504

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from Investment Equity Development on behalf of Tech Retail Center, LLC, owner (northeast corner of Smoke Ranch Road and Buffalo Drive) - Ward 4 (Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for landscaping at the northeast corner of Smoke Ranch Road and Buffalo Drive consisting of trees, shrubs, ground cover, and an irrigation system for the proposed Tech Retail Center I. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (northeast corner of Smoke Ranch Road and Buffalo Drive)

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

APN: 138-15-402-001

LINE TABLE		
LINE	LENGTH	BEARING
L1	30.01	N89°40'38"W
L2	30.01	N00°20'58"E

CURVE TABLE				
CURVE	LENGTH	RADIUS	DELTA	TANGENT
C1	86.42	55.00	90°01'37"	55.03
C2	39.28	25.00	90°01'37"	25.01

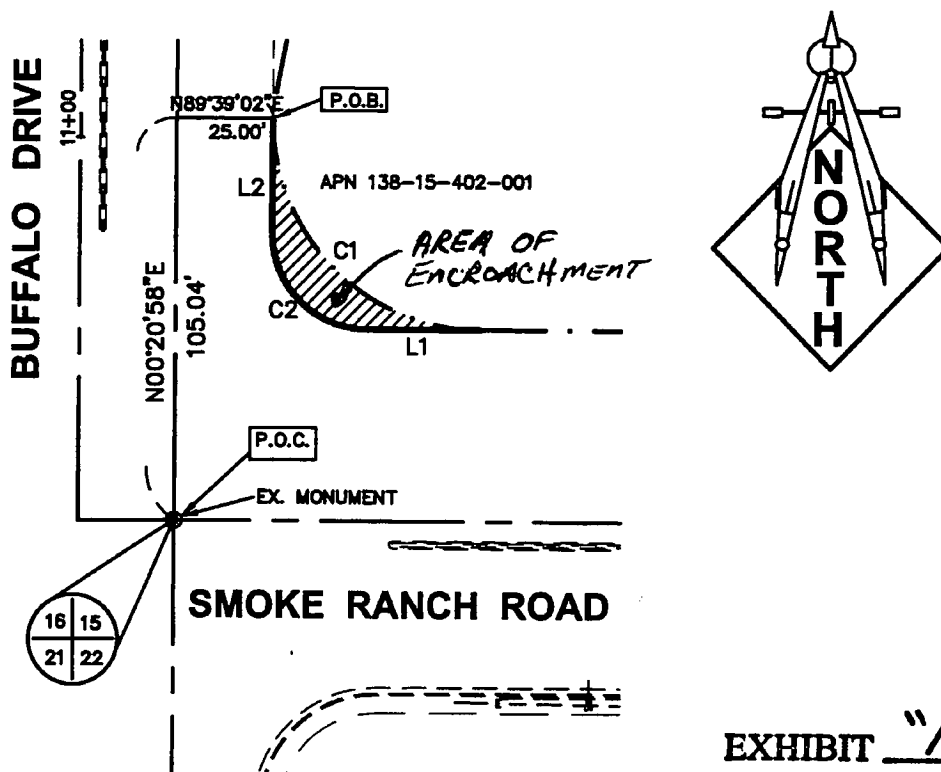


EXHIBIT "A"

LEGEND		FOUND MONUMENTATION	FILE NAME:	041052ENCROACHMENT.dwg
CENTER LINE		SECTION LINE	PROPERTY LINE	
ROW LINE		ADJACENT PROPERTY LINE		
EASEMENT LINE				
DRAWN BY: ROLY	SCALE: 1"=50'	ENCROACHMENT		PROJECT No.:
CHECKED BY: EAZ	DATE: 09-29-04			041052
LOCHSA ENGINEERING 6345 SOUTH JONES BLVD. SUITE 100 LAS VEGAS, NV 89118 P: 702 365-9312, F: 702 365-9317		TECH RETAIL CENTER 1		SHEET No.
				C1
				SHEET 1 OF 1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Raymond Tagliaferri, IRA, owner (northwest corner of Conquistador Street and Tropical Parkway, APN 125-30-204-004) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located at the northwest corner of Conquistador Street and Tropical Parkway. The owner proposes to connect to the 12-inch sewer line located in Tropical Parkway. The Planning Department has determined the project does conform to the City's General Plan for the area; there is sufficient capacity in the City Sanitary Sewer. The applicant has signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

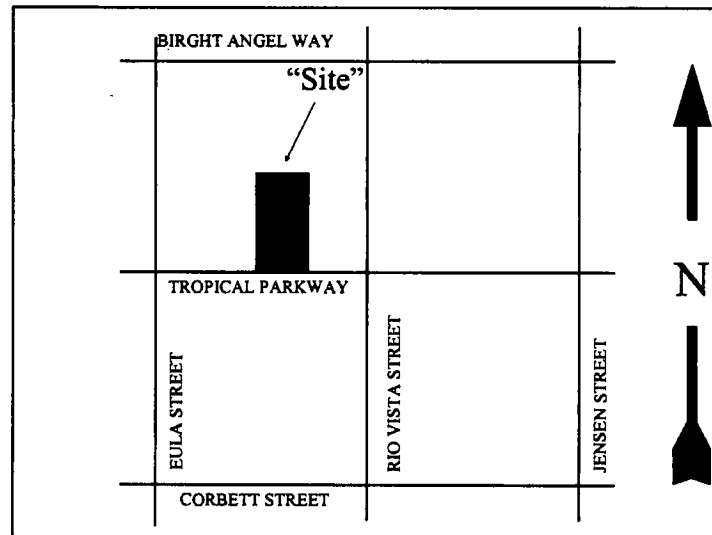
AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECITON AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – RAYMOND TAGLIAFERRI, IRA, OWNER
(NORTHWEST CORNER OF CONQUISTADOR STREET AND
TROPICAL PARYWAY, APN 125-30-204-004)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 20th day of October, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Raymond Tagliaferri IRA & Bank First Savings Cust. (approximately 1.02 acres -- vacant land; Parcel No. 125-30-204-004 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

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

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

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

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

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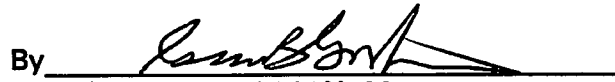
6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

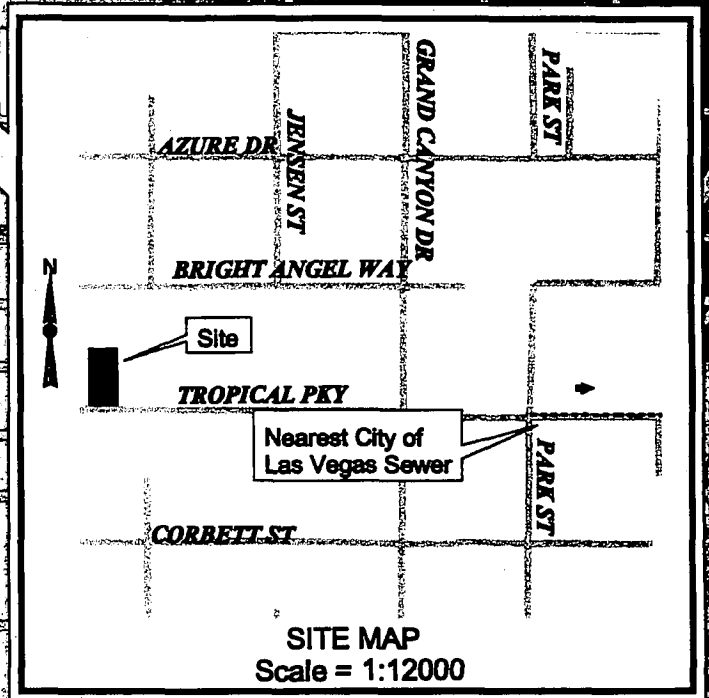
TAGLIA FERRI PARCEL
PARCEL NO. 125-30-204-004
TOTAL PARCEL ACREAGE= 1.02 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 9.0 MILES FROM SITE.

**UNINCORPORATED
COUNTY**

**Nearest City of
Las Vegas Sewer**

**CITY
OF
LAS VEGAS**

Nearest CCWRD Sewer



Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Dwyer Engineering on behalf of Rodney Jordan, owner (southeast corner of Tropical Parkway and Riley Street, APN 125-29-610-003) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located on the southeast corner of Tropical Parkway and Riley Street. The owner proposes to connect to the 12-inch sewer line located in Tropical Parkway. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

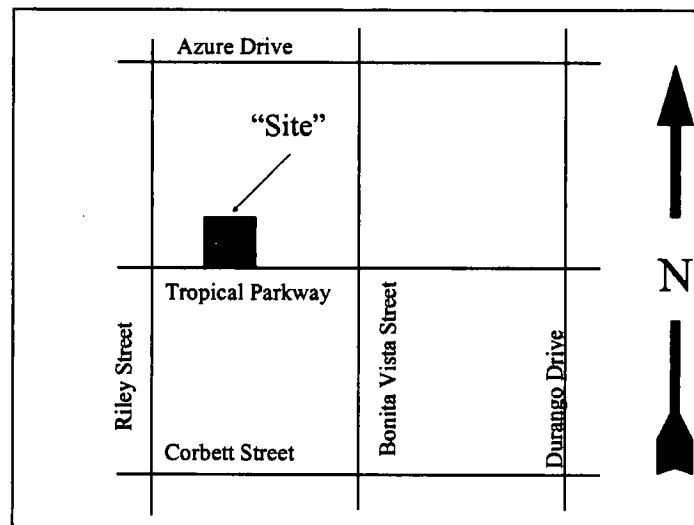
AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – DWYER ENGINEERING ON BEHALF OF
RODNEY JORDAN, OWNER (SOUTHEAST CORNER OF TROPICAL
PARKWAY AND RILEY STREET, APN 125-29-610-003)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 4th day of November, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Rodney Jordan (approximately 0.5 acres -- vacant land; Parcel No. 125-29-610-003 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

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

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

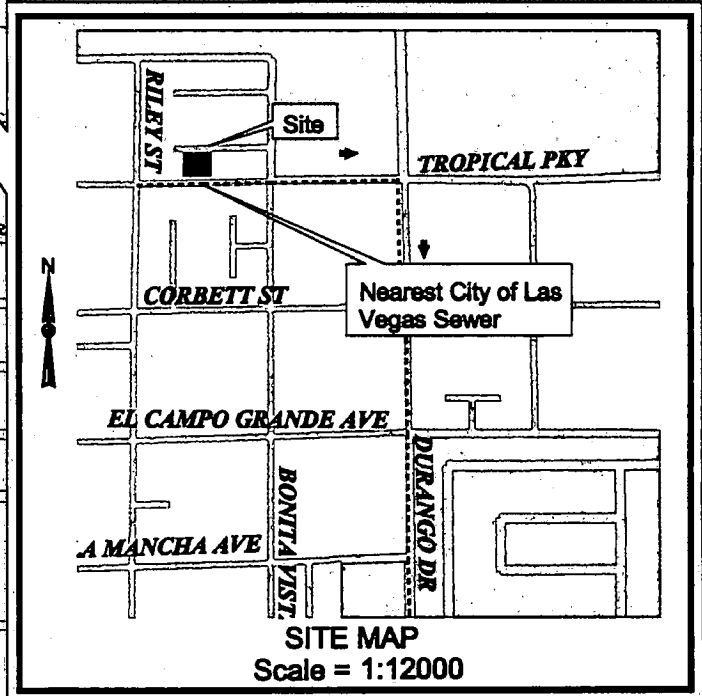
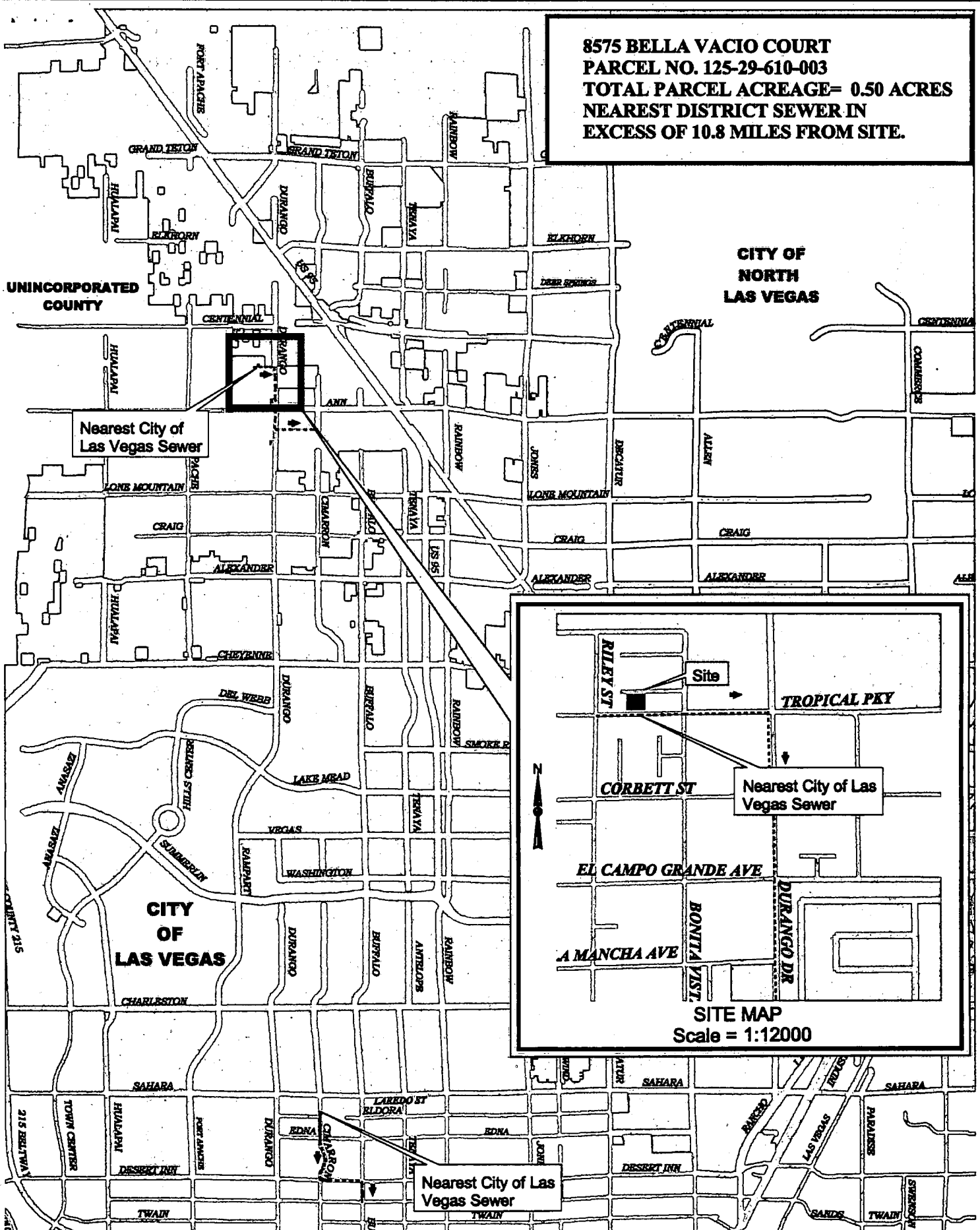
ATTEST:

By 
BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

8575 BELLA VACIO COURT
 PARCEL NO. 125-29-610-003
 TOTAL PARCEL ACREAGE= 0.50 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 10.8 MILES FROM SITE.



Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Taney Engineering on behalf of Coleman-Toll, Limited Partnership, owner (southeast corner of Rome Avenue and Torrey Pines Drive, APNs 125-23-802-001, 125-23-802-002, 125-23-802-003 and 125-23-802-004) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect four parcels with 88 single-family dwellings located at the southeast corner of Rome Avenue and Torrey Pines Drive. The owner proposes to connect to the 8-inch sewer line located in Rome Avenue. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a Sewer Connection Agreement. This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

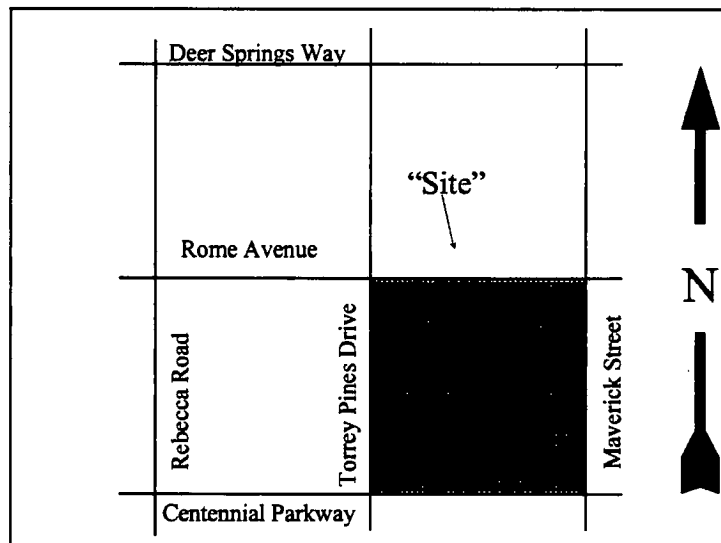
AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – TANEY ENGINEERING ON BEHALF OF
COLEMAN-TOLL, LIMITED PARTNERSHIP, OWNERS (SOUTHEAST
CORNER OF ROME AVENUE AND TORREY PINES DRIVE, APN 125-
23-802-001 AND 125-23-802-002, 125-23-802-003 AND 125-23-802-004)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 5th day of November, 2004, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Coleman - Toll LP (approximately 35 acres -- vacant land; Parcel No. 125-23-802-001 to 004 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

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

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

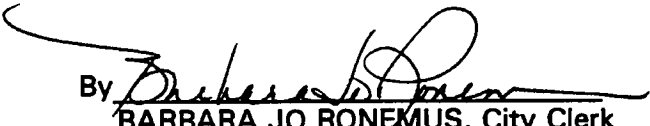
CLARK COUNTY WATER RECLAMATION DISTRICT

By 
PETER M. ARCHULETA, General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

By  12/3/04
Deputy City Attorney

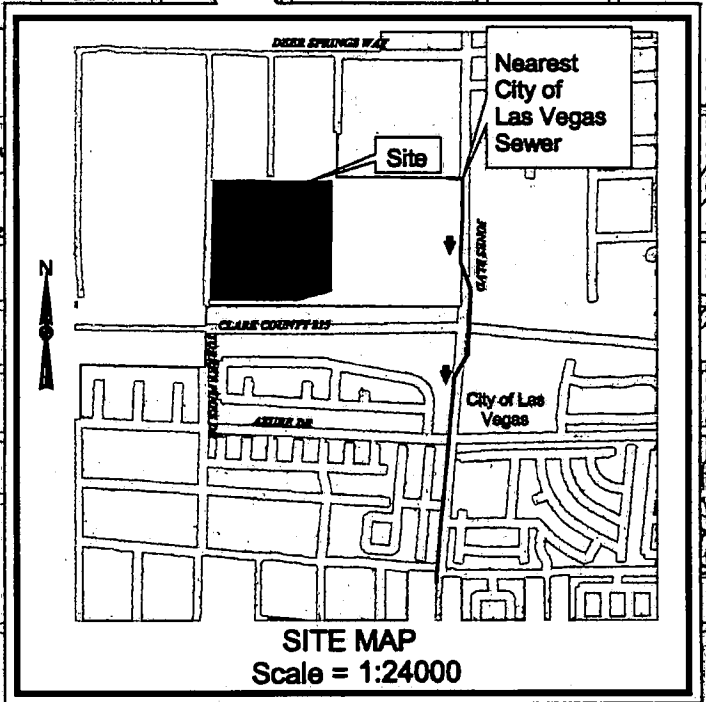
TORREY PINES/CENTENNIAL PARCEL
PARCEL NO. 125-23-802-001 TO 004
TOTAL PARCEL ACREAGE= 35 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 9.5 MILES FROM SITE.

**UNINCORPORATED
COUNTY**

**CITY OF
NORTH
LAS VEGAS**

**Nearest City of
Las Vegas Sewer**

**CITY
OF
LAS VEGAS**



**Nearest City of Las
Vegas Sewer**

Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-174-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐ No Impact	Amount:	\$12,759.92
☒ Budget Funds Available	Dept./Division:	Public Works/SID
☐ Augmentation Required	Funding Source:	Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Construction and installation of pavement, curb and gutter, sidewalk, and streetlights.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-174-2004

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

RESOLUTION NO. R-174-2004

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1495 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); OVERRULING COMPLAINTS, PROTESTS AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING OF SAID ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Assessment Protest Resolution

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, pursuant to an ordinance heretofore adopted (hereinafter the "Creation Ordinance") created Las Vegas, Nevada, Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (hereinafter the "District") and ordered the acquisition of certain local improvements (hereinafter the "Project") within the District in the City; and

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

WHEREAS, in accordance with NRS 271.360, the City Council heretofore determined and does hereby declare that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$11,759,710.00, of which \$11,746,950.08 is available from other sources and of which \$12,759.92 is to be assessed upon the benefited lots, tracts and parcels of land in the District, which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements in the Project; and

WHEREAS, the City Council by resolution heretofore adopted and directed the City Engineer (with the assistance of the Engineering Integration Division) to make out a final assessment roll; and

WHEREAS, the City Council, together with the City Engineer, made out an assessment roll 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 proposed assessment to be levied thereon; the City Engineer has reported the assessment roll to the City Council and the City Engineer has filed the assessment roll with the City Clerk; and

WHEREAS, the City Council, by resolution heretofore adopted, established a date, time and location at which the City Council would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

WHEREAS, the City Engineer (with the assistance of the Engineering Integration Division) has, in accordance with the provisions of the law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests, or objections on Wednesday, November 17, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council met at said place and time to hear and consider all complaints, protests and objections made or filed; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the City Council on November 17, 2004, and after extensive review and deliberation hereby are found to be without sufficient merit and hereby overruled. However, the City Council has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

Parcel Number	Ownership	Revised Amount of Final Assessment

and

WHEREAS, pursuant to NRS 271.357 and NRS 271.360 the City Council has considered all applications for hardship determinations and the recommendations of the Department of Social Services and hereby approves the following applications for hardship determination:

Parcel Number	Ownership	Assessment

Parcel Number	Ownership	Assessment

and

WHEREAS, the City Council has determined, and does hereby again determine, that all of the assessable property in the City, which is specially benefited by the improvements to be acquired in the District, and only property which is so specially benefited, is included on the assessment roll heretofore filed with the City Clerk on October 20, 2004, and

WHEREAS, the City Council has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on November 17, 2004, on said assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District, which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. This Resolution shall be known as and may be cited by the short title "District No. 1495 Assessment Protest Resolution" (herein the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, hereby are found to be without sufficient merit and hereby overruled.

Section 3. The City Council hereby validates and confirms the assessment roll for the District, as made out by the City Council, together with the City Engineer, and filed in the records of the office of the City Clerk on October 20, 2004, as hereinabove modified, revised, corrected and made de novo.

Section 4. 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 Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road), including, but not limited to, the acquisition of the improvements, and the levy of assessments for that purpose, the determination that the tracts in the District will receive special benefits and market value increases, and

the validation and confirmation of the assessment roll and the assessments therein, be and the same hereby are, ratified, approved and confirmed.

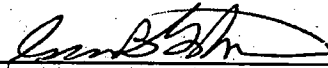
Section 5. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

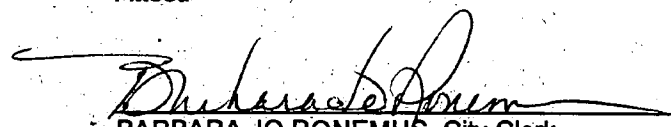
Section 8. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

Passed and approved on December 1, 2004.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to form:

17 NOV 04 N. Z. Henry
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"), 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 December 1, 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 Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal

office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) 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 December 1, 2004, is attached to this certificate as Exhibit "A".

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

(SEAL)

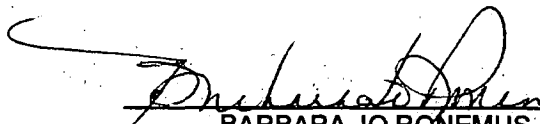

BARBARA JO RONEMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)



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)

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

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

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

DECEMBER 1, 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 - STAKE PRESIDENT GORDON BYWATER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of September 15, 2004

CONSENT AGENDA

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

ADMINISTRATIVE - CONSENT

3. Approval and ratification of Margo Wheeler as Director of the Planning & Development Department (\$110,000 + Benefits - General Fund)

FINANCE & BUSINESS SERVICES - CONSENT

4. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
5. Approval to allocate \$1,000,000 of the Capital Improvement Plan Bid Reserve to the Mirabelli Community Center reconstruction project - Ward 1 (Moncrief)
6. Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Acevedo & Acevedo, dba Little Mexico Restaurant, 7280 Azure Drive, Suite 150, Sally Acevedo, 50%, Rito I. Acevedo, 50% - Ward 6 (Mack)
7. Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, From: U.S.H. Los Prados, Inc., Joe L. Weathersby, Pres, Curtis W. Meyer, Asst Secy, To: Los Prados Community Association, dba Los Prados Clubhouse, 5150 Los Prados Circle, Steven M. Fagnant, Gen Mgr - Ward 6 (Mack)
8. Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Renee Poole, dba Call Renee! Estate Liquidation, From: 3618 Redwood Street, To: 1422 Western Avenue, Renee Poole, 100% - Ward 1 (Moncrief)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a Restricted Gaming License for 7 slots subject to Health Dept. regulations, Dashmesh Oil Company, dba From: Dashmesh Gas Station and Market, To: Guru Express Market, 6698 Sky Pointe Drive, Gurpreet S. Grewal, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)
10. Approval of a new Hypnotist License, Collen Cichocki, dba Advantage Clinical Hypnosis, 416 South Jones Boulevard, Collen A. Cichocki, 100% - Ward 1 (Moncrief)
11. Approval of a new Psychic Art & Science License, Maria Crudele, dba Reverend Maria Crudele, 6848 West Charleston Boulevard, Maria Crudele, 100% - Ward 1 (Moncrief)
12. Approval of Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, From: Rancho Decatur Restaurants, LLC, dba Doc Holliday's Saloon, Thomas J. Brletic, Mmbr, 91%, Brletic Family Gaming Trust, Mmbr, 9%, Thomas J. Brletic, Grantor, Trustee, To: KBT Enterprises, LLC, dba On The Rocks, 2801 North Tenaya Way, Suite A, Don T. Bartakian, Mmbr, Mgr, 50%, Craig E. Tribus, Mmbr, Mgr, 50% - Ward 4 (Brown)
13. Approval of Contract No. 040396, Municipal Court Software Development, Licensing and Royalty Fee - Municipal Court - Award recommended to: NEVSYS, INC. (\$925,000 - Municipal Court Admin Assessment Special Revenue Fund)
14. Approval of Contract No. 050075 for Microsoft Enterprise Software - Department of Information Technologies - Award recommended to: ASAP SOFTWARE (\$600,000 - Computer Services Internal Service Fund)
15. Approval of award of Contract No. 050125, General and Civil Engineering Services - Department of Field Operations - Award recommended to: HARRIS & ASSOCIATES, INC. (\$350,000 - Public Works Capital Projects Fund)

FINANCE & BUSINESS SERVICES - CONSENT

16. Approval of ratification of purchase order 222219 for Repairs to Lufkin Industries Gear Box - Department of Public Works - Award to: LUFKIN INDUSTRIES, INC. (\$75,716 - Sanitation Enterprise Fund)
17. Approval of issuance of a purchase order for a DekoCast System - Office of Communications, Video Services - Award recommended to: PINNACLE SYSTEMS (\$37,830 - Video Productions Enterprise Fund)
18. Preapproval of award of Bid Number 03.15341.06, Circle Park Tire Wall to the lowest responsive and responsible bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - (\$34,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)
19. Approval of five contractors for inclusion on the Qualified Contractor List for the City Hall East Tower Project - Department of Finance and Business Services - Approval of: CLARK & SULLIVAN CONSTRUCTORS, INC., JAYNES CORPORATION, MARTIN-HARRIS CONSTRUCTION, SLETTEN CONSTRUCTION of NEVADA, INC. and WHITING TURNER CONTRACTING COMPANY.
20. Approval of award of Bid No. 04.15341.41-LED, Centennial Hills Park Volleyball Courts and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADE WEST CONSTRUCTION, INC. (\$297,200 - Capital Project Fund) - Ward 6 (Mack)

FIRE & RESCUE - CONSENT

21. Approval of a federal grant from the Federal Emergency Management Agency (FEMA) in the amount of \$400,000 for the Metropolitan Medical Response System (MMRS) in order to provide local relief in the event of nuclear, biological or chemical terrorist incidents - All Wards

HUMAN RESOURCES - CONSENT

22. Approval of payment for a Permanent Partial Disability award - Claim WC03110270 - as required under the workers' compensation statutes (\$72,421 - Workers' Compensation Internal Service Fund)

NEIGHBORHOOD SERVICES - CONSENT

23. Approval of an additional \$167,898 of Community Development Block Grant (CDBG) Construction funds for a total allocation of \$242,898 for the construction of an entry vestibule at the Doolittle Senior Center located at 1950 J Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - CONSENT

24. Approval of a revised list of Round Six Projects for nomination for funding from the Special Account established through the sale of Bureau of Land Management (BLM) lands in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) - All Wards

PUBLIC WORKS - CONSENT

25. Approval of a Dedication from the City of Las Vegas, for a portion of the Northwest Quarter of Section 30, Township 20 South, Range 61 East, Mount Diablo Meridian, for right-of-way located at the northeast corner of Decatur Boulevard and Washington Avenue for a right turn lane, APN 139-30-201-001 - Ward 5 (Weekly)

PUBLIC WORKS - CONSENT

26. Approval of a Declaration of Utilization from the Bureau of Land Management, for a portion of the Northwest Quarter of Section 1, Township 20 South, Range 59 East, Mount Diablo Meridian, for road, sewer and drainage purposes (30-feet) on the north side of Stange Avenue located between Puli Road and Cliff Shadows Parkway alignments, APN 137-01-201-003 - Ward 4 (Brown)
27. Approval of a Dedication from the City of Las Vegas, for a portion of the Southwest Quarter of Section 28, Township 20 South, Range 60 East, Mount Diablo Meridian for two drainage easements for the Silver Sky Assisted Living Center located at the northeast corner of Roland Wiley Road and Silver Sky Drive, APN 138-28-401-014 - Ward 2 (Wolfson)
28. Approval of an Encroachment Request from Makenzie Corporation, owner (231 West Philadelphia Avenue) - Ward 1 (Moncrief)
29. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Red Rock Engineering and Surveying, Incorporated, on behalf of NW Investment, LLC, owner (northwest corner of Dapple Gray Road and Hickam Avenue, APN 138-05-301-028) - County (near Ward 4 - Brown)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (Farm Road and Jensen Street, APNs 125-18-301-005, 125-18-301-006, 125-18-301-007, 125-18-301-008, 125-18-301-009, 125-18-301-010, 125-18-301-011, 125-18-301-012, 125-18-301-015, 125-18-301-016, 125-18-301-017, 125-18-301-018, 125-18-301-019, 125-18-301-020, 125-18-301-021 and 125-18-301-022) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (southeast corner of Hualapai Way and Farm Road, APNs 125-18-301-001 and 125-18-301-013) - County (near Ward 6 - Mack)
32. Approval of an Encroachment Request from Investment Equity Development on behalf of Tech Retail Center, LLC, owner (northeast corner of Smoke Ranch Road and Buffalo Drive) - Ward 4 (Brown)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Raymond Tagliaferri, IRA, owner (northwest corner of Conquistador Street and Tropical Parkway, APN 125-30-204-004) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Dwyer Engineering on behalf of Rodney Jordan, owner (southeast corner of Tropical Parkway and Riley Street, APN 125-29-610-003) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Taney Engineering on behalf of Coleman-Toll, Limited Partnership, owner (southeast corner of Rome Avenue and Torrey Pines Drive, APNs 125-23-802-001, 125-23-802-002, 125-23-802-003 and 125-23-802-004) - County (near Ward 6 - Mack)

RESOLUTIONS - CONSENT

36. R-173-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)
37. R-174-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

38. Report from the City Manager on the completion of the City of Las Vegas' 2004 Citizen's Academy.

CITY ATTORNEY - DISCUSSION

39. Discussion and possible action on Appeal of Work Card Denial: Martin Shaw Cox, 1957 Bookbinder, Las Vegas, Nevada 89108
40. Discussion and possible action on Appeal of Work Card Denial: Abraham A. Harely, 2445 Carnegie Hall Street, Las Vegas, Nevada 89135
41. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Mary L. Oliphant, 4221 Walnut Family Court, Las Vegas, Nevada 89115
42. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Yolanda Rochelle White, 2762 Eldora Circle #D, Las Vegas, Nevada 89146

FINANCE & BUSINESS SERVICES - DISCUSSION

43. ABEYANCE ITEM - 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)
44. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: Estela Figueroa, dba El Santaneco Restaurant #2, Estela Figueroa, 100%, To: Ana Maria Bahena Bahena, dba El Arroyo Mexican Restaurant, 1510 Las Vegas Boulevard South, Anna M. Bahena Bahena, 100% - Ward 1 (Moncrief)
45. Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Watana Pongpan, dba House of Thai, 210 West Sahara Avenue, Watana Pongpan, 100%, To: Ocha Cuisine, Inc., dba Ocha Cuisine, Inc., 2211 Las Vegas Boulevard South, Suite A, Watana Pongpan, Dir, Pres, Treas, 50%, Vilawan Pongpan, Dir, VP, Secy, 50% - Ward 3 (Reese)
46. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: King of Clubs, Inc., dba King of Clubs (Non-operational), Norma C. Kastler, Dir, Pres, 50%, Lois C. Swier, Dir, Secy, Treas, 50%, To: B & B Investors, Inc., dba El Tequila Club, 1401 North Decatur Boulevard, Suite 6, Burt J. Blum, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

NEIGHBORHOOD SERVICES - DISCUSSION

47. Discussion and possible action on reprogramming \$43,100 in Community Development Block Grant (CDBG) funds to The Latin Chamber of Commerce for operation of the Arturo Cambiero Senior Citizens Center located at 330 North 13th Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - DISCUSSION

48. Discussion regarding possible changes to current Title 19.14.100 of the Las Vegas Zoning Code that would amend certain existing standards for off-premise signs, as well as establish new ones - All Wards

PUBLIC WORKS - DISCUSSION

49. Discussion and possible action on the I-515 Corridor Study prepared for the Nevada Department of Transportation - Wards 3, 4 and 5 (Reese, Brown and Weekly)

RESOLUTIONS - DISCUSSION

50. R-175-2004 - Discussion and possible action regarding a Resolution Concerning the Use of Funds Generated from the Enactment of a Sales and Use Tax Increase in Response to Clark County Advisory Question No. 9
51. R-176-2004 - Discussion and possible action regarding a Resolution Adopting Guidelines for Development Within the Kyle Canyon Gateway Area

BOARDS & COMMISSIONS - DISCUSSION

52. Discussion and possible action on the appointment of a member of the City Council to serve on the Oversight Panel for School Facilities
53. Appointment and reappointment of members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

54. Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
55. Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief
56. Bill No. 2004-74 - Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District. Sponsored by: Councilman Larry Brown
57. Bill No. 2004-75 - Provides for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements. Proposed by: Robert S. Genzer, Director of Planning and Development

NEW BILLS - DISCUSSION

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.

58. Bill No. 2004-76 - Updates the membership of the Design Review Committee for the Downtown Entertainment Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
59. Bill No. 2004-77 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilwoman Janet Moncrief
60. Bill No. 2004-78 - Clarifies the procedures and standards that apply to the installation of speed humps on residential streets. Proposed by: Richard D. Goecke, Director of Public Works

NEW BILLS - DISCUSSION

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.

61. Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
62. Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
63. Bill No. 2004-81 - Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise. Proposed by: Barbara Jo Ronemus, City Clerk

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

64. 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

65. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 1401 Comstock Drive. PROPERTY OWNERS: WILLIS J. JR. & GLINDA BOWDEN - Ward 5 (Weekly)
66. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at 7009 Dramatic Way. PROPERTY OWNERS: LORI ANN & DALE F. NITZSCHKE - Ward 6 (Mack)
67. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot between 5504 & 5516 Alpine Place (Parcel #138-36-407-023). PROPERTY OWNER: SAMER N. NAKHLE - Ward 1 (Moncrief)
68. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 3201 Arlene Way. PROPERTY OWNER: MICHAEL J. MARUNA - Ward 6 (Mack)
69. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 314 N. 16th Street. PROPERTY OWNER: YVONNE C. FUKUMOTO - Ward 5 (Weekly)
70. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot on Maydelle Place (North of 395 Maydelle Place). PROPERTY OWNER: CABRERA INVEST - Ward 3 (Reese)
71. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 1106 Norman Avenue. PROPERTY OWNER: CARL R. SAUNDERS - Ward 3 (Reese)

PLANNING & DEVELOPMENT

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 - 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.

72. EOT-5451 - APPLICANT/OWNER: MASONIC MEMORIAL TEMPLE - Request for an Extension of Time of an approved Rezoning (Z-0011-02) FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: O (OFFICE) AND C-V (CIVIC) on 13.70 acres adjacent to the northeast corner of Rancho Drive and Mesquite Avenue (APN 139-29-801-005), Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

73. ROC-5319 - APPLICANT/OWNER: COKE MAGGIE, LLC - Request for a Review of Condition Number 8 of an approved Tentative Map of Coke and Conough (TMP-1179) WHICH REQUIRED OFF-SITE IMPROVEMENTS FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.72 acres adjacent to the southeast corner of Iron Mountain Road and Conough Lane (APN 125-09-510-001 through 019), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends APPROVAL
74. ROC-5520 - PUBLIC HEARING - APPLICANT/OWNER: RICHMOND AMERICAN HOMES - Request for a Review of Condition Numbers 3 and 4 of an approved Site Development Plan Review [Z-0073-02(1)] TO ALLOW THREE STORIES WHERE TWO STORIES WAS THE MAXIMUM HEIGHT ALLOWED; AND TO CHANGE THE SETBACKS TO A MINIMUM OF 6 FEET IN FRONT OF THE GARAGE, AND 10 FEET IN THE REAR WHERE THE SETBACKS WERE APPROVED AS A MINIMUM OF 10 FEET TO THE FRONT OF THE HOUSE, 18 FEET TO THE FRONT OF THE GARAGE, AND 6 FEET IN THE REAR for an approved 261 lot single family development on 21.5 acres adjacent to the south side of Gowan Road, approximately 700 east of Cliff Shadows Parkway (APN 137-12-311-001 through 145; and 137-12-313-001 through 115), PD (Planned Development) Zone, Ward 4 (Brown). Staff recommends DENIAL
75. SDR-5184 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: INFIELD DEVELOPMENT II, LLC AND JOHN D. FIELD - Request for a Site Development Plan Review FOR A 14,000 SQUARE FOOT OFFICE BUILDING AND A 17,250 SQUARE FOOT COMMERCIAL BUILDING AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS TO ALLOW A 10 FOOT REAR SETBACK WHERE 20 FEET IS REQUIRED on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), O (Office) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant requests to withdraw the portion of this application for APN 138-12-110-021)
76. SDR-5310 - PUBLIC HEARING - APPLICANT/OWNER: LONGFORD AT LAKE MEAD, LLC - Request for a Site Development Plan Review and a Waiver of Title 19.12.050.E to eliminate a required minimum five-foot landscape buffer between the street curb and sidewalk FOR A PROPOSED 41,863 SQUARE-FOOT COMMERCIAL CENTER WITH A DRIVE-THROUGH RESTAURANT on 4.85 acres adjacent to the south side of Lake Mead Boulevard, approximately 300 feet east of Tonopah Drive (APN 139-21-314-001), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
77. SDR-5314 - PUBLIC HEARING - APPLICANT: STANLEY CONSULTANTS, INC - OWNER: SNIP ST CROIX, LP - Request for Site Development Plan Review FOR A 256-UNIT RESIDENTIAL CONDOMINIUM CONVERSION on 10.62 acres at 6661 Silverstream Avenue (APN 138-26-302-002 and 138-26-401-002), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

78. MOD-5254 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: PR-OS (PARK/SCHOOL/RECREATION/OPEN SPACE) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) General Plan Designation] and U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

79. ZON-5256 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (UNDEVELOPED) [PF (PUBLIC FACILITIES) AND [PR-OS (PARKS/RECREATION/OPEN SPACE) GENERAL PLAN DESIGNATIONS] TO: PD (PLANNED DEVELOPMENT) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

80. SDR-5257 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED BASEBALL AND SOFTBALL PARK on approximately 102.6 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-201-006, 138-07-102-001, 138-07-201-010, 138-07-103-002, 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] [PROPOSED: PD (Planned Development)], U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] under Resolution of Intent to PD (Planned Development), C-V (Civic) Zone under Resolution of Intent to PD (Planned Development) Zone, and PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

81. VAR-5288 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Variance TO ALLOW 78 PERCENT OF THE TOTAL FLOOR AREA OF A LIVE/WORK UNIT TO BE USED FOR RESIDENTIAL PURPOSES WHERE 50 PERCENT IS THE MAXIMUM ALLOWED in conjunction with a proposed 71-unit multi-family live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

82. SUP-5287 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Special Use Permit FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommends APPROVAL.

83. WVR-5289 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Waiver of Title 18.12.100 TO ALLOW 32-FOOT PRIVATE STREETS WHERE 39 FEET IS THE MINIMUM WIDTH REQUIRED on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

84. SDR-5286 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Site Development Review and Waivers of streetscape and build-to requirements FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL.

85. SUP-4808 - TABLED ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 51 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL.

86. SUP-4809 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL.

PLANNING & DEVELOPMENT - DISCUSSION

87. SUP-4830 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northwest corner of Westcliff Drive and Rainbow Boulevard (APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson). The Planning Commission (6-1 vote) and staff recommend DENIAL

88. SUP-5228 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Special Use Permit FOR AN EXISTING ANIMAL HOSPITAL, CLINIC, OR SHELTER WITH OUTSIDE PENS AND A PROPOSED ADDITION TO THE HOSPITAL at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

89. SDR-5094 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Site Development Plan Review and a Waiver of perimeter landscaping standards FOR A PROPOSED 2,890 SQUARE-FOOT ADDITION TO AN EXISTING ANIMAL HOSPITAL WITH OUTSIDE PENS on 2.18 acres at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

90. SUP-5230 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for Special Use Permit for BEER & WINE SALES, OFF-PREMISE located at 6955 N. Durango, Suite #1113 and #1114 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

91. SUP-5231 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for a Special Use Permit FOR PACKAGE LIQUOR SALES located at 6955 N. Durango, Suite #1115 and #1116 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

92. SUP-5276 - PUBLIC HEARING - APPLICANT/OWNER: DAVID A. TACK AND SUSAN M. TACK - Request for a Special Use Permit FOR A PROPOSED 40-FOOT HIGH, 21-FOOT X 32-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1720 South Main Street (APN 162-03-301-003), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

93. SUP-5291 - PUBLIC HEARING - APPLICANT/OWNER: HENRIK NAZERIAN - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE (MINOR) at 5001 West Charleston Boulevard (APN 163-01-502-011) C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL

94. SUP-5296 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit TO ALLOW A DENSITY OF 66.94 UNITS PER ACRE WHERE 50 UNITS PER ACRE IS THE MAXIMUM ALLOWED FOR A PROPOSED 399-UNIT HIGH DENSITY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL

95. SDR-5295 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Site Development Review FOR A PROPOSED 399-UNIT FIVE-STORY HIGH DENSITY RESIDENTIAL DEVELOPMENT on 5.96 acres adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

96. SUP-5305 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Special Use Permit FOR A PROPOSED MINI-WAREHOUSE FACILITY adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

97. SDR-5307 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Site Development Plan Review and Waivers to allow a zero-foot rear yard setback where 20 feet is required and of the perimeter landscaping requirements FOR A PROPOSED 85,555 SQUARE-FOOT MINI-WAREHOUSE FACILITY on 2.69 acres adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

98. SUP-5466 - PUBLIC HEARING - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE SEPARATION DISTANCE REQUIREMENT at 425 Fremont Street (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

99. ZON-5222 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

100. SUP-5225 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Special Use Permit FOR A PROPOSED AUTO SMOG CHECK AND CARWASH, SELF SERVICE located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

101. SDR-5223 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Site Development Plan Review and a Waiver of perimeter buffering and landscaping standards FOR A PROPOSED SMOG CHECK AND CAR WASH, SELF SERVICE on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

102. ZON-5302 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R-E (RURAL ESTATES) AND RNP (RURAL NEIGHBORHOOD PRESERVATION) GENERAL PLAN DESIGNATIONS] TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL

103. VAR-5306 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Variance TO ALLOW ZERO ACRES OF OPEN SPACE WHERE 0.54 ACRES OF OPEN SPACE IS REQUIRED in conjunction with a proposed 33-lot single-family residential development on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5304 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Site Development Plan FOR A PROPOSED 33-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL

105. ZON-4216 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Rezoning FROM: U (Undeveloped) [TC (Town Center) General Plan Designation] TO: T-C (Town Center) on 17.66 acres adjacent to the northwest corner of Deer Springs Way and Fort Apache Road (APN 125-19-602-001, 003 thru 011), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

106. ZON-5313 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) [L-TC (LOW DENSITY RESIDENTIAL) TOWN CENTER SPECIAL LAND USE DESIGNATION] TO: T-C (TOWN CENTER) on 2.50 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-002), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

107. VAC-4218 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located south of Dorrell Lane, west of Chieftain Street, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL

108. SDR-5317 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO AND PARDEE HOMES OF NEVADA - Request for a Site Development Plan FOR A PROPOSED 108-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 20.18 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-001 thru 011), U (Undeveloped) Zone [TC (Town Center) L-TC (Low Density Residential Town Center General Plan Designation)] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

109. GPA-5034 - ABEYANCE - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

110. ZON-4941 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT - 50 UNITS PER ACRE) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

111. VAR-5035 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW A 20 FOOT SETBACK WHERE 1,212 FEET IS REQUIRED on 16.78 acres north of Alta Drive and west Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

112. VAR-5479 - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW 153,879 SQUARE FEET OF OPEN SPACE WHERE 606,678 SQUARE FEET IS REQUIRED FOR AN 854-UNIT MULTIFAMILY DEVELOPMENT on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

113. SDR-5155 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Site Development Plan FOR A PROPOSED 21 STORY, 840 UNIT CONDOMINIUM DEVELOPMENT IN THREE BUILDINGS on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

114. GPA-5120 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

115. ZON-5121 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) TO: R-PD8 (RESIDENTIAL PLANNED DEVELOPMENT - 8 UNITS PER ACRE) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

116. VAR-5124 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Variance TO ALLOW 0.44 ACRES OF OPEN SPACE WHERE 0.66 ACRES IS THE MINIMUM REQUIRED FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), GC (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

117. SDR-5122 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission recommends APPROVAL

118. GPA-5157 - ABEYANCE ITEM - PUBLIC HEARING - OWNER/APPLICANT: CITY OF LAS VEGAS - Request to amend the Master Plan Recreation and Transportation Trail Elements TO RE-DESIGNATE PORTIONS OF PROPOSED ALIGNMENTS IN DEVELOPED AREAS AS PEDESTRIAN PATHS, Ward 1, 3, 4, 5 and 6 (Moncrief, Reese, Brown, Weekly and Mack); AND TO REVISE CROSS SECTIONS, All Wards. The Planning Commission (6-1 vote) and staff recommend APPROVAL

119. MOD-5497 - NOT TO BE HEARD BEFORE 4:00 P.M. - PUBLIC HEARING - APPLICANT: TRIPLE FIVE DEVELOPMENT NEVADA - OWNER: GREAT MALL OF LAS VEGAS, LLC - Request for a Major Modification to the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan TO CHANGE THE LAND USE DESIGNATION FROM: MS-TC (MAIN STREET MIXED USE - TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN CENTER) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95 (APN 125-21-201-001), Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

SET DATE

120. 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

CITIZENS PARTICIPATION

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

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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-173-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

Fiscal Impact:

☐	No Impact	Amount:	\$308,608.02
☒	Budget Funds Available	Dept./Division:	Public Works/SID
☐	Augmentation Required	Funding Source:	Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Construction and installation of pavement, curb and gutter, sidewalk, driveways, streetlights, water laterals, water mains, sewer laterals, and sewer mains.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-173-2004

MOTION:

REESE - APPROVED Items 4 and 6-37 - UNANIMOUS

Item 5: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:31 - 9:34)

1-815

RESOLUTION NO. R-173-2004

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1480 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); OVERRULING COMPLAINTS, PROTESTS AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING OF SAID ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Assessment Protest Resolution

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, pursuant to an ordinance heretofore adopted (hereinafter the "Creation Ordinance") created Las Vegas, Nevada, Special Improvement District No. 1480 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (hereinafter the "District") and ordered the acquisition of certain local improvements (hereinafter the "Project") within the District in the City; and

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

WHEREAS, in accordance with NRS 271.360, the City Council heretofore determined and does hereby declare that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$11,759,710.00, of which \$11,451,101.98 is available from other sources and of which \$308,608.02 is to be assessed upon the benefited lots, tracts and parcels of land in the District, which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements in the Project; and

WHEREAS, the City Council by resolution heretofore adopted and directed the City Engineer (with the assistance of the Engineering Integration Division) to make out a final assessment roll; and

WHEREAS, the City Council, together with the City Engineer, made out an assessment roll 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 proposed assessment to be levied thereon; the City Engineer has reported the assessment roll to the City Council and the City Engineer has filed the assessment roll with the City Clerk; and

WHEREAS, the City Council, by resolution heretofore adopted, established a date, time and location at which the City Council would hear and consider any and all complaints, protests and objections to the assessment roll and to the assessments contained therein; and

WHEREAS, the City Engineer (with the assistance of the Engineering Integration Division) has, in accordance with the provisions of the law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests, or objections on Wednesday, November 17, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

WHEREAS, the City Council met at said place and time to hear and consider all complaints, protests and objections made or filed; and

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the City Council on November 17, 2004, and after extensive review and deliberation hereby are found to be without sufficient merit and hereby overruled. However, the City Council has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

Parcel Number	Ownership	Revised Amount of Final Assessment

and

WHEREAS, pursuant to NRS 271.357 and NRS 271.360 the City Council has considered all applications for hardship determinations and the recommendations of the Department of Social Services and hereby approves the following applications for hardship determination:

Parcel Number	Ownership	Assessment

Parcel Number	Ownership	Assessment

and

WHEREAS, the City Council has determined, and does hereby again determine, that all of the assessable property in the City, which is specially benefited by the improvements to be acquired in the District, and only property which is so specially benefited, is included on the assessment roll heretofore filed with the City Clerk on October 20, 2004, and

WHEREAS, the City Council has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on November 17, 2004, on said assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District, which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. This Resolution shall be known as and may be cited by the short title "District No. 1480 Assessment Protest Resolution" (herein the "Resolution").

Section 2. All complaints, protests and objections, both written and oral, hereby are found to be without sufficient merit and hereby overruled.

Section 3. The City Council hereby validates and confirms the assessment roll for the District, as made out by the City Council, together with the City Engineer, and filed in the records of the office of the City Clerk on October 20, 2004, as hereinabove modified, revised, corrected and made de novo.

Section 4. 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 Special Improvement District No. 1480 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road), including, but not limited to, the acquisition of the improvements, and the levy of assessments for that purpose, the determination that the tracts in the District will receive special benefits and market value increases, and

the validation and confirmation of the assessment roll and the assessments therein, be and the same hereby are, ratified, approved and confirmed.

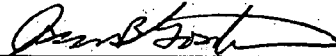
Section 5. The officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Resolution.

Section 6. All resolutions, or parts thereof, in conflict herewith are hereby repealed to the extent only of such inconsistency. This repealer shall not be construed to revive any resolution or part of any resolution heretofore repealed.

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Resolution.

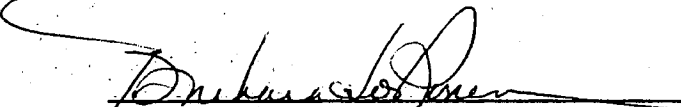
Section 8. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

Passed and approved on December 1, 2004.



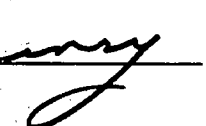
OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to form:

17NOV04 W Z 

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"), 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 December 1, 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 Statutes, written notice of the meeting was given not later than 9:00 a.m. on the third working day before the meeting, including in the notice the time, place, location, and agenda of the meeting:

(a) By posting a copy of the notice at least three working days before the meeting at the principal office of the City Council, or if there is no principal

office, at the building in which the meeting is to be held, and at least three (3) other separate, prominent places within the jurisdiction of the City Council, to wit:

- (i) 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 December 1, 2004, is attached to this certificate as Exhibit "A".

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

(SEAL)


BARBARA JO RONEMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)



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)

COUNCIL MEMBERS: LARRY BROWN (Ward 4), LAWRENCE WEEKLY (Ward 5),

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

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

DECEMBER 1, 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 - STAKE PRESIDENT GORDON BYWATER, CHURCH OF JESUS CHRIST OF LATTER-DAY SAINTS
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE SENIOR CITIZEN OF THE QUARTER

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of September 15, 2004

CONSENT AGENDA

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

ADMINISTRATIVE - CONSENT

3. Approval and ratification of Margo Wheeler as Director of the Planning & Development Department (\$110,000 + Benefits - General Fund)

FINANCE & BUSINESS SERVICES - CONSENT

4. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
5. Approval to allocate \$1,000,000 of the Capital Improvement Plan Bid Reserve to the Mirabelli Community Center reconstruction project - Ward 1 (Moncrief)
6. Approval of a new Supper Club License subject to the provisions of the fire codes and Health Dept. regulations, Acevedo & Acevedo, dba Little Mexico Restaurant, 7280 Azure Drive, Suite 150, Sally Acevedo, 50%, Rito I. Acevedo, 50% - Ward 6 (Mack)
7. Approval of Change of Ownership for a Tavern License subject to Health Dept. regulations, From: U.S.H. Los Prados, Inc., Joe L. Weathersby, Pres, Curtis W. Meyer, Asst Secy, To: Los Prados Community Association, dba Los Prados Clubhouse, 5150 Los Prados Circle, Steven M. Fagnant, Gen Mgr - Ward 6 (Mack)
8. Approval of Change of Location for a Class II Secondhand Dealer License subject to the provisions of the planning and fire codes, Renee Poole, dba Call Renee! Estate Liquidation, From: 3618 Redwood Street, To: 1422 Western Avenue, Renee Poole, 100% - Ward 1 (Moncrief)
9. Approval of Change of Business Name for a Beer/Wine/Cooler Off-sale License and a Restricted Gaming License for 7 slots subject to Health Dept. regulations, Dashmesh Oil Company, dba From: Dashmesh Gas Station and Market, To: Guru Express Market, 6698 Sky Pointe Drive, Gurpreet S. Grewal, Dir, Pres, Secy, Treas, 100% - Ward 6 (Mack)
10. Approval of a new Hypnotist License, Collen Cichocki, dba Advantage Clinical Hypnosis, 416 South Jones Boulevard, Collen A. Cichocki, 100% - Ward 1 (Moncrief)
11. Approval of a new Psychic Art & Science License, Maria Crudele, dba Reverend Maria Crudele, 6848 West Charleston Boulevard, Maria Crudele, 100% - Ward 1 (Moncrief)
12. Approval of Change of Ownership and Business Name for a Tavern License and a new Restricted Gaming License for 15 slots subject to confirmation of approval by the Nevada Gaming Commission, From: Rancho Decatur Restaurants, LLC, dba Doc Holliday's Saloon, Thomas J. Brletic, Mmbr, 91%, Brletic Family Gaming Trust, Mmbr, 9%, Thomas J. Brletic, Grantor, Trustee, To: KBT Enterprises, LLC, dba On The Rocks, 2801 North Tenaya Way, Suite A, Don T. Bartakian, Mmbr, Mgr, 50%, Craig E. Tribus, Mmbr, Mgr, 50% - Ward 4 (Brown)
13. Approval of Contract No. 040396, Municipal Court Software Development, Licensing and Royalty Fee - Municipal Court - Award recommended to: NEVSYS, INC. (\$925,000 - Municipal Court Admin Assessment Special Revenue Fund)
14. Approval of Contract No. 050075 for Microsoft Enterprise Software - Department of Information Technologies - Award recommended to: ASAP SOFTWARE (\$600,000 - Computer Services Internal Service Fund)
15. Approval of award of Contract No. 050125, General and Civil Engineering Services - Department of Field Operations - Award recommended to: HARRIS & ASSOCIATES, INC. (\$350,000 - Public Works Capital Projects Fund)

FINANCE & BUSINESS SERVICES - CONSENT

16. Approval of ratification of purchase order 222219 for Repairs to Lufkin Industries Gear Box - Department of Public Works - Award to: LUFKIN INDUSTRIES, INC. (\$75,716 - Sanitation Enterprise Fund)
17. Approval of issuance of a purchase order for a DekoCast System - Office of Communications, Video Services - Award recommended to: PINNACLE SYSTEMS (\$37,830 - Video Productions Enterprise Fund)
18. Preapproval of award of Bid Number 03.15341.06, Circle Park Tire Wall to the lowest responsive and responsible bidder and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - (\$34,000 - Parks and Leisure Activities Capital Projects Fund) - Ward 3 (Reese)
19. Approval of five contractors for inclusion on the Qualified Contractor List for the City Hall East Tower Project - Department of Finance and Business Services - Approval of: CLARK & SULLIVAN CONSTRUCTORS, INC., JAYNES CORPORATION, MARTIN-HARRIS CONSTRUCTION, SLETTEN CONSTRUCTION of NEVADA, INC. and WHITING TURNER CONTRACTING COMPANY.
20. Approval of award of Bid No. 04.15341.41-LED, Centennial Hills Park Volleyball Courts and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADE WEST CONSTRUCTION, INC. (\$297,200 - Capital Project Fund) - Ward 6 (Mack)

FIRE & RESCUE - CONSENT

21. Approval of a federal grant from the Federal Emergency Management Agency (FEMA) in the amount of \$400,000 for the Metropolitan Medical Response System (MMRS) in order to provide local relief in the event of nuclear, biological or chemical terrorist incidents - All Wards

HUMAN RESOURCES - CONSENT

22. Approval of payment for a Permanent Partial Disability award - Claim WC03110270 - as required under the workers' compensation statutes (\$72,421 - Workers' Compensation Internal Service Fund)

NEIGHBORHOOD SERVICES - CONSENT

23. Approval of an additional \$167,898 of Community Development Block Grant (CDBG) Construction funds for a total allocation of \$242,898 for the construction of an entry vestibule at the Doolittle Senior Center located at 1950 J Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - CONSENT

24. Approval of a revised list of Round Six Projects for nomination for funding from the Special Account established through the sale of Bureau of Land Management (BLM) lands in accordance with the Southern Nevada Public Lands Management Act (SNPLMA) - All Wards

PUBLIC WORKS - CONSENT

25. Approval of a Dedication from the City of Las Vegas, for a portion of the Northwest Quarter of Section 30, Township 20 South, Range 61 East, Mount Diablo Meridian, for right-of-way located at the northeast corner of Decatur Boulevard and Washington Avenue for a right turn lane, APN 139-30-201-001 - Ward 5 (Weekly)

PUBLIC WORKS - CONSENT

26. Approval of a Declaration of Utilization from the Bureau of Land Management, for a portion of the Northwest Quarter of Section 1, Township 20 South, Range 59 East, Mount Diablo Meridian, for road, sewer and drainage purposes (30-feet) on the north side of Stange Avenue located between Puli Road and Cliff Shadows Parkway alignments, APN 137-01-201-003 - Ward 4 (Brown)
27. Approval of a Dedication from the City of Las Vegas, for a portion of the Southwest Quarter of Section 28, Township 20 South, Range 60 East, Mount Diablo Meridian for two drainage easements for the Silver Sky Assisted Living Center located at the northeast corner of Roland Wiley Road and Silver Sky Drive, APN 138-28-401-014 - Ward 2 (Wolfson)
28. Approval of an Encroachment Request from Makenzie Corporation, owner (231 West Philadelphia Avenue) - Ward 1 (Monicrief)
29. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Red Rock Engineering and Surveying, Incorporated, on behalf of NW Investment, LLC, owner (northwest corner of Dapple Gray Road and Hickam Avenue, APN 138-05-301-028) - County (near Ward 4 - Brown)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (Farm Road and Jensen Street, APNs 125-18-301-005, 125-18-301-006, 125-18-301-007, 125-18-301-008, 125-18-301-009, 125-18-301-010, 125-18-301-011, 125-18-301-012, 125-18-301-015, 125-18-301-016, 125-18-301-017, 125-18-301-018, 125-18-301-019, 125-18-301-020, 125-18-301-021 and 125-18-301-022) - County (near Ward 6 - Mack)
31. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Slater Hanifan Group on behalf of Pinnacle-Capriana I, LLC, owner (southeast corner of Hualapai Way and Farm Road, APNs 125-18-301-001 and 125-18-301-013) - County (near Ward 6 - Mack)
32. Approval of an Encroachment Request from Investment Equity Development on behalf of Tech Retail Center, LLC, owner (northeast corner of Smoke Ranch Road and Buffalo Drive) - Ward 4 (Brown)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Raymond Tagliaferri, IRA, owner (northwest corner of Conquistador Street and Tropical Parkway, APN 125-30-204-004) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Dwyer Engineering on behalf of Rodney Jordan, owner (southeast corner of Tropical Parkway and Riley Street, APN 125-29-610-003) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Taney Engineering on behalf of Coleman-Toll, Limited Partnership, owner (southeast corner of Rome Avenue and Torrey Pines Drive, APNs 125-23-802-001, 125-23-802-002, 125-23-802-003 and 125-23-802-004) - County (near Ward 6 - Mack)

RESOLUTIONS - CONSENT

36. R-173-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$308,608.02 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)
37. R-174-2004 - Approval of a Resolution overruling complaints, protests and objections and confirming the Final Assessment Roll for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (\$12,759.92 - Capital Projects Fund/Special Assessments) - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

38. Report from the City Manager on the completion of the City of Las Vegas' 2004 Citizen's Academy

CITY ATTORNEY - DISCUSSION

39. Discussion and possible action on Appeal of Work Card Denial: Martin Shaw Cox, 1957 Bookbinder, Las Vegas, Nevada 89108
40. Discussion and possible action on Appeal of Work Card Denial: Abraham A. Harely, 2445 Carnegie Hall Street, Las Vegas, Nevada 89135
41. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Mary L. Oliphant, 4221 Walnut Family Court, Las Vegas, Nevada 89115
42. ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Yolanda Rochelle White, 2762 Eldora Circle #D, Las Vegas, Nevada 89146

FINANCE & BUSINESS SERVICES - DISCUSSION

43. ABEYANCE ITEM - 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)
44. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: Estela Figueroa, dba El Santaneco Restaurant #2, Estela Figueroa, 100%, To: Ana Maria Bahena Bahena, dba El Arroyo Mexican Restaurant, 1510 Las Vegas Boulevard South, Anna M. Bahena Bahena, 100% - Ward 1 (Moncrief)
45. Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Watana Pongpan, dba House of Thai, 210 West Sahara Avenue, Watana Pongpan, 100%, To: Ocha Cuisine, Inc., dba Ocha Cuisine, Inc., 2211 Las Vegas Boulevard South, Suite A, Watana Pongpan, Dir, Pres, Treas, 50%, Vilawan Pongpan, Dir, VP, Secy, 50% - Ward 3 (Reese)
46. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: King of Clubs, Inc., dba King of Clubs (Non-operational), Norma C. Kastler, Dir, Pres, 50%, Lois C. Swier, Dir, Secy, Treas, 50%, To: B & B Investors, Inc., dba El Tequila Club, 1401 North Decatur Boulevard, Suite 6, Burt J. Blum, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

NEIGHBORHOOD SERVICES - DISCUSSION

47. Discussion and possible action on reprogramming \$43,100 in Community Development Block Grant (CDBG) funds to The Latin Chamber of Commerce for operation of the Arturo Cambiero Senior Citizens Center located at 330 North 13th Street - Ward 5 (Weekly)

PLANNING & DEVELOPMENT - DISCUSSION

48. Discussion regarding possible changes to current Title 19.14.100 of the Las Vegas Zoning Code that would amend certain existing standards for off-premise signs, as well as establish new ones - All Wards

PUBLIC WORKS - DISCUSSION

49. Discussion and possible action on the I-515 Corridor Study prepared for the Nevada Department of Transportation - Wards 3, 4 and 5 (Reese, Brown and Weekly)

RESOLUTIONS - DISCUSSION

50. R-175-2004 - Discussion and possible action regarding a Resolution Concerning the Use of Funds Generated from the Enactment of a Sales and Use Tax Increase in Response to Clark County Advisory Question No. 9
51. R-176-2004 - Discussion and possible action regarding a Resolution Adopting Guidelines for Development Within the Kyle Canyon Gateway Area

BOARDS & COMMISSIONS - DISCUSSION

52. Discussion and possible action on the appointment of a member of the City Council to serve on the Oversight Panel for School Facilities
53. Appointment and reappointment of members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

54. Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
55. Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief
56. Bill No. 2004-74 - Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District. Sponsored by: Councilman Larry Brown
57. Bill No. 2004-75 - Provides for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements. Proposed by: Robert S. Genzer, Director of Planning and Development

NEW BILLS - DISCUSSION

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.

58. Bill No. 2004-76 - Updates the membership of the Design Review Committee for the Downtown Entertainment Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
59. Bill No. 2004-77 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilwoman Janet Moncrief
60. Bill No. 2004-78 - Clarifies the procedures and standards that apply to the installation of speed humps on residential streets. Proposed by: Richard D. Goecke, Director of Public Works

NEW BILLS - DISCUSSION

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.

61. Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
62. Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
63. Bill No. 2004-81 - Updates the description of the City ward boundaries to reflect changes in precinct numbers or descriptions made by the Clark County Election Department, as a result of annexations or otherwise. Proposed by: Barbara Jo Ronemus, City Clerk

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

64. 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

65. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building/demolition located at 1401 Comstock Drive. PROPERTY OWNERS: WILLIS J. JR. & GLINDA BOWDEN - Ward 5 (Weekly)
66. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at 7009 Dramatic Way. PROPERTY OWNERS: LORI ANN & DALE F. NITZSCHKE - Ward 6 (Mack)
67. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot between 5504 & 5516 Alpine Place (Parcel #138-36-407-023). PROPERTY OWNER: SAMER N. NAKHLE - Ward 1 (Moncrief)
68. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 3201 Arlene Way. PROPERTY OWNER: MICHAEL J. MARUNA - Ward 6 (Mack)
69. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 314 N. 16th Street. PROPERTY OWNER: YVONNE C. FUKUMOTO - Ward 5 (Weekly)
70. Public hearing to consider the report of expenses to recover costs for abatement of nuisance located at Vacant Lot on Maydelle Place (North of 395 Maydelle Place). PROPERTY OWNER: CABRERA INVEST - Ward 3 (Reese)
71. Public hearing to consider the report of expenses to recover costs for abatement of Zoning/Nuisance violations located at 1106 Norman Avenue. PROPERTY OWNER: CARL R. SAUNDERS - Ward 3 (Reese)

PLANNING & DEVELOPMENT

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 - 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.

72. EOT-5451 - APPLICANT/OWNER: MASONIC MEMORIAL TEMPLE - Request for an Extension of Time of an approved Rezoning (Z-0011-02) FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: O (OFFICE) AND C-V (CIVIC) on 13.70 acres adjacent to the northeast corner of Rancho Drive and Mesquite Avenue (APN 139-29-801-005), Ward 5 (Weekly). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

73. ROC-5319 - APPLICANT/OWNER: COKE MAGGIE, LLC - Request for a Review of Condition Number 8 of an approved Tentative Map of Coke and Conough (TMP-1179) WHICH REQUIRED OFF-SITE IMPROVEMENTS FOR A 19-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 10.72 acres adjacent to the southeast corner of Iron Mountain Road and Conough Lane (APN 125-09-510-001 through 019), R-E (Residence Estates) Zone, Ward 6 (Mack). Staff recommends APPROVAL
74. ROC-5520 - PUBLIC HEARING - APPLICANT/OWNER: RICHMOND AMERICAN HOMES - Request for a Review of Condition Numbers 3 and 4 of an approved Site Development Plan Review [Z-0073-02(1)] TO ALLOW THREE STORIES WHERE TWO STORIES WAS THE MAXIMUM HEIGHT ALLOWED; AND TO CHANGE THE SETBACKS TO A MINIMUM OF 6 FEET IN FRONT OF THE GARAGE, AND 10 FEET IN THE REAR WHERE THE SETBACKS WERE APPROVED AS A MINIMUM OF 10 FEET TO THE FRONT OF THE HOUSE, 18 FEET TO THE FRONT OF THE GARAGE, AND 6 FEET IN THE REAR for an approved 261 lot single family development on 21.5 acres adjacent to the south side of Gowan Road, approximately 700 east of Cliff Shadows Parkway (APN 137-12-311-001 through 145; and 137-12-313-001 through 115), PD (Planned Development) Zone, Ward 4 (Brown). Staff recommends DENIAL
75. SDR-5184 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: INFELD DEVELOPMENT II, LLC AND JOHN D. FIELD - Request for a Site Development Plan Review FOR A 14,000 SQUARE FOOT OFFICE BUILDING AND A 17,250 SQUARE FOOT COMMERCIAL BUILDING AND A WAIVER OF THE COMMERCIAL DEVELOPMENT STANDARDS TO ALLOW A 10 FOOT REAR SETBACK WHERE 20 FEET IS REQUIRED on 2.49 acres adjacent to the southwest corner of Alexander Road and Leon Avenue (APN 138-12-110-021 and 022), O (Office) Zone [PROPOSED: C-1 (Limited Commercial)], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend DENIAL. (NOTE: The applicant requests to withdraw the portion of this application for APN 138-12-110-021)
76. SDR-5310 - PUBLIC HEARING - APPLICANT/OWNER: LONGFORD AT LAKE MEAD, LLC - Request for a Site Development Plan Review and a Waiver of Title 19.12.050.E to eliminate a required minimum five-foot landscape buffer between the street curb and sidewalk FOR A PROPOSED 41,863 SQUARE-FOOT COMMERCIAL CENTER WITH A DRIVE-THROUGH RESTAURANT on 4.85 acres adjacent to the south side of Lake Mead Boulevard, approximately 300 feet east of Tonopah Drive (APN 139-21-314-001), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL
77. SDR-5314 - PUBLIC HEARING - APPLICANT: STANLEY CONSULTANTS, INC - OWNER: SNIP ST CROIX, LP - Request for Site Development Plan Review FOR A 256-UNIT RESIDENTIAL CONDOMINIUM CONVERSION on 10.62 acres at 6661 Silverstream Avenue (APN 138-26-302-002 and 138-26-401-002), R-3 (Medium Density Residential) Zone, Ward 2 (Wolfson). The Planning Commission (7-0 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

78. MOD-5254 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan FROM: PCD (PLANNED COMMUNITY DEVELOPMENT) TO: PR-OS (PARK/SCHOOL/RECREATION/OPEN SPACE) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) General Plan Designation] and U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

79. ZON-5256 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Rezoning FROM: U (UNDEVELOPED) [PF (PUBLIC FACILITIES) AND [PR-OS (PARKS/RECREATION/OPEN SPACE) GENERAL PLAN DESIGNATIONS] TO: PD (PLANNED DEVELOPMENT) on 2.73 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-101-002 and 004), Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

80. SDR-5257 - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED BASEBALL AND SOFTBALL PARK on approximately 102.6 acres adjacent to the southeast corner of Alexander Road and Hualapai Way (APN 138-07-201-006, 138-07-102-001, 138-07-201-010, 138-07-103-002, 138-07-101-002 and 004), U (Undeveloped) Zone [PF (Public Facilities) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] [PROPOSED: PD (Planned Development)], U (Undeveloped) Zone [PR-OS (Parks/Recreation/Open Space) General Plan Designation] under Resolution of Intent to PD (Planned Development), C-V (Civic) Zone under Resolution of Intent to PD (Planned Development) Zone, and PD (Planned Development) Zone, Ward 4 (Brown). The Planning Commission (7-0 vote) and staff recommend APPROVAL

81. VAR-5288 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Variance TO ALLOW 78 PERCENT OF THE TOTAL FLOOR AREA OF A LIVE/WORK UNIT TO BE USED FOR RESIDENTIAL PURPOSES WHERE 50 PERCENT IS THE MAXIMUM ALLOWED in conjunction with a proposed 71-unit multi-family live/work development on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial), Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

82. SUP-5287 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Special Use Permit FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommends APPROVAL

83. WVR-5289 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Waiver of Title 18.12.100 TO ALLOW 32-FOOT PRIVATE STREETS WHERE 39 FEET IS THE MINIMUM WIDTH REQUIRED on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

84. SDR-5286 - PUBLIC HEARING - APPLICANT: LARRY S. DAVIS AND ASSOCIATES - OWNER: URBAN LAND ACQUISITION, INC. - Request for a Site Development Review and Waivers of streetscape and build-to requirements FOR A PROPOSED 71-UNIT LIVE/WORK DEVELOPMENT on 4.24 acres at 1980 Fremont Street (APN 139-35-803-010), C-2 (General Commercial) Zone, Ward 3 (Reese). The Planning Commission (7-0 vote) and staff recommend APPROVAL

85. SUP-4808 - TABLED ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 51 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL

86. SUP-4809 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: ORION OUTDOOR MEDIA - OWNER: G G P IVANHOE II, INC. - Request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4300 Meadows Lane (APN 139-31-510-016), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (5-1-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

87. SUP-4830 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT/OWNER: TWIN LAKES BAPTIST CHURCH - Appeal filed by the applicant from the Denial by the Planning Commission on a request for a Special Use Permit FOR A 40 FOOT HIGH, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN adjacent to the northwest corner of Westcliff Drive and Rainbow Boulevard (APN 138-27-802-004), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (Wolfson). The Planning Commission (6-1 vote) and staff recommend DENIAL
88. SUP-5228 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Special Use Permit FOR AN EXISTING ANIMAL HOSPITAL, CLINIC, OR SHELTER WITH OUTSIDE PENS AND A PROPOSED ADDITION TO THE HOSPITAL at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
89. SDR-5094 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: GARTH W. LAMB - OWNER: GARTH W. LAMB AND SHARI L. HUMBLE-LAMB - Request for a Site Development Plan Review and a Waiver of perimeter landscaping standards FOR A PROPOSED 2,890 SQUARE-FOOT ADDITION TO AN EXISTING ANIMAL HOSPITAL WITH OUTSIDE PENS on 2.18 acres at 5000 North Jones Boulevard (APN 125-36-302-005), R-E (Residence Estates), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
90. SUP-5230 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for Special Use Permit for BEER & WINE SALES, OFF-PREMISE located at 6955 N. Durango, Suite #1113 and #1114 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
91. SUP-5231 - PUBLIC HEARING - APPLICANT: TOMA HERFI INC - OWNER: EL CAPITAN ASSOCIATES, LLC AND HDA EQUITY LLC - Request for a Special Use Permit FOR PACKAGE LIQUOR SALES located at 6955 N. Durango, Suite #1115 and #1116 (APN 125-20-201-024), T-C (Town Center) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
92. SUP-5276 - PUBLIC HEARING - APPLICANT/OWNER: DAVID A. TACK AND SUSAN M. TACK - Request for a Special Use Permit FOR A PROPOSED 40-FOOT HIGH, 21-FOOT X 32-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1720 South Main Street (APN 162-03-301-003), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
93. SUP-5291 - PUBLIC HEARING - APPLICANT/OWNER: HENRIK NAZERIAN - Request for a Special Use Permit FOR A PROPOSED AUTO REPAIR GARAGE (MINOR) at 5001 West Charleston Boulevard (APN 163-01-502-011) C-1 (Limited Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (7-0 vote) and staff recommend APPROVAL
94. SUP-5296 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Special Use Permit TO ALLOW A DENSITY OF 66.94 UNITS PER ACRE WHERE 50 UNITS PER ACRE IS THE MAXIMUM ALLOWED FOR A PROPOSED 399-UNIT HIGH DENSITY RESIDENTIAL DEVELOPMENT adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL
95. SDR-5295 - PUBLIC HEARING - APPLICANT: WP SOUTH ACQUISITIONS, LIMITED LIABILITY COMPANY - OWNER: MONTECITO PADS, LLC - Request for a Site Development Review FOR A PROPOSED 399-UNIT FIVE-STORY HIGH DENSITY RESIDENTIAL DEVELOPMENT on 5.96 acres adjacent to the southeast corner of Elkhorn Road and Grand Montecito Parkway (APN 125-20-510-002), T-C (Town Center) Zone [UC-TC (Urban Center Mixed Use) Town Center Special Land Use Designation], Ward 6 (Mack). The Planning Commission (5-0-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

96. SUP-5305 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Special Use Permit FOR A PROPOSED MINI-WAREHOUSE FACILITY adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

97. SDR-5307 - PUBLIC HEARING - APPLICANT: ARIEL VALLI ARCHITECTS - OWNER: GEOFFREY D. COMMONS AND JOHN L. SUTER - Request for a Site Development Plan Review and Waivers to allow a zero-foot rear yard setback where 20 feet is required and of the perimeter landscaping requirements FOR A PROPOSED 85,555 SQUARE-FOOT MINI-WAREHOUSE FACILITY on 2.69 acres adjacent to the west side of Jones Boulevard, approximately 250 feet north of Cheyenne Avenue (APN 138-11-804-025), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

98. SUP-5466 - PUBLIC HEARING - APPLICANT/OWNER: FREMONT STREET EXPERIENCE PARKING CORPORATION - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE SEPARATION DISTANCE REQUIREMENT at 425 Fremont Street (APN 139-34-610-045), C-2 (General Commercial) Zone, Ward 1 (Moncrief). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

99. ZON-5222 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: C-1 (LIMITED COMMERCIAL) on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), Ward 5 (Weekly). The Planning Commission (7-0 vote) and staff recommend APPROVAL

100. SUP-5225 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Special Use Permit FOR A PROPOSED AUTO SMOG CHECK AND CARWASH, SELF SERVICE located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

101. SDR-5223 - PUBLIC HEARING - APPLICANT: CLEDOUS L DEXTER - OWNER: ODESSA AND JOHNNY PATTILLO TRUST - Request for Site Development Plan Review and a Waiver of perimeter buffering and landscaping standards FOR A PROPOSED SMOG CHECK AND CAR WASH, SELF SERVICE on 0.58 acres located between 1000-1100 Martin L. King Boulevard. (APN 139-28-604-004), R-E (Residence Estates) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 5 (Weekly). The Planning Commission (5-2 vote) recommends DENIAL. Staff recommends APPROVAL

102. ZON-5302 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R-E (RURAL ESTATES) AND RNP (RURAL NEIGHBORHOOD PRESERVATION) GENERAL PLAN DESIGNATIONS] TO: R-PD2 (RESIDENTIAL PLANNED DEVELOPMENT - 2 UNITS PER ACRE) on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL

103. VAR-5306 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Variance TO ALLOW ZERO ACRES OF OPEN SPACE WHERE 0.54 ACRES OF OPEN SPACE IS REQUIRED in conjunction with a proposed 33-lot single-family residential development on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre)], Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5304 - PUBLIC HEARING - APPLICANT: STERLING S DEVELOPMENT - OWNER: QUARTERHORSE FALLS ESTATES, LLC - Request for a Site Development Plan FOR A PROPOSED 33-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 15.79 acres adjacent to the southeast corner of Maverick Street and Iron Mountain Road (APN 125-11-507-002, 125-11-507-004, 125-11-503-001 and 002), U (Undeveloped) Zone [R-E (Rural Estates) and RNP (Rural Neighborhood Preservation) General Plan Designations] [PROPOSED: R-PD2 (Residential Planned Development - 2 Units per Acre), Ward 6 (Mack). The Planning Commission (3-2-2 vote) and staff recommend APPROVAL
105. ZON-4216 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Request for a Rezoning FROM: U (Undeveloped) [TC (Town Center) General Plan Designation] TO: T-C (Town Center) on 17.66 acres adjacent to the northwest corner of Deer Springs Way and Fort Apache Road (APN 125-19-602-001, 003 thru 011), Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
106. ZON-5313 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO - Request for a Rezoning FROM: U (UNDEVELOPED) [TC (TOWN CENTER) [L-TC (LOW DENSITY RESIDENTIAL) TOWN CENTER SPECIAL LAND USE DESIGNATION] TO: T-C (TOWN CENTER) on 2.50 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-002), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
107. VAC-4218 - TABLED ITEM - PUBLIC HEARING - APPLICANT/OWNER: PARDEE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located south of Dorrell Lane, west of Chieftain Street, Ward 6 (Mack). The Planning Commission (5-0 vote) and staff recommend APPROVAL
108. SDR-5317 - PUBLIC HEARING - APPLICANT: PARDEE HOMES OF NEVADA - OWNER: DANIEL M. CARPINO AND PARDEE HOMES OF NEVADA - Request for a Site Development Plan FOR A PROPOSED 108-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 20.18 acres adjacent to the southwest corner of Fort Apache Road and Dorrell Lane (APN 125-19-602-001 thru 011), U (Undeveloped) Zone [TC (Town Center) L-TC (Low Density Residential Town Center General Plan Designation)] [PROPOSED: T-C (Town Center) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL
109. GPA-5034 - ABEYANCE - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request to Amend a portion of the Southeast Sector Plan of the General Plan FROM: SC (SERVICE COMMERCIAL) TO: H (HIGH DENSITY RESIDENTIAL) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
110. ZON-4941 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL) TO: R-PD50 (RESIDENTIAL PLANNED DEVELOPMENT - 50 UNITS PER ACRE) on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
111. VAR-5035 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW A 20 FOOT SETBACK WHERE 1,212 FEET IS REQUIRED on 16.78 acres north of Alta Drive and west Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL
112. VAR-5479 - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Variance TO ALLOW 153,879 SQUARE FEET OF OPEN SPACE WHERE 606,678 SQUARE FEET IS REQUIRED FOR AN 854-UNIT MULTIFAMILY DEVELOPMENT on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

113. SDR-5155 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: AMBLING MULTI-FAMILY DEVELOPMENT - OWNER: ALTA MLK, LLC - Request for a Site Development Plan FOR A PROPOSED 21 STORY, 840 UNIT CONDOMINIUM DEVELOPMENT IN THREE BUILDINGS on 16.78 acres north of Alta Drive and west of Martin L. King Boulevard (APN 139-33-202-005), C-1 (Limited Commercial) Zone [PROPOSED: R-PD50 (Residential Planned Development - 50 Units Per Acre)], Ward 5 (Weekly). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

114. GPA-5120 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request to amend a portion of the Southwest Sector Plan of the General Plan FROM: GC (GENERAL COMMERCIAL) TO: ML (MEDIUM-LOW DENSITY RESIDENTIAL) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

115. ZON-5121 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Rezoning FROM: U (UNDEVELOPED) [GC (GENERAL COMMERCIAL) GENERAL PLAN DESIGNATION] UNDER RESOLUTION OF INTENT TO C-2 (GENERAL COMMERCIAL) TO: R-PD8 (RESIDENTIAL PLANNED DEVELOPMENT - 8 UNITS PER ACRE) on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

116. VAR-5124 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Variance TO ALLOW 0.44 ACRES OF OPEN SPACE WHERE 0.66 ACRES IS THE MINIMUM REQUIRED FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), GC (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

117. SDR-5122 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: RONALD MICH'L AND CAROLYN MICH'L, ET AL - Request for a Site Development Plan Review FOR A PROPOSED 40-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.00 acres adjacent to the southeast corner of Charleston Boulevard and Lindell Road (APN 163-01-501-001 and 002), U (Undeveloped) Zone [GC (General Commercial) General Plan Designation] under Resolution of Intent to C-2 (General Commercial) Zone [PROPOSED: R-PD8 (Residential Planned Development - 8 Units per Acre)], Ward 1 (Moncrief). Staff recommends DENIAL. The Planning Commission recommends APPROVAL

118. GPA-5157 - ABEYANCE ITEM - PUBLIC HEARING - OWNER/APPLICANT: CITY OF LAS VEGAS - Request to amend the Master Plan Recreation and Transportation Trail Elements TO RE-DESIGNATE PORTIONS OF PROPOSED ALIGNMENTS IN DEVELOPED AREAS AS PEDESTRIAN PATHS, Ward 1, 3, 4, 5 and 6 (Moncrief, Reese, Brown, Weekly and Mack); AND TO REVISE CROSS SECTIONS, All Wards. The Planning Commission (6-1 vote) and staff recommend APPROVAL

119. MOD-5497 - NOT TO BE HEARD BEFORE 4:00 P.M. - PUBLIC HEARING - APPLICANT: TRIPLE FIVE DEVELOPMENT NEVADA - OWNER: GREAT MALL OF LAS VEGAS, LLC - Request for a Major Modification to the Town Center Land Use Plan of the Centennial Hills Sector Plan of the General Plan TO CHANGE THE LAND USE DESIGNATION FROM: MS-TC (MAIN STREET MIXED USE - TOWN CENTER) TO: GC-TC (GENERAL COMMERCIAL - TOWN CENTER) on 24.91 acres adjacent to the northwest corner of Deer Springs Way and U.S. Highway 95 (APN 125-21-201-001), Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

SET DATE

120. 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

CITIZENS PARTICIPATION

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

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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: ADMINISTRATIVE

DIRECTOR: DOUGLAS A. SELBY

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ADMINISTRATIVE

Report from the City Manager on the completion of the City of Las Vegas' 2004 Citizen's Academy

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

The City of Las Vegas has completed its first Las Vegas Citizen's Academy, a program designed to educate residents on the daily operations of city government and to highlight programs and opportunities for residents to get involved. Twenty-four Las Vegas citizens/business owners are graduating from the seven-week academy.

RECOMMENDATION:

Report only, no action required

BACKUP DOCUMENTATION:

Submitted after meeting: hardcopy of PowerPoint

MOTION:

None Required. A report was given.

MINUTES:

CITY MANAGER SELBY gave a PowerPoint presentation, a copy of which is made a part of the Final Minutes, and indicated that it was a privilege to be involved with City staff in hosting 24 citizens of the City of Las Vegas in the first Las Vegas Citizen's Academy. Because of their participation, these people are going to be heavily engaged in what the City does in the future, and they will probably heavily support the City's initiatives and endeavors.

The process for forming this Academy started with the receipt of approximately 50 applications, which was narrowed to the top 25 participants. The final 24 members represent various professions. The purpose of this Academy was to open the doors of City government to show this selected group the assets and obligations of the City on a day-to-day basis and how tax dollars are spent. He recognized and thanked the members of Citizen's Academy, who were in the audience.

CITY MANAGER SELBY then thanked the following individuals from the following agencies for all their assistance in making this possible: ASSISTANT SHERIFF RAY FLYNN, Las Vegas Metropolitan Police Department; SUSAN CHRISTENSEN, Regional Transportation Commission; DENNIS LANSIL, Clark County Air Quality Management; ANDREW BALLINGER and ALLEN SIMMS, Southern Nevada Water Authority; and GALE FRASIER, Regional Flood Control. From the City of Las Vegas, CITY MANAGER SELBY thanked the following: CHRIS KNIGHT and GAIL HALL, Administrative Services; ORLANDO SANCHEZ, STEVE HARSIN, LISA BEISEL, MIKE CAMPBELL, and JOCELYN BLUITT, Neighborhood Services; and CHRISTIE GARNESS and STEVE GARCIA, Leisure Services.

CITY COUNCIL MEETING OF: DECEMBER 1, 2004

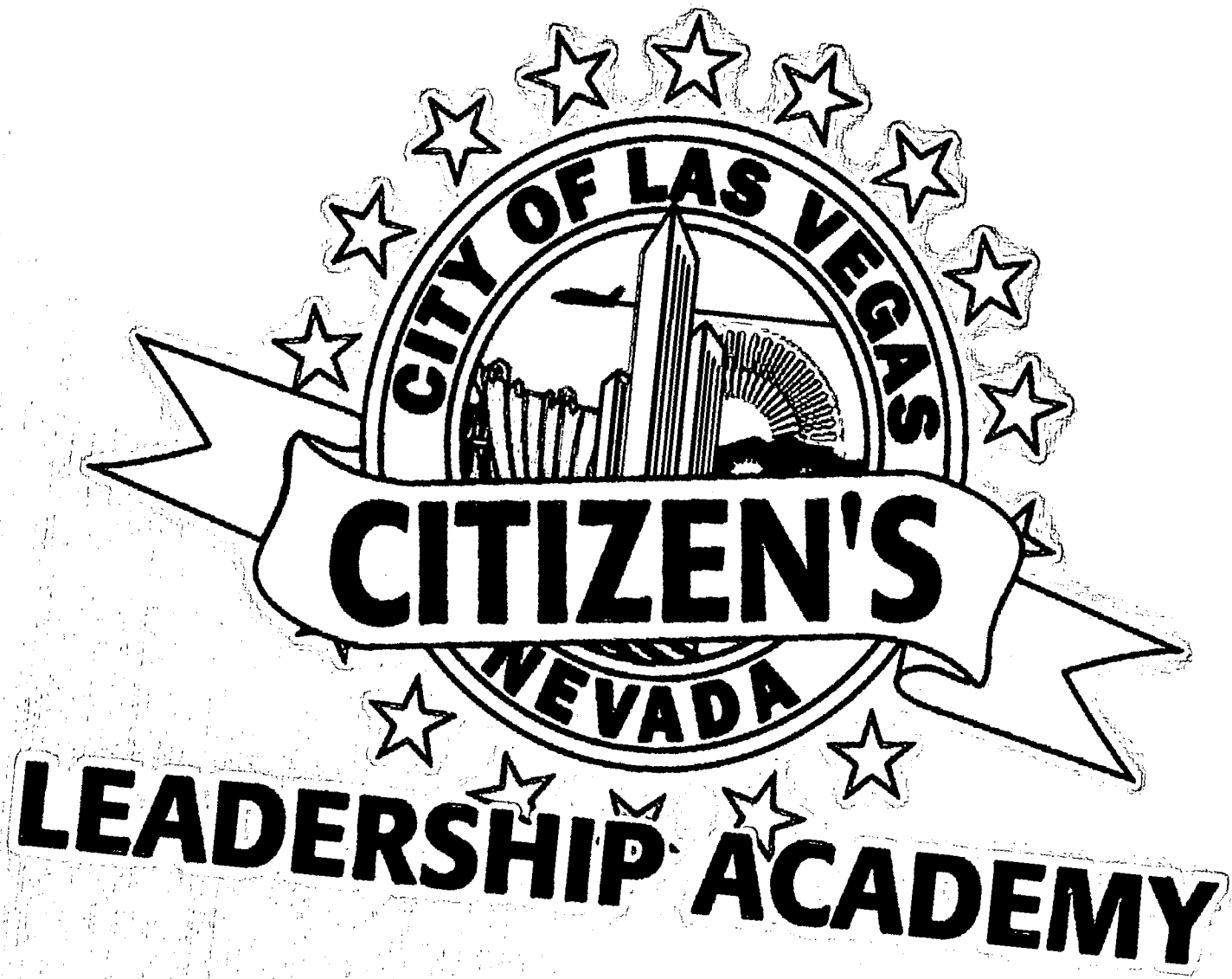
MINUTES - Continued:

MIKE GURAL, spokesperson for the Citizen's Academy, came forward and said that it was a thrill to be selected to go through the Academy. He hopes this was the first of more to come, because it is a wonderful experience that taught the members a lot about the City and how it operates.

MAYOR GOODMAN requested a round of applause for MR. GURAL, the other members of the Academy, and City staff for their efforts. He especially thanked CITY MANAGER SELBY for creating the Academy.

(9:36 - 9:51)

1-972



12/1/04
09:44:44
12/1/04

City of Las Vegas

2004

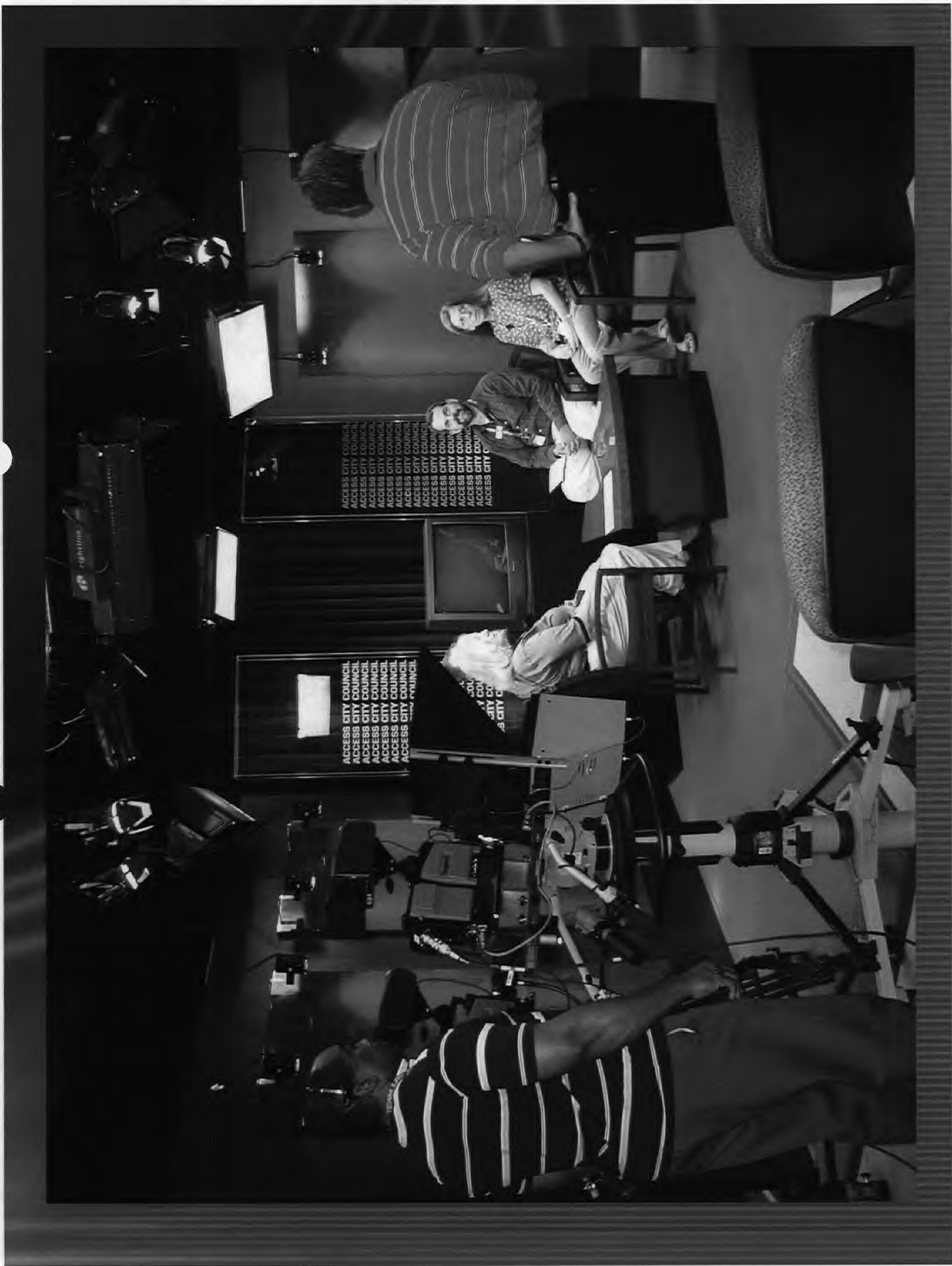
Citizens Leadership Academy

- **55 applications were received**
- **25 participants were selected**
 - All Wards represented
 - Residents for 1-52 years
 - Varied Occupations

• **Purpose**

- To educate citizens on the city of Las Vegas' responsibilities and services
- To provide citizens a behind the scene look at local government operations
- To increase citizen involvement with the shaping and development of their community









Class of 2004

Mr. Raymond Aikens

Ms. Rebecca G. Boman

Mr. Ronald F. Cameron

Mr. Douglas DeMasi

Mr. Michael Gural

Mr. Melvin Henkin

Mr. Jay Hiner

Mr. Stephen J. Hoopes

Ms. Gloria Jean Hoppert

Ms. Pam Kowalski

Mr. Joel Mann

Ms. Deanna McBrayer

Mr. Timothy D. McCoy

Mr. Vernell P. McNeal

Ms. Madeline Minuto

Ms. Crystal Parker

Ms. Peggy Pound

Mr. Chris Salm

Mr. Joseph O. Sayles Sr.

Mr. Steven Spann

Ms. Donna Toussaint

Mr. Greg Toussaint

Ms. Juanita D. Williams

Ms. Jean Y. Zorn

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Martin Shaw Cox, 1957 Bookbinder, Las Vegas, Nevada 89108

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

GOODMAN - STRIKE Items 39, 40, 41, and 42 - UNANIMOUS

MINUTES:

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), indicated that Items 39, 40, 41 and 42 were resolved and should have been stricken.

(9:51 - 52)

1-1518

RECEIVED
CITY CLERK

2004 NOV -8 P 12: 12

November 8, 2004

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

To Whom It May Concern:

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

Sincerely,

Martin Cox

Martin Shaw Cox
1957 Bookbinder
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

November 8, 2004

Martin Shaw Cox
1957 Bookbinder
Las Vegas, NV 89108

Re: **WORK CARD APPEAL**

Dear Mr. Cox:

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 **December 1, 2004.**

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "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
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-8/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Abraham A. Harely, 2445 Carnegie Hall Street, Las Vegas, Nevada 89135

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

GOODMAN - STRIKE Items 39, 40, 41, and 42 - UNANIMOUS

MINUTES:

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), was present.

See Item 39 for discussion.

(9:51 - 52)

1-1518

RECEIVED
CITY CLERK

2004 NOV 17 A 9:56

November 17, 2004

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

To Whom It May Concern:

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

Sincerely,

A handwritten signature in black ink, appearing to read 'Abraham A. Harely', with a long, sweeping horizontal line extending to the right.

Abraham A. Harely
2445 Carnegie Hall St.
Las Vegas, NV 89135



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

November 17, 2004

Abraham A. Harely
2445 Carnegie Hall St.
Las Vegas, NV 89135

Re: **WORK CARD APPEAL**

Dear Mr. Harely:

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 **December 1, 2004.**

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

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

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

Sincerely,

A handwritten signature in cursive script, reading "Vicky Darling".

Vicky Darling
Assistant Deputy City Clerk for
Barbara Jo Ronemus, City Clerk

/pc

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

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

VOICE 702.229.6011

TDD 702.386.9108

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18112-001-6/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Mary L. Oliphant, 4221 Walnut Family Court, Las Vegas, Nevada 89115

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

GOODMAN - STRIKE Items 39, 40, 41, and 42 - UNANIMOUS

MINUTES:

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), was present.

See Item 39 for discussion.

(9:51 - 52)

1-1518

RECEIVED
CITY CLERK

2004 NOV -2 A 11: 54

November 2, 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,


Mary L. Oliphant
4221 Walnut Family Court
Las Vegas, NV 89115



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

November 2, 2004

Mary L. Oliphant
4221 Walnut Family Court
Las Vegas, NV 89115

Re: **WORK CARD APPEAL**

Dear Ms. Oliphant:

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 **November 17, 2004**.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "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
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

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TDD 702.386.9108
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18112-001-6/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE ITEM - Discussion and possible action on Appeal of Work Card Denial: Yolanda Rochelle White, 2762 Eldora Circle #D, Las Vegas, Nevada 89146

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

GOODMAN - STRIKE Items 39, 40, 41, and 42 - UNANIMOUS

MINUTES:

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), was present.

See Item 39 for discussion.

(9:51 - 52)

1-1518

RECEIVED
CITY CLERK

2004 OCT 26 P 1:46

October 26, 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,



Yolanda Rochelle White
2762 Eldora Cir #D
Las Vegas, NV 89146



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

October 26, 2004

Yolanda Rochelle White
2762 Eldora Circle #D
Las Vegas, NV 89146

Re: **WORK CARD APPEAL**

Dear Ms. White:

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 **November 17, 2004.**

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Angela Croli".

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

/pc

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

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

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18112-001-604

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ABEYANCE ITEM - 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
2. Verbatim Transcript of the Child Care Licensing Board (CCLB) Meeting held 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 from Goodman Brown Premsrut, Esq.
5. Department's Response to Sheila Logan's Appeal of the CCLB's Denial
6. Submitted at meeting: 27-page support packet for Sheila Logan by Attorney Puoy K. Premsrut
7. Submitted at meeting: Record on Appeal binder for Sheila Logan with documentation under five tabs by City Attorney Jerbic

MOTION:

MACK - DENIED the appeal, thereby sustaining the finding of the Child Care Licensing Board that this license should be denied - **UNANIMOUS** with **GOODMAN** abstaining because Attorney Premsrut is the law partner of his son, Eric Goodman

NOTE: A previous motion by Mack to hear this matter 12/1/2004 carried unanimously with **GOODMAN** abstaining because Attorney Premsrut is the law partner of his son, Eric Goodman.

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor
JOHN REDLEIN, Assistant City Attorney
LARRY BROWN, Councilman
UNKNOWN STUDENT
GARY REESE, Mayor Pro Tem
PUOY PREMSRIRUT, Attorney for the applicant

1

**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**

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

1 Friday.

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

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

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

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

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

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

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

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

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

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

3 * * *

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

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

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

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

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

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

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

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

22 * * * [Emphasis added]

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

24 * * *

25 "2. The Bureau shall secure from appropriate law enforcement agencies information on
26 the background and personal history of every applicant, licensee or employee of an applicant or
27 licensee, or every resident of a child care facility or participant in an outdoor youth program who is
28 18 years of age or older, to determine whether he has been convicted of:

- 1 (a) Murder, voluntary manslaughter or mayhem;
2 (b) Any other felony involving the use of a firearm or other deadly weapon;
3 (c) Assault with intent to kill or to commit sexual assault or mayhem;
4 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
5 exposure or any other sexually related crime;
6 (e) Abuse or neglect of a child or contributory delinquency; or
7 (f) A violation of any federal or state law regulating the possession, distribution
8 or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS." * * *

9 [Emphasis added]

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

12 **DECISION**

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

18 Dated this 14th day of July, 2004.

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

21 By: John R. Rios
22
23
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City of Las Vegas

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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

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

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Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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 intercranial 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.

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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

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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

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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.

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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.

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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

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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

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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.

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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

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MAYOR

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STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

DEPARTMENT OF FINANCE AND BUSINESS SERVICE

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: Jim D. Fene

(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

DELIVERED TO: Sheila Logan
Signature of Recipient
Sheila Logan
Print Name of Recipient

DATE: 7/16/04
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 Proulx on 7/14/04.

GOODMAN BROWN PREMSRIRUT

ATTORNEYS AT LAW

520 SOUTH FOURTH STREET, SUITE 320
LAS VEGAS, NEVADA 89101
TEL. 702.384.3939 FAX 702.385.3939
WWW.GBPLAWFIRM.COM

POOY K. PREMSRIRUT, ESQ.

DAVID T. BROWN, ESQ.

ERICA 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.

City Council of Las Vegas

Re: Notice of Appeal for Sheila Logan

July 26, 2004

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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 of 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.
- B. Petitioner is willing to pay any 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.

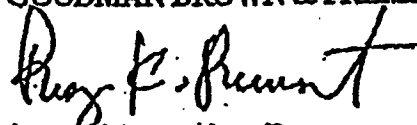
Petitioner understands the Board's position as needing to protect the public and its children from unscrupulous individuals. However, the Board must not usurp a citizens right to due process, and other citizens right to patron a childcare facility when full disclosures and monitoring have been made available.

City Council of Las Vegas
Re: Notice of Appeal for Sheila Logan
July 26, 2004
Page -3-

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

A handwritten signature in cursive script, appearing to read "Puoy K. Premsirut", written in dark ink.

Puoy K. Premsirut, Esq.

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA
RECEIVED
CITY CLERK

IN THE MATTER OF:

APPLICATION FOR CHILD CARE FACILITY
LICENSE, Filed by Sheila Logan

2004 AUG -4 A 9:59

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. Presence of Counsel. 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 all agencies of the Executive Department of the State Government and for judicial review of both

1 functions, except those agencies expressly exempted pursuant to the provisions of this
2 chapter. This chapter confers no additional regulation-making authority upon any
3 agency except to the extent provided in subsection 1 of NRS 233B.050." (Emphasis
4 added)

5 The Nevada Supreme Court in Clark County Liquor and Gaming Licensing Board v. Clark,
6 102 Nev. 654, 658, 730 P.2d 443, 446 (1986) recognized that Chapter 233B of NRS (Administrative
7 Procedure Act) does not apply to local governments when it stated, "We recognize the Administrative
8 Procedure Act does not apply to review of county board actions."

9 The City is not an agency of the Executive Department of the State Government.

10 The provisions of Chapter 6.24 of the City Code not NRS 233B govern this process.
11 The license application procedures for a child care facility license under Chapter 6.24 are the same
12 as those for applying for a privileged license before the City Council. Once the license application
13 is received by the Department it is referred to METRO for a background investigation of the
14 applicant. After METRO has completed its investigation, the application is referred to the Board
15 along with any AREA OF CONCERN noted by METRO. The applicant is then notified of the
16 scheduled date and time the Board will review the application and is requested to personally appear
17 to answer any questions the Board may have concerning the applicants suitability to hold a child care
18 facility license. While legal counsel for an applicant may be present, there is no affirmative duty on
19 the part of the City pursuant to Chapter 6.24 of the City Code to notify an applicant for a child care
20 facility license of his or her right to be represented by legal counsel before the Board. However,
21 notwithstanding the presence or absence of legal counsel, the applicant, when filing an application
22 for a child care facility license, voluntarily subjects himself or herself to being questioned by the
23 Board concerning his or her suitability to have such a license.

24 The record before the Board in this matter clearly shows that Ms. Logan and her husband were
25 given an opportunity to address any of the AREAS OF CONCERN raised by METRO as well as the
26 opportunity to respond to the questions raised by the Board members. And, in fact Ms. Logan and
27 her husband did make lengthy responses. At no point did Ms. Logan request a continuance to give
28 her an opportunity to have legal counsel present.

1 2. Prior Charges/Burden of Proof. Ms. Logan claims it was not appropriate for the Board to examine
2 a matter concerning criminal charges against her because she was not convicted. The Board is
3 charged with two basic responsibilities when reviewing applications to provide child care in a family
4 child care home: 1) determine the suitability of the applicant after due consideration for the public
5 health, safety, morals or welfare of children, and 2) determine if the environment of the family child
6 care home is conducive to the health, safety, morals or welfare of children.

7 Ms. Logan had the burden to satisfy the Board that she qualifies in both respects.

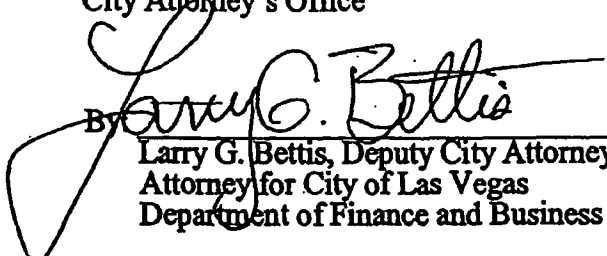
8 The fact the criminal indictment for murder entered against Ms. Logan was quashed did not
9 preclude the Board from examining the factual matters that resulted in the charges to determine if they
10 have any bearing on the question of Ms. Logan's suitability for a family child care home license.
11 Negligent or inattentive conduct is just as compelling as criminal conduct for the purpose of
12 determining suitability. Based on the testimony presented, the Board concluded that Ms. Logan did
13 not bear her burden to show that the injuries sustained by the 18-month-old foster child in her and her
14 husband's custody was not as the result of her failing to provide adequate and proper care of the child.
15 The Board's reference in its decision to Ms. Logan's criminal past was due to her testimony admitting
16 that she embezzled from a prior employer.

17 The Board also considered testimony concerning the past criminal offenses regarding
18 soliciting and loitering for prostitution committed by Ms. Logan's husband, which were relevant in
19 the Board's determination of the suitability of Ms. Logan's home environment.

20 Submitted this 3rd day of August 2004.

21
22 City of Las Vegas
23 City Attorney's Office

24
25 By


26 Larry G. Bettis, Deputy City Attorney
27 Attorney for City of Las Vegas
28 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

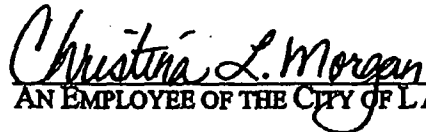

AN EMPLOYEE OF THE CITY OF LAS VEGAS

EXHIBIT A

1 STATE OF NEVADA

2 COUNTY OF CLARK

} ss.
}

3 **AFFIDAVIT OF DONALD W. KING**

4 I, Donald W. King, after being first duly sworn, depose and state that I have full knowledge
5 of the facts herein, and that I believe the same to be true and accurate to the best of my knowledge,
6 information, and belief, and if called will testify to the following:

7 My duties as a City of Las Vegas, Nevada, Senior License Officer for the Department of
8 Finance and Business Services, Business Services Division, Child Care Section include the assistance
9 of processing a child care application and enforcement of child care codes, standards and regulations.

10 My duties regularly put me in telephone and personal contact with applicants for child care
11 licenses.

12 New child care applications are heard by the City Child Care Licensing Board the second
13 Wednesday of each month.

14 On May 28, 2004, Grace Jimenez-Kraft, and I, as City License Officers, conducted an initial
15 licensing inspection of the residence of Sheila Logan at 6309 Guadalupe Avenue, Las Vegas, Nevada,
16 89108. Ms. Sheila Logan, who was present during our inspection, had filed an application for a new
17 child care license at said address.

18 Ms. Logan was scheduled to be heard by the Child Care Licensing Board at its regularly
19 scheduled meeting on June 9, 2004.

20 As part of the initial inspection process it is common practice for City Child Care Licensing
21 Officers to advise the applicant for a Child Care license of any pending items that must be completed
22 prior to the completion of the licensing process.

23 During this meeting with Ms. Logan she asked if she should bring her attorney with her to the
24 Child Care Licensing Board meeting.

25 ...

26 ...

27 ...

28 ...

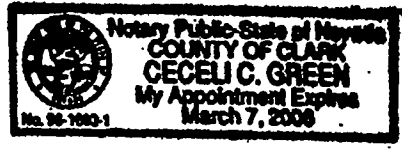
1 At that time I advised Ms. Logan that she was welcome to bring her attorney, however, the
2 Board Members would want to hear what she had to say in support of her application.
3

4 DATED this 4th day of August, 2004

5 Donald W. King
6 Donald W. King

7 SUBSCRIBED and SWORN to
8 before me this 4th day of August, 2004

9 Ceceli C. Green
10 Notary Public



**IN THE MATTER OF
THE APPLICATION FOR
CHILD CARE FACILITY
LICENSE FILED BY
SHEILA LOGAN**

Submitted By:

**Puoy K. Premsrirut, Esq.
GOODMAN BROWN & PREMSRIRUT
520 South Fourth Street, Suite 320
Las Vegas, NV 89101**

**Phone (702)-384-3939
Fax (702)-385-3939**

Submitted at City Council

Date 12/1/01 Item #43

Marriage Ministries International
PO Box 1040
Littleton, CO 80160-1040



Marriage Ministries International ©
Married for Life

MICHAEL & KATHERINE RYDER
6304 DON ZAREMBO AVENUE
LAS VEGAS, NV 89108-3338
702-647-4025

Blessing the families of the earth Gen. 12:3

*Life-giving principles
that make a marriage last*

Life-giving principles that make a marriage last

*Want to experience
God's joy and fulfillment
in your marriage?*

We can help.

Marriage
Ministries
INTERNATIONAL



As marriage goes...

...so goes the family. As the family goes, so go the nations. As the nations go, so goes the world. Unwilling to stand by and passively watch homes fall apart, Marriage Ministries International instills life and hope into marriages around the world.

The Mission of MMI

• Healing • Equipping • Lighthouse Vision

Marriage Ministries International has been given a divine mandate to disciple couples in their one-flesh relationship and help equip them for their destiny. It is our vision that each home become a lighthouse to its neighborhood.

The Married for Life Course

• Leadership Structure • 13 Weeks • Graduation

MARRIED FOR LIFE groups consist of a maximum of seven couples: a Lead Couple, a Leader in Training Couple, and five student couples. Participants meet in the leader's home once a week for thirteen weeks. Here, they are encouraged to put marriage principles into practice after each lesson and then share their successes and failures with the group the following week. A graduation follows the thirteen-week course and allows couples to share their testimonies with family and friends. This meeting is also a requirement for new couples wishing to enter the course.

Each couple attending a group pays a registration fee. Additionally, each week an offering is taken and sent to the home office to help with salaries for staff, needed equipment and supplies, and international expansion. MMI is a member of the Evangelical Council for Financial Accountability and readily offers financial information upon request.



Michael and Marilyn Phillipps, founders and directors of Marriage Ministries International, began MMI after God miraculously healed their marriage. Michael was planning to divorce Marilyn and marry someone else when God began to teach Marilyn how to stand on His Word for their marriage and family. Six years later, the love of God melted Michael's heart and he surrendered his life to the Lord.

Out of a desire to touch other hurting marriages, Michael and Marilyn started envisioning powerful lighthouse homes on every block of every city of every nation around the world. The MARRIED FOR LIFE course was birthed and is now on six continents and in multiple languages. Couples all over the world are discovering the transforming power of the Word of God as they are being established.



Partnering with the Local Church

• Supports Local Church • Interdenominational

We urge all group members to become stronger participants in their own church bodies. God's plan for the interdenominational MARRIED FOR LIFE course is for people from all backgrounds and all churches to unite in living rooms around the world and experience God's power in their homes.

Leadership Requirements

• Pastor's recommendation • Modeling Leadership

We require that MMI leaders be members of a local church and come recommended by their pastors. Group leaders must be born-again and Spirit-filled according to Acts 2:4. It is our belief that MMI leaders should be modeling what they are teaching to truly make an impact on other marriages.

Leadership Training

• Equipping • Experienced Leaders • Accessible

MMI offers leadership training to equip couples to teach MARRIED FOR LIFE groups in their own communities. The thirteen chapters are covered in-depth by qualified and leaders who give additional instruction in leadership training. Contact us today for more information on training in your area.

We Believe

- ... the Bible is the only inspired, infallible, and authoritative Word of God and is the standard by which any personal revelation, guidance, or direction perceived to be of God must be tested.
- ... there is one God, eternally existent in three persons; Father, Son and Holy Spirit.
- ... in the deity of our Lord Jesus Christ, in His incarnation, in His virgin birth, in His sinless life, in His atoning death, in His bodily resurrection, and in His ascension to the right hand of the Father.
- ... the blood of Jesus is the only cleansing for sin and salvation is found only through repentance from sin and acceptance of Jesus Christ as Lord and Savior.
- ... Jesus Christ is our Savior, Lord, Deliverer, Baptizer, and Healer and all aspects of His ministry are available today.
- ... the Baptism of the Holy Spirit, recorded in Acts 2, is available today to all believers who ask for it.
- ... in the sanctifying power of the Holy Spirit by Whose indwelling the Christian is enabled to live a holy life.
- ... in the resurrection of both the saved to everlasting life and the lost to everlasting damnation.

Called to Serve

• World-wide • Multiple Translations • Other Ministry Tools

Currently there are MARRIED FOR LIFE groups across the United States and in nearly 100 nations. God continues to prove Himself faithful by providing the translation of the course into approximately 30 languages for use around the world. MMI also offers public seminars and couple's retreats for churches. For couples in ministry, we offer "R&R" advances to help revitalize your marriage as you carry out the call of God on your lives. MMI has also developed tools to assist couples ministering together on the mission field, and offers courses for pre-marital preparation and family finances.

A Special Note to Pastors

Recognizing the authority that God has placed in the local church and in you as a pastor, we desire to cooperate with you for the strengthening of the families in your church and community. We believe that the harvest net is made up of vertical lines of authority (local churches) and horizontal lines of direction (translocal ministries). When we all work together, the net is strong and the harvest will be brought in to the glory of God. We do not want to usurp your authority, but rather, complement it. Please feel free to call, fax, or email us if you have further questions that are not answered in this brochure.

This course will change your marriage!



All around the world, couples are improving their marriages each week in dynamic MARRIED FOR LIFE groups.

Families are being strengthened, marriages are changing, and divorces are being cancelled.

Is this what you want?



Contact us today. Make a life-changing decision for your marriage.

Can it wait?

MARRIED FOR LIFE COURSE

WEEK 1

Is your marriage a covenant or a contract? Do you know the difference?

WEEK 2

How do two become one? Learn if you're helping or hindering the process.

WEEK 3

What is a wife supposed to do? How about a husband? The answers may surprise you.

WEEK 4

Things just don't happen by accident. Learn the connection between today's actions and tomorrow's outcome.

WEEK 5

Is it really possible to forgive? Under what circumstances? How many times?

WEEK 6

Sometimes you're just looking at each other through the wrong lenses. Learn how to improve your vision.

WEEK 7

Don't skip this important step on your way to the bedroom.

WEEK 8

Don't think you'll ever agree? This lesson may surprise you!

WEEK 9

What is the foundation upon which you build everything else in your marriage?

WEEK 10

Your sex life will never be the same again after this lesson.

WEEK 11

Learn to fight the right way. Identify your enemy, choose your weapons.

WEEK 12

Make the changes last! Learn how to ensure that what you've started won't stop.

WEEK 13

Going beyond the status quo. You're a team now, make the most of it!

WEEK 14

Graduation



God wrote the book about marriage and family. He created man and He created woman and then He said, "...and the two shall become one."

Do you know how to do that?



Good marriage?
Bad marriage?
Stale marriage?

Could yours be better?



"Mike and Marilyn Philipps, founders and international directors of MMI, have ministered at our Diplomat Center in the Bahamas. We were very impressed with their presentation and also impressed by their world vision for the healing of marriages and the home. The MMI manual's easy to follow outline and scriptural principles create an extremely effective vehicle for change in every marriage. We do not hesitate to endorse this ministry."

Dr. Myles and Ruth Munroe
Bahamas Faith Ministries International



"In conjunction with the N.A.M.E. ministry headquartered here, we have effectively utilized MMI's home curriculum, MARRIED FOR LIFE, as part of creating the overall atmosphere of restoring and strengthening marriages. This study is a church-friendly one that is scripturally strong, sound in accountability, and does a great job training and encouraging its leader couples. I applaud their vision for powerhouse homes on every block."

Pastor Tommy Barnett
Phoenix First Assembly of God



"Cindy and I attended a MARRIED FOR LIFE group a couple of years ago. Because nothing stays the same in a relationship and we are always changing, MMI is a terrific ministry that will help produce new wine skins to continue the progressive changes in marriage relationship."

Pastors Rick and Cindy Godwin
Eagles Nest Christian Fellowship

For more information and dynamic testimonies, check out our website at: <http://www.marriage.org>

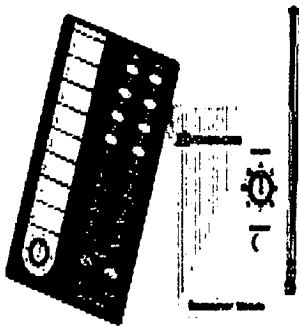


LOVE ALL KIDZ DAYCARE

X10 WEB CAMERAS



Home Surveillance
Made Easy!  **FRONTDOORCAM**
FREE SHIPPING! 



**Find out what's happening at Love All Kidz Daycare
from work or home!**

- view the children playing (from work!)
- view the kid's on the playground outside (from work!)
- view the staff with the children (from work!)
- view the children at naptime (from work!)

With the amazing XRay Vision software and USB Converter you can view live video from your PC at work or home of Love All Kidz Daycare via the Internet. XRay Vision records fresh images to you at timely intervals (10 seconds - 2 hours). Our web cams will monitor the daycare, playground and the front of the house within 100ft of each camera. Parents are encouraged to view daycare anytime during business hours. A pass code will be given to parents for access of Love All Kidz Daycare.



LOVE ALL KIDZ DAYCARE

WEEKLY RATES

Children's Ages	Full – Time	Part - Time
New Born to 2 Years	\$180.00	\$170.00
2.5 Years to 5 Years	\$170.00	\$160.00
5. 5 Years to 10 Years	\$160.00	\$150.00

MENU WEEK 1

MONDAY	TUESDAY	WEDNESDAY	THURSDAY	FRIDAY
Breakfast	Breakfast	Breakfast	Breakfast	Breakfast
Cheerio's Banana Milk	Bagel Apple Slices Milk	Pancakes Raisons Milk	Cinnamon Toast Canned Pears Milk	Banana Muffins Grapes Milk
Lunch	Lunch	Lunch	Lunch	Lunch
Spaghetti Peas Bread Milk	Tuna Fish Sandwich Fruit Cocktail Carrot Sticks Milk	Peanut Butter & Jelly Sandwich Apple Sauce Milk	Ham & Cheese Sandwich Celery Sticks Milk	Pizza Orange Slices Milk
Snack	Snack	Snack	Snack	Snack
Wheat Thins Juice	Graham Crackers Juice	Yogurt Juice	Ritz Crackers Juice	Animal Crackers Juice



LOVE ALL KIDZ DAILY SCHEDULE

7 a.m. to 9 a.m. Children will be arriving, so active play will be encouraged. I have plenty of books, music instruments, balls, puzzles, games, stuffed animals, paper and crayons, dolls and doll clothes, trucks, Lego blocks slide and swing set, and other miscellaneous items for inside play. For outside play I have a sandbox, slide, tricycle and small toys to ride on. The children will have constant supervision while playing inside and outside of the daycare.

9 a.m. to 10 a.m. A nutritional snack will be provided for your child. Milk, juice or water will be served with all snacks and meals. Absolutely no junk food will be offered. I will provide you with a list of snacks that will be available for pre approval. Children will be offered two snacks a day.

10 a.m. to 11 a.m. Arts and crafts will be provided inside and outside. Painting easels will be provided outside along with aprons for children clothing during this hour.

11 a.m. to 12 noon Quiet play will be encouraged and reading material will be provided. Craft work will also be encouraged at this time of the day, depending upon the age of the child.

12 noon to 1 p.m. I will be serving hot and cold nutritional lunches. At least one hour will be reserved for lunch-time because I like to involve the children as much as possible in their activities to give the some feeling of responsibility. I try to have a relaxed atmosphere at each meal. Each child will be given the opportunity to help by setting his/her own place at the table, getting cups, napkins, plates, and eating utensils. All of the children will eat together, and after lunch they will be encouraged to help clean up their own places.

1 p.m. to 2 p.m. There will be a rest period or nap, depending upon your child's age and needs. Each child will have his/her own personal place for napping and resting. I will provide cots for napping with clean sheets and blankets at all times. The length of the time spent resting or napping will vary depending on the child.

2 p.m. to 3 p.m. A nutritional snack will be offered to your child. Since the children will be getting up at different times from napping snacks during this time of the day may possibly be served at different times.

3 p.m. to 5 p.m. I have a puppet show display and will be providing the children with puppet shows and/or this time will be allotted for story telling and acting, dressing up. Supervised free-play depending on the weather outside play will be encouraged. There will be plenty of things for the children to do.

GENERAL INFORMATION

The daily schedule listed above is just a general outline, and it will be very flexible. The schedule will not be exactly the same everyday. All children are not the same, so each child in my care will receive the kind of family care that best suits his/her needs.

I will be providing your child during the time he/she spends at the daycare a good relaxed home atmosphere.

I like to have close communications with you as parent/guardian so that I will know what is best for your child. We can both be assured that the time spent at Love All Kidz Daycare will be a healthy and happy experience for your child.



LOVE ALL KIDZ DAYCARE

DAYCARE LIABILITY POLICY

Minnesota Marketing Center, Inc d/b/a I.M.C.
14500 Burnhaven Drive Ste#135
Burnsville, MN 55306-6199
PH: (952) 435-1606

Policy Coverage:

- **Bodily Injury to daycare children in my home, or while on field trips.**
- **Bodily Injury to members of the public, or damage to property.**
- **Suits alleging false arrest, libel, slander, and invasion of privacy.**
- **Lawsuits arising out of providing, or failing to provide proper professional services.**
- **Injury to children, or sickness alleged to have been caused by meals served in my home.**
- **Injury to children, or sickness caused by someone else's products used by me, such as diapers, lotions, medications, or foods.**
- **In addition to the liability coverage described above, IMC provides up to \$5,000.00 per person, or \$25,000.00 per occurrence for medical bills arising out of accidents to children in my care, even when the injury was not my fault.**
- **IMC will provide legal services in the event of any court civil suits alleging sexual abuse by me or any of my helpers.**

Average Number of children in my care, other than my own will be one to six children.

Love All Kidz Liability Limit is \$300,000.000

In addition to Daycare Liability Insurance Coverage my policy, I am a member of the Professional Daycare Providers Association.



LOVE ALL KIDZ DAYCARE

6309 GUADALUPE AVE

LAS VEGAS, NV 89108

ADMITANCE BODY CHECKLIST

NAME _____

DATE _____

(Please check the appropriate area)

_____ Diaper Rash _____

_____ Facial Rash _____

_____ Miscellaneous Rash _____

_____ Mongolian Spot-Location _____

_____ Miscellaneous Bruises	<u>Old</u>	<u>New</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

_____ Birth Mark - Location _____

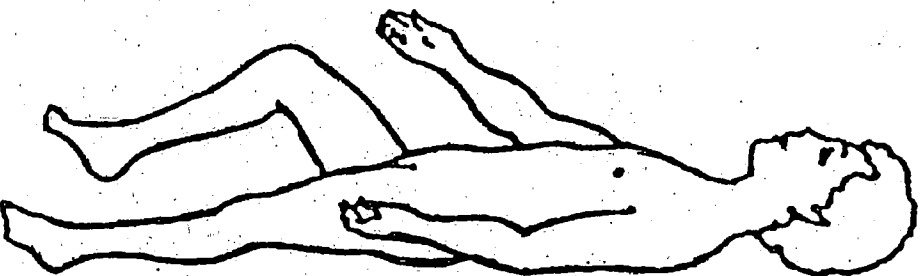
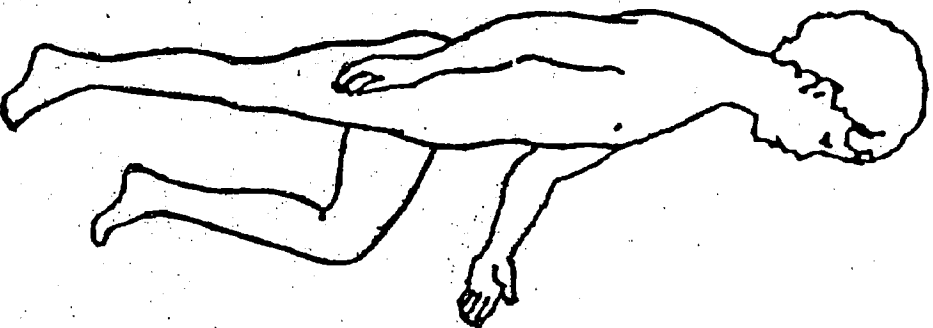
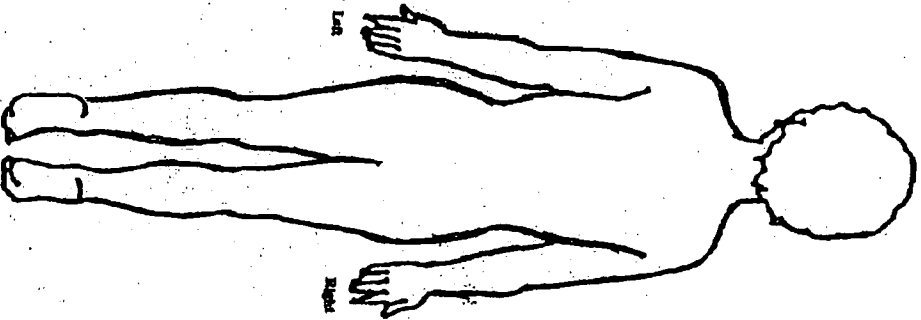
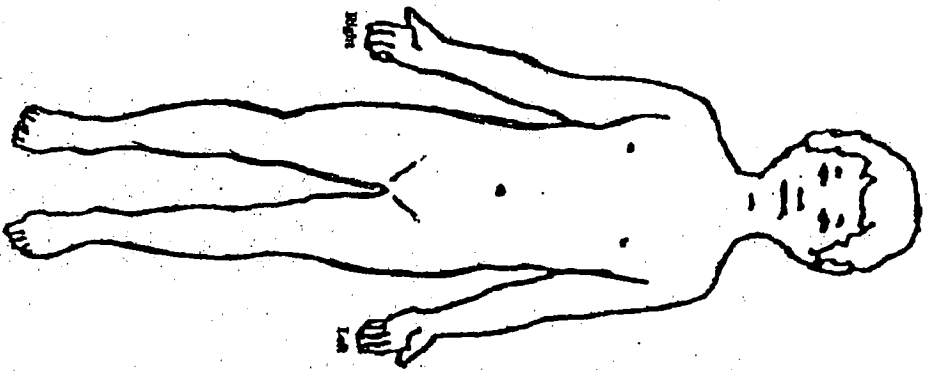
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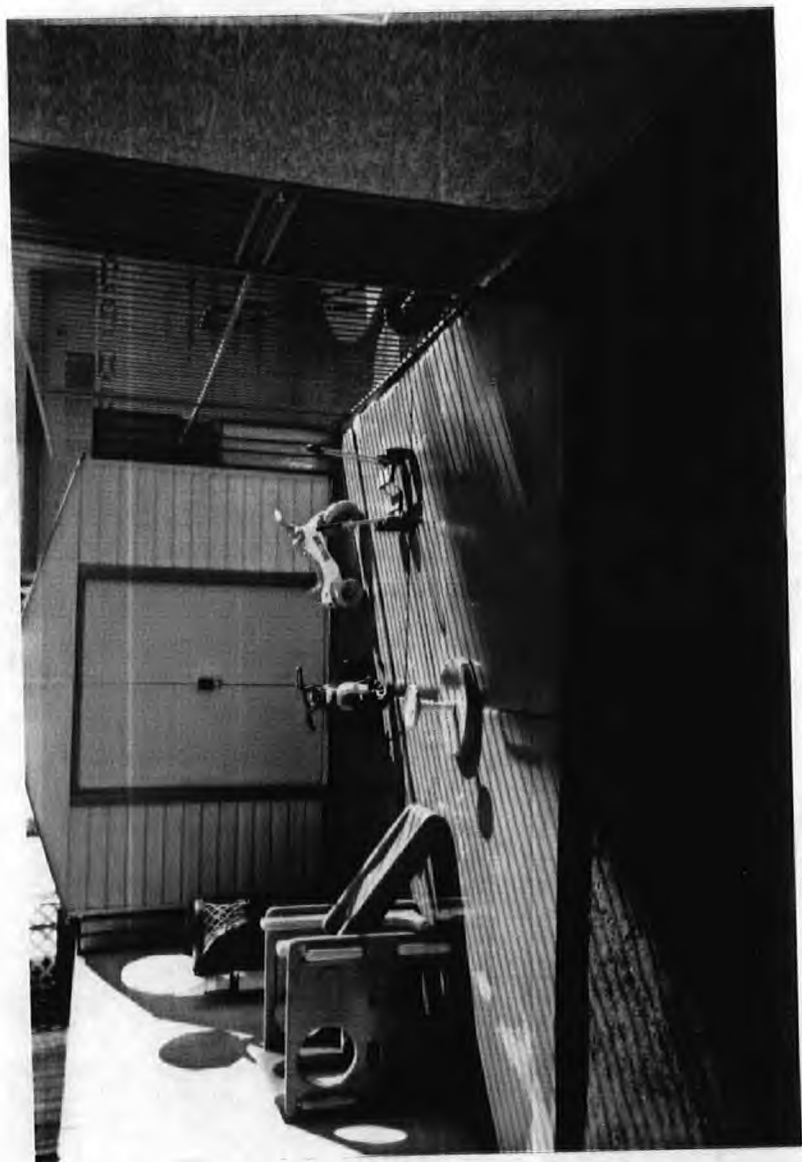
_____ Other _____

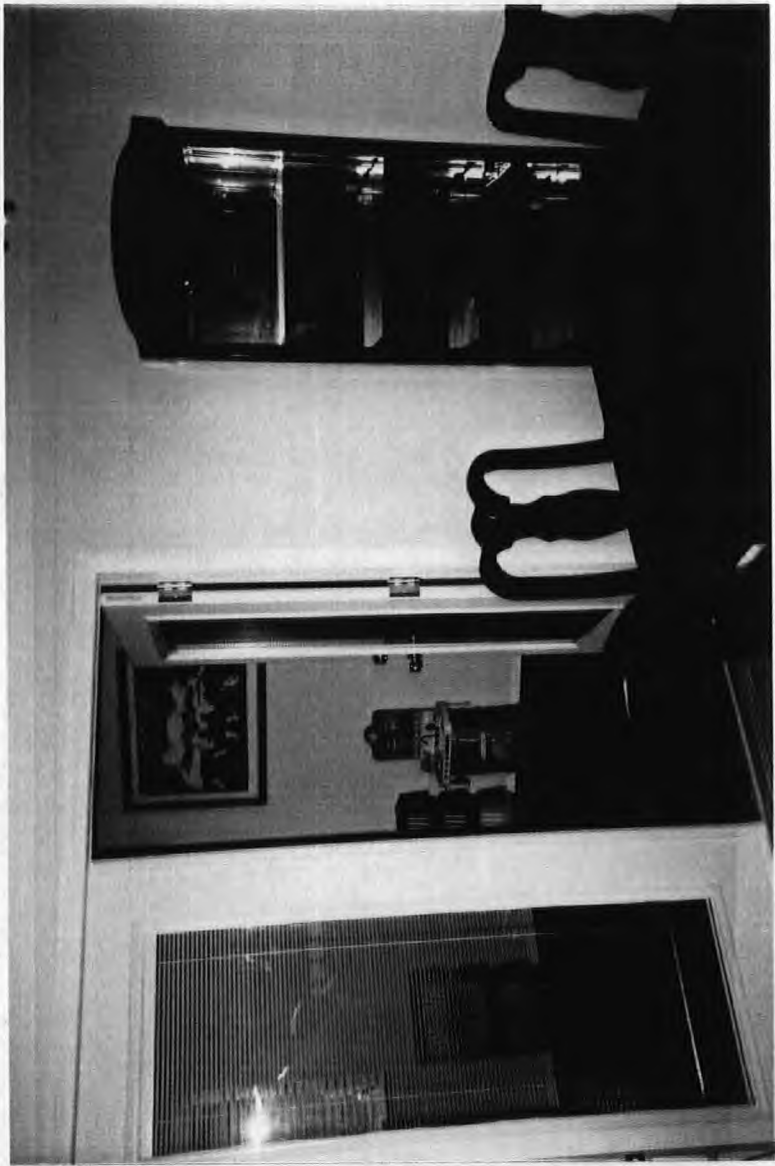
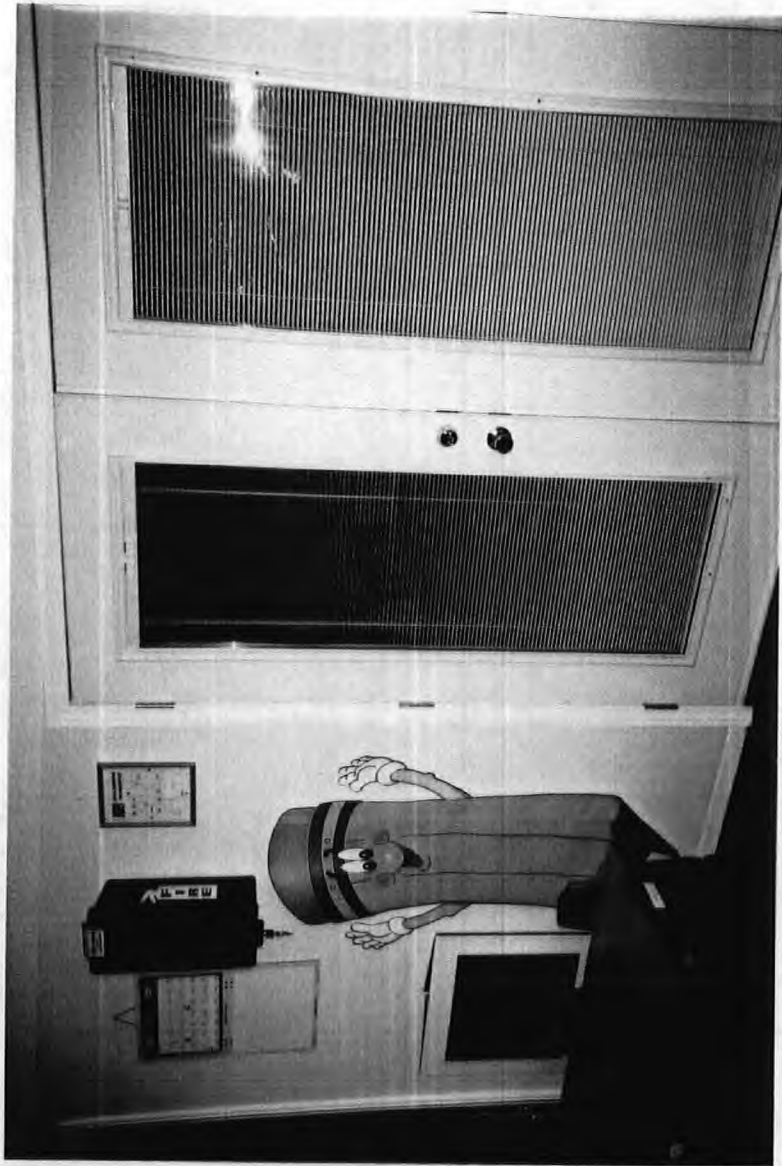
_____ No body rash or bruising

Staff Signature

Date: _____
Time: _____
Location: _____
Name: _____
Prepared by: _____
Remarks: _____







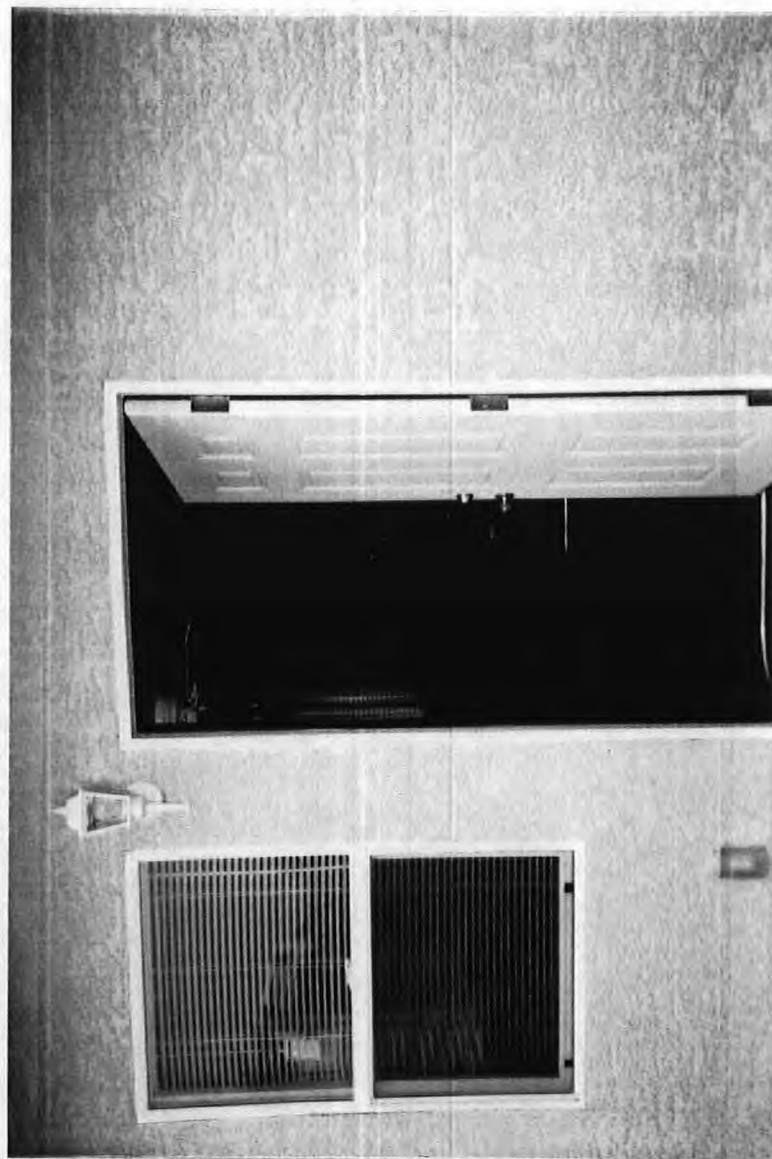












October 23, 2003

Puoy Premsrut
C/o Goodman Brown & Premsrut, Attorney at Law
520 South Fourth Street, Suite #320
Las Vegas, Nevada 89101

RE: Ms. Sheila Logan

Dear Mr. Premsrut:

This letter is being sent to you in support of Ms. Logan's application for a childcare license. I have known Ms. Logan for at least five years, having worked for me as a licensing technician in the Clark County Department of Business License. The position she held allowed her to display her extraordinary capabilities in interacting with people of all types and ages. She showed a sensitive and caring attitude regardless of the difficult nature of the encounter. As a person in a position to help and assist others, those she served complemented Ms. Logan often.

Privately, Ms. Logan would visit with me to discuss her visions, her feelings, and her philosophy. I had the pleasure of then knowing her on a more personal basis. I found her to be a very sensitive, caring and moral person. Her obvious love for children in general and her own children specifically along with her sensitivity to the needs of children is intrinsic with her. I can think of no other person more emotionally equipped to take responsibility for young lives.

Ms. Logan and her request for a childcare license has my wholehearted and enthusiastic support.

Sincerely,



Ardel Jorgensen, Retired
Director, Clark County Department of Business License



Department of Business License

JACQUELINE R. HOLLOWAY

DIRECTOR

500 SOUTH GRAND CENTRAL PKY, 3RD FLOOR

P.O. BOX 551810

LAS VEGAS, NEVADA 89155-1810

(702) 455-4252

(800) 328-4813

FAX (702) 386-2168

http://www.co.clark.nv.us/business_license

October 24, 2003

Ms. Puoy K. Premsrirut
Goodman, Brown, & Premsrirut
520 South Fourth Street
Las Vegas, Nevada 89101

Re: Mrs. Sheila Logan's application for Childcare License

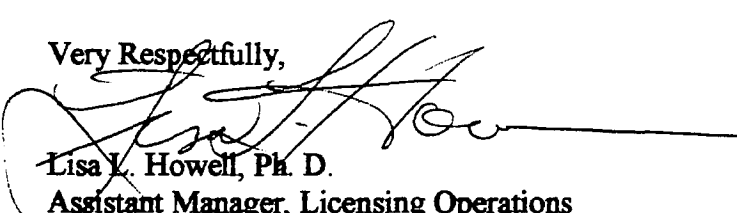
Dear Ms. Premsrirut:

Mrs. Sheila Logan has applied for a childcare license with the City of Las Vegas. I am writing this letter, on her behalf, in support of that application. Sheila has been in my employ for nearly two and half years. During that time I have found Sheila to be an honest, upstanding, and devout Christian woman.

I am the Department of Business liaison to Clark County's Social Service Department for childcare licensing issues in preparation for applicants' presentation to the Board of County Commissioners. As a result, I know Mrs. Logan would be an outstanding caregiver. Mrs. Logan has a kind and generous nature. She is easy to work with and always willing to help others. However, Mrs. Logan is most in her element when she is engaging with children. She is genuinely concerned about the care, safety, health, welfare and morals of our children. The bottom line is, she truly enjoys interacting with children and being a role model for their development.

As her application is nearing final disposition, I thought it important to write this letter on her behalf. I truly believe it would be an egregious error not to issue a childcare license to someone of Mrs. Logan's character. Please refer any questions regarding this reference letter to me, Assistant Manager Lisa Howell at 455-4128.

Very Respectfully,


Lisa L. Howell, Ph. D.

Assistant Manager, Licensing Operations

cc: Mrs. Sheila Logan

BOARD OF COUNTY COMMISSIONERS

Mary Kincaid-Chauncey, Chair • Chip Maxfield, Vice-Chair

Yvonne Atkinson Gates, Mark James, Rory Reid, Myrna Williams, Bruce L. Woodbury

Thom Reilly, County Manager

J. Harold Brinley Middle School

2480 Maverick Street • Las Vegas, NV 89108
(702) 799-4550 • Fax (702) 799-4549

Rosalind Gibson, Principal
Kimberly Headrick, Asst. Principal
Jason Zona, Dean of Students
Shari Carter, Dean of Students

October 26, 2004

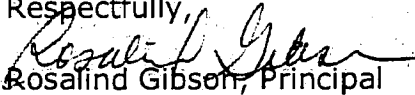
Re: Sheila Logan

Dear Councilman Mack,

When Ms. Logan came to see me in regards to her day care center, asking for a reference, it was with pleasure that I agreed to do so. Last school year; Ms. Logan volunteered to start a much-needed girls' mentoring group, serving ages 1-14. Born out of her desire to help young ladies choose appropriately as they matured, Ms. Logan saw a need and filled it. During the course of our meetings and conversations it became apparent to me that she was conscientious, trustworthy, caring, and organized. We are in the process of reorganizing this school club again this year with her.

Ms. Logan has always demonstrated strong character and solid values to me and as I observed her working with the children. I am excited that a person of her caliber is applying for and will hopefully be granted her day care license. Should you have any questions or need more information, please contact me at the number listed on the letterhead.

Respectfully,


Rosalind Gibson, Principal



MARRIAGE MINISTRIES INTERNATIONAL

October 26, 2004
Southern Nevada Area Director
6304 Don Zarembo Avenue
Las Vegas, Nevada 89108

Commissioner Michael Mack
500 S. Grand Central Pkwy.
Las Vegas, Nevada 89106

Dear Commissioner Mack,

We are excited and expectant over Larry and Sheila Logan to receive their License for a Day Care in their home! Throughout the years we have known them personally and professionally. The Logans were our Leaders in the ministry for a season, then desired to fulfill a need we had by supporting parents with children while attending the "Married for Life" fifteen week course. They have volunteered by watching and caring for children of several couples. They have 'raised the bar' by their extra care, for not only providing a good supper, but made sure schoolwork was completed for the next day! Reports of appreciation from couples and their children were always expressed with enthusiasm!

In addition, our nephew from Alaska has stayed overnight several times with the Logans and would gladly tell you of his experiences. Also, at a moment's notice, the Logans have been available to watch my 'special needs' sister, who at 33 years old with the capacity of a 4-year-old, we fully have trusted them to take of her!

We highly recommend them and hope you will seriously reconsider your decision to allow the release of the Logans' Day Care License! They are an exemplary couple who are disciplined, experienced and deserving! By providing high quality service, their Day Care would be an asset to our neighborhood and community!

Sincerely yours

(Michael) and Katherine Ryder

P.O. Box 1040, LITTLETON, CO 80160
(303) 933-3331 PHONE (303) 933-2153 FAX

October 24, 2003

Pouy Premsrut
Goodman, Brown and Premsrut
520 S. Fourth Street
Las Vegas, NV 89101

Dear Ms Premsrut:

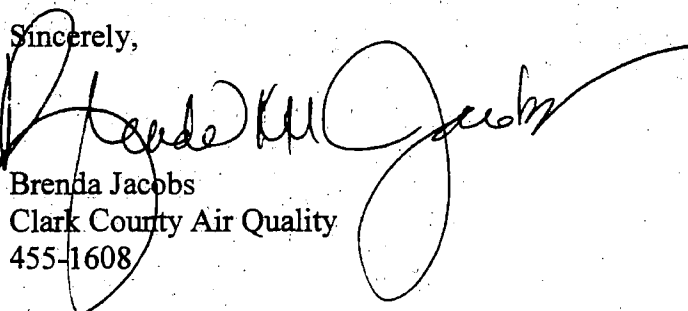
I am writing on behalf of your client Sheila Logan. I have known Sheila for over 5 years on a working and personal basis. Sheila is a kind and caring individual who has a big heart. She has cared for my child on occasion and I have witnessed her several times with and around other children.

Sheila truly has a gift and a strong passion when it comes to children and I would never hesitate leaving my child in her care.

Please feel free to contact me if you need any further information.

Thank you for your time

Sincerely,

A handwritten signature in black ink, appearing to read "Brenda Jacobs", with a large, stylized loop at the end.

Brenda Jacobs
Clark County Air Quality
455-1608

October 26, 2004

To Whom this may concern:

This letter is in regards to the character of Larry & Sheila Logan.

Susan & I have known the Logans since 1996. We met them at a ministry program called University of the Family.

In the past Sheila has watched and taken care of successfully our grandchildren off and on for quite sometime. Currently:

Michael Harwood 13

Daniel Parkins 7

Catalina Fairbanks 6

Christa Witt 5

The children always looked forward to going over to the Logans. She is trustworthy and well liked.

Sincerely,

5800 Granada Ave.
Las Vegas, NV 89107

Robin & Susan Hess
(702) 870-2875

2030 Conchita St
Las Vegas, NV 89108

Dana Fairbanks
(702) 826-3186
280-9377

October 22, 2003

Pouie Permesuit
Goodman, Brown, and Permesuit
520 South 4th Street Ste 320
Las Vegas, Nevada 89101

Dear Mrs. Pouie Permesuit:

Hello, my name is Katina Woodward. I am a co-worker and dear friend of Mrs. Sheila Logan. When Mrs. Logan asked if I would write her a letter of recommendation, I couldn't write fast enough, because Mrs. Logan is a person deserving of her hearts desires.

I met Mrs. Logan at work over five years ago, and we immediately began a long and caring friendship. She has an open and honest personality that one can quickly take attachment to. The first thing I noticed about her is her sincere love for babies and kids. When there is a baby around, she is there extending her love and mother-like qualities to them. Her playful approach to common learning morals makes her a child educator, and an exceptional child care provider.

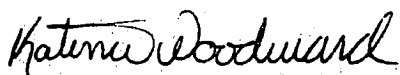
I have two beautiful little boys, whom I love and devote my life to. I am particular with who I will allow to watch over them. When I needed a babysitter that I could trust to take good care of, and pay close attention to the needs of my children, Mrs. Logan was without a doubt that person. Her expertise with children is astounding because she posses a mother-like quality that is soothing and comfortable to children. I have found Mrs. Logan to be devoted to children's needs, attentive to children's care, easy spirited and good hearted. Mrs. Logan is also an excellent childcare provider because of her considerate attitude, and her willingness to provide a Christian perspective on childcare.

Mrs. Logan is a kind and gentle spirit. I am blessed to have her as a part of my life, and I am extremely delighted to provide this letter of recommendation in her favor.

If you have any further questions regarding Mrs. Logan, you may contact me at (702) 631-6623 and I will be glad to answer your questions.

Thank you.

Sincerely,

A handwritten signature in cursive script that reads "Katina Woodward".

Katina Woodward

November 17, 2003

VIA EMAIL: Puoy@gbplawfirm.com

Dear Pouyie:

I am writing this letter on behalf of Sheila Logan. I have had the pleasure of knowing Sheila for about 8 years.

I consider Sheila to be a very good friend and confidant. She has high morals and is well trusted and respected by myself and others that know her. During the time that Sheila and I were co-workers, I could always count on her expertise in knowing and performing her job, and I could always count on her helpfulness.

Outside of being co-workers, I consider Sheila to be as close to me as my biological Sisters if not closer. Sheila has helped me through my divorce by being a friend and a counselor. I rely heavily on Sheila's advice.

Sheila also has a wonderful way with children and they love and respect her. I have entrusted Sheila with the care of my two sons for many years and have relied heavily on her love and discipline for them. My sons are 12 and they love and respect Sheila and refer to her only as Auntie Sheila, which is how they think of Sheila, as a part of our family.

Due to various obstacles that have been placed in Sheila's path recently, I have gained a lot more respect for her as a person and as a woman, while sitting and watching the way she handles herself and every situation that she has had to deal with. I personally do not know if I could have overcome the same obstacles had they been placed in my path. Sheila is an extraordinary woman, friend, wife, and human being. I do not think there is anyone that she has ever met that could utter one bad thing about her, other than she may be considered to be too kind, too loving and too giving of herself.

There are a lot more things that I could share about Sheila, because she is the most special person I know.

Please feel free to contact me at (510) 466-6932, should you have any questions.

Very truly yours,

Youlanda Knighten

To: Attorney, Puoy Premsrut
From: Leon Ireland
Date: October 22, 2003

RE: Sheila Logan

I am now a Retired Employee of the County of Thirty Years. I have only been retired for a month, and a few weeks. I retired September 2, 2003.

I started my employment with the County at Spring Mountain Youth Camp in 1974. I transferred to Child Haven in 1976. I completed the rest of my employment at Child Haven.

This may not have any bearing on your decisions to reprersent Ms Logan, but I received the NAJJA Award, for the Institutional Staff Person of the year of 1997. Also, the year after in 1998, I received the Clark County Employee of the Year.

I have known, and worked with Ms Logan for three years before she transferred to another Department. She was an Excellent Co-worker, and Excellent with all the Children that she came in contact with on Campus. I also know that she is a God Loving Woman. Ms Sheila Logan has my full support, in her Vision to open up a Child Caring Service.

Thank You for your Time.

Yours Truly,



Leon Ireland

RECORD ON APPEAL

SHEILA LOGAN

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Submitted at City Council

Date 12/1/04 Item #43

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

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

City of Las Vegas

VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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 intracranial 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.

City of Las Vegas

VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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

City of Las Vegas

VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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

City of Las Vegas

VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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.

City of Las Vegas

VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

- 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.

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CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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

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VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

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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

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CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

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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.

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VERBATIM TRANSCRIPT

CHILD CARE LICENSING BOARD MEETING - JUNE 9, 2004

Discussion Item #1b - Sheila Logan dba Love All Kidz Daycare

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.



DEPARTMENT OF FINANCE AND BUSINESS SERVICES

Sheila Logan
6309 Guadalupe Ave.
Las Vegas, Nevada 89108

To: Sheila Logan

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

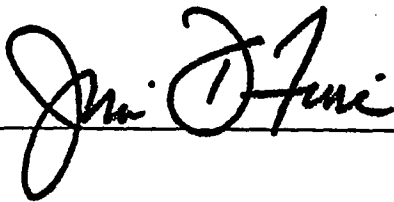
NOTICE OF DENIAL OF APPLICATION FOR CHILD CARE
FACILITY LICENSE
AND
NOTICE OF RIGHT OF APPEAL

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
18112-001-604

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

3
4 **IN THE MATTER OF:**

5 **APPLICATION FOR CHILD CARE FACILITY**
6 **LICENSE, filed by Sheila Logan**

7
8 **FINDINGS OF FACT, CONCLUSIONS OF LAW AND DECISION**

9 **DENYING SHEILA LOGAN'S APPLICATION**
10 **FOR CHILD CARE FACILITY LICENSE**

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

21 **FINDINGS OF FACT**

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

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

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

1 Friday.

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

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

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

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

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

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

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

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

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

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

3 **CONCLUSIONS OF LAW**

4 14. LVMC 6.24.070 provides:

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

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

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

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

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

20 (a) Excessive use of alcohol;

21 (b) The use of controlled substances;

22 (c) Serious or prolonged illness;

23 (d) Physical or mental impairment; or

24 (e) Violent behavior.

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

28 15. LVMC provides in pertinent part:

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

3 * * *

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

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

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

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

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

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

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

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

22 * * * [Emphasis added]

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

24 * * *

25 "2. The Bureau shall secure from appropriate law enforcement agencies information on
26 the background and personal history of every applicant, licensee or employee of an applicant or
27 licensee, or every resident of a child care facility or participant in an outdoor youth program who is
28 18 years of age or older, to determine whether he has been convicted of:

- 1 (a) Murder, voluntary manslaughter or mayhem;
2 (b) Any other felony involving the use of a firearm or other deadly weapon;
3 (c) Assault with intent to kill or to commit sexual assault or mayhem;
4 (d) Sexual assault, statutory sexual seduction, incest, lewdness, indecent
5 exposure or any other sexually related crime;
6 (e) Abuse or neglect of a child or contributory delinquency; or
7 (f) A violation of any federal or state law regulating the possession, distribution
8 or use of any controlled substance or any dangerous drug as defined in chapter 454 of NRS." * * *

9 [Emphasis added]

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

12 DECISION

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

18 Dated this 14th day of July, 2004.

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

21 By: John R. Rasmussen
22
23
24
25
26
27
28

GOODMAN BROWN PREMSRIRUT

ATTORNEYS AT LAW

520 SOUTH FOURTH STREET, SUITE 320
LAS VEGAS, NEVADA 89101
TEL. 702.384.3939 FAX 702.385.3939
WWW.GBLAWFIRM.COM

POOY K. PREMSRIRUT, ESQ.

DAVID T. BROWN, ESQ.

ERICA 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.

City Council of Las Vegas

Re: Notice of Appeal for Sheila Logan

July 26, 2004

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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 of 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 any 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.

City Council of Las Vegas

Re: Notice of Appeal for Sheila Logan

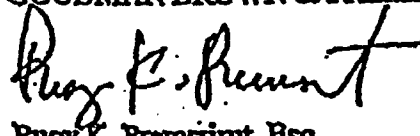
July 26, 2004

Page -3-

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 & PREMSIRUT

A handwritten signature in cursive script, appearing to read "Puoy K. Premsirut", written in dark ink.

Puoy K. Premsirut, Esq.

BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

RECEIVED
CITY CLERK

IN THE MATTER OF:

APPLICATION FOR CHILD CARE FACILITY
LICENSE, Filed by Sheila Logan

2004 AUG -4 A 9:59

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. Presence of Counsel. 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 all agencies of the Executive Department of the State Government and for judicial review of both

1 functions, except those agencies expressly exempted pursuant to the provisions of this
2 chapter. This chapter confers no additional regulation-making authority upon any
3 agency except to the extent provided in subsection 1 of NRS 233B.050." (Emphasis
4 added)

5 The Nevada Supreme Court in Clark County Liquor and Gaming Licensing Board v. Clark,
6 102 Nev. 654, 658, 730 P.2d 443, 446 (1986) recognized that Chapter 233B of NRS (Administrative
7 Procedure Act) does not apply to local governments when it stated, "We recognize the Administrative
8 Procedure Act does not apply to review of county board actions."

9 The City is not an agency of the Executive Department of the State Government.

10 The provisions of Chapter 6.24 of the City Code not NRS 233B govern this process.
11 The license application procedures for a child care facility license under Chapter 6.24 are the same
12 as those for applying for a privileged license before the City Council. Once the license application
13 is received by the Department it is referred to METRO for a background investigation of the
14 applicant. After METRO has completed its investigation, the application is referred to the Board
15 along with any AREA OF CONCERN noted by METRO. The applicant is then notified of the
16 scheduled date and time the Board will review the application and is requested to personally appear
17 to answer any questions the Board may have concerning the applicants suitability to hold a child care
18 facility license. While legal counsel for an applicant may be present, there is no affirmative duty on
19 the part of the City pursuant to Chapter 6.24 of the City Code to notify an applicant for a child care
20 facility license of his or her right to be represented by legal counsel before the Board. However,
21 notwithstanding the presence or absence of legal counsel, the applicant, when filing an application
22 for a child care facility license, voluntarily subjects himself or herself to being questioned by the
23 Board concerning his or her suitability to have such a license.

24 The record before the Board in this matter clearly shows that Ms. Logan and her husband were
25 given an opportunity to address any of the AREAS OF CONCERN raised by METRO as well as the
26 opportunity to respond to the questions raised by the Board members. And, in fact Ms. Logan and
27 her husband did make lengthy responses. At no point did Ms. Logan request a continuance to give
28 her an opportunity to have legal counsel present.

1 2. Prior Charges/Burden of Proof. Ms. Logan claims it was not appropriate for the Board to examine
2 a matter concerning criminal charges against her because she was not convicted. The Board is
3 charged with two basic responsibilities when reviewing applications to provide child care in a family
4 child care home: 1) determine the suitability of the applicant after due consideration for the public
5 health, safety, morals or welfare of children, and 2) determine if the environment of the family child
6 care home is conducive to the health, safety, morals or welfare of children.

7 Ms. Logan had the burden to satisfy the Board that she qualifies in both respects.

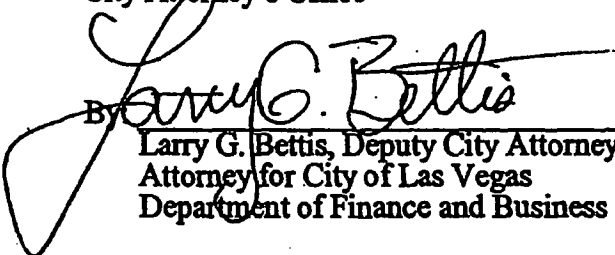
8 The fact the criminal indictment for murder entered against Ms. Logan was quashed did not
9 preclude the Board from examining the factual matters that resulted in the charges to determine if they
10 have any bearing on the question of Ms. Logan's suitability for a family child care home license.
11 Negligent or inattentive conduct is just as compelling as criminal conduct for the purpose of
12 determining suitability. Based on the testimony presented, the Board concluded that Ms. Logan did
13 not bear her burden to show that the injuries sustained by the 18-month-old foster child in her and her
14 husband's custody was not as the result of her failing to provide adequate and proper care of the child.
15 The Board's reference in its decision to Ms. Logan's criminal past was due to her testimony admitting
16 that she embezzled from a prior employer.

17 The Board also considered testimony concerning the past criminal offenses regarding
18 soliciting and loitering for prostitution committed by Ms. Logan's husband, which were relevant in
19 the Board's determination of the suitability of Ms. Logan's home environment.

20 Submitted this 3rd day of August 2004.

21
22 City of Las Vegas
23 City Attorney's Office

24
25 By


26 Larry G. Bettis, Deputy City Attorney
27 Attorney for City of Las Vegas
28 Department of Finance and Business Services

1 CERTIFICATE OF SERVICE

2 I hereby certify that on August 4, 2004, I served a true and correct copy of the foregoing
3 "Department of Finance and Business Services' Response to Sheila Logan's Appeal of the City Child
4 Care Licensing Board's Denial of Her Application for a Child Care Facility License" by depositing
5 the same in the United States Mail at Las Vegas, Nevada, postage fully prepaid and addressed to:

6 Puoy K. Premspirut, Esq.
7 520 South Fourth Street, Suite 320
8 Las Vegas, Nevada 89101

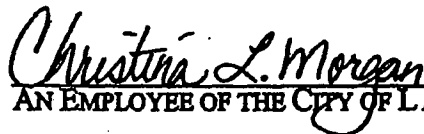
9 
10 AN EMPLOYEE OF THE CITY OF LAS VEGAS
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EXHIBIT A

1 STATE OF NEVADA
2 COUNTY OF CLARK } ss.

3 AFFIDAVIT OF DONALD W. KING

4 I, Donald W. King, after being first duly sworn, depose and state that I have full knowledge
5 of the facts herein, and that I believe the same to be true and accurate to the best of my knowledge,
6 information, and belief, and if called will testify to the following:

7 My duties as a City of Las Vegas, Nevada, Senior License Officer for the Department of
8 Finance and Business Services, Business Services Division, Child Care Section include the assistance
9 of processing a child care application and enforcement of child care codes, standards and regulations.

10 My duties regularly put me in telephone and personal contact with applicants for child care
11 licenses.

12 New child care applications are heard by the City Child Care Licensing Board the second
13 Wednesday of each month.

14 On May 28, 2004, Grace Jimenez-Kraft, and I, as City License Officers, conducted an initial
15 licensing inspection of the residence of Sheila Logan at 6309 Guadalupe Avenue, Las Vegas, Nevada,
16 89108. Ms. Sheila Logan, who was present during our inspection, had filed an application for a new
17 child care license at said address.

18 Ms. Logan was scheduled to be heard by the Child Care Licensing Board at its regularly
19 scheduled meeting on June 9, 2004.

20 As part of the initial inspection process it is common practice for City Child Care Licensing
21 Officers to advise the applicant for a Child Care license of any pending items that must be completed
22 prior to the completion of the licensing process.

23 During this meeting with Ms. Logan she asked if she should bring her attorney with her to the
24 Child Care Licensing Board meeting.

25 ...

26 ...

27 ...

28 ...

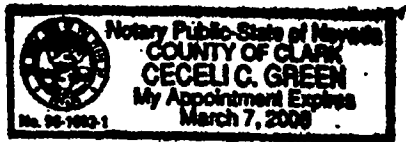
1 At that time I advised Ms. Logan that she was welcome to bring her attorney, however, the
2 Board Members would want to hear what she had to say in support of her application.

3
4 DATED this 4th day of August, 2004

5 Donald W. King
6 Donald W. King

7 SUBSCRIBED and SWORN to
8 before me this 4th day of August, 2004

9 Ceceli C. Green
10 Notary Public



CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 43

Discussion and possible action regarding an Appeal of Denial for a Child Care Facility License, Sheila Logan, dba Love All Kids Daycare, 6309 Guadalupe Avenue, Sheila Logan 100%

Appearance List:

OSCAR GOODMAN, Mayor
JOHN REDLEIN, Assistant City Attorney
LARRY BROWN, Councilman
UNKNOWN STUDENT
GARY REESE, Mayor Pro Tem
PUOY PREMSRIRUT, Attorney for the applicant
BRAD JERBIC, City Attorney
MICHAEL MACK, Councilman
STEVE WOLFSON, Councilman
SHEILA LOGAN, Applicant
BARBARA JO RONEMUS, City Clerk
UNIDENTIFIED MALE SPEAKER
LAWRENCE WEEKLY, Councilman
JANET MONCRIEF, Councilwoman
DONALD KING, Senior License Officer

(9:52 – 11:05)

1-1560/2-1

1 hour and 13 minutes

Typed by: Angela Crolli/Stacey Campbell/Vicky Darling

Proofed by: Stacey Campbell/Lean Coleman

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 43

27 **MAYOR GOODMAN**

28 Item Number 43 is an Abeyance Item. Discussion and possible action regarding an Appeal of
29 Denial for a Child Care Facility License, Sheila Logan, doing business as Love All Kids Daycare
30 at 6309 Guadalupe Avenue. Because of the fact that Mr. Premsrirut is representing Ms. Logan,
31 Mr. Premsrirut is my son, Eric's law partner, I'm going have to abstain and I'm going to ask the
32 Mayor Pro Tem to take over. So let's just wait a moment until Mayor Pro Tem Reese returns.
33 John, would you see if Gary is back there?

34

35 **JOHN REDLEIN**

36 Yes.

37

38 **MAYOR GOODMAN**

39 Thanks. And this is a good time, I guess, the – student Council members are – leaving us at this
40 time. I want to thank you for all joining us today. You're very well behaved, as you always are,
41 both in the Council as well as at school, and I hope you learned a little bit about this. You're
42 really terrific, and I can't wait until next year when we have the swearing in. Okay. See you
43 guys. Nice seeing you. Good luck. Have a happy holidays. Enjoy the holidays.

44

45 **COUNCILMAN BROWN**

46 Good luck. Good luck.

47

48 **UNKNOWN STUDENT**

49 Goodbye Mr. Goodman.

50

51 **MAYOR GOODMAN**

52 Goodbye, have a good – time okay? That's what it's all about. Good. Sorry Gary.

53

54 **MAYOR PRO TEM REESE**

55 It's fine.

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 43

56 **MAYOR GOODMAN**

57 It's Item 43.

58

59 **MAYOR PRO TEM REESE**

60 Um hm.

61

62 **MAYOR GOODMAN**

63 I read it into the record.

64

65 **MAYOR PRO TEM REESE**

66 Okay. If the attorneys would please identify themselves.

67

68 **PUOY PREMSRIRUT**

69 Good morning Mayor and City Council, Puoy Premsrirut on behalf of Sheila Logan and all – ,

70 Love All Kids Daycare.

71

72 **MAYOR PRO TEM REESE**

73 Thank you.

74

75 **BRAD JERBIC**

76 Good morning Mayor Pro Tem and – members of the Council, Brad Jerbic on behalf of the City

77 Attorney's Office, representing City staff and the Metropolitan Police Department.

78

79 **MAYOR PRO TEM REESE**

80 Thank you very much. The Child Care Licensing Board denied Ms. Logan a license to operate a

81 child care facility. She filed an appeal and after several continuances we are ready to hear and

82 decide that appeal. On appeal we have the power to support the Board's decision and confirm

83 denial of the license or we can direct that a license be issued. Are there any preliminary issues

84 before we hear the appeal?

**CITY COUNCIL MEETING OF
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85 **BRAD JERBIC**

86 None from the City, Your Honor.

87

88 **PUOY PREMSRIRUT**

89 No, Your Honor.

90

91 **MAYOR PRO TEM REESE**

92 Thank you. I think we should hear from the applicant first.

93

94 **PUOY PREMSRIRUT**

95 Mayor Pro Tem, City Council, we're here on a very difficult, painful matter on behalf of the
96 applicant. In looking at the record, it is apparent why the license was denied and what grounds
97 of moral character were – brought in for consideration. What it is not apparent and what is not
98 supported on the record is Ms. Logan's opportunity to present her side of – the situation. Here
99 you have a transcript that is replete with evidence of previous criminal allegations, an indictment
100 for murder, murder of a baby, which is the very population that Ms. Logan seeks to care for.
101 You also have some evidence of previous crimes against property, which is approximately 22
102 years old.

103 And with all due respect for the Board and – Mr. Don King, whether they intended to or not, Ms.
104 Logan was led to believe that counsel need not be present. The City Coun, or the City Attorney
105 and myself, we have disagreed as to the application of the APA, the Administrative Procedures
106 Act, and whether or not counsel need be present. Notwithstanding that disagreement, the very
107 case that is cited by the City Attorney, which supports that the APA doesn't apply, also stands
108 for the proposition that the courts uphold that all relevant evidence should be examined by the
109 administrative body, and I'm looking at that case that is cited Clark County Licensing Board
110 versus Clark. Instead, what you are able to hear from – the Board was evidence that Ms. Logan
111 was charged with a crime, there was grand jury testimony from expert witnesses as to what
112 happened to the baby. What you are not able to hear was about the 18-month old baby, that it
113 was a ward of the State, that it did have a drug history, that Ms. Logan did care for it for two
114 months prior to its death, that she took the baby to the hospital repeatedly for two months, paid

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VERBATIM TRANSCRIPT – ITEM 43

all costs out of her own pocket. What you did not hear was, one of the expert witnesses that was testifying in the grand jury, was previously, he lost his license. I mean, these are all things that Ms. Logan was denied from introducing into evidence. And while I understand the parameters of today's appeal that we are limited to this record and that the Council must look at this in a vacuum, we're faced with the challenge of disproving a negative.

So, at this point, what we would seek, and I understand that it's in the Councilman Reese, Mayor Pro Tem's discretion to do this, would be to remand this to the Board to take further evidence. If in fact the Council is going to deny Ms. – Logan the very vocation that she desires, that the community has supported, including letters of commendation from Ardele Jorgensen, who is the former Clark County Licensing head, if you're going to deny her that, at least do it after full knowledge of all the evidence and of all the facts. And whether or not the APA applies, the Constitution still does. Due process, notice and a fair hearing, she should have been able to produce this evidence. With that, I'd submit this to the City Attorney.

MAYOR PRO TEM REESE

Thank you.

BRAD JERBIC

Thank you Mr. Mayor Pro Tem. Let me first of all make a record that I have prepared a notebook that has a number of documents; and it is titled Record On Appeal - Sheila Logan. I have filed it with the City Clerk. I'd like to make it part of the record at this time. I've also provided a copy of this to Ms. Logan's attorney and to each member of the Council and yourself. If you'll turn to Tab four in that particular binder, you'll see the Notice of Appeal for Sheila Logan dated July 26, 2004. In the Notice of Appeal, Ms. Logan's attorney argues in points one and two that she, excuse me, points one and three, that she was denied the presence of counsel under Nevada Revised Statutes 233B.121, and on number three that she was denied her due process rights as a result of not having her counsel at the Child Care Licensing hearing on July 26, 2004, (inaudible) July, June 9th, 2004.

The City's response is pretty simple. Two thirty-three B on its face is pretty clear. It applies to State administrative agencies, it doesn't apply to City's agencies and so, we think it has no

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VERBATIM TRANSCRIPT – ITEM 43

applicability in this hearing. We also challenge factually the allegation that she was denied her right to counsel. There was an allegation by Ms. Logan that she asked or, and I'm paraphrasing now, so if I'm wrong her attorney can correct me, but that she had asked to have her counsel present. She was told she wasn't entitled to have her counsel or couldn't have counsel or words to that effect. You will find that there's an affidavit behind Tab five of your binding, and this would be almost the very last Page in your book, from Don King, who, and I'll summarize, he says, my duties as City of Las Vegas Nevada Senior Licensing Officer for the Department of Business and Finance Services, Child Care Section, include the assistance of the processing of child care applications 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 Child Care Licensing Board the second Wednesday of each month. On May 28th, 2004, Grace Jimenez-Kraft and I, as License Officers, conducted an initial license inspection of the residence of Sheila Logan, 6309 Guadalupe Avenue, Las Vegas, Nevada, 8910, 89108. Ms. Sheila Logan, who was present during inspection, had filed an application for a new child care license. Ms. Logan was scheduled to be heard by the Child Care Licensing Board at its regularly scheduled meeting on July 9th, 2004. As part of this initial inspection process common for child care licensing, an officer is 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 could bring her attorney with her to the Child Care Board hearing. 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. That's Mr. King's affidavit, and I think –

MAYOR PRO TEM REESE

Mr. – Jerbic, just for a point of clarification, to correct the record, you said the meeting was held on July 9th. It was June 9th.

BRAD JERBIC

That's correct.

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174 **MAYOR PRO TEM REESE**

175 Okay. Just, let the record show. Are there any questions of Mr. Jerbic and or the applicant's
176 attorney? Seeing no questions –

177

178 **COUNCILMAN MACK**

179 Mayor Pro Tem, I do have a question for Mr. Jerbic. So, the recommendation from the, from
180 your office is to pass this back to the Child Licensing Board?

181

82 **BRAD JERBIC**

183 No, our recommendation is to go forward today. There was a full hearing at the Child Care
184 Licensing Board. I will dispute, I think, some of the factual assertions that were made during the
185 opening comments with respect to what was admitted and what was not admitted at the Child
186 Care Licensing hearing. But we think the record is complete at that point in time and it's the
187 Council's duty to review the record and he, rule on the points raised and the motion for appeal.
188 We're ready to go forward today.

189

190 **MAYOR PRO TEM REESE**

191 Are there any other comments from the Board? Any – questions of hearing it today or sending it
192 back to the Licensing Board.

193

194 **COUNCILMAN WOLFSON**

195 Mayor Pro Tem, please.

196

197 **MAYOR PRO TEM REESE**

198 Yes.

199

200 **COUNCILMAN WOLFSON**

201 My focus right now is whether this applicant truly understood that she had the right and the
202 ability to have a lawyer present at the Licensing Board. I've read the affidavit from Mr. King
203 that Mr. Jerbic just read, and Mr. King says, during this meeting with Ms. Logan she asked if she

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204 should bring her attorney, if she should, bring her attorney with her to the Child Care Licensing
205 Board meeting. And then Mr. King's affidavit goes on to say, at that time I advised Ms. Logan
206 that she was welcome to bring her attorney. However, the Board Members would want to hear
207 what she had to say in support of her application. On its face, that seems to suggest that this
208 applicant was advised, just as the affidavit says, that she's welcome to bring her attorney. My
209 request, perhaps, would be to consider having the applicant sworn today and to hear from her
210 directly as to what occurred during that conversation. That would be my request, Mayor Pro
211 Tem, on this issue in particular.

212

213 **MAYOR PRO TEM REESE**

214 That'd be fine.

215

216 **PUOY PREMSRIRUT**

217 I have no objection to that.

218

219 **MAYOR PRO TEM REESE**

220 Ms. Ronemus.

221

222 **SHEILA LOGAN**

223 Thank you.

224

225 **BARBARA JO RONEMUS**

226 Would you raise your right hand, please. State your name for the record.

227

228 **SHEILA LOGAN**

229 My name is Sheila Logan.

230

231 **BARBARA JO RONEMUS**

232 Do you swear to tell the truth, the whole truth and nothing but the truth, so help you God?

**CITY COUNCIL MEETING OF
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233 **SHEILA LOGAN**

234 I do.

235

236 **BARBARA JO RONEMUS**

237 Thank you.

238

239 **MAYOR PRO TEM REESE**

240 Thank you. Are there any questions, Mr., Councilman Wolfson?

.41

242 **COUNCILMAN WOLFSON**

243 Thank you. Without opening this up into a whole discussion, you understand my focus?

244

245 **SHEILA LOGAN**

246 Yes, Sir.

247

248 **COUNCILMAN WOLFSON**

249 Do you remember the conversation you had with Mr. King?

250

251 **SHEILA LOGAN**

252 Yes, Sir, I do.

253

254 **COUNCILMAN WOLFSON**

255 Could you please relate what you recall you said initially, who brought up the subject of attorney
256 first and what conversation occurred?

257

258 **SHEILA LOGAN**

259 I brought up the subject of attorney because he let me know that there was an issue with getting
260 the license. He basically told me what their concerns were and I let him know that I knew this
261 information was there and so I obtained attorney prior to turning in my application. Do I need to
262 bring my attorney to the Board hearing? His answer to me was the Board does not want to hear

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263 your attorney. You are welcome to bring your attorney, but they're not gonna wanna hear from
264 your attorney. They want to hear from you. My understanding was there was no need to bring
265 her if they're not gonna hear from her, they want to hear from me. That's what was said.

266

267 **COUNCILMAN WOLFSON**

268 You understood then that you had the right to ask that your attorney accompany you to the
269 hearing?

270

271 **SHEILA LOGAN**

272 Yes, Sir.

273

274 **COUNCILMAN WOLFSON**

275 Did you communicate that to your attorney?

276

277 **SHEILA LOGAN**

278 Yes, Sir. But my feelings, with the way he answered, the, what, of what he said to me was the
279 Board was not going to listen to an attorney, they wanted to hear from me. Not my attorney.
280 That's what I understood. Yes, you can bring your attorney, because you have an attorney, but
281 they're not gonna listen to your attorney. They want to hear from you, because this is about you.

282

283 **COUNCILMAN WOLFSON**

284 And, Mr. Jerbic –

285

286 **SHEILA LOGAN**

287 And so my – understanding was there's no need to bring an attorney if they're not gonna listen to
288 the attorney.

289

290 **COUNCILMAN WOLFSON**

291 Thank you. And, Mr. Jerbic, for clarification in my mind, the conversation that the applicant is
292 now relating that she had with Mr. King, occurred when, in relation to the actual hearing before

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293 the Board?

294

295 **BRAD JERBIC**

296 I don't really know the exact date, maybe the, Ms. Logan can answer that. But I do know that
297 the representations that were just made are somewhat inconsistent with the representations made
298 in point one of the appeal, which dated July 26th, 2004, behind Tab four. If you'll look at
299 number one, if I may, Councilman Wolfson, number one says presence of counsel pursuant to
300 NRS 233b.121, any party's entitled to be represented by counsel at administrative hearings.

01 Well, you've heard our argument that it doesn't apply, but going on, petitioner, when asked
302 whether counsel could be present was advised not to have counsel present at the hearing. Which
303 I would suggest is materially different than what you just heard under oath.

304

305 **COUNCILMAN WOLFSON**

306 Do we have a – clarification, please?

307

308 **PUOY PREMSRIRUT**

309 May I – respond to that? My understanding is that while she – might have been able to bring
310 counsel, I believe that Mr. King's remarks made it – obvious to Ms. Logan that counsel would
311 not be heard from and that it would be frowned upon to have counsel present when the Board
312 just wants to hear from the applicant. So whether or not that's a flat out prohibition for presence
313 of counsel, I still think that that's a statement to dissuade presence of counsel.

314

315 **MAYOR PRO TEM REESE**

316 If – I could ask, was you the applicant's attorney at the time?

317

318 **PUOY PREMSRIRUT**

319 That is correct.

320

321 **MAYOR PRO TEM REESE**

322 And you didn't – question or not whether you was, you would be there? I mean, to me, you

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323 would have the knowledge, being an attorney, that you would, you could be there, you could ask
324 questions, you could defend her at this time?

325

326 **PUOY PREMSRIRUT**

327 Actually she had proceeded at this – time without my involvement, although I had been retained
328 previously. And I believe when I – asked her, without waiving attorney-client privilege, whether
329 or not she would need me there, specifically she relayed to me the comments that they would not
330 want to hear from me.

331

332 **MAYOR PRO TEM REESE**

333 But why – didn't you, at this time, being her attorney, ask questions about why? I mean, to me,
334 you, if you're representing this – applicant, then you would say I don't believe that's true. I
335 think that we, any hearing like this, I could be present and I could – ask questions and – be there
336 as your representative.

337

338 **PUOY PREMSRIRUT**

339 Well, I – believe, based on her dealings independent of me at the time with Mr. King and the
340 Licensing, she believed at this stage that – my presence was, would be frowned upon.

341

342 **MAYOR PRO TEM REESE**

343 But again though, you're the attorney.

344

345 **PUOY PREMSRIRUT**

346 I understand.

347

348 **MAYOR PRO TEM REESE**

349 And I – think you, it would have been prudent upon you to say I need to be there.

350

351 **PUOY PREMSRIRUT**

352 At this point, she had retained me for one or two preliminary meetings. I had not been part of the

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 43

353 application process. And that was the scope of my engagement.

354

355 **COUNCILMAN WOLFSON**

356 Mayor Pro Tem, may I please have a clarification as to when the conversation with Mr. King
357 had, in relation to the actual hearing? Day before, week before?

358

359 **SHEILA LOGAN**

360 I want to say a week before. I was, it was, he came and did the inspection and then I was upset
361 for the next hearing. So, it was right in the same week period.

362

363 **COUNCILMAN WOLFSON**

364 Thank you.

365

366 **MAYOR PRO TEM REESE**

367 Thank you. Are there any questions or comments? Any further questions or comments? I – feel
368 that, you know, we can proceed and listen to what the attorneys have to say and at that time I
369 think we can make a decision then whether we want to turn it back to the hearing board or make
370 a decision. So, I – feel that the applicant's attorney should – go forward first.

371

372 **PUOY PREMSRIRUT**

373 Sure – and – essentially I'm – arguing here without a record. So, I – understand there'll probably
374 be, not without this record, but without an opportunity of having to present evidence on behalf of
375 my client. So, basically I can –

376

377 **MAYOR PRO TEM REESE**

378 Have – you – been, have you had the –

379

380 **PUOY PREMSRIRUT**

381 I've had the records, that is correct.

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382 **MAYOR PRO TEM REESE**

383 – records of the – hearing, the Child –

384

385 **PUOY PREMSRIRUT**

386 I am – in possession of the transcript as well as the notice of denial, the findings of fact and
387 conclusion of law and – unfortunately I'm only – prepared to proceed with what we were not
388 able to produce, what we were not able to tell the Licensing Board. So with that – liberty, I don't
389 know if not only the City Council but the City Attorney will grant indulgence for me to continue.

90 I – understand that an appeal, you're – limited to the, what is on the record, which has been the
391 most formidable obstacle for me in proceeding with this.

392

393 **UNIDENTIFIED MALE SPEAKER**

394 (inaudible) there's a statute that says (inaudible) grant a license or deny a license. I'm not saying
395 you (inaudible)

396

397 **MAYOR PRO TEM REESE**

398 To the – attorney of the applicant, do you have any argument regarding whether the Board has
399 cause to deny Ms. Logan's application? And Mr. Jerbic, do you have arguments about whether
.00 the Board had good cause for the denial?

401

402 **BRAD JERBIC**

403 I do, Mr. Mayor Pro Tem.

404

405 **PUOY PREMSRIRUT**

406 All that I can say, all that I can reiterate is what is on the record. The Board has the discretion to
407 – support or deny the application. However, what – was presented was entirely one-sided and –
408 that's all I can really reiterate to the Council. Here you have charges for murder. What I don't
409 think was emphasized or what was – articulated was why wasn't she convicted? You've got
410 conflicting evidence or conflicting statements. Well, it was – a technicality with jury instructions
411 or that the District Attorney decided not to prosecute after several attempts due to financial

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412 reasons or financial concerns. Well, I'd like to think that the District Attorney's office is much
413 more vigorous in prosecutions of – homicides, especially for babies and that no financial
414 concerns would reign supreme over that. So that's – something I'd like to raise to the attention.
415 There are also incidences of Mr. Logan and his improprieties dealing with solicitation, but all – I
416 can address with that is if your life partner's being charged for murder and this is a four-year
417 grueling process, it's gonna take a toll on your marriage. And they – have sought counseling,
418 they – have dealt with that internally.
419 With respect to the – 22-year old charge for property crime, that – has been long dealt with and I
420 believe 22 years old is outside of the consideration for the Council.

421

422 **MAYOR PRO TEM REESE**

423 Well, I – definitely don't have, I've – always felt like that there's a due process in many courts. I
424 don't feel like I'm a judge of anybody or – the process that we – follow here at the City Council.
425 I know that the City Council, through the Mayor's leadership, we've been very fair with every
426 application that's come before us and I – have no problem, I don't feel like, that if we send this
427 back to the Licensing Board, I would ask Mr. Jerbic or maybe even our City Attorney sitting up
428 here representing us, whether there'd be any problem if we send this back to the Child Care
429 Licensing Board? Are we setting a precedent or, I – understand that the need for representation
430 at the first hearing, the applicant doesn't feel like she had the availability of an attorney. And I
431 feel like that rather than us sit up here, I – definitely I feel that this Council can make hard
432 decisions, we have in the past, but I just wonder if we – feel like up here, my other Council
433 members, if she had, you know, justification and clarification at the first hearing through the
434 Child Care Licensing Board.

435

436 **JOHN REDLEIN**

437 If the question is put to me, Mayor Pro Tem, when I look at our code about the limited amount it
438 tells us what we're here to do today, it says upon the City Council hearing the appeal, you have
439 the power to affirm the Board's decision or direct that the Board grant the applicant's license.
440 So, you, you're supposed to render an up and down, or down on this appeal. I'm not saying that
441 you don't have the power to remand it. I doubt that you have the power to order the Board to

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reopen and conduct a new hearing or a supplemented hearing for her. But I don't doubt that you could pass your business today and allow her an opportunity to apply down below and leave it to the Board to decide whether or not now that she's got counsel standing by her side that they should reopen it and let her put more evidence in. But I think it's their call whether they do it. I would suggest that there are a couple of issues, if that has any appeal to you. And you can hear from Mr. Jerbic about his position on it, but we'd have to have agreement that there wouldn't be any complaints about the delay, in the scheduled appeal today. She'd have to understand that there's no guarantee that the Board would grant her that rehearing. That it's within the Board's discretion to reopen their business. That if there was a rehearing, that there's no guarantee of a different outcome. And finally, if she goes back and gets a rehearing with Ms. Premsrirut standing at her side, I would hope that that's the last we would hear of the argument that in June she didn't have Ms. Premsrirut standing at her side. That this issue would be ended.

COUNCILMAN MACK

May –

MAYOR PRO TEM REESE

I'll have comments from the Council members on this.

COUNCILMAN MACK

Mayor Pro Tem?

MAYOR PRO TEM REESE

Yes?

COUNCILMAN MACK

You know, I'm quite abreast to this sorrowful situation and Ms. Premsrirut and Ms. Logan did come and visit me in my office. It does reside, it, the perspective business does reside in Ward 6 and I'm having – some difficulty becoming the judge and the jury up here on such a complicated case. And I'm always one to believe in the due process fact as well.

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472 What I, the one question I do have, Mr. Redlein, in regards to what our code says of voting up or
473 down, don't we also have the opportunity in the afternoon agenda, if there's a planning decision
474 to, on a site plan review, to send it back down to – the Planning Commission; isn't that
475 something similar?

476

477 **JOHN REDLEIN**

478 Sure. I think if you think that the record is incomplete, you, that – makes sense to me. And
479 that's a good argument, supporting the fact that a remand is within your capability. And I'm not
80 suggesting that the statute that says up or down means you can't do it, it's just not specified.

481

482 **COUNCILMAN MACK**

483 I – would feel comfortable to give her the – opportunity to be represented by the Child
484 Licensing Board and, if it's the comfort level of this Council, maybe we – condition it that that
485 recommendation goes back to the Council for final approval. I don't know if that can be done.

486

487 **MAYOR PRO TEM REESE**

488 Councilman Wolfson.

489

490 **COUNCILMAN WOLFSON**

491 Thank you, Mayor Pro Tem. I believe in due process too. I work in that section of our laws
492 every day. The trouble I have with respect to Councilman Mack's suggestion is that this
493 applicant was told that she could have a lawyer there. And she had a lawyer in some respect
494 already engaged in this process. And after the applicant was told that she could have a lawyer
495 there, she had conversations with her lawyer. And I don't want to impede on the privilege of
496 attorney-client, but, you know, reading between the lines, for whatever reason, counsel was not
497 present but this applicant knew she could have had a lawyer there. So it's not like she was told,
498 no, you can't and no, you shouldn't. Let – me finish, please.

499

500 **PUOY PREMSRIRUT**

501 Sure, absolutely. Sure.

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502 **COUNCILMAN WOLFSON**

503 Secondly, this applicant is not new to our system. Now, I'm going to make a distinction in just a
504 moment, but this applicant has been involved in our justice system in a number of ways over the
505 years. She's probably had lawyers before. So this is not a thing of first impression, in my
506 opinion, that, Oh, my God, I've never had a lawyer, I don't know whether I need a lawyer at all.
507 And then finally, I'll draw the distinction between a criminal case, where certainly, unless it's a
508 petty offense, one must be afforded a lawyer. This is not that kind of case. This is an
509 administrative proceeding. And, correct me if I'm wrong, Mr. Redlein, but this is an
510 administrative proceeding we're talking about before the Board.

511 I'm not saying I'm against Councilman Mack's recommendation, but I think, in fairness and in
512 the analysis of being fair, there are two sides to consider. That's one of the applicant and that's
513 one of the City of Las Vegas and the – Board itself. So I just thought it would be prudent for me
514 to make those observations.

515

516 **MAYOR PRO TEM REESE**

517 Thank you, Councilman. I would – ask the Board members, I think that we can have a motion,
518 whether to hear it today or to send it back to the Child Licensing Care – Board. And if that's
519 what we choose to do, is hear it today, or to send it back, I think the Council members should
520 cast their vote on that. Councilman Brown?

521

522 **COUNCILMAN BROWN**

523 Yes. Thank you, Mayor Pro Tem. If Mr. Redlein could again define, when you mentioned one
524 option is to hear it today, if we do hear it today, are we not restricted to just the record that
525 verbatim transcript of the Child Care Licensing Board meeting?

526

527 **BRAD JERBIC**

528 If I could, before Mr. Redlein answers, I – believe I know the answer Mr. Redlein will give you
529 will be that you are restricted to the – record below and the issues on appeal. I will tell you as
530 I've heard the discussion and I've heard Ms. Logan's attorneys argue that she feels that she's
531 without enough arguments, because they weren't made down below, I do not intend to object to

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532 any argument that Ms. Logan's attorney makes based on the record down below and any
533 argument she wants to make out of that record. I think everything that she said during her
534 opening and – her arguments was perfectly fair comment. They're strong arguments in favor of
535 the applicant and she has every right to make them. So I – do intend, at least from the City's
536 point of view, to give her wide berth. I've heard the Mayor many times said during these
537 hearings we want to be absolutely fair and give everybody every opportunity to say everything
538 they need to say to present their case and, even though technically, there were things that may
539 not have been introduced below or argued down below, based on this record, I don't intend to
40 deprive her of any argument.

541

542 **MAYOR PRO TEM REESE**

543 Thank you.

544

545 **COUNCILMAN BROWN**

546 Mayor Pro Tem, perhaps without detail, you're – saying that this verbatim transcript that I think
547 you've reviewed, very compelling. There's some significant testimony in here. But you feel that
548 with this verbatim transcript, there are some things that you feel were not raised on behalf of
549 your client that could – certainly balance the testimony that was given?

550

551 **PUOY PREMSRIRUT**

552 May I respond? That is – correct, Councilman Brown. Not only is the ability to cross examine
553 witnesses a very powerful tool, but I also believe that there are several witnesses who are ready
554 or would have been ready to come forward on behalf of – Ms. Logan.

555 And – if I may respond to Councilman Wolfman, Wolfson's comments previously, if I could
556 draw your attention to Page four of Tab –

557

558 **COUNCILMAN BROWN**

559 Hold on just for a sec.

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560 **PUOY PREMSRIRUT**

561 Oh, sorry.

562

563 **COUNCILMAN BROWN**

564 You can – handle that later. A couple concerns that I would have, Mayor Pro Tem, one is the
565 Child Care Licensing Board. I mean, they are – charged with just what they've done. They have
566 provided us with a record. We are asked to evaluate that record. And I have some concern with
567 us moving away from that protocol, even though this seems to be a unique situation. I did note
568 in the record, that, at that meeting of June 9th, 2004, that there were four Board members present,
569 two absent and one excused. Majority present, but certainly the – entire Board was not there. I
570 get very concerned when we change that protocol and – remand or possibly remand it back.

571 A second concern, and this is something that was touched on very briefly, but I think it's – very
572 important is the affidavit that Mr. King has sworn to. And I'll defer to the – legal opinion that
573 was offered or – with legal experience, the opinion that was offered. But I have concern that we
574 have an employee that has been in this business for a very, very long time. I know it's many,
575 many years, with an affidavit indicating that, exactly what was said, at least had the opportunity
576 for legal present. I'm concerned that we are now going to go against, we're going to make our
577 public employees become attorneys out there if we have to start having them walk around with
578 cards that recite certain things by City code. Or maybe that's what we have to get to. I – hope
579 not. But I – with Mr. King's experience and – reputation in this – area, I, I'd be concern that
580 we're basically saying that he didn't provide enough information or enough accurate information
581 for – an applicant to move forward. That would be a second concern.

582 And – we come back to the original question. If there, this would be directed to Mr. Jerbic, if
583 there's some compelling evidence or information or absence of the opportunity to provide that,
584 that was, that could have been available June 9th, by an attorney, then that would somewhat sway
585 my decision. Do – you feel, and I'm not sure if there's been dialogue between you and the
586 applicant's attorney, do you feel that there's something there that is absent in our record before
587 us today?

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588 **BRAD JERBIC**

589 Based – on what I’ve heard, I’m not sure I can completely answer the question, based on what
590 I’ve heard, I don’t think there’s anything material. I, and let me back up for moment and explain
591 perhaps my position a little bit better and – some of the history here.

592 First of all, and this is by way of argument, it does seem rather absurd to me that an individual
593 and I think – Ms. Logan works with County Licensing or has had work with County Licensing,
594 pretty familiar with these processes and how they go, has an attorney prior to a hearing, is told by
595 her account that we want to hear from you but you can bring your attorney. By Mr. King’s
596 account, that she’s certainly welcome to bring her attorney, they want to hear from her. Either
597 way you slice it, she’s told that she can have her attorney present. She knows how the system
598 works and she knows that there’s evidence that she wants to bring forward. And yet, even with
599 this information, we have a hearing, she brings no witnesses except herself and her husband and
600 the – record is produced. Now what I heard Ms. Premsrirut say earlier is that there are things
601 that if I were there I would have said. And what I heard her say were things like I would have
602 talked about her care for the baby. And how many times she took her to the doctor. And I
603 would have talked about the fact that this child was sick and had problems, or whatever.

604 I don’t, that’s all fair argument for the facts that are in this record. I have no intention of
605 depriving her of those arguments. But I think if there is a material fact, something significant
606 that affects this particular record, I have yet to hear it. And I don’t intend to deprive Ms. Logan
607 of her attorneys’ right to argue anything within the four corners of this record.

608

609 **COUNCILMAN WEEKLY**

610 Mayor Pro Tem?

611

612 **MAYOR PRO TEM REESE**

613 Yes.

614

615 **COUNCILMAN WEEKLY**

616 Just real briefly, my comment would be that we have the transcripts before us as well as the
617 affidavits and all this information that we have all read or are in the process of reading as we sit

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here. I too agree that I believe that Mr. King does a thorough job in what he does. But I, in what I've read and what I'm hearing here today is that there was just an area of misunderstanding in the communications, as far as I'm concerned. I mean, and that happens. I mean, you know, you say you can bring your attorney, but we're not going to hear from him. You know, we want to hear from you. And so, I mean, I – could probably understand, and again, not – taking anything away from Mr. King, because I believe he does a fine job in what he does, but I just believe that there was just some, an area of misunderstanding in communicating what – did he really mean. Because, I mean, if you already have an attorney, I mean, why not bring him? But, if you're not going to be able to hear from him, I mean, time is money and money is time, and I'm sure that was probably a factor as well. And so, I mean, I just think that it's, I like, in fact, what Councilman Mack said and I support that. I mean, and I just think that we're going round in circles here that we could maybe bring this thing to full circle and make a decision one way or the other. Because I understand that this is a very sensitive issue here, especially when we're talking about the life of a baby. And this whole situation and possibly looking at a license for child care. But I mean, from what I'm hearing here today, again, it sounds to me just like a misunderstanding in communications.

MAYOR PRO TEM REESE

Thank you.

COUNCILMAN WEEKLY

And I – do believe that a due process should be given. And it'll be easy from there.

MAYOR PRO TEM REESE

Thank you. Councilman Brown?

COUNCILMAN BROWN

This will be my last comment, Mayor Pro Tem. I likewise appreciate what's been stated, but if – the motion stands, I'm not going to support the motion to remand or send it back for very specific reasons. One is we have a record, I think it's a compelling record. I think the Child

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648 Care Board, Child Care Licensing Board did their job. Specific questions and opportunities were
649 given to the applicant to address some – areas of concern and – likewise, Councilman Wolfson's
650 questions geared towards the representation, the fact that the applicant chose to tell her attorney
651 that she could come but she may not be needed, that – that's poor communication and that seems
652 to be the crux of part of the argument we're being, that's before us today. We've heard
653 communication with Mr. King, we've heard communication with the client and her attorney, a
654 meeting was cancelled with my office because, quote, poor communication. That's not in my
655 mind grounds for going against our protocol, a very significant record and an affidavit. I'm
.56 going to support the Child Care Licensing Board decision.

657

658 **MAYOR PRO TEM REESE**

659 Thank you. Councilwoman Moncrief, you have any comments?

660

661 **COUNCILWOMAN MONCRIEF**

662 Thank you, Your Honor. I agree with Councilman Brown. I think that all the due processes
663 come forward and I agree with Brad Jerbic that I think we should hear this today. Excuse me,
664 and, Councilman Wolfson, I agree that she had the right for an attorney there and decided not to,
665 in whatever way she decided. So I think we should move forward.

.66

667 **MAYOR PRO TEM REESE**

668 Well, I also feel quite comfortable with knowing that the attorney was hired at that time and she
669 could have made the decision herself, and I think she should understand that. Councilman Mack,
670 would you like to make that motion?

671

672 **COUNCILMAN MACK**

673 I'm going to have to offer a maybe a side –

674

675 **MAYOR PRO TEM REESE**

676 Let's go down the – right road, the straight road.

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677 **COUNCILMAN MACK**

678 Okay. The straight road is I'd like to give an opportunity, and it doesn't sound like we, I have
679 the support from this Council. I don't know, Ms. Premsrirut, you're ready to move forward with
680 that decision today. If you need more time to – reflect the record. I know Brad's given you time
681 and he's said that the boundaries are unlimited. So I'd like to open it up for you and hear your
682 comments, otherwise I – need to make a motion.

683

684 **MAYOR PRO TEM REESE**

685 Well, I – at this time I want you to make a motion whether we send it back or we hear it today.

686

687 **COUNCILMAN MACK**

688 I would propose we hear it today.

689

690 **MAYOR PRO TEM REESE**

691 So the motion then is to have the – case heard at this time.

692

693 **COUNCILMAN MACK**

694 Yes.

695

696 **MAYOR PRO TEM REESE**

697 Okay. That's the motion. Please cast your vote. Are there any questions on the motion?

698

699 **COUNCILMAN BROWN**

700 Mayor Pro Tem, and that, to hear it today is within the parameters that we are bound to hear?

701

702 **MAYOR PRO TEM REESE**

703 Yes.

704

705 **JOHN REDLEIN**

706 That's correct.

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707 **MAYOR PRO TEM REESE**

708 Please cast your vote. Please post, Roni. Motion carries. (Motion carried unanimously with
709 **GOODMAN** abstaining because **ATTORNEY PREMSRIRUT** is the law partner of his son
710 **ERIC GOODMAN**.)

711

712 **JOHN REDLEIN**

713 Mayor Pro Tem, I just suggest that you refocus the attention, first from Ms. Premsrirut and then
714 from Mr. Jerbic, about whether or not the Board had good cause for the decision it made, and
15 argue that record.

716

717 **MAYOR PRO TEM REESE**

718 I – think they understand that. So, I’m going to ask the applicant’s attorney to present her case,
719 why – she should be licensed as a child care facilitator, facilitator.

720

721 **PUOY PREMSRIRUT**

722 Well, unfortunately, I’m at a severe disadvantage, but in – light of the vote, I will move to
723 proceed. Sheila Logan, the applicant here, has worked with the County approximately 15 years
– 724 in licensing, she has three children of her own. She is a valued member of the community. Not
25 only has she donated considerable time to elementary schools and cared for children, but she has
726 also donated her time to ministries and various programs to help for the care of children. And
727 Mr. Jerbic’s probably going to oppose, I – do have a packet that I don’t know if he would be
728 willing to look at. These were items that we were hopeful that would have been considered by
729 the City Council, either on a remand or today. And if you could just have an opportunity to
730 review it while I continue to address the Council.

731

732 **MAYOR PRO TEM REESE**

733 Do you have a copy of that you could give to our City Clerk, for the record, please?

734

735 **JOHN REDLEIN**

736 Mayor Pro Tem?

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737 **MAYOR PRO TEM REESE**

738 Yes?

739

740 **JOHN REDLEIN**

741 I just want to point out something, that what she initially started out asking for was a new
742 hearing where she could present new evidence to the Board. Our ordinance says that this review
743 is on the record that was created before the Board and that it should be arguing about what came
744 in down there. So she didn't give her new hearing before the Board and now she's tried to create
45 a new hearing on the appeal. So, you can let things in if you want, but she is bound according to
746 our law, on arguing on the record that already exists.

747

748 **MAYOR PRO TEM REESE**

749 (inaudible)

750

751 **COUNCILMAN BROWN**

752 Mr. Redlein, I appreciate that. One of the things that I would like to do, if it doesn't cross that
753 boundary that you have stated, is just get a sense of what could have happened. I think that
754 would be relevant, at least. Again, I go back, this is a compelling testimony. The record is clear
755 from the City, from the Licensing Department, from Metro. I'd – just be interested to see what is
756 missing that an attorney or the representation could have provided that, I just, if that – doesn't
757 stretch that boundary.

758

759 **JOHN REDLEIN**

760 Let me – tell you what the reality is. Mr. Jerbic has a position, and he's (inaudible) supporting
761 staff to her licensure. If you rule against Mr. Jerbic today, I can pretty much guarantee you he
762 isn't going to try to appeal you to court. So if you have any transgressions that work in her
763 favor, you know, because you want to hear it all today and you make the call, you aren't going to
764 suffer any ill effects from that. So if you want to let her go beyond the record, you're not going
765 to be hurting yourself.

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766 **BRAD JERBIC**

767 I – agree. I’ve had an opportunity to read the packet and let me just say, for the record, that
768 under Tab four of the fourth point raised on Page two of the appeal is remedial measures that Ms.
769 Logan would use to help guarantee that there wouldn’t be a problem with any children in her
770 care. There’s a substantial portion of this packet that deals with those kinds of measures, web
771 cams and how they would examine children when they came in. Not to mention the type of
772 ministry that she appears to be associated with. I don’t have any objection to any of this packet
773 coming in. I think it’s, I’d just view it as supplemental to their appeal.

74

775 **PUOY PREMSRIRUT**

776 Thank you. Okay, with – that being said, what we have introduced are – items that show what
777 Ms. Logan has dedicated her life and resources to doing. Going back to the criminal history,
778 how – do you disprove a negative? How do you disprove having been charged with a crime and
779 then not subsequently convicted and then having sergeants and prosecutors come forth saying
780 well, this could have happened and this would have happened. Now I’m in that same situation.
781 Ms. Logan spent four and a half years of her life vindicating herself of this crime. She was not
782 charged. You – were not able to understand the nature of the baby, the victim, who – passed as a
783 result of previous miscare by an 81-year old foster parent who had never taken the child to a –
784 physician. The child in essence had no – medical records. Ms. Logan cared for this child with
785 all her heart, every anniversary, she attends the baby’s birthday at the gravesite. I, not to pull on
786 heart strings, this is the kind of woman that – Ms. Logan is. She has, in the packet, received
787 letters of recommendation from numerous members of the community, including a principal
788 from Brinley Middle School, to demonstrate what service she’s provided.
789 Not only that, what – we’ve offered to do is every single person that would be cared for by Ms.
790 Logan has full disclosure and would sign an affidavit understanding these – previous allegations
791 and the entire history that is of this record. While the intent, I understand of the licensing
792 statutes is to protect the community from harm, these are citizens who know Ms. Logan for ages,
793 have children that they are prepared to place with her home. What this packet does is show you
794 what remedial measures she is willing to incur at her own expense just so she can tend for
795 children that she loves. This has been her life long dream, which is why I’m here today. She,

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796 this is something to where she has had to come forth and try to explain why she wasn't
797 convicted. And the fact that she wasn't convicted should – be what resonates in – the Council's
798 minds. Unfortunately, again, we were not able to bring forth her prior, previous attorney, Mr.
799 Cone, who is now with the District Attorney, so there is sort of a disincentive for him to testify.
800 We were not able to bring the coroner who did inform Ms. Logan that the baby would not have
801 lived past six years, that the baby had substantial drug history. I know that there's evidence in
802 here, but those were statements made to Ms. Logan by the coroner.

803 With that being said, I – know that there was evidence to support the Board's denial of her
.04 license application, but again, without a – without an opportunity to put forth extrinsic evidence
805 and to come back and refute what was presented by the sergeants and the prosecution, we just
806 submit this with an understanding that the citizens who would be seen by Ms. Logan, who would
807 be cared for, would be protected by web cams, by appropriate disclosures and would be willing
808 to register with the Licensing Board at the expense of Mrs. Logan. You have private citizens
809 willing to contract with full knowledge, full disclosure. And with that, we would beg on the City
810 Council to understand those remedial measures in our favor.

811

812 **MAYOR PRO TEM REESE**

813 Thank you very much. Mr. Jerbic.

814

815 **BRAD JERBIC**

816 Thank you, Mr. Mayor Pro Tem, members of Council. Let me start with Las Vegas Municipal
817 Code 6.24070, sets forth grounds for which a child care license may be denied. And it states in
818 relevant part that an application for a child care facility license or renewal thereof may be denied
819 upon any of the following grounds. 4. An applicant for a child care license who will provide
820 child care in a family care home or group home for child care is found to have a home
821 environment which is not conducive to the health, safety, morals or welfare of children. Such
822 home environment may include, without limitation, the following conduct by an applicant,
823 perspective employee, volunteer or person living in or frequently visiting the site of the family
824 care home or group home, and then it goes on to list a number of things, but I think relevant here
825 is e) violent behavior. Number 5 also states that an application, an applicant after due

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826 consideration for the protection of the public health, safety, morals and welfare is found by the
827 Board or the City Council to be unsuitable to receive a license.

828 I would submit that there is overwhelming evidence in the record for the denial of this child care
829 license of this facility to this individual.

830 Let me start with the fact that the Metropolitan Police Department prepared a confidential report,
831 much as they prepared for the Las Vegas City Council many times, it's not part of the backup. It
832 wasn't included as part of the record. I'm not going to introduce it today, but Sergeant Regan
833 Alexander with the Metropolitan Police Department and Investigative Specialist Bobbie
34 Manning prepared a report that listed essentially four major areas of concern, which I will
835 summarize and read testimony from this morning.

836 The first area of concern was the death of a foster child that was in Ms. Logan's care, in July
837 1996. There's testimony in the record if you'll turn to Tab one of the binders that I've provided
838 you. And, if you'll turn to Page two of that particular record, you'll see that the Child Care
839 Licensing Board received testimony from Doug Herndon, the Chief Deputy District Attorney for
840 the Special Victims Unit in the Clark County District Attorney's Office, who was in charge of
841 the prosecution stemming from the death of Evan Watkins, that was the foster child in the care of
842 Ms. Logan and her husband. I'm going to read, starting at the bottom of Page two, the testimony
843 of Mr. Herndon. He states, Evan Watkins died in July of 1996, he was autopsied and found to
44 have severe inter-cranial injuries including bleeding around the spaces of his brain, brain
845 swelling, bleeding in the retinal areas of his eyes as well as a number of acute bruising areas to
846 his face, neck and buttocks. There was an autopsy done by the Clark County Coroner's Office,
847 by a gentleman, and then he goes on to say, who I don't think had a lot of expertise in child
848 abuse findings.

849 The death was ruled at that time, to be cerebral edema and accidental. There's no question, and
850 we're not going to contest it today, that the initial autopsy of Evan Watkins resulted in a
851 conclusion by the Clark County Coroner that the death was accidental. But it also, if you'll note,
852 showed a lot of the injuries that were due to the, that were inflicted on the baby, including
853 cerebral edema, which is bleeding, swelling of the brain.

854 Mr. Herndon continues to go on, our office, at the request of the Metropolitan Police
855 Department, consulted two forensic pathologists who had expertise in the area of child abuse

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856 and/or non-accidental type findings in deceased children. One of which was a national expert
857 known as Randall Alexander from the University of Iowa, who is a frequent conference speaker
858 on forensic findings in deceased children as well as Ellen Clark, who is a pathologist up in Reno
859 for Washoe County. Both of them examined the autopsy photos, tissue samples, slides and so
860 forth from the autopsy and determined that Evan Watkins had died as a result of a homicide.
861 That being intentional acts inflicted upon him consistent with something known as shaken baby
862 syndrome, wherein the child is violently shaken enough to shear bridging blood vessels in the
863 brain which caused bleeding into the inter-cranial spaces, subsequent pressure on the brain,
864 conflicting and compressing on vital areas which cause respiratory distress and/or cardiac arrest
865 in children usually occurring within several hours of the infliction of the event where death will
866 occur.

867 Then, he goes on to say, once the case was filed, the defense asked for Evan's body to be
868 exhumed for the defense doctor to examine him. So, at this point in time, we've had the Clark
869 County Coroner initially concluding cerebral edema, accidental, two new pathologists employed
870 by the D.A.'s office concluding shaken baby syndrome, not accidental homicide, and now a
871 fourth pathologist that is hired by Ms. Logan and – her Counsel to reexamine the baby. That
872 fourth doctor says, and this is according to Doug Herndon when he talked to her, that doctors
873 name is Doctor Karen Grist, he says, I had conversations with a Doctor Karen Grist, who was
874 present during the exhumation and did some examination of the body. She, in her conversations
875 with me, had some disagreement about the timing of the injury but not about the fact that it was
876 intentionally inflicted trauma which I thought was important, and about the fact that it would
877 have to be an adult person that inflicts that trauma because the only other people in the house
878 were small children who don't have the pubital muscular development to create the force
879 necessary to cause these injuries to a child.

880 Now, that's, some of that is Mr. Herndon's conclusion, but I think relevant to this is their own
881 pathologist concluded that these injuries were non-accidental.

882 In addition to that, and this is Mr. Herndon going on, still on Page three of the transcript. In
883 addition to that, my conversation with Ms. Logan's defense attorney in that case had indicated
884 that their defense was to indicate that Mr. Logan had been the perpetrator of the acts, which
885 caused the child's death either accidentally or by throwing or shaking the child, not realizing

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886 how much force he was inflicting or because, according to them, he was a somewhat violent
887 individual. Ultimately, the case went to the Clark County Grand Jury. It was presented, she was
888 indicted for open murder, which included either premeditated and/or deliberate murder or murder
889 by child abuse, either of those theories. We went through several trial settings that were
890 continued at the defense request, ultimately, we were about four years post death, sometime in
891 the year 2000, when the defense filed a motion before the district court on what I would refer to
892 quite honestly as a technicality on an instruction that was given to the jury, the grand jury about
893 the law. Not anything dealing with the sufficiency of the evidence but whether or not the grand
894 jury got the right legal instructions before they indicted Ms. Logan.

895 Let me stop there and – just state that we are not here today on behalf of the City arguing that
896 Ms. Logan's license should be denied and that the grounds that were before the Child Care
897 Licensing Board should be sustained because she was merely indicted. You've heard many
898 times from the Mayor, I know Councilman Wolfson knows this as a lawyer, other people know it
899 as well but an indictment is an accusation. It's a serious accusation but in this particular case
900 that particular accusation was thrown out by the District Court. Whether it was a technicality or
901 not, it was thrown out. We're looking at just the facts here today, whether there was a grand jury
902 that ever convened in this matter, I would submit is irrelevant. The facts are, we, this Board
903 needs to look at the household that Ms. Logan runs, what happens in that household and whether
904 or not it's the kind of environment that you want to see for individuals who drop their kids off
905 for child care.

906 The indictment, by the way, what – came down was only against Ms. Logan, I believe, it was for
907 murder and I believe what happened was there was a grand jury instruction given that was out of
908 date, that was superceded by new Nevada law. The court said that instruction should have never
909 been given and as a result, it had tainted the proceedings and, as a result, the indictment was
910 thrown out. Ms. Logan's attorney observed earlier that Ms. Logan has never be re-indicted and
911 the Clark County D.A's office has not revisited this at the grand jury level. Those facts, to my
912 knowledge, are true and, the, again, I'm – merely presenting to this Board the evidence that was
913 before the Child Care Licensing Board with the argument that it was substantial.

914 Going to Page four of the transcript, Ms. Logan testifies as to these facts. She says, and I'm
915 reading from the middle of the Page, we're still on Tab one, this is the second paragraph of Ms.

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916 Logan's testimony, and I'll read the relevant parts, I have three children of my own, my husband
917 and I decided even with the three at the time working for child haven, to go and adopt a child
918 because that's what I love, I love children. Unfortunately, this baby was placed in our home with
919 no medical records. We had no idea this baby was a fragile baby. The incident that occurred
920 was a joyful incident and no one ever says that. My husband had got a promotion on his job and
921 he'd picked up our other kids and was tossing them up. He picked up this baby and was tossing
922 him up. We had no idea this baby was medically fragile until after he passed away and we had
923 lived with that for six years, in and out of court, with this murder charge over my head and I
24 know I'm innocent. I'm, I am here to stand today to say I'm innocent. Scoping down a few
925 sentences, a question is asked, when you said that the baby was fragile, what does that mean?
926 What do you mean by that? Answer, you know we didn't know that, when we got the baby, we
927 were told by his case worker that this was a crack exposed child. That's what we were told. We
928 had him for about two and a half months. He passed away, the coroner came to our house and
929 that's how we found out this was a medically fragile baby. The coroner came to us and
930 explained to us that quote, didn't you know this child was fragile, you know, medically fragile,
931 that you couldn't do certain things with this baby? Ms. Logan goes on to state that they adopted
932 a, accepted the foster child when he was 16 months old, the baby died when it was 18 months.
933 Mr. Herndon comes back on the record on the next Page, on Page five, to address the issue of
934 whether or not this was a medically fragile baby and whether the fact that it was crack exposed
935 would have made a difference in the way it died. Mr. Herndon says, I'd like to respond to
936 several things. Doctor Randall Alexander does still involve himself in this area of medical
937 expertise. He is not at the University of Iowa anymore, he is out in Alabama now, I believe.
938 But, it was stated by him as well as the Clark County Coroner and Ellen Clark, from Reno, that
939 crack exposed babies don't lend themselves anymore to any other child to suffering shaken baby
940 injuries to the brain. The brains aren't fragile. The blood vessels aren't fragile. He did not have
941 any type of osteo-genesis, osteogenesis imperfecta or other blood disease, which would make,
942 him, would make him bruise easily.

943 Larry Logan, and then it goes to say that Larry Logan, this is Ms. Logan's husband, was shown
944 photos of Evans from autopsies where the bruises were depicted and specifically stated that those
945 bruises weren't there the last time he left the house before Evans was deceased. So, there was an

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946 issue of these types of things occurring with the child without somebody inflicting the trauma on
947 the child.

948 I think that based on this record below, there's only one thing that you can conclude, that
949 whether this baby was, had a crack mother or not, whether it had been crack exposed or not is
950 irrelevant. The fact of the matter is, these types of injuries are inflicted by adults. They are not
951 accidental injuries, three coroners state that they're not accidental injuries and whether or not this
952 resulted in an indictment or not, I think the record abundantly supports the fact that this baby
953 died as a result of a homicide while in Ms. Logan's care.

954 That was the first area of concern listed by the Metropolitan Police Department. Two additional
955 areas of concern involve Mr. Logan himself. Turning to Page seven of the transcript of the Child
956 Care licensing hearing, investigative specialist Manning summarizes incidents that occurred with
957 respect to Mr. Logan. Top of Page seven, the first incident on August 9, 2000, Mr. Logan was
958 issued a citation for the purposes of prostitution wherein he approached an undercover vice
959 detective and solicited her for a prostitution act. He was arrested, and the citation at the time was
960 for solicitation of prostitution. Excuse me. When he went to court, he plead guilty to the charge
961 and was sentenced to attend John School. The John School is a program for individuals who
962 pick up programs, they, the slang term for individuals who pick up prostitutes are called johns.
963 He went to what's called the Johns Program. If you go to that program and you successfully
964 complete it, your citation is reduced to a non-moving violation. Mr. Logan did that, he went to
965 that program, he completed it and his citation was reduced to a non-moving violation. I believe
966 jay walking. And, he paid a one hundred dollar fine.

967 Continuing on with the second paragraph, on February 4th, 2003, the same vice detective that had
968 initially solicited, that he had initially solicited, observed him in the downtown area, in an area
969 that is known to be frequented by prostitutes. According to her report, she said approximately
970 two weeks prior to the arrest, they had conducted surveillance on Mr. Logan and in the
971 following, and in following him, he was consistent with persons attempting in his actions, were
972 consistent with what persons would do, would be apt to pick up prostitutes. They observed him
973 in the area, they engaged him, they saw him engaging known prostitutes in conversation, they
974 got him into Mr. Logan's car and they drove away. In summary, after that, Mr. Logan was
975 issued another citation for soliciting prostitution. This time around he was not eligible for the

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976 Johns Program. As a result, he entered a plea of no contest, the judge accepted that, entered a –
977 verdict of guilty and Mr. Logan was convicted of soliciting prostitution. Those are the two areas
978 of concern with respect to Mr. Logan.

979 And, the final area of concern with respect to Ms. Logan, and I'm not going to hit this too hard
980 but it is a fact that is in the record and the date isn't there and so with Ms. Premsrut's
981 permission, I would like to state the date of the citation, I believe it only adheres to her
982 advantage. She stated it was over twenty years ago, it was actually twenty-two years ago,
983 December of 1982. Ms. Logan was working for Dillards', which I believe is, I mean Diamonds,
984 which I believe is now Dillard's department store. She was very young at the time, but never the
985 less, she was accused of embezzlement. She's testified before the Child Care Licensing Board
986 that she had taken money from the till at Dillard's at the time. I don't believe that that citation
987 resulted in a conviction. I don't know if it went to court or not. But those were the, that was the
988 admission of Ms. Logan on the record before the Child Care Licensing Board and that is the
989 fourth area of concern listed by Metro.

990 I would submit to this Council, Mr. Mayor Pro Tem and members of the Council, that the record
991 below is substantial, that this particular household is not the type of household that is conducted
992 to the health, safety, welfare and morals of young children. Whether Ms. Logan's indictment
993 again was thrown out or not is a red herring. I think the testimony even by Ms. Logan's own lips
994 is abundantly clear. Whether you believe the best version of this, that her husband picked up an
995 18-month old baby, who they knew to be a crack baby but didn't know was fragile, and threw it
996 in the air. Or, you believe the worst version of this, that the baby is not fragile and that a human
997 being, probably Mr. Logan by Ms. Logan's testimony, shook the baby in a manner consistent
998 with shaken baby syndrome resulting in its death. Either scenario, I think, is chilling. I think
999 that the record below was substantial, and I think it supports a finding by the Child Care
1000 Licensing Board that Ms. Logan is not suitable to receive a Child Care License from the City of
1001 Las Vegas. I'll submit it on that. Thank you.

1002

1003 **COUNCILMAN MACK**

1004 Thank you.

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1005 **MAYOR PRO TEM REESE**

1006 Thank you. Do you want to rebut?

1007

1008 **POUY PREMSRIRUT**

1009 Just some – brief comments. City Attorney Jerbic mentioned we are not here to retry the murder
1010 charge which, in essence, is what we are here for, having read all the previous transcripts and
1011 expert witness testimony. Again, that is all one sided, it did not result in a conviction, the
1012 charges were dismissed and had that been expunged for her record, from her record, would we be
1013 here discussing these issues?

1014 With that being said, Mr. and Mrs. Logan know what they've been charged with, what they've
1015 been convicted of and they were still here before the Council with complete and utter candor,
1016 disclosing everything that occurred and trying to present their side of what happened. Mr. Logan
1017 does not challenge the convictions of prostitution. He was very candid in explaining that he had
1018 marital issues at that time. When your spouse is charged with something, what do you do? They
1019 – they've gone through that internally and they've addressed that.

1020 What we're faced here today is whether Ms. Logan's household is suitable for daycare. She's
1021 got three children who are present today to support her, who are healthy, happy children. She
1022 has six to seven groups of parents, guardians, who are ready, willing and able to place their
1023 children with her care knowing all this today, knowing this being televised. I understand the
1024 Council's faced with either approving or denying what we would suggest is a severely restricted
1025 license with every single patron of her childcare having to register, any additional administrative
1026 costs being paid for by her, complete waivers from the parents with full disclosures as to what
1027 has occurred, the web cams being in place, intake check lists to show what is on – the children or
1028 not. I think despite Mr. Jerbic's representations that the record was overwhelming, again, I
1029 reiterate that it was one sided. We were not able to, or Ms. Logan did not have the opportunity
1030 to present extrinsic evidence and the fact that Page four of the transcript, she stated twice, I am
1031 innocent, I am innocent, it goes to show that this hearing rose to a level that was above and
1032 beyond an administrative hearing.

1033 So, with that being said, I – just beg on the Council to reconsider what I believe is the gut –
1034 feeling to deny the application. But if you could indulge and place some severe restrictions onto

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1035 condition licensing with maybe three to six month interim inspections and reviews and
1036 investigations, Ms. Logan would be more than willing to comply with those.

1037

1038 **MAYOR PRO TEM REESE**

1039 Thank you. Are there any questions? Any comments? Councilman Mack.

1040

1041 **COUNCILMAN MACK**

1042 Mayor Pro Tem, if I could. Mr. King, if you could come up, just for a second, I got a question
1043 for you. I have the utmost respect for your department, Mr. DiFiore and Metro and your
1044 background investigation and of course, the City Attorney's office, when Ms. Premsrut and Ms.
1045 Logan –

1046

1047 **MAYOR PRO TEM REESE**

1048 If we could – for the record, could we have Mr. King introduce himself and give us his –

1049

1050 **DONALD KING**

1051 Donald, I'm Donald King, Senior License Officer for City of Las Vegas.

1052

1053 **MAYOR PRO TEM REESE**

1054 Thank you.

1055

1056 **COUNCILMAN MACK**

1057 When the two visited me in my office, we – discussed and I guess I'm always one, you know, if
1058 someone's vindicated to give them a fair shot in the community, and I know this is a very, very
1059 difficult task at hand giving a license to someone who had a child who's six feet under with the
1060 circumstances, with the allegations, the charges. My question to you, Don, is, are we opening
1061 Pandora's box, or, do we have any mechanism in place to monitor if we were to give a license
1062 and they were to say, state they'd disclose every single child that is in their facility? Do you
1063 have a mechanism? And then, beyond that, do we have 25 applications that are gonna jump in
1064 now and say well we'll do the same thing. And, I don't want to set a precedent here that would

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1065 put us, I know that we're underserved as it is, manpower wise. Do you have anything in place or
1066 do you have anything that can watch conditions like that?

1067

1068 **DONALD KING**

1069 There, there is no, there's no mechanism in place at this point. It would put a burden on staff to
1070 do additional inspections and stuff and we're already, as you are aware, quite short in staffing.

1071

1072 **COUNCILMAN MACK**

1073 Okay, that's all I needed to ask from you. Any comments?

1074

1075 **MAYOR PRO TEM REESE**

1076 You have questions, by Mr. King? Thank you, Don.

1077

1078 **MAYOR PRO TEM REESE**

1079 Any other questions?

1080

1081 **COUNCILMAN MACK**

1082 Comments?

1083

1084 **COUNCILMAN WOLFSON**

1085 I have no questions of Mr. King. I do have some comments though.

1086

1087 **MAYOR PRO TEM REESE.**

1088 Please, please.

1089

1090 **COUNCILMAN WOLFSON**

1091 Thank you. Mr. Jerbic, first, a question, we as the City Council, are we to act as an independent
1092 try or fact. Meaning, are we to accept the record on appeal, if you will, the record from the
1093 Board as, on its face or, are we to make an independent judgment of the facts as well?

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1094 **BRAD JERBIC**

1095 I think you accept the record down below on its face and make a determination as to whether or
1096 not the record is sufficient to support the decision of the Board given the standard that they had
1097 to apply.

1098

1099 **COUNCILMAN WOLFSON**

1100 Then the comments I would make are – these. First of all, I believe I have an obligation to the
1101 citizens of this city to do what is best for them. Not to do what is best for this applicant but to do
1102 what is best for the citizens of this city. I – certainly appreciate the efforts that you’re making,
1103 Counsel, and that – your client is willing to do. I think you’re offering the extra mile. The issue
1104 of a web cam in the home and the issue of unannounced visits or – whatever I mean, I think
1105 you’re doing the best you can. But, what I’m faced with is that your client, although charged and
1106 you – made a comment that your client wasn’t charged, your client was – charged, and I’m
1107 familiar with the grand jury process and I recognize that it – doesn’t take much for a grand jury
1108 to indict a person. The old saying is a grand jury can indict a ham sandwich. And, like Mr.
1109 Jerbic said, a grand jury proceeding and an indictment is just an accusation. But, I also have the
1110 testimony of a Chief Deputy District Attorney, Doug Herndon, who I know personally and I give
1111 him the utmost of credibility. And, I think Mr. Herndon recognizes that the case was dismissed
1112 on a technicality, if you will, and wasn’t brought back for whatever reasons. But I have before
1113 me the fact that there was some evidence that your client committed a very serious crime.

1114 I ask myself, would a reasonable parent, knowing that a baby died while in the care of your
1115 client, leave their child in the care of this applicant? Now, you’re telling me yes. You’re telling
1116 me that you’ve got seven or ten families knowing all these facts that are – ready to do that. I
1117 don’t doubt what you tell me is true, I just personally, I guess, would have trouble doing that.
1118 And I think most people would. I think most people, intelligent people, that recognize that it was
1119 an accusation and it was dismissed and there’s no conviction, would have a hesitation, would
1120 have some concern about leaving their child.

1121 And then to add in the fact that Mr. Logan had a couple of indiscretions. I appreciate marital
1122 problems, I appreciate stress and pressure, I appreciate that. I’m not sure if this is acceptable

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1123 conduct on the part of someone who will be in the home taking care of children. So, once again,
1124 I appreciate your efforts but, I will have difficulty supporting this license.

1125

1126 **MAYOR PRO TEM REESE**

1127 Thank you. Are there any comments, any other comments, Council members? Councilman
1128 Brown.

1129

1130 **COUNCILMAN BROWN**

1131 Thank you, Mayor Pro Tem. Likewise, I – think Ms. Logan, just from reading the transcript and
1132 hearing you today and representation from your attorney that you have support in the community
1133 and what you’ve done as far as your mission work and I don’t think, I certainly, personally, don’t
1134 question your – character. I think you are a good person but the testimony speaks to an overall
1135 atmosphere and that is what we’re charged with when we look at these child licensing
1136 applications as far as the home environment. And, it’s just that there’s too many – things there
1137 and likewise, I will not be supporting the application.

1138

1139 **MAYOR PRO TEM REESE**

1140 Any other comments? I also have a – couple comments I would like to add. I feel like that the –
1141 applicant had an opportunity to have representation at the Child Care Licensing. I also know that
1142 we’ve held this item in abeyance for three or four times so that the – present attorney could, you
1143 know, look at the case and so on and so forth. So, again, I can’t support the application either.
1144 Any – other comments? Entertain a motion then.

1145

1146 **COUNCILMAN MACK**

1147 Thank you, Mayor Pro Tem, you know, I’ve been faced with very tough votes in five years that
1148 I’ve served on this Council and this is one that’s really gut wrenching because when I met the
1149 Logans and their family, I know that they’ve been through a lot of traumatic experience, whether
1150 it was put on themselves or not, that’s not in question today. But, I see a family that is really
1151 trying to make a difference in this community whether it’s through the schools or through their
1152 community, through the church. And, I thought there was a mechanism that would allow for a

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1153 chance to be an opportunity in the childcare business but, hearing evidence today and hearing the
1154 support of my Council, as well as, I think, the community, this is not, you the Logans, it's – the
1155 community as Councilman Wolfson stated that will be affected. And, I think the most
1156 contributing factor is we don't have a mechanism in place to go beyond. I mean, we have to stay
1157 within the parameters of how our licensing office functions. And, I respect Mr. King and – Mr.
1158 DiFiore, who oversees that department. So, with that, I'm gonna follow the recommendation for
1159 denial.

1160

1161 **MAYOR PRO TEM REESE**

1162 Thank you, you've heard the motion, please cast your vote.

1163

1164 **COUNCILMAN BROWN**

1165 Mayor Pro Tem?

1166

1167 **MAYOR PRO TEM REESE**

1168 Yes?

1169

1170 **COUNCILMAN BROWN**

1171 Just to be certain, as far as a technical motion, Mr. Jerbic, is that, we are, the motion is to deny
1172 the appeal?

1173

1174 **BRAD JERBIC**

1175 I would believe the motion would be for you to **deny the appeal and sustain the finding of the**
1176 **Child Care Licensing Board that this license should be denied.**

1177

1178 **MAYOR PRO TEM REESE**

1179 Thanks for the clarification.

1180

1181 **COUNCILMAN MACK**

1182 All right. That'd be my motion.

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1183 **MAYOR PRO TEM REESE**

1184 That's the motion, please cast your vote. Please post. Motion carries. **(Motion carried**
1185 **UNANIMOUSLY with GOODMAN abstaining because Attorney Premsrirut is the law**
1186 **partner of his son, Eric Goodman)** Thank you very much.

1187 **(END OF DISCUSSION)**

1188 /ac/sc/vwd;sc;lc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: Estela Figueroa, dba El Santaneco Restaurant #2, Estela Figueroa, 100%, To: Ana Maria Bahena Bahena, dba El Arroyo Mexican Restaurant, 1510 Las Vegas Boulevard South, Anna M. Bahena Bahena, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License.

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or to extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Ana Maria Bahena Bahena

MOTION:

MONCRIEF - APPROVED (with the intent of granting the temporary license with a six-month [6/1/2005] review and subject to provisions as recommended, with the Director or Designee 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, suggested approval of the temporary license as recommended.

(11:05 - 11:06)

2-974

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, To: Ana Maria Bahena Bahena, dba El Arroyo Mexican Restaurant, 1510 Las Vegas Boulevard South

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 November 3, 2004 from Ana Maria Bahena Bahena outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on November 4, 2004. Based on a review of the Scope printout furnished to this Department by Ms. Bahena Bahena, we have determined that she is preliminarily suitable to hold a temporary Beer/Wine/Cooler On-Sale 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.

Las Vegas, NV Wednesday, November 03, 2004

Ana Maria Bahena Bahena
El Arroyo Mexican Restaurant
1510 S Las Vegas Blvd
Las Vegas, NV 89104
702-380-8170

Jim Di Fiore
City of Las Vegas
Business License Division

Dear Mr. Di Fiore:

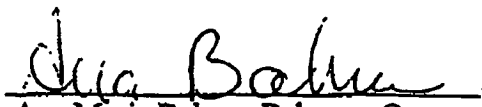
I just purchased this restaurant from Ms. Estela Figueroa registered under Business license numbers: L09-00208/R09-01210 and I submitted all required paperwork to transfer the business, licenses and to get the police investigation on its way.

The reason of this letter is to make a plea to your kindness under the rules of your administration, to allow me, as you did with Ms. Figueroa, to be able to hold a temporary Liquor license so I can offer my clients alcoholic beverages with their meals at my restaurant.

I understand that there is a due process for the police investigation to be completed and for the liquor license to be approved, but again, I emphasize that being able to serve alcoholic beverages with the meals are a very important part of accommodating to my customers and for the success of my restaurant.

Thank you so much in advance. I heard of your wise decision making and I know that you will consider taking a look at my application in fair and just manner and that you will give me a chance to succeed with my new endeavor.

Sincerely,


Ana Maria Bahena Behena - Owner

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: Watana Pongpan, dba House of Thai, 210 West Sahara Avenue, Watana Pongpan, 100%, To: Ocha Cuisine, Inc., dba Ocha Cuisine, Inc., 2211 Las Vegas Boulevard South, Suite A, Watana Pongpan, Dir, Pres, Treas, 50%, Vilawan Pongpan, Dir, VP, Secy, 50% - Ward 3 (Reese)

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License.

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Watana Pongpan
3. Map

MOTION:

REESE - APPROVED the temporary license with a six-month (6/1/2005) review and subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - **UNANIMOUS** with MACK not voting

MINUTES:

The applicant was not present.

JIM DiFIORE, Manager, Business Services, suggested approval of the temporary license as recommended.

(11:06)

2-1005

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership, Location and Business Name for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, To: Ocha Cuisine, Inc., dba Ocha Cuisine, Inc., 2211 Las Vegas Boulevard South, Suite A

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 November 11, 2004 from Watana Pongpan outlines the request for temporary license.

The applicant submitted all of the required documentation and paid all applicable fees for investigation on October 14, 2004. Based on our review of the applicants' Scope printouts and the fact that Mr. Pongpan was previously investigated and approved for an alcoholic beverage license for House of Thai, we have determined both applicants are preliminarily suitable to hold a temporary beer/wine/cooler on-sale 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.

WATANA PONGPAN

Ocha Cuisine
2211-A S Las Vegas Blvd
Las Vegas, NV 89104
702-386-8631

November 11, 2004

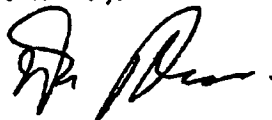
City Of Las Vegas

Dear Sir or Ma'am,

I am writing this letter to request approval for a temporary Beer and Wine License for my restaurant, Ocha Cuisine located at 2211-A S Las Vegas Blvd. I recently relocated this restaurant from 1201 S Las Vegas Blvd. At the previous location the restaurant was co located with a bar which provided Beer and Wine Service. I used to operate the House of Thai restaurant located at 210 W Sahara which held a beer and wine license. That restaurant is now closed. I am in the process of transferring the license from the House of Thai restaurant.

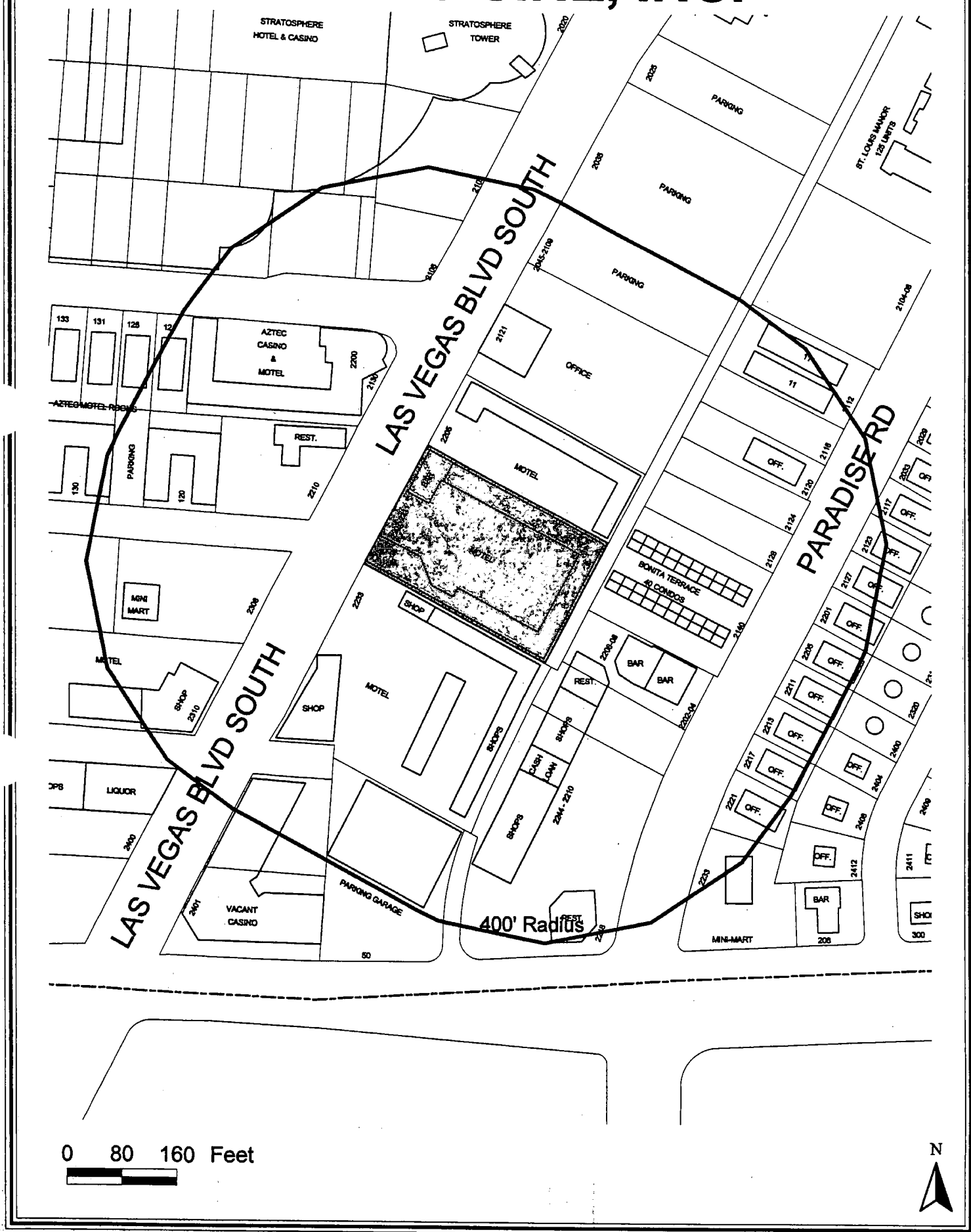
Not being able to provide my customers with this service has cost me money and possibly some customers. I appreciate your time and consideration. I hope you will be able to approve a temporary license until the time I can get the transfer of the licenses completed.

Sincerely,



Watana Pongpan
President
Ocha, Inc

OCHA CUISINE, INC.



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: King of Clubs, Inc., dba King of Clubs (Non-operational), Norma C. Kastler, Dir, Pres, 50%, Lois C. Swier, Dir, Secy, Treas, 50%, To: B & B Investors, Inc., dba El Tequila Club, 1401 North Decatur Boulevard, Suite 6, Burt J. Blum, Dir, Pres, Secy, Treas, 100% - Ward 1 (Moncrief)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

Recommend approval subject to the provisions of the planning and fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Burt Blum

MOTION:

MONCRIEF - APPROVED the temporary license with a six-month (6/1/2005) review and subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process - UNANIMOUS

MINUTES:

DAVE EDER, Nevada Gaming Consultants appeared representing the applicant.

JIM DiFIORE, Manager, Business Services, suggested approval of the temporary license as recommended. He confirmed for COUNCILMAN BROWN that an application was submitted for a key employee to oversee operations.

MR. EDER stated the new operator has made some changes.

(11:06 - 11:08)

2-1035

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Tavern License subject to the provisions of the planning and fire codes and Health Dept. regulations, To: B & B Investors, Inc., dba El Tequila Club, 1401 North Decatur Boulevard, Suite 6

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

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

- (A) The applicant's fitness for a license; and
 - (1) The appropriateness of the applicant's business location.
 - (2) A temporary license shall not be granted under this Section unless:
- (B) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (1) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (2) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter 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 November 16, 2004. Based on a review of a letter from the Los Angeles County Sheriff's Department furnished to this Department, we have determined that 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.

October 18, 2004

City of Las Vegas
Dept. of Business License
400 Stewart Ave.
Las Vegas, NV 89101

Attn: Debbie Outland

Subject: Request for Temporary Liquor License
El Tequila Club 1401 N. Decatur Blvd., #6, Las Vegas, NV 89108

To Ms. Outland,

This letter is to request that the Liquor part of this application be heard separately and to request a Temporary License for the tavern El Tequila Club, (formerly King of Clubs).

As you are aware, the use for this location expires January 2005. I am currently cleaning up and remodeling the location and plan to open for business on or about December 15, 2004 and definitely no later than the last week of December. It is crucial for me, both as the new owner/operator of the tavern as well as the Landlord for the subject property that the grandfather be saved. I am requesting to be on the December 1st agenda on the off chance I can be ready to open sooner than December 15th.

Although I do not live in Las Vegas, I am frequently there to oversee the property. I have included with my application, an application for my Key Employee, Elisa Diaz who will be my General Manager and resident Key person.

Your consideration and assistance with this request is greatly appreciated.

Thank you,



Burt Blum
B&B Investors, Inc. dba
El Tequila Club

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action on reprogramming \$43,100 in Community Development Block Grant (CDBG) funds to The Latin Chamber of Commerce for operation of the Arturo Cambiero Senior Citizens Center located at 330 North 13th Street - Ward 5 (Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$43,100.00
☒ Budget Funds Available	Dept./Division:	Neigh. Svcs./Neigh. Devel.
☐ Augmentation Required	Funding Source:	CDBG

PURPOSE/BACKGROUND:

The Latin Chamber of Commerce was allocated \$24,900 on October 18, 2004 to keep the Senior Center open until additional funds were approved. The \$43,100 will be administered under a separate agreement from the original \$24,900. The total amount of funds allocated for this project will be \$68,000.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

1. Letter from Latin Chamber of Commerce requesting funds
2. Submitted at meeting: Arturo Cambiero Center Agenda Packet by Otto Merida

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS

MINUTES:

STEVE HARSIN, Deputy Director, Neighborhood Services, remarked that the Latin Chamber requested assistance to be able to operate after October 18, 2004, when the National Association of Latin Americans (NALA) dropped its support.

OTTO MERIDA, Executive Director, and ELOISA MARTINEZ, Assistant Director, of the Latin Chamber of Commerce were present. MS. MARTINEZ thanked the Council for its assistance. The Center provides a lot of services and is a gathering place for the elderly where they can get a hot meal every day.

MAYOR GOODMAN asked MR. MERIDA if he had an idea of when the Center might be running independently. MR. MERIDA replied that he is wishing to form a committee comprised of the City of Las Vegas, the Las Vegas Housing Authority, and the Council to work together toward developing a self-sufficient Center. His concern is that he was told that NALA dropped support because it is losing funding.

MR. MERIDA then submitted a document titled Arturo Cambiero Center, Agenda Packet, which is made a part of the Final Minutes, and reviewed the various funding prospects in line for the Center. An assessment is intended to identify the shortcomings and any necessary improvements, other than the faulty roof.

CITY COUNCIL MEETING OF: DECEMBER 1, 2004

MINUTES - Continued:

MAYOR GOODMAN mentioned that he had the opportunity to review the financial statement, and it seemed that funding was in order to provide meals. He then asked MR. MERIDA if he has considered obtaining assistance from Latin performers to put on a fundraiser.

BEATRICE TURNER, West Las Vegas resident, said she took care of a woman that really enjoyed the Center. MS. TURNER then showed pictures depicting significant amounts of roofing materials the Housing Authority has stored outside of the warehouse. These materials could be donated to the Latin Chamber to make repairs.

COUNCILMAN WEEKLY said that, to his understanding, NALA entered into an agreement with the Housing Authority to use the Center as office space. He asked MS. TURNER if the Housing Authority Board had held any discussion as to its support of the Latin Chamber so that it could continue senior services at the Center. MS. TURNER replied that the Board had not discussed or even seen an item regarding the Center.

As far as the roof repairs, MR. MERIDA indicated that a private sector company is donating the repairs and is not costing the taxpayers any money. COUNCILMAN WEEKLY urged MR. MERIDA to contact the Housing Authority and find out their intentions for this building, because they might have other plans for it. He would hate to see the Chamber expend monies on repairs on a building it can no longer use. MR. MERIDA insisted that there were certain maintenance issues that needed immediate attention at the request of the Health Department. Consequently, a private company came forward and is making repairs at its expense. MAYOR GOODMAN said that Las Vegas is very fortunate to have very generous union representatives that are always willing to lend a helping hand.

MR. MERIDA indicated that within the next couple of months he wants to secure funding for the Center. SENATOR HARRY REID is also very interested in this matter. COUNCILMAN WEEKLY said the dollars are well spent. He reiterated that it is important the newly formed committee keep the City informed and involved to ensure a good relationship with and the support of the Housing Authority.

(11:08 - 11:25)

2-1098

***Latin Chamber of Commerce Community Foundation
300 North 13th Street
Las Vegas, Nevada, 89101
Tel 385-7367***

**Mr. Orlando Sanchez
Director of Neighborhood Services
City of Las Vegas
400 E. Stewart, 2nd Floor
Las Vegas, NV 89101**

Dear Mr. Sanchez:

As you know, as of October 15, 2004, the Latin Chamber Commerce reached an agreement with the City of Las Vegas, and the City of Las Vegas Housing Authority to operate the Arturo Cambeiro Senior Nutrition and Transportation Program located at 330 North 13th Street.

The Arturo Cambeiro Senior Center is a unique program offering bilingual services and activities to our local seniors. The ASCS is the only Senior Program in town that serves 90% Hispanic seniors. Activities range from health, education, physical exercise, nutrition, arts and crafts, English as a Second Language, Dance, Bingo, and field trips among other activities. Seniors receive assistance with translations, transportation to the center and home, medical appointments, Medicare and Social Security Assistance, and Food Pantry Assistance. Hot lunches are provided daily from Monday through Friday for seniors, who are 60 years of age and older.

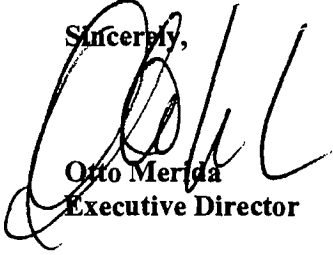
This agreement has come into effect Monday October 18th. Enclosed find a list of salaries and expenses for the Center that was given to us by the Nevada Association of Latin Americans (NALA) and as per our conversation at this time we are asking for the City support in the following items:

Salaries:	\$ 8,000.00
Food:	4,000.00
Utilities & others expenses	5,000.00

We figured, tentatively, that \$17,000.00 is the monthly expenses of this center at this time.

Again, thank you for your support and cooperation. We will be awaiting your prompt response.

Sincerely,


**Otto Merida
Executive Director**

Arturo Cambeiro Center

AGENDA

- 1. Introducción**
- 2. Brief History of the Arturo Cambeiro Center – Paul Gadihiri**
- 3. Outline of the Development at the Center – Otto Merida**
- 4. Proposals and Donations.**
- 5. Initial Budget for the Center (2months)**
- 6. Actions to be taken.**

Submitted at City Council

Date 12/1/04 Item #47

Outline

Press Release from City of Las Vegas on Agreement on the Center	1
Petition to NALA Board of Trustees	3
Letter from Teri De LaTorre to Paul Ghadiri informing him of the closure of the Senior Center.	6
Letter from Otto Merida to Teri De LaTorre	8
Letter from Otto Merida to Paul Ghadiri	9
Letter from Teri De LaTorre to Otto Merida	10
“Closing of the Center Upset Seniors” - Review Journal	11
“Deal to keep Senior Center Open for 90 days” – Review Journal	13
“11th Hour save of senior Center doesn’t answer all questions” –Las Vegas Sun	14
U. S. Senator Harry Reid promised support for the Center	16
LCC proposals submitted for funding and other commitments.	17
Budget for two months	18



Bobby Gronauer
Chairman
City of Las Vegas Housing Authority
604-0004



Diana Paul
Public Information Officer
City of Las Vegas
229-6582



Otto Merida
Executive Director
Latin Chamber
385-7367

Arturo Cambeiro Senior Center To Remain Open Through Holidays

An agreement reached today between the Latin Chamber of Commerce and the city of Las Vegas Housing Authority means thousands of seniors will have access to services at the Arturo Cambeiro Senior Center, including educational classes and meal programs, until at least next year.

Las Vegas Mayor Oscar B. Goodman and City Councilman Lawrence Weekly have been working with the two groups since Wednesday, when the Nevada Association of Latin Americans announced it was closing the senior center and its educational and meal programs due to financial problems. City officials met late yesterday with members from the Latin Chamber of Commerce and the city of Las Vegas Housing Authority to find a way to keep the center from closing. The city of Las Vegas provides funding to the center through Community Development Block Grants.

Under an agreement reached today with the city of Las Vegas Housing Authority, the Latin Chamber of Commerce will operate the center for the next 90 days. In the meantime, an ad hoc committee will be formed to come up with a permanent solution. The housing authority, which owns the building, and Councilman Weekly will turn over the building keys to the executive director of the Latin Chamber of Commerce at 4 p.m. today at 232 Maryland Parkway.

"Over the next 90 days we will work diligently to find a permanent solution to ensure these important services remain in the community," Mayor Goodman said. "For the hundreds of seniors who access services at the center, there was no way we could sit by and watch the doors close."

The Las Vegas Housing Authority owns the building that houses the center. The center offers seniors lunch as well as recreational and educational activities, including English as a Second Language classes.

(((MORE)))

Councilman Weekly, who represents the area where the center is located, thanked Bobby Gronauer, chairman of the city of Las Vegas Housing Authority, and Otto Merida, executive director of the Latin Chamber of Commerce, for working with the city to find a solution to carry the center at least through the holidays.

"The holidays are such an important season for our seniors, and to shut the doors to the center with no advance warning would have been a travesty," Councilman Weekly said. "This center serves a large segment of the Hispanic population and employs bilingual workers. This is not available elsewhere in the valley."

Merida, executive director of the Latin Chamber of Commerce, added, "We were happy to do what we could to keep this center open through the end of the year, in part thanks to a \$5,000 donation from U.S. Bank."

Gronauer said he would work with the city to find a long-term solution.

"Thanks to the cooperation with the city and the chamber, we have some time to address this issue in a way that will protect our seniors," he said.

###

Cambeiro Senior Center
Las Vegas, Nevada
10/12/04

The Board of Trustees of (NALA) Nevada Association of Latin American, Inc.
Las Vegas, Nevada

It has come to our knowledge that you intend to close the Cambeiro Senior Center. We, the undersigned senior citizens, are protesting this closure due to the following reasons.

We are disabled senior citizens, who have been coming here for the last 10 years. The service that the Center provides us is excellent. We are living on fixed incomes and, if this Center is forced to close, it will have a huge impact on our daily lives, since we can't afford to pay the high prices to eat elsewhere. This facility, in some cases, provides transportation and is our main source for daily social activity and, most important, it provides us with a well-balanced hot meal. We rely on your help, in this respect, to maintain good health through nutritious meals, activities and music, which helps to keep us active and enjoying our lives.

Please reconsider your decision regarding closure of this Center. If it is necessary to increase the donation, we are willing to pay more. This Center represents preventive health care giving us good nutrition, activity and happiness. Thank you for your support in the past and hoping that you are willing to support us in the future.

Also, we would like to acknowledge our appreciation for the best management of Suzie Sepulveda and her staff.

cc: Suzie Sepulveda, Manager

Suzie Sepulveda
Ramona Romero
John P. de Meir
Dany Horowitz
Carlos Gomez
Josefina Cortal
Marina Gallego
Jaqueline
Luc Carrillo
Yolanda Moreno
MaDorey Hidington
Luzana N. Pineda
Maria Ortiz
hus son
Ana son
Jose Mota
Meda Barberis
Dario Pacheco
Joye Maria
Charley Mullen
Rosebina Lopez
Amalia Lopez
On Luz Heras
Rafael Pascual

Kataling Fernandez
Lowell Martin

Jaylak

Claudia Montano
Ferreira Montano

Jonnet E. Davis
Isabel M. Centanech

Robert Miroff

Edwin Slade (very excellent service)

~~Patricia~~

Al Fair

Serald Otto

Joby Maguana
Jina Maguana

Leon Franco Phis M. M.
Francis VA

Alan W. Lefter

Romulo Sarmiento
Maria Martinez

Ros SARAH

Carlo Malhotra

10 1 1 0

Diana M. Lara
Catalina Fernandez
Lara Luz Hernandez
VICRUZ SOLITANO



*APPT. with
Teri 10-19-04 @ 10:AM*

Nevada Association of Latin Americans, Inc.

A Non-Profit, Social Service Agency Serving the Community Since 1969

EXECUTIVE OFFICERS

Mark Sandoval
Chairman

Yolanda Fuquay
Vice Chair

Daniel Rodriguez
Treasurer

Davey Garlington
Secretary

October 11, 2004

Parvis Ghadiri
City of Las Vegas Housing Authority
P.O. Box 1897
Las Vegas, NV 89125

Dear Mr. Ghadiri,

It is with deep regret that the Nevada Association of Latin Americans, Inc. (NALA) Board of Trustees announced to officially close the Senior Program located at the Arturo Cambeiro Senior Center. The date of closure is Friday, October 15, 2004.

BOARD OF TRUSTEES

Zulema Benjamin

Catherine Cortez- Masto

Sonnia Diestra

Francis Odom

Jus Ramos

Sarah Rios

The Arturo Cambeiro Senior Center program has been struggling for many years running a high deficit exceeding \$60,000 per year. NALA can no longer carry the burden of maintaining this site with a continued deficit.

Our seniors will be referred to other congregate meal sites in the surrounding areas. Referrals will also be made for other sources as needed.

NALA appreciates the City of Las Vegas Housing Authority efforts in supporting the congregate meal site and transportation program over the years.

EXECUTIVE DIRECTOR / CEO

Teri De La Torre

If possible, NALA would like to maintain this site for other programs such as Immigration, Client Services and HIV/AIDS.

2004 OCT 13 P 4:33
EXECUTIVE OFFICE

Member of the United Way Agency

CORPORATE OFFICES:
323 North Maryland Parkway
Las Vegas, Nevada 89101-5130
(702) 882-6252
Fax (702) 882-7021

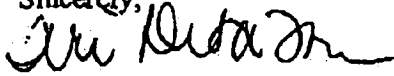
Equal Opportunity Employer / Service Provider M/F/H



ARTURO CAMBEIRO SENIOR CENTER
330 North 33rd Street
Las Vegas, Nevada 89101-4180
(702) 882-6252
Fax (702) 882-7021
382-6252

Thank you again, for your many years of support.

Sincerely,

A handwritten signature in cursive script, appearing to read "Teri De La Torre".

Teri De La Torre
Executive Director

BOARD OF DIRECTORS

OFFICERS

PRESIDENT

ELOIZA MARTINEZ

Wells Fargo Bank

VICE PRESIDENT

ALEJANDRO ALVAREZ

Don Alejandro's Texan Grill

SECRETARY/TREASURER

ROBERT GOMEZ

Magic Brite Janitorial

ASST. SECRETARY TREASURER

RENE BUSTAMANTE

MGM MIRAGE

IMMEDIATE PAST PRESIDENT

TONY F. SANCHEZ, III

Jones Vargas

DIRECTORS - One Year

PATTY AGUILAR

TriCor Financial Services LTD

ALDO AGUIRRE

Ela Enterprises

MALENA BURNETT

Amigo Services

DOMINGO CAMBEIRO

Domingo Cambeiro Corporation

CARLOS COLLADO

MGM Grand

MAXIMILIANO COUVILLIER

Lionel, Sawyer and Collins

JUDITH FLEISCHMAN

Congresswoman Shelley Berkley's Office

ELIZABETH GALLAGHER

SAVI Construction

LETICIA GARDEA

Wells Fargo Home Mortgage

AUGIE GURROLA

Nevada Gaming Commission

MARGIE ROSADO

Sprint

DANIEL TAFOYA

Community College of Southern Nevada

SYLVIA VAZQUEZ

University Medical Center

DIRECTORS - Two Years

JESUS CARRILLO

Jesus Carrillo Agency

ALMA GARCIA-VINING

University of Nevada, Las Vegas

ROSEMARY FLORES

Bilingual Consulting Services

MARIANA JOHNSON

Sun West Bank

STEVE SCHORR

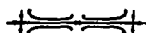
Cox Communications

LUIS VALERA

Nevada Resort Association

VALORIE VEGA

District Court Judge



EXECUTIVE DIRECTOR

OTTO MERIDA

ASSISTANT DIRECTOR

VICTORIA NAPOLES LAZA

October 14, 2004

Ms. Terri De La Torre

Nevada Association of Latin Americans (NALA)

323 North Maryland Parkway

Las Vegas, NV 89101

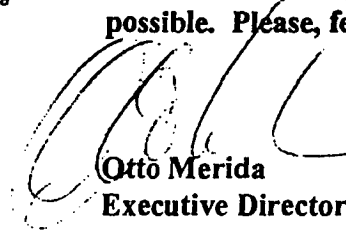
Dear Ms. De La Torre:

It has come to our attention that NALA's Arturo Cambeiro Nutritional Center will be closing this coming Friday, October 15th.

Aside from attending a meeting at the Center on October 13th, we have received many phone calls and many seniors coming personally to the office asking us if we can prevent the closing of this program.

After consulting with President Eloiza Martinez and other members of the Board, we would like to set up a meeting with NALA's board members and you, to entertain the possibility of the Latin Chamber taking over the program and the building, in order to continue with this important service.

Since this is a critical issue, we will like to meet as soon as possible. Please, feel free to call us at 385-7367.


Otto Merida
Executive Director

c. Mark Sandoval

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District Court Judge



EXECUTIVE DIRECTOR

OTTO MERIDA

ASSISTANT DIRECTOR

VICTORIA NAPOLES-LAZA

October 15, 2005

Mr. Paul Ghadiri

Housing Authority City of Las Vegas
340 North 11th Street, P. O. Box 1897
Las Vegas, NV 89125

Dear Paul:

As you well know the Nevada Association of Latin American, Inc. (NALA) officially announced that they will close the Senior Program located at the Arturo Cambeiro Senior Center on Friday, October 15, 2004.

The Latin Chamber of Commerce Community Foundation requests at this time that you allow us to take over the building located at that site for the purpose of continuing to provide the same service (meals and other social services) for the seniors at that site.

We are now at a critical stage due to the fact that the center will be closing close today at 5:00 p.m. The closing of this senior program will be disastrous for those participating in this program and to the Hispanic Community as a whole.

Thanking you for your support and effort at this crucial time.

Otto Merida
Executive Director



Nevada Association of Latin Americans, Inc.

A Non-Profit, Social Service Agency Serving the Community Since 1988

EXECUTIVE OFFICERS

Mark Sandoval
Chairman

Yolanda Fuquay
Vice Chair

Daniel Rodriguez
Treasurer

Davey Garlington
Secretary

October 21, 2004

Otto Merida
Executive Director
Latin Chamber of Commerce
Fax 385-2614

This is to notify that as of October 15, 2004, the Nevada Association of Latin American, Inc. (NALA) has transferred the Arturo Cambeiro Senior Center program to the Latin Chamber of Commerce.

Thank you

BOARD OF TRUSTEES

Zulema Benjamin

Catherine Cortez- Masto

Sonria Diestra

Francis Odom

Rue Ramos

Sarah Rice

Sincerely,


Teri De La Torre
Executive Director

EXECUTIVE DIRECTOR / CEO

Teri De La Torre

Member of the United Way Agency

CORPORATE OFFICES:
802 North Maryland Parkway
Las Vegas, Nevada 89101-5130
(702) 888-6888
Fax: (702) 888-7021

Equal Opportunity Employer / Service Provider M/F/H



ARTURO CAMBEIRO SENIOR CENTER
802 North 19th Street
Las Vegas, Nevada 89101-4180
(702) 888-6882
Fax: (702) 888-7021



PHOTOS by CLINT KARLSEN/REVIEW-JOURNAL

Jose Mota, 105, plays dominoes Thursday with Rudy Alegria, 76, right, and Jose Luis Monroy, 63, not pictured, at the Arturo Cambeiro Senior Center. The center is expected to close today because of financial troubles.

Closure of center upsets seniors

Association says operation running deficit that takes away from child care programs

By JULIET V. CASEY

REVIEW-JOURNAL

Several people wept Thursday after learning their senior center that serves mostly Hispanics will close today because of financial problems.

The Nevada Association of Latin Americans is closing the Arturo Cambeiro Senior Center and its educational and meal programs. A \$50,000 deficit is a drain on the nonprofit's child care programs, the association said.

"We don't want it to close," Zulema Pineda, 74, said in Spanish. "Without this place, we won't have a life. Without this place, I'll feel so alone."

Despite the nonprofit's decision to shut down the center, 323 N. 13th St., Las Vegas officials said they are confident their last-minute efforts to save it will succeed.

Kelly Benavidez, a spokeswoman for Las Vegas



Zulema Pineda, 74, left, sits at a table Thursday with a sign protesting the announced closure of the Arturo Cambeiro Senior Center by the Nevada Association of Latin Americans.

Councilman Lawrence Weekly, said city officials met late Thursday with members of the Latin Chamber of Commerce and the Las Vegas Housing Authority, which

owns the building that houses the center. Officials from the Nevada Association of Latin Americans did not attend the meeting, she said.

"NALA, when they close the

center (on Friday), will need to turn in their key to the housing authority," Benavidez said. "The housing authority, in return for getting a letter of commitment from the Latin Chamber of Commerce to keep the center open, will hand over the key to the Latin Chamber."

Attempts to reach Las Vegas Housing Authority Executive Director Parviz Ghadiri and Otto Merida, director of the Latin Chamber, were unsuccessful late Thursday.

Benavidez said that as of Thursday, neither party had a financial plan to ensure the program would remain in operation for any length of time. But, she said, Weekly and representatives from Mayor Oscar Goodman's office pledged to find funding.

"I know the good work that's done there is critical, and I'll do whatever it takes to keep it open," Goodman said

► SEE CENTER PAGE 6B

► CENTER: Mayor vows hunt for funding

CONTINUED FROM PAGE 1B

Thursday night. "If that means having a private fundraiser, I'll have a private fundraiser, or going to Washington for more (federal grants). I can't guarantee I'll be successful, but I don't usually lose."

Goodman said that before he asks the City Council for funding, he wants to know why the center has had financial difficulties.

"If there's a good reason, then I'm very interested in helping them," he said.

Teri De La Torre, executive director of the Nevada Association of Latin Americans, said the latest efforts by the city and others to keep the center's doors open will be little more than a stopgap remedy.

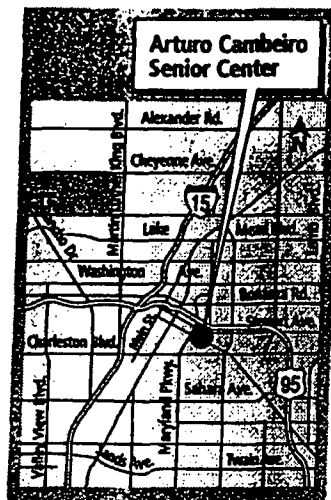
De La Torre said the center, on average, serves 50 senior citizens a day, providing hot lunches, English classes and health and fitness courses. The center also provides a social atmosphere where seniors can play card games, bingo and dominoes.

"This has not been an easy decision, and we've lost a lot of sleep over this," she said. "But we've done fund raising, yard sales, dinner events and lots of grant writing and letter writing campaigns. The money's just not out there."

Benavidez said the group had requested from the city \$25,000 in community development block grants. The city provided \$9,000.

De La Torre said the senior center has an operating budget of \$180,000, but for this fiscal year received only about \$80,000 in grants.

"The \$50,000 deficit for the program now is affecting our



REVIEW JOURNAL

child care program," she said.

To keep up with necessities at the senior center, she said, NALA has been siphoning off some money from the \$350,000 in fees it collects from parents.

Children have not been directly affected because their meals and most of the resources for their programs are paid by grants from the state and federal government, she said.

The child care program has some flexibility with parent fees, but the group cannot continue to tap into the children's funds to keep the senior center going, De La Torre said.

"Our strength has always been child care, and we're trying to save what we have left of our program," she said.

But dozens of seniors who gathered for lunch at the center on Thursday wondered aloud why their program is not worth saving.

"I feel like they're just throwing us out like dogs," said Raquel Pascual, 71. "They didn't take us into account."

"This has not been an easy decision, and we've lost a lot of sleep over this. But we've done fund raising, yard sales, dinner events and lots of grant writing and letter writing campaigns. The money's just not out there."

TERI DE LA TORRE
EXECUTIVE DIRECTOR,
NEVADA ASSOCIATION
OF LATIN AMERICANS

Pineda, a Cuban immigrant who arrived in Las Vegas in 1993, said she and others at the center have become close friends.

They are worried that the center's closure will make staying in touch with each other and the world around them harder, she said.

"We need this place, the communication and the sense that we're connected to something," Mario Pascual, 78, said in Spanish.

Julio Andara Salgado, a 74-year-old immigrant from Mexico, said he worries that if the center closes, he will not get the screening and information he needs to manage his diabetes.

"This is very important to my life," he said.

Jose Mota, 105, said he is not convinced the center will close. Mota, who tells people he fought with Pancho Villa, said, "They have the money. They always have the money. We just have to fight for it."

Saturday, October 16, 2004

Deal to keep senior center open for at least 90 days

Mayor says work to continue on permanent solution for Arturo Cambeiro facility

By JULIET V. CASEY
REVIEW-JOURNAL

Las Vegas Housing Authority officials and members of the Latin Chamber of Commerce hammered out a last-minute deal Friday to save a senior center that serves mostly Hispanics.

The Nevada Association of Latin Americans planned to close the Arturo Cambeiro Senior Center and its educational and meal programs because of funding shortfalls.

But the seniors wouldn't go quietly. Earlier this week, several people sought help from the Latin Chamber of Commerce, whose offices are next to the center near 13th Street and Stewart Avenue.

Otto Merida, executive director of the chamber, said several seniors came to him after hearing rumors that the center would close. When he confirmed the rumors, Merida said he got together with Las Vegas officials to find a way to prevent the center's closure.

"I just felt we couldn't abandon them," Merida said.

The center provides English classes, health and fitness instruction, hot lunches and a number of recreation activities for about 50 seniors a day.

On Friday, Merida said the city, the Las Vegas Housing Authority, which owns the building, and the chamber reached an accord to keep the center open for at least 90 days. As part of the deal, the chamber will take over the center with funding help from private sources, including a \$5,000 pledge from U.S. Bank, and up to \$70,000 in federal community development block grants from the city.

"Over the next 90 days we will work diligently to find a permanent solution to ensure these important services remain in the community," Las Vegas Mayor Oscar Goodman said in a news release Friday. "For the hundreds of seniors who access services at the center, there was no way we could sit by and watch the doors close."

Officials with the Nevada Association of Latin Americans said Thursday that the center had an annual operating budget of \$180,000, with a deficit of about \$50,000 a year. Group members said they no longer could afford to keep the facility going without hurting other programs, such as its child care center.

Councilman Lawrence Weekly said the city did not want to see the seniors go through the holidays without the center. "The holidays are such an important season for our seniors, and to shut the door to the center with no advance warning would have been a travesty," Weekly said.

Otto Merida

From: Sanchez, Tony [afs@jonesvargas.com]
Sent: Monday, October 18, 2004 1:54 PM
To: Otto Merida (Otto@lasvegaslatincc.com)
Subject: 11th-hour save of senior center doesn't answer all questions

Today: October 18, 2004 at 9:51:33 PDT

11th-hour save of senior center doesn't answer all questions

By Timothy Pratt
<timothy@lasvegassun.com>
LAS VEGAS SUN

Luis Sosa has been volunteering at the Arturo Cambeiro senior center for 14 years and no one connected with it ever told him the place was having trouble paying its bills.

The center may be the only place in Las Vegas where the mission is to provide information, recreation and a cheap meal to Hispanics of retirement age. When Sosa heard last week that the center might close, the news hit him "like a bucket of cold water."

Though an 11th-hour rescue from that fate was announced Friday, a host of unresolved questions remain about why the center's parent agency – the Nevada Association of Latin Americans – tried to pull the plug on the center and how the organization has been managing the \$200,000-a-year operation.

The spiral of events began last Wednesday, when officials from the association, a nonprofit organization with a \$1.1 million budget, announced to the press and seniors that the center would have to shut its doors two days later.

Las Vegas Councilman Lawrence Weekly's staff and the Latin Chamber of Commerce rushed to put together a stopgap plan, and on Friday announced that the center would stay open for at least the next 90 days under the chamber's direction. Representatives of the Nevada Association of Latin Americans did not participate in the planning.

Las Vegas Mayor Oscar Goodman said a group will be meeting over the next three months to come up with a long-term solution to keep the center open.

Tony Sanchez, immediate past president of the Latin Chamber, is a part of that group and said help is being sought from private sources within the business organization's membership, local Hispanic community groups and the Las Vegas Housing Authority, which owns the building in which the center sits at 232 N. Maryland Parkway.

But the center's near-closing – including last-minute announcements to staff and the seniors – as well as what appears to be shaky financial information behind the nonprofit parent organization leave more questions than answers.

Mark Sandoval – chairman of the Nevada Association for Latin Americans' board for six months and a member for five years – said the senior center operated at an "average net loss" of \$40,000 a month since 1999 and that money intended for child-care services was increasingly being used to pay for the center.

Then he said the monthly losses "ranged from \$10,000 to \$20,000, up to \$40,000."

The board chairman also said it costs between \$180,000 and \$200,000 a year to run the center – a number that

is difficult to reconcile with losses of more than twice that amount.

Asked how the center could lose more than it takes to keep it open, Sandoval said there were a lot of costs that vary, such as when equipment breaks down or new purchases are made.

Then he said, "I cannot account for the difference (between the numbers)."

Sandoval said he did not know the source of the money intended to pay for child care services. If it is from federal grants, there may be rules tied to its use that prohibit it being used to pay for the senior center.

"I don't believe we've been doing anything wrong with ... moving the money from the child care to the senior center," the board chairman said.

Sandoval said the association's board decided to close the senior center Oct. 7 and needed to shut the doors shortly thereafter because "at some point you have to decide to cut your losses."

But Carlos Valdivia, another volunteer at the center, said that when seniors were told last Wednesday the center would close, two reasons were given: financial hardship and the need to expand association services and offices. The association is headquartered across Maryland Parkway from the center.

Susie Sepulveda, director of the center and one of five employees, said she didn't understand the reasons behind the association's decision.

Sepulveda, who has run the center for five years, said doesn't see financial reports for the center or an annual budget.

Sandoval, however, said the Sepulveda was told a year ago about the center's financial problems and that new sources of funds needed to be found.

"She said she understood," he said.

While questions about the center's past and future are resolved in the coming weeks, its doors remain open to the likes of Jose Mota, who only recently began coming for a game of dominos or cards and was among those reliving last week's whirlwind of events on Friday.

Mota is 105. Like other patrons of the center, he said he likes the company he can find there and offered a philosophy of sorts.

"People say I'm a good man," he said. "But I say I'm a good friend."

Harry Reid

Prometió ayuda al centro Arturo Cambeiro



Harry Reid atiende los comentarios de Jesús Amézquita y don Carlos en el caso del centro Arturo Cambeiro. Foto David Lucio

Por Karla Segura

El Senador de Nevada Harry Reid prometió conseguir apoyo económico del gobierno federal para que siga funcionando el centro de ancianos Arturo Cambeiro el cual asiste a muchas personas de la tercera edad, ya que últimamente han tenido varios problemas y de cerrarse perjudicaría a muchos ancianos de nuestra comunidad latina.

Esto lo hizo ante la Cámara de Comercio Latina, donde el pasado jueves 21 de octubre convivió con los latinos y ancianos, a los que les agradeció por el apoyo y a los de la tercera edad les dijo que le seguirá brindando su ayuda.

La cámara de comercio latina está muy interesada en ayudar en este proyecto, ya que en el centro asisten muchos hispanos que son beneficiados por el servicio. Por más de una ocasión el senador recaló que las personas de la tercera edad son las que más lo han apoyado. "Hay muchos proyectos para los latinos y sobre todo para las personas de edad mayor; todavía creemos que fue el apoyo de la elección hispana la que nos dio el triunfo hace seis años, menciona Tony Sánchez, miembro de la campaña Kerry-Edwards. Nota completa 2A

2A

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Harry Reid

Prometió ayuda al centro 'Arturo Cambeiro'

Por Karla Segura

El Senador de Nevada Harry Reid prometió conseguir apoyo económico del gobierno federal para que siga funcionando el centro de ancianos Arturo Cambeiro el cual asiste a muchas personas de la tercera edad, ya que últimamente han tenido varios problemas y de cerrarse perjudicaría a muchos ancianos de nuestra comunidad latina. Esto lo hizo ante la Cámara de Comercio

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Searchlight, Nevada, el ha sido ahora y después de varios años uno de los senadores mas poderosos de esta nación.

Después de esto el senador dijo estar muy contento de convivir con la comunidad y que le daba gusto ver ahí reunidos a varias personas que habían causado impacto en él.

"Tuve muchas elecciones muy cerradas, en la última elección donde gané fue por más de cuatrocientos votos; la vez anterior perdí por alrededor de cien votos y agradezco a John Mendoza por el apoyo que me brindó y su ayuda para planear la campaña electoral siguiente".

De igual manera agradeció el apoyo económico que le han brindado para su campaña y los aplausos se dejaron escuchar cuando el senador prometió a los ancianos conseguir dinero del gobierno federal para que el centro Arturo Cambeiro continúe y tenga una operación mejor.

Y es que en el centro Arturo Cambeiro ha tenido muchos problemas, desde su acuerdo, pues el viernes 22 de octubre después de esta junta, les cortaron el gas.

"Aquí ante la cámara de comercio y junta latina prometió solucionar los problemas que han habido en el centro de ancianos Arturo Cambeiro para que el lugar este mejor que nunca, y de no conseguir fondos

federales para esto, proporcionare mis propios recursos de campaña para que el centro siga funcionando", dijo el senador.

Al concluir el discurso, los presentes saludaron amablemente al senador y muchos no desaprovecharon la oportunidad de hacerle peticiones.

No podía faltar Cristina Martínez, representante del senador que como siempre se distingue por convivir con la gente y ayudarlas con sus peticiones para interceder por ellos y el senador los tome en cuenta.

Asimismo estuvieron apoyándolo Lorenzo Mason, del distrito escolar, Moisés Dénno, asambleista del distrito 28, Rubén Kihuen, coordinador del voto del partido demócrata, Elisabeth Romero del Hospicio Nathan Adelson, George Cantu del Community College Southern Nevada, entre otros. Además Bryan Ayala jefe de comité fue reconocido por el senador porque ha trabajado intensamente en este proyecto.

Por último cabe decir que las propuestas del senador son principalmente reducir el costo de las medicinas para mejorar todo lo que tenga que ver con el cuidado del servicio médico, asimismo que los ancianos tengan mas acceso de computadoras y del internet.



Arturo Cambeiro Sr. Center

Submitted- Proposals to:

- **City of Las Vegas – will give us within the next four months approximately \$60,000.**
- **U.S. Bank - will give us approximately \$5,000.00 maybe more. If we want, he will give us a number for people to send money**
- **State Nevada Division of Aging Service**

Equipment	\$ 3,600.00
Congregate Meals	\$30,000.00
Training	\$ 500.00
Nutrition Service Incentive Service	\$ 6,000.00 (Commodities Food)
Transportation	\$14,500.00
- **Sprint Phone System – donation of phones and dial tone.**
- **U.S. Senator Harry Reid committed during a meeting of the Chamber on Thursday, October 21, 2004 to earmark for October 1, 2005 funding for the ACSC.**
- **El Mercado Del Pueblo, King Ranch and Liborio are in the process of deciding what sort of donation they will make toward the Center.**
- **Silver State Bank will make some sort of commitment toward the Center.**
- **AARP will make some sort of commitment toward the Center.**

Donations

- **Supreme Court Candidate & Attorney John Mason donated \$500.00.**
- **MGM MIRAGE donated \$15,000.00 to the Center**
- **Sprint Phone System – donated of phones, Labor and dial tone.**

Organization: Latin Chamber of Commerce of Nevada, Inc.
Program Title: Arturo Cambeiro Senior Center

Program Budget: Initial Expenses

EXPENSE CATEGORY	
PERSONNEL SERVICES	
Salaries	\$8,000.00
Fringe Benefits	\$1,800.00
Payroll Services	\$150.00
SUPPLIES	
Office Supplies	\$360.00
Postage	\$32.00
Program Supplies	\$370.00
CLIENT SERVICES	
Foods	\$4,800.00
OPERATING	
Petty Cash	\$200.00
Audit	\$417.00
Bookeeping Accounting	\$430.00
Telephone	\$400.00
Utilities	\$2,800.00
Printing	\$350.00
Liability Insurance	\$550.00
Legal	\$100.00
Conference & Seminars	\$500.00
Travel	\$200.00
Staff Training	\$400.00
Staff Mileage	\$100.00
Van Insurance	\$1,100.00
Gas	\$686.00
Van Registration fee	\$410.00
Van Service	\$250.00
Swisher Hygiene	\$100.00
Copy Machine	\$90.00
Air Filter (service)	\$70.00
Orkin (pest control)	\$115.00
Security	\$120.00
Total	\$24,900.00

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PLANNING & DEVELOPMENT**DIRECTOR: ROBERT GENZER**☐ CONSENT ☒ DISCUSSION**SUBJECT:**

Discussion regarding possible changes to current Title 19.14.100 of the Las Vegas Zoning Code that would amend certain existing standards for off-premise signs, as well as establish new ones - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Provide City Council with an update to allow discussion pertaining to a proposed separation distance between on-premise and off-premise signs and discussion pertaining to all current off-premise sign standards.

RECOMMENDATION:

No recommendation.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Off-Premise Sign Exclusionary Zone Map
3. Submitted at meeting: hardcopy of PowerPoint

MOTION:

None required. A report was given.

MINUTES:

ROBERT GENZER, Director, and EDDIE DICHTER, Senior Planner, Planning and Development, were present. MR. GENZER indicated that at a previous meeting it was determined that staff would obtain additional information on what Clark County and North Las Vegas have done regarding separation distance requirements between off-premise and on-premise signs. He noted that the text amendment item at the previous Planning Commission meeting was held in abeyance until the first Planning meeting of January 2005.

Using a PowerPoint presentation, a copy of which is made a part of these minutes, MR. DICHTER highlighted some of the Code language changes, which will include a maintenance schedule, required upfront photo simulation, prohibition of billboards on vacant properties, and various distance separations. In the C-1 and C-2 Zoning Districts, staff recommends changing the distance separation from 300 ft. to 500 ft and maintaining the 300 ft. in Industrial Zones. It is recommended that the distance separation between any off-premise and on-premise signs be increased to 200 ft. Currently, the code allows a 40 ft. off-premise billboard to be erected next to a 40 ft. billboard, which creates clutter. Another change being recommended includes the prohibition of off-premise signs to be erected over buildings or structures. Staff would also like to codify all the standards and require a five-year review on all billboards. Amendments to the off-premise exclusionary zone can be considered at a later date, as it is too large of a task to handle in conjunction with amendments to the distance requirements and sign standards.

CITY COUNCIL MEETING OF: DECEMBER 1, 2004

MINUTES - Continued:

Continuing on, MR. DICHTER showed PowerPoint slides of what current sign-cluttered areas would look like with the recommended distance separation requirements and standards. He listed the distance separation requirements for billboards in various zones within the County, Henderson, and North Las Vegas, and then listed the following recommended requirements within the City: 750 ft. from residential, 750 ft. along the highway, 500 ft. in commercial areas, and 300 ft. in industrial areas. Like North Las Vegas and Henderson, the City would like to require in the code that billboards contain a discernable message.

MR. DICHTER pointed out pending issues, such as how are non-conforming signs going to be handled legally once the code is in effect, as well as billboards on mixed-used sites. The next step is to receive input from the billboard industry, then place the matter before the Planning Commission, and then back to Council.

MAYOR GOODMAN questioned the kind of timetable staff is looking at as far as receiving input from the industry. MR. GENZER replied that it would depend on whether or not the industry has a specific representative. Normally, questionnaires are sent out with one month's timeframe to respond. Staff would hold any necessary meetings before consideration by the Council.

MR. GENZER answered for MAYOR GOODMAN that COUNCILMAN BROWN initiated the changes after he saw that North Las Vegas and the County were making changes. Also, COUNCILWOMAN MONCRIEF raised some concerns after an unusual number of applications for new billboards in Ward 1 were submitted.

MAYOR GOODMAN asked if the City receives any compensation for allowing billboards to be erected. MR. DICHTER answered that the permit fee cost about \$100. Given that billboards generate a lot of money, MAYOR GOODMAN asked if the City has ever explored the possibility of sharing in the profits, as a result of the City issuing approval. COUNCILMAN REESE interjected that various billboard companies have approached the City about placing their billboards on City property; however, there have been problems with some of the controversial language and the clutter. MAYOR GOODMAN felt that it is important that staff study how the City might benefit from this very lucrative industry. MR. GENZER rejoined that MR. ROARK has held negotiations with some billboard companies regarding some City-owned parcels, but he is not certain any of those negotiations were successful. COUNCILMAN REESE said the County makes millions of dollars a year from leasing County space at the airport for billboards. MAYOR GOODMAN clarified that he is talking about charging a fee based on a sliding scale, according to the money that is generated as a result of the permit.

COUNCILMAN REESE asked if a "grandfather" clause is being considered for those billboards already in place in older areas. He supports the changes for new billboards, but he does not want the companies to pay possibly thousands of dollars to rebuild non-conforming billboards. He stressed that he would like designated corridors throughout the City where billboards are prohibited. MR. GENZER commented that staff is going to review the existing exclusionary zone and see if other areas can be added.

MR. GENZER then pointed out that staff is not suggesting that every new billboard have the Chelsea billboard design, because they are not appropriate for all locations. So this is an issue that necessitates resolution as well.

CITY COUNCIL MEETING OF: DECEMBER 1, 2004

MINUTES - Continued:

COUNCILMAN BROWN said that there seems to be a proliferation of new applications, and it is something that the City has to address and give the licensed billboard companies ample opportunity to respond so that they cannot come back later and claim that they were not given that opportunity. A few years ago the City was looking into requiring billboard companies to bring down billboards that have realized their value. He stressed that it is very important that the new standards are strengthened for the next generation of signage.

COUNCILMAN WOLFSON also felt that participation of the industry is very important. COUNCILMAN BROWN added that he believes the response from the industry will be positive, as he has heard that it is bad for the billboard industry to have a proliferation of signs. There is a fine number that allows all businesses to compete and do well, while still protecting the community.

NOTE: MAYOR GOODMAN directed MR. GENZER to explore the possibility of charging the billboard companies a fee based on the profits generated for having a billboard permit. MR. GENZER assured the Mayor that he would explore that.

(11:25 - 11:46)

2-1749

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ABEYANCE - TXT-5037 - CITY OF LAS VEGAS

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL

Title 19.14.100 shall be amended as follows:

Create a new 19.14.100 (B) (4) and (5):

3. The applicant shall provide a maintenance schedule for the off-premise sign and property at the time of submitting the application for a Special Use Permit.
4. In consideration of the approval or denial of a Special Use Permit for an off-premise sign, the Planning Commission or City Council may impose conditions requiring the overall site on which the off-premise sign is located to meet the landscaping, wall and buffer standards of the Code within a period of time specified by the Planning Commission and City Council.

Create new or amend the existing following standards in 19.14.100 ©:

2. No off-premise sign shall be erected on a vacant property that does not have a minimum of one permanent industrial or commercial use.
3. Off-premise signs are permitted in the C-1, C-2, C-M and M Zoning Districts Only. All proposed off-premise signs in the C-1 and C-2 zoning districts, regardless of orientation to the right-of-way shall be no closer than 500 feet in any direction to any other off-premise sign and no closer than 200 feet to any on-premise pylon sign of at least 26 feet in height, including those outside the corporate limits of the City. All off-premise signs in the C-M or M zoning districts shall be no closer than 300 feet in any direction to any off-premise sign, with no distance separations standard from any on-premise sign.
5. Off-premise signs which are within 660 feet of the right-of-way and which can be read from Interstate 15, US 95 from the north city limits to the Oran K. Gragson Highway, the Oran K. Gragson Highway or Interstate 515 shall be no closer than 750 feet (measured along the highway frontage) to any other off-premise sign within 660 feet of the right-of-way as described above, including those located outside the corporate boundaries of the City. along the same frontage. Each side of the highway shall be considered a separate frontage. This standard shall also apply to off-premise signs outside of the corporate limits of the City. The sign and all other off-premise signs not oriented toward the same highway shall be no closer than 300 feet in any direction to any other off-premise sign, wherever located, including an off-premise sign that is situated outside the corporate boundaries of the City.

9. Off premise signs shall not be located closer than 10 feet to the right-of-way line of a freeway nor closer than 50 feet to the intersection of the present or future rights-of-way of any two public roads, streets or highways. No portion of an off-premise sign shall be closer than 25 feet to any existing or future public right-of-way.
11. No off-premise sign shall be allowed within ~~300~~750 feet from the nearest property line of a lot in the "U" zoning district or "R" zoning district.

All standards will be re-numbered so they are in sequential order.

Create the following new standards for 19.14.100 (D)

6. All Special Use Permits shall be reviewed in a minimum of a five (5) year period, unless another period of time is established by the City Council. The City Council may require the sign to be removed as a result of the required review. The applicant shall be responsible for the notification cost of the review. Failure to pay these costs may result in a requirement that the off-premise sign be removed.
7. If any existing off-premise sign is removed, the Special Use Permit shall be expunged and a new off-premise sign can not be erected in the same location unless: (1) a new Special Use Permit is approved for the new structure by the City Council, or (2) the location is in compliance with all applicable standards of Title 19, including, but not limited to, distance separation requirements, or (3) a variance to the applicable standards has been approved.
8. The off-premise sign and its supporting structure shall be properly maintained and kept free of graffiti at all times. Failure to perform the required maintenance may result in fines and/or removal of the off-premise sign.
9. Only one advertising sign is permitted per sign face.
10. All off-premise signs shall be designed to discourage birds from creating a nuisance to the sign or property.
11. The permit number, permittee's name and telephone number, and the sign's address as assigned by the City shall be indicated on a 4 inch by 6 inch plate, or other approved substitute, installed so as to be readily accessible and readable, approximately six feet above the adjacent ground surface, on every proposed off-premise sign erected in accordance with the provisions of this section of the Code. The display shall also identify the owner of the off-premise sign.

12. It is the determination of the City that abandoned signs or those, which appear to be abandoned due to missing or disoriented panels, are a detriment to the health, safety and welfare of the general public. Therefore, the face of each permitted off-premise sign shall contain a discernable message or graphic at all time. Any off-premise sign that stands as a skeletal structure without message panels, or which has all blank panels or panels removed or arranged in such a manner as to make the message unreadable shall be considered in disrepair and not in compliance to this section of the Code.
13. No off-premise sign shall be erected over an existing structure. Following construction of the sign, no building shall be constructed or placed beneath any part of the off-premise sign.
14. All proposed off-premise signs and supporting structures shall be painted to match any structures on the parcel. Additional design standards for those off-premise signs located in the C-1 and C-2 districts may be required to provide enhanced aesthetics, such as but not limited to pole covers or the number of design of support structures.

**** STAFF REPORT ****

APPLICATION REQUEST

Discussion and possible action to amend a portion of Title 19.14.100 of the Las Vegas Zoning Code. This amendment would amend certain existing standards for off-premise signs, as well as establish new ones.

BACKGROUND INFORMATION

- 07/15/04 The Planning Commission conducted a workshop to discuss issues and possible Code changes pertaining to Off-Premise Advertising Signs.
- 09/23/04 The Planning Commission recommended approval of a text amendment regarding the demolition of existing off-premise signs due to roadway expansion. (TXT-5129). They were also provided a draft handout of this text amendment (TXT-5037).
- 10/21/04 The Planning Commission held this item in abeyance to allow additional time for review and to provide input on the document.
- 11/03/04 The City Council was provided with an update on this text amendment.
- 11/04/04 The Planning Commission provided staff with input on the ordinance as a discussion item.

ANALYSIS

It is a common occurrence for the Planning Commission and City Council to hear four to eight applications a meeting for new off-premise advertising signs, as well as two year required reviews for previously approved signs. The issues pertaining to the approval or denial of billboards is complex; Title 19.14.100 provides standards for the location, size, distance separation and height for these types of signs, yet also contains a provision that the aesthetic impacts of these signs may be taken into account when consideration of approval or denial takes place. There are no well-defined standards in the Code pertaining to aesthetics, although conditions are routinely attached to a Special Use Permit that are not in the Code. Also, it is also common for discussion to take place regarding clutter and present and future maintenance of not only the sign, but the

TXT-5037 - Staff Report Page Two
December 1, 2004 - City Council Meeting

property as well. Some signs have been approved due to the fact that no other billboards have been approved along a roadway corridor, while some have been denied to prevent clutter from occurring.

Related to the placement of off-premise signs is on-premise signage. One example of this connection is the issue of height; any commercial business can have a 40-foot high on-premise sign. The height standard, with some exceptions along freeways for off-premise signs is also 40 feet; yet the Code treats these in entirely separate sections of the Sign Ordinance (Title 19.14.100).

Still another concern is the one size fits all in terms of signs located in commercial or industrial areas of the City. It may be more prudent to establish strict size, dimension, distance separation and height standards for those located in commercial areas as opposed to industrial areas of the City.

Another aspect of off-premise signs is the Exclusionary Zone, where the placement of billboards is not allowed. It has never been amended since it was adopted. Changing this map is a maze of complexity, and will be dealt with at a later date.

In summary, current Code standards are not adequate to address issues raised by the containing influx of off-premise sign applications to the City. Substantial amendments need to be made in order to ensure the orderly development of the City.

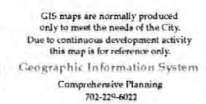
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*Submitted to City Council
Date 12/1/04 Item # 118*



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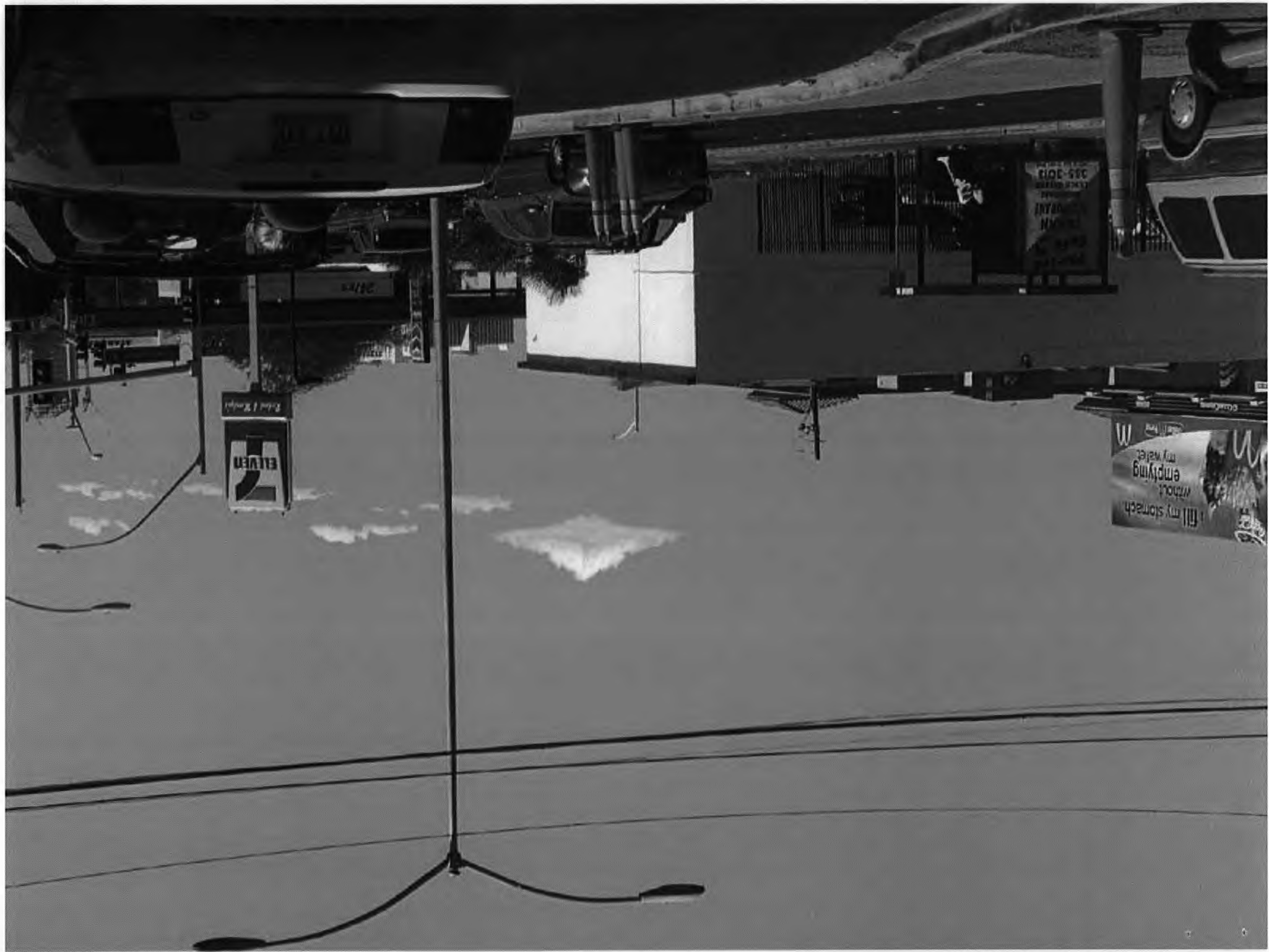
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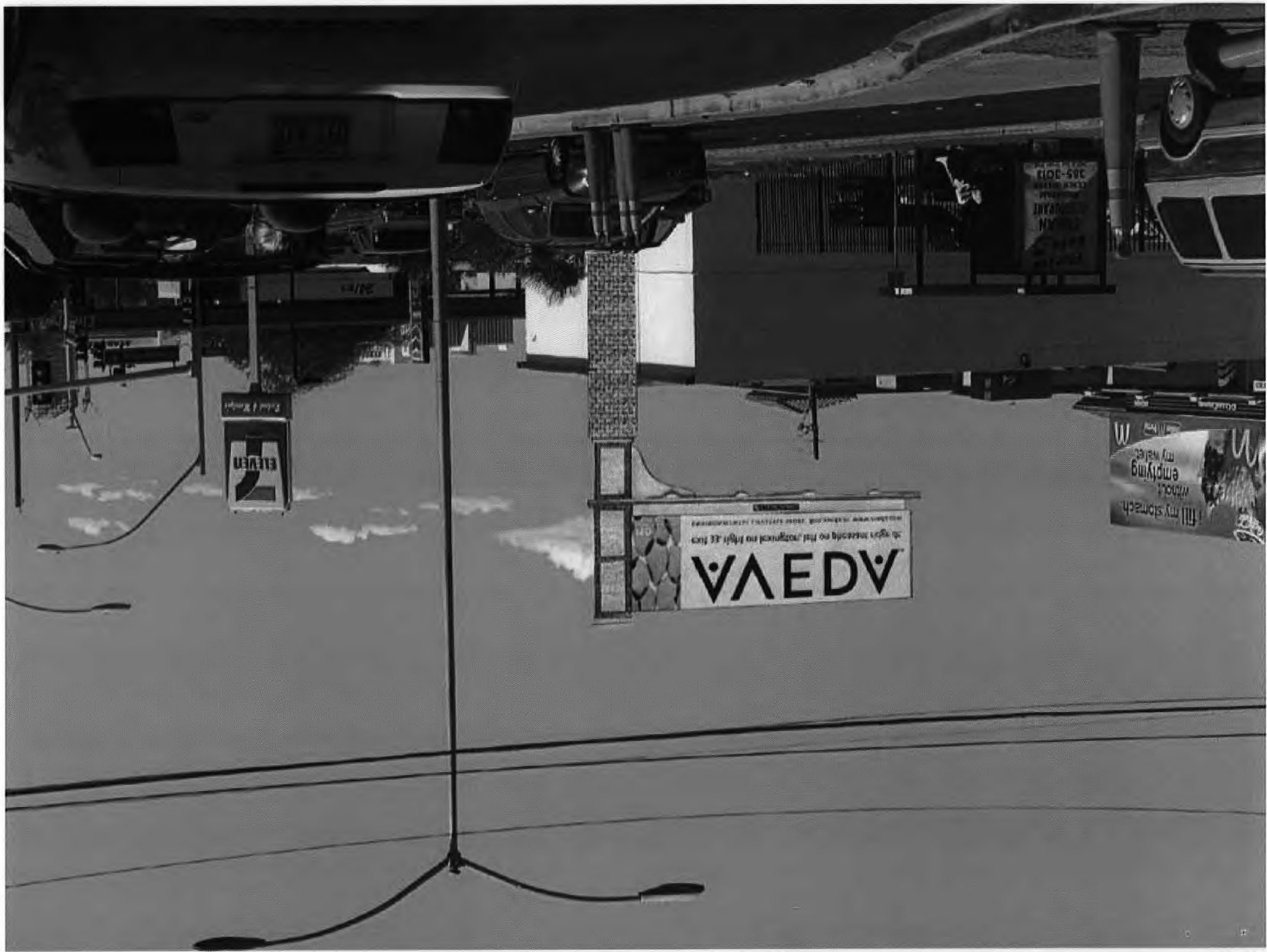
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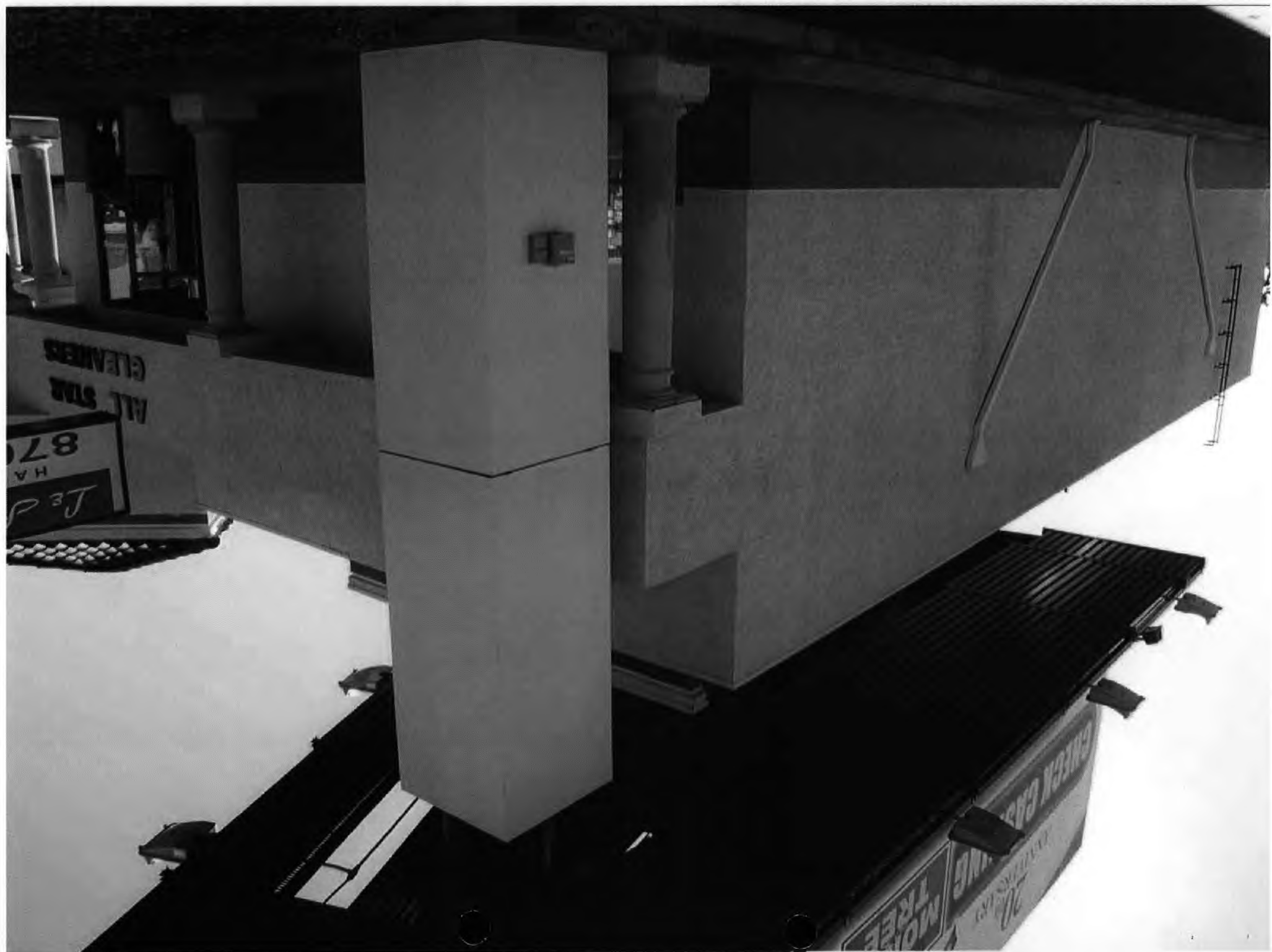














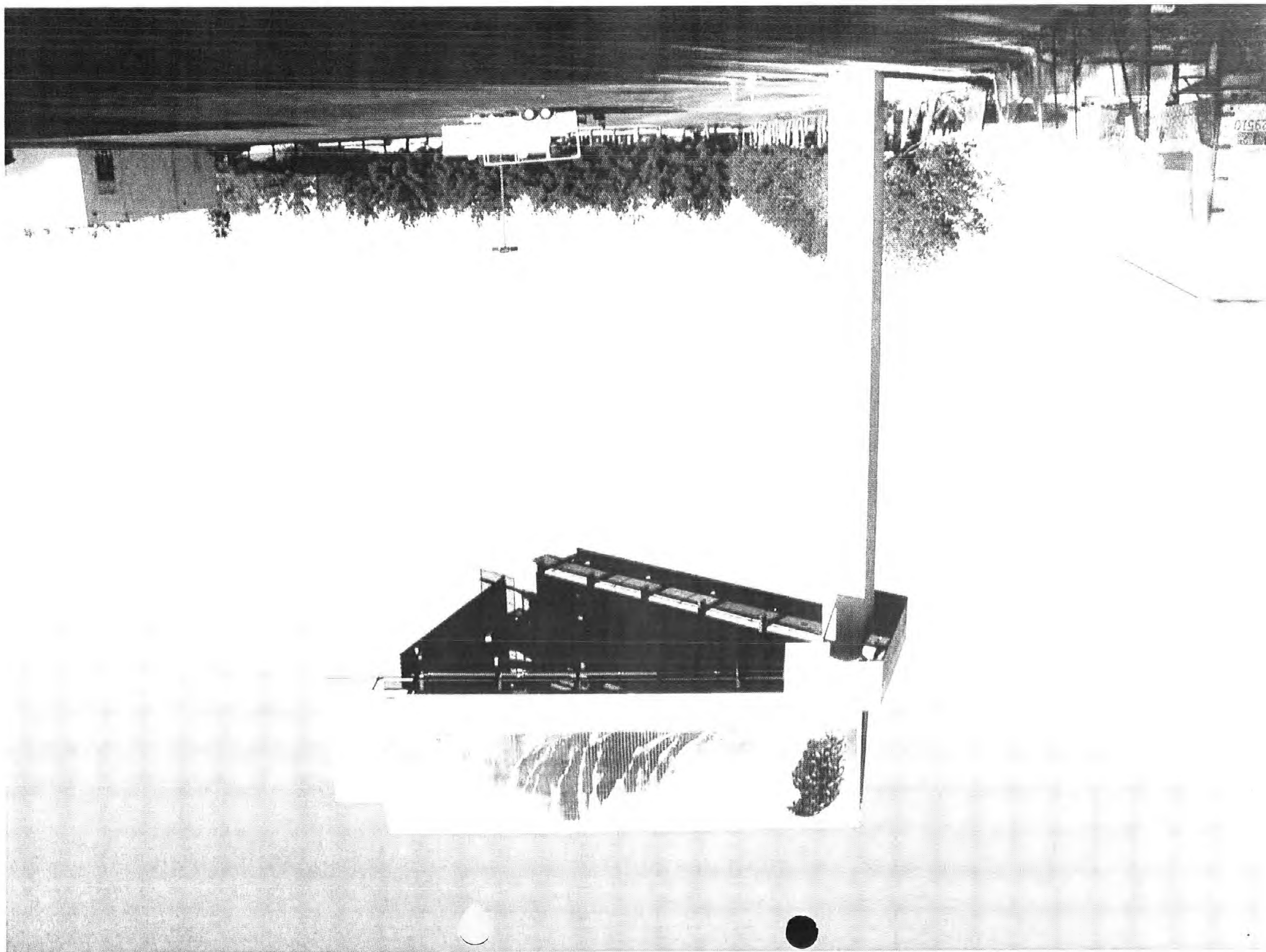


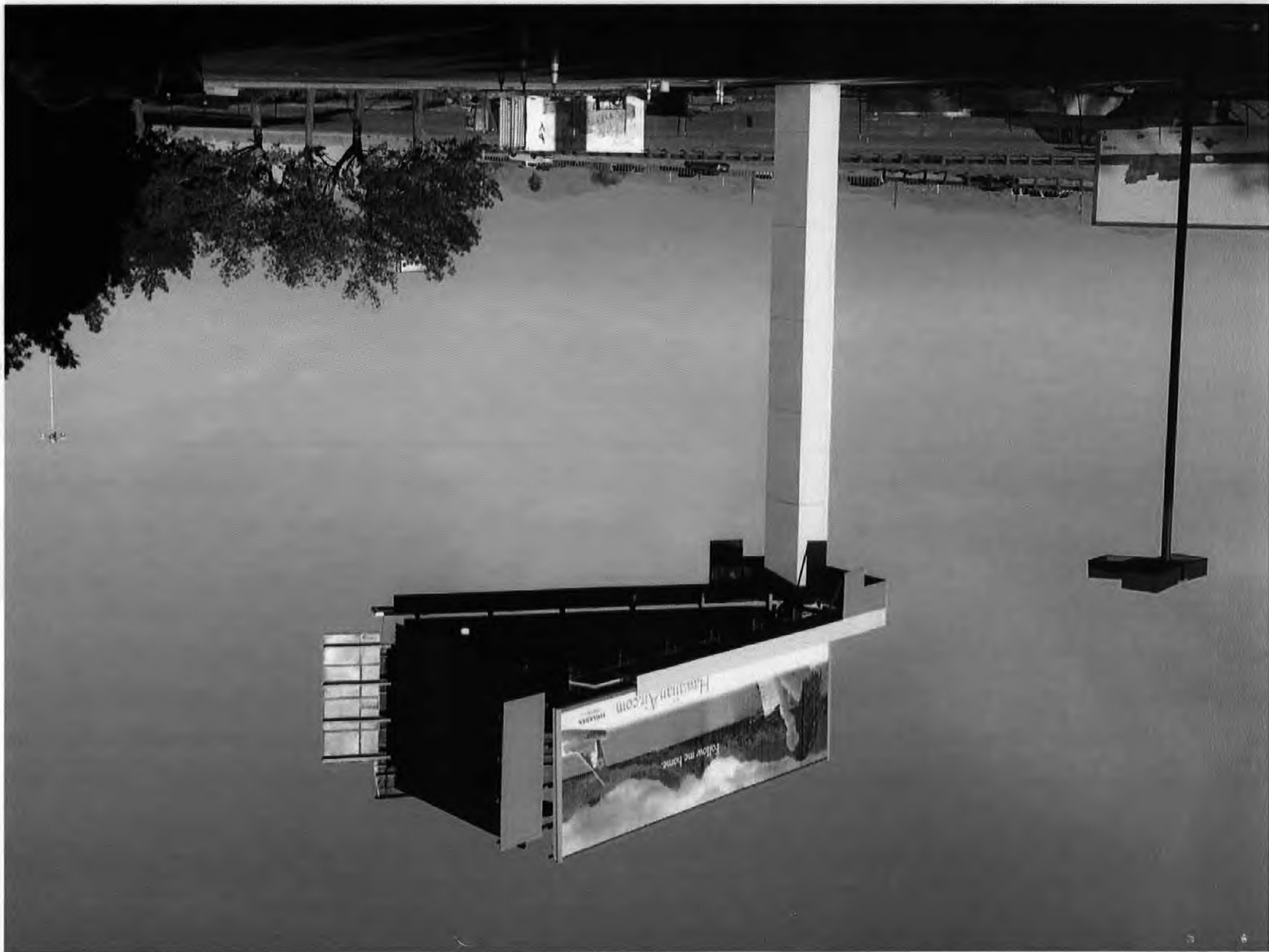
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CLEAR CHANNEL





City of Henderson

Allowed in Off-Premise Sign Zone

100 feet from a residence

750 feet between signs

50 foot height, excluding embellishment

Embellishment-no higher than 5 feet or exceed 128 square feet

25 foot setback from any right-of-way

Sign permit good for 10 years, re-issued for periods not exceeding 5 years

Must have discernable message

**“Not permitted over structures or mobile homes and
following construction of the sign, no buildings shall
be constructed or placed beneath the sign”**

Four-inch by six-inch plate with permit info

City of North Las Vegas

Overlay district and only within C-2 or M-2 zones

300 feet from a residential zone

50 foot height, excluding embellishments

Embellishment-no higher than 5 feet or exceed 128 square feet

10 foot from P/L; 25 from I-15

750 feet between signs; 500 for signs made nonconforming

Five year Review required

Discernable message or graphic

**"Not permitted over buildings or mobile homes and
following construction of the sign, no building shall
be constructed or placed beneath the sign"**

**"Can't have on parcel where a structure exceeding 3 feet in
height has been placed, except a fence or otherwise
permitted by SUP"**

Four-inch by six-inch plate with permit info

Clark County

Allowed in Off-Premise Sign Overlay District

300 feet from a residence

Administrative Design good for 10 years

"Minimum of 14 feet from grade to lowest point of the sign if overhanging a drive aisle or parking space, otherwise 10 feet; maximum: 50 feet, with an embellishment not to exceed 5 feet; height can be increased if within 60 feet of an elevated roadway"

"750 feet from another off premise sign on the same side of street or highway, unless Las Vegas Boulevard between Sahara and Warm Springs Road and south of St. Rose Parkway, where it is 500 feet. 500 feet on freeways, except for I-215, where it is 1,500 feet"

150 feet from another off-premise sign on the opposite side of the street

150 feet from another off-premise sign oriented towards another street

100 feet from another free standing sign on another parcel

50 feet from any point of the intersection of roadways

All distances measured in a radius fashion from the center of the sign

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on the I-515 Corridor Study prepared for the Nevada Department of Transportation - Wards 3, 4 and 5 (Reese, Brown and Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Nevada Department of Transportation has been studying various alternatives to increase the capacity of I-515 from the interchange of I-515 and I-15 to Foothills Drive Grade Separation in the City of Henderson. The Nevada Department of Transportation has asked for the City's support of their recommended Alternate 2 for the portion of the I-515 within the City.

RECOMMENDATION:

Staff recommends City Council action to support the study's recommended Alternative 2 with the condition that Nevada Department of Transportation continues to investigate a way to provide access from I-515 to Pecos Road and to Stewart Avenue.

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

REESE - APPROVED as recommended - UNANIMOUS

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor
CHARLIE KAJKOWSKI, City Engineer
SCOTT RAWLINS, Nevada Department of Transportation
GARY REESE, Councilman
ROGER PATTON, Lewis Berger
LARRY BROWN, Councilman

NOTE: MAYOR GOODMAN stressed that he would like the relocation of some of the affected facilities to take place prior to demolition so that the constituents are not deprived of services while construction is underway.

(11:46 - 12:04)

2-2682/3-1

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: DISCUSSION AND POSSIBLE ACTION ON THE
I-515 CORRIDOR STUDY**

Alternate 2 does not include any significant improvement to the existing Charleston Boulevard / I-515 interchange. The study suggests that by modifying the existing Boulder Highway interchange to provide direct access to Sahara Avenue, this new Boulder Highway/Sahara Avenue interchange will relieve congestion at the Charleston Boulevard interchange.

Staff does not concur with this conclusion of the study. It is important to note that earlier versions of the study reported that an interchange at Pecos Road on I-515 would relieve traffic congestion at the Charleston Boulevard interchange better than an improved interchange at Boulder Highway. The Charleston Boulevard interchange is failing today and staff does not believe that this project as recommended by the Nevada Department of Transportation's consultant would relieve the congestion at the Charleston Boulevard interchange and on Charleston Boulevard in neither the short or long term. The traffic forecast period of the study is 2010 to 2030. During this period, it expected that most of the vacant land located south of Sahara Avenue and east of Hollywood Boulevard will be developed and the vehicle traffic generated from these new developments will overwhelm the Sahara Avenue interchange and the Charleston Boulevard interchange.

Staff believes that the way to relieve traffic congestion on Charleston Boulevard and the Charleston interchange is to provide direct access from I-515 to Pecos Road and Stewart Avenue. In doing so, Pecos Road becomes an alternate route to I-515, for southbound morning traffic (and for northbound evening traffic) currently using Lamb Boulevard and Stewart Avenue becomes an alternate route to I-515, for westbound morning traffic (and eastbound evening traffic) on currently using Charleston Boulevard. Additionally traffic congestion at the Eastern Avenue interchange will also be mitigated.

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 49

1 **Discussion and possible action on the I-515 Corridor Study prepared for the Nevada**
2 **Department of Transportation**

3

4 **Appearance List:**

5 OSCAR GOODMAN, Mayor

6 CHARLIE KAJKOWSKI, City Engineer

7 SCOTT RAWLINS, Nevada Department of Transportation

8 GARY REESE, Councilman

9 ROGER PATTON, Lewis Berger and Associates

10 LARRY BROWN, Councilman

11

12 (11:46 – 12:04)

13 **2-2682/3-1**

14

15 18 minutes

16

17 Typed by: Stacey Campbell

18 Proofed by: Gaby Portillo-Brenner

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 49

19 **MAYOR GOODMAN**

20 Okay, we're up to Item 49, which is discussion and possible action on the I-515 Corridor Study
21 prepared for the Nevada Department of Transportation. This pertains to Wards 3, 4, and 5.

22
23 **CHARLIE KAJKOWSKI**

24 Good morning, Mayor and Council. For the last year and a half, Nevada Department of
25 Transportation and their consultant, Lewis Berger and Associates, have been working on a
26 project for the widening of 95/515 from the Spaghetti Bowl to Horizon Drive in Henderson. In
27 the course of their work, they have been looking at various means and methods of widening the
28 freeway, plus improving intersection, inter, interchange access to the freeway. And, more
29 recently, they have visited with each of the members of – Council and shared what alternatives
30 they have been studying. At this point, they have narrowed that down to an alternative, which
31 then they'll take forward to, through the environmental process. But, at this juncture, they would
32 like the City Council to endorse that alternative to move forward.

33 In the City of Las Vegas, that alternative is alternative number two, which calls for the widening
34 of 95/515 to the north of the present alignment. We have, within the City, in conjunction with
35 NDOT, set up a task force to – address issues that will arise from further discussions and studies
36 in that effort, such as, the – widening to the north will call for the relocation of the current fire
37 station, the Dula facility and the senior citizens center. And, the – project will cause, will – make
38 the City whole by relocating those facilities. And the task force that we have set up will address
39 the – issues of where it should be located and find the optimal location for that.

40 One of the things that has been of concern to the City staff is the issue of having an interchange
41 at the – location of Pecos and Stewart. We feel that it – is necessary to have that interchange, as
42 we know the current Charleston Boulevard interchange is not working properly at times. It's –
43 failing. We have an overload on Charleston, and we would encourage NDOT to continue to
44 explore alternatives to see how we can get access from 515/95 to Stewart and Pecos.

45 Staff recommendation is to support Alternate Two with the condition that they continue to
46 pursue ways of – relieving Charleston, possibly with a interchange, or some other means of
47 providing access, direct access, to Pecos and Stewart from – 515/95.

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 49

48 Today, we have Scott Rawlins, who's the project manager from NDOT, and Roger Patton, who
49 is the consultant with Lewis Berger. They are prepared to make a brief presentation to you, if
50 you so desire, or answer questions.

51

52 **MAYOR GOODMAN**

53 I'd – like to see the brief presentation – .

54

55 **CHARLIE KAJKOWSKI**

56 Okay.

57

58 **SCOTT RAWLINS**

59 Okay. Yeah, and – real quick, Mayor and Council. I want to thank you for your – efforts
60 through the – study and – listening to us come to your – offices and preachin' to you. And also
61 the City staff and – all their efforts for being on the task force and – being part of the – project.
62 So, I'll have Roger Patton go through a brief presentation of the recommendations out of the
63 Corridor Study, talk a little bit about the phases we're in now and how we're gonna move
64 forward.

65

66 **MAYOR GOODMAN**

67 All right. Mayor Pro Tem?

68

69 **COUNCILMAN REESE**

70 Yes, how long of a project are we looking at here?

71

72 **SCOTT RAWLINS**

73 It's, the environmental study phase that we're in now is about a two and a half year process.
74 We're about six months into that. So, another two years to get through the environmental
75 process.

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 49

76 **CHARLIE KAJKOWSKI**

77 We're looking at construction to be somewhere like 2010, 20, 2012, 2015, it'll be in the next
78 decade.

79
80 **GARY REESE**

81 See, and a lot of the – Council members will, I think all of the Council members sitting up here
82 won't even be here at that time. So, I – would ask, okay, 'cause I've seen what happened when
83 they built 95 down through my neighborhood, and I – think that it was done shoddily. I think
84 that there are many, many homes that are still sitting right along 95, both in my ward and
85 Councilman Weekly's ward, that the people have been abused by those forces that was in place
86 at that time. So I would just ask that the decisions that we make here are going to be able to be
87 changed or looked at by the – sitting Council members at the time. Because, you know, we – can
88 look at this as it is today, but, in 10 years, there's gonna be many, many more changes in the City
89 of Las Vegas.

90

91 **CHARLIE KAJKOWSKI**

92 Councilman, staff has continually brought up that – line that, we – do not want to see a repeat of
93 having right-of-way acquisitions and having houses within the drip line of the freeway. Action
94 today does not, well, let me just say this, this – project will come back to Council again. It will
95 have to go through the paces of the environmental study, and then it will be brought back to this
96 Council for further consideration. Today is not an end.

97

98 **COUNCILMAN REESE**

99 Well, I – understand. But I'm, all I want to put on the record was is that we won't be sitting here
100 when the construction starts on this – project, and I – just want us to make sure that, if there's
101 gonna be ability for changes or other input, that we leave that door open. Because, what – it
102 looks like today, and we talk about moving Dula and – the new pool and – ,to me, Dula's kind of
103 a historic site. And so, you know, these – are things that are very important to this Council. I
104 think, that we – we've always tried to protect and the older areas and sometimes we – do – too

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 49

105 much. But, I'm like the Mayor, I – want everybody to see what's being proposed and, again, you
106 know, we – just have to be awful careful on what we do here.

107

108 **MAYOR GOODMAN**

109 And – another issue along the same, I guess, philosophy or thought process that the Mayor Pro
110 Tem has brought to our attention is the fact that I understand, because this is a Federal project,
111 that the Federal government at their complete cost and expense, will cause the relocation of the
112 various municipal properties that are being taken and which will be no longer in existence, such
113 as Dula, the – Muni Pool, the – fire station and the like. What I would like to see is an
114 exploration of the building of these relocated facilities prior to the demolition of them, so that
115 our constituents, in the future, won't be deprived of the services that the City gives as a result of
116 having these facilities in place. I'd – like that to be explored. In other words, you build a new
117 swimming pool before you take our – swimming pool away from us, that you build a new Dula
118 center, relocate it before you knock down Dula. I think that that's something that we're entitled
119 to.

120

121 **COUNCILMAN REESE**

122 That's a very good point.

123

124 **SCOTT RAWLINS**

125 And – that's exactly right, Mayor, and – we're working with the downtown task force to flush
126 out those – issues and ideas –

127

128 **MAYOR GOODMAN**

129 Good.

130

131 **SCOTT RAWLINS**

132 And, we'll definitely make you whole in the end, and that's the Federal Highway
133 Administration's role to –

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 49

134 **MAYOR GOODMAN**

135 No, I appreciate we're going to be whole in the end, but I wanna make sure that we're whole in
136 the middle too.

137

138 **SCOTT RAWLINS**

139 Sure. You bet.

140

141 **MAYOR GOODMAN**

142 Okay. All right.

143

144 **COUNCILMAN REESE**

145 'Cause we're won't be here.

146

147 **MAYOR GOODMAN**

148 We're not – gonna be here.

149

150 **COUNCILMAN REESE**

151 No.

152

153 **ROGER PATTON**

154 The I-515 Corridor Study has been completed now by the Nevada Department of Transportation.
155 And, it – looked at the 515 corridor all the way from the downtown Spaghetti Bowl down
156 through the City of Henderson. And, actually, and in addition to the recommendations for
157 improvements to 515, it also has recommendations for improvements to the transit system, to the
158 arterial treet system, street system. It's actually a – program of improvements intended to meet
159 the transportation needs of the entire eastern and southeastern part of the Valley through the, for
160 the next 20 years.

161 The number one thing on the, that, that's being recommended is the widening of 515 to 10 lanes,
162 plus auxiliary lanes all the way from the Spaghetti Bowl down to the southern beltway along
163 515. We have very specific recommendations, as you go through the corridor. Through the

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 49

164 downtown area, we're recommending that it be widened on the north side only. This minimizes
165 the overall impacts, believe it or not. As it goes around the Charleston curve, to be uniformly
166 widened on both sides of the freeway. As it goes through Clark County, that it would be
167 widened only on the east side. And then as it goes through the City of Henderson, that it would
168 be widened on both sides uniformly.

169

170 **MAYOR GOODMAN**

171 Excuse me. Is – that ten lanes in each direction –

172

173 **ROGER PATTON**

174 No –

175

176 **MAYOR GOODMAN**

177 – five lanes?

178

179 **ROGER PATTON**

180 Five lanes in each direction, plus auxiliary lanes between interchanges.

181

182 **MAYOR GOODMAN**

183 Okay. Thank you.

184

185 **COUNCILMAN REESE**

186 (inaudible)

187

188 **ROGER PATTON**

189 See if I could center that. The specific recommendations, with respect to the downtown area,
190 were to follow Alternative Two. Alternative Two did two things: it constructed the freeway on
191 the north side only and it also provides for a system of local and express lanes. The local lanes
192 to serve the individual interchanges that are existing, and the express lanes to be able to facilitate
193 the through movement of traffic through the downtown area. As, what we are doing at the

**CITY COUNCIL MEETING OF
December 1, 2004**

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194 present time then is moving this particular recommendation forward in the environmental impact
195 statement process so that we can identify the overall impacts and promote mitigation to reduce
196 the impacts that are – would be caused by the widening of the freeway. Initially, we've, you've
197 heard Charlie explain the particular the – senior center, and so forth, that would be displaced and
198 how we would, the environmental processes intended to identify how we can relocate those
199 facilities. We have preliminarily identified approximately eighty single-family homes, about a
200 hundred and fifty apartment units and thirty mobile homes that would also be displaced within
201 the City as a result of this project being widened on the north side.

.02

203 **MAYOR GOODMAN**

204 With that too, is there any kind of assistance as far as relocating those folks whose homes or
205 mobile homes are taken?

206

207 **ROGER PATTON**

208 Yes. There is Federal law that we have to follow in terms of paying for the relocation costs and
209 an entire procedure that we have to follow in prov, providing just compensation –

210

211 **MAYOR GOODMAN**

212 All right.

213

214 **ROGER PATTON**

215 – for the people who are displaced.

216

217 **MAYOR GOODMAN**

218 Okay.

219

220 **ROGER PATTON**

221 Before we get to that, however, –

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222 **COUNCILMAN BROWN**

223 Roger?

224

225 **MAYOR GOODMAN**

226 Yes, Councilman?

227

228 **COUNCILMAN BROWN**

229 Roger, excuse me just for the interruption. With this overhead, and, Charlie, if they're not

230 familiar, if you could just, I think this is a telling overhead right here, just point out the sixty-one

231 acres –

232

233 **MAYOR GOODMAN**

234 Yeah –

235

236 **COUNCILMAN BROWN**

237 – and then the rest of the downtown area and the cultural north corridor down to the State

238 building. Just, one of the things that, through my briefing, became quite obvious is, and – out of

239 total respect and deference to the Mayor Pro Tem's comments about taking care of the people

240 that are going to be impacted, that's – a mandate. But, just on what we have planned downtown

241 in those three areas today, never mind what's gonna ultimately happen on the sixty-one acres,

242 that corridor, that mile stretch of road, from the Spaghetti Bowl heading east, is just critically

243 important for any of the successes that are part of the Mayor and Mayor Pro Tem and the

244 Council's vision. And this slide, I – think, is very telling just because of the proximity to those

245 areas.

246

247 **ROGER PATTON**

248 Right. And one of the things that we are proposing to include in our environmental evalua,

249 evaluation is the possibility of putting a new interchange at F Street that would serve, to serve the

250 Union – Pacific Railroad property. At the request of the City, we are also going to go ahead and

251 include –

**CITY COUNCIL MEETING OF
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252 **MAYOR GOODMAN**

253 That would be huge –

254

255 **COUNCILMAN REESE**

256 Yeah.

257

258 **ROGER PATTON**

259 – a – Pecos interchange in our environmental evaluations to see if that could be added to the –
.60 overall project. Going – a little bit beyond the freeway, –

261

262 **COUNCILMAN REESE**

263 (inaudible) Henderson, coming this way.

264

265 **ROGER PATTON**

266 – the report itself covered a whole system of improvements –

267

268 **MAYOR GOODMAN**

269 (inaudible) that's a good point.

270

271 **ROGER PATTON**

272 in addition to improvements to the 515 freeway. One of the things that we are also
273 recommending is that the Regional Transportation Commission continue to pursue their bus
274 rapid transit program on the Boulder Highway corridor, the Sahara corridor and the Flamingo
275 corridor. These are projects that would be compatible with the freeway improvements and incr,
276 improve overall mo, mobility in conjunction with the improvements to 515.

277

278 **COUNCILMAN REESE**

279 (inaudible) yeah.

CITY COUNCIL MEETING OF
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280 **ROGER PATTON**

281 We had a total of about sixteen arterial street projects, most, mostly in the County, –

282

283 **MAYOR GOODMAN**

284 Right.

285

286 **ROGER PATTON**

287 – where we – think that we can expand the roadways within existing right-of-way, no right-of-
288 way takes, in order to maximize their capacity. Charleston Boulevard and Pecos Road within the
289 City are among – those recommendations. We have two new streets that we're recommending.
290 One of them is – in Henderson, the other one is an extension of Pecos, between Sahara and
291 Charleston, in order to make Pecos a continuous north/south, south through street and that would
292 go through – a small corner of the City of Las Vegas.

293 We did also look at several super arterials, Lamb Boulevard, Sahara and Desert Inn, as potential
294 routes. We've identified the benefits associated with the, with those. We think the RTC should
295 continue to study them. But, they're not necessary, as far as we're concerned, with respect to the
296 improvements to 515, and could be – independently evaluated.

297 But those are – overall recommendations. And our recommendations are really to move forward
298 with further project level evaluations. We're not actually asking anybody to adopt any projects
299 at the present time.

300

301 **MAYOR GOODMAN**

302 Mr. Patton, Mayor Pro Tem made a very good point to me just now. When this is, when you
303 begin the construction, are you gonna begin it from, I hope, from Las Vegas towards Henderson
304 instead of from Henderson to Las Vegas?

305

306 **SCOTT RAWLINS**

307 That – ,Mayor, that is the initial thought, that there'd be a first phase. Obviously, this project is
308 in the billions of dollars, and we would be looking probably at a first phase from the Las Vegas
309 Spaghetti Bowl maybe to the Pecos area.

**CITY COUNCIL MEETING OF
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310 **MAYOR GOODMAN**

311 Okay. That's – good. Very good. Thank you, gentlemen.

312

313 **COUNCILMAN BROWN**

314 Your Honor?

315

316 **MAYOR GOODMAN**

317 Yes.

318

319 **COUNCILMAN BROWN**

320 Do you have the, I think, it was wonderful during your briefing. I – don't want to cut this too

321 short, but, did you talk about literally how we're going to maintain the existing corridor? And

322 then the – recommendation, do you have that diagram that shows literally creating a second half?

323

324 **ROGER PATTON**

325 Right, well –

326

327 **SCOTT RAWLINS**

328 We don't have it here with us.

329

330 **ROGER PATTON**

331 We – don't have it with us. But, basically, the – overall concept was that, if we have to double

332 the capacity of the highway, the best thing to do would be to build another highway of equal size

333 immediately on the north side of it, so that we could build a free, second freeway while

334 maintaining all the traffic on the existing one, and then shift the traffic and make use of the

335 capacity once the second half of it is built. I think maintaining the – flow of traffic in the

336 downtown area, while this major project would be under construction, would be – of paramount

337 importance.

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338 **MAYOR GOODMAN**

339 Good.

340

341 **COUNCILMAN BROWN**

342 And my – final question, or comment that you could respond to would be, how do we accelerate
343 this project? I, when Charlie gives me 2012, 2015, that, our kids will be grown and off this
344 Council by then. Is, are there ways, certainly, understanding the environmental scenario in the
345 front end, but, I – think, if we're talking about, especially if that's phase one, not seeing it
346 complete until 2015, we're going to, with the success of the downtown that's inevitable, we're
347 going to be in some major problems, traffic wise, just into the downtown area. Are there ways,
348 when we get to the point of bidding and construction, we can accelerate that? Has that been
349 addressed by the task force?

350

351 **SCOTT RAWLINS**

352 We have not gotten to that particular issue yet. Obviously, the – environmental process we are
353 accelerating as much as we can. Beyond that, we get into the design and the right-of-way
354 acquisition process, and there are ways and avenues to take that design and – shorten it up.
355 Design build alternatives, things like that. The funding is obviously gonna be an issue with that
356 acceleration, but, working through the RTC, the State, the Federal Highway Administration, the
357 City, we would need to explore those options. So, those – discussions will occur when –
358 appropriate.

359

360 **CHARLIE KAJKOWSKI**

361 That – is why it makes sense to begin our construction at the Spaghetti Bowl and work easterly
362 rather than from Henderson towards the City.

363

364 **MAYOR GOODMAN**

365 Thank you.

**CITY COUNCIL MEETING OF
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366 **CHARLIE KAJKOWSKI**

367 To get those early phases in – , online.

368

369 **SCOTT RAWLINS**

370 You bet.

371

372 **MAYOR GOODMAN**

373 Very good. Thank you very much. Any other questions or comments? All right, Mayor Pro
374 Tem?

375

376 **COUNCILMAN REESE**

377 Yes, I want to thank them for their – report. **I thought it was a great job, and I would just like**
378 **to follow staff's recommendation and, like Councilman Brown said, let's hurry.**

379

380 **CHARLIE KAJKOWSKI**

381 One last comment. At 420 North 8th Street, is the project office, and there's a model there, so
382 you can see this in – three – dimensions.

383

384 **MAYOR GOODMAN**

385 Good, thank you. The public is welcome to go there as well, are – they not, Mr. Kajkowski?

386

387 **CHARLIE KAJKOWSKI**

388 Yes.

389

390 **MAYOR GOODMAN**

391 Very good.

392 **CHARLIE KAJKOWSKI**

393 It's open to the public.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 49

394 **MAYOR GOODMAN**

395 Very good. Let's vote on Mayor Pro Tem's motion, please. Post. Motion carries. (**Motion**
396 **carried unanimously**) Thank you.

397 **(END OF DISCUSSION)**

398 /sc:gpb

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: ADMINISTRATIVE

DIRECTOR: DOUGLAS A. SELBY

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RESOLUTIONS

R-175-2004 - Discussion and possible action regarding a Resolution Concerning the Use of Funds Generated from the Enactment of a Sales and Use Tax Increase in Response to Clark County Advisory Question No. 9

Fiscal Impact:

☒ **No Impact**

Amount:

☐ **Budget Funds Available**

Dept./Division:

☐ **Augmentation Required**

Funding Source:

PURPOSE/BACKGROUND:

There has been some concern expressed that the enactment of a sales tax to fund new police officers would allow the County and City to divert funding from existing police budgets to other uses. The additional funding should only be used to supplement and not replace existing funding for police services.

Funding for police services has historically been treated as a high priority by the Las Vegas City Council. Over the last ten years, the City has increased its contribution to Metro by an average of nearly 8.6%. The need for the advisory question was based on the City and County's increasing funding commitment to Metro that could not be sustained in the face of other service demands.

Increased funding will still be required to pay for wage and benefit increases resulting from collective bargaining, the hiring of new civilian employees and increases in the cost of operating supplies, capital equipment, and capital facilities, none of which are eligible for funding from the proposed sales tax.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Resolution No. R-175-2004

MOTION:

REESE - APPROVED as recommended - UNANIMOUS

MINUTES:

CITY MANAGER SELBY reported that this is a companion item to one passed by the County Commission. It states that, should the sales tax increase be approved by the legislature and the County Commission, the increased portion will be dedicated to additional police officers and that the City will continue, as the County has committed, to fund the Las Vegas Metropolitan Police Department (Metro).

COUNCILMAN REESE said the resolution was also considered by the County Commissioners to satisfy some of the questions and concerns of the legislators. He noted that the Council has always been very supportive of Metro. MAYOR GOODMAN stated that Question No. 9 will not change the City's support for Metro. He felt this resolution was not necessary.

CITY COUNCIL MEETING OF: DECEMBER 1, 2004

MINUTES - Continued:

COUNCILMAN MACK stressed that public safety has always been very important to this Council, and he fully supported Question No. 9. Without the safety of the tourists, this town would be ruined.

(12:04 - 12:07)

3-53

**RESOLUTION CONCERNING THE USE OF FUNDS GENERATED FROM
THE ENACTMENT OF A SALES AND USE TAX INCREASE IN RESPONSE TO
CLARK COUNTY ADVISORY QUESTION NO. 9**

WHEREAS, the continued population growth within the incorporated and unincorporated areas of Clark County has placed a strain on the ability of local governments to provide the services necessary to protect the safety of our residents; and

WHEREAS, the number of police officers in the incorporated and unincorporated areas of Clark County is well below the desired standard for the size of the resident and tourist populations served by the various police departments; and

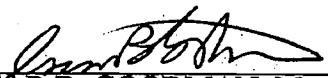
WHEREAS, the Board of County Commissioners of Clark County placed an advisory question on the ballot at the November 2, 2004, General Election proposing that the sales and use tax be increased for the purpose of hiring and equipping more police officers; and

WHEREAS, a majority of the voters in that election voted in favor of increasing the sales and use tax for this purpose and, as a consequence, it appears that Clark County plans to submit a bill draft request to the 2005 Nevada Legislature seeking authorization to levy an optional sales and use tax to fund the hiring and equipping of more police officers.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas that any increased revenue that the City receives from any increase in the sales and use tax within Clark County will be used solely for the purpose of hiring and equipping more police officers to protect the citizens of the City, and will not be used to supplant or replace existing funding for police services in the normal budget process.

PASSED, ADOPTED, AND APPROVED this 1st day of December, 2004.

CITY OF LAS VEGAS

BY 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

Val Steel 11-19-04
Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-176-2004 - Discussion and possible action regarding a Resolution Adopting Guidelines for Development Within the Kyle Canyon Gateway Area

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The City has nominated approximately 1,700 acres of land currently managed by the Bureau of Land Management (BLM) near Kyle Canyon Road for disposal at an upcoming BLM auction. This Resolution is intended to put potential developers and the public on notice of the City's expectations for development within the area, including anticipated requirements for dedication and improvements.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Resolution No. 176-2004
2. Submitted at meeting: hardcopy of PowerPoint

MOTION:

MACK - APPROVED as recommended - UNANIMOUS

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

TOM PERRIGO, Planning and Development

LAWRENCE WEEKLY, Councilman

MICHAEL MACK, Councilman

GARY REESE, Councilman

JERRY HELTON, Southern Highlands Development Corporation

VAL STEED, Chief Deputy City Attorney

DOUG SELBY, City Manager

LARRY BROWN, Councilman

UNIDENTIFIED SPEAKER

(12:07 - 12:27)

3-144

**RESOLUTION ADOPTING GUIDELINES FOR DEVELOPMENT
WITHIN THE KYLE CANYON GATEWAY AREA**

WHEREAS, the City of Las Vegas has nominated approximately 1,700 acres of land currently managed by the Bureau of Land Management (BLM) near Kyle Canyon Road for disposal at the February 2005 BLM Land Auction; and

WHEREAS, these 1,700 acres, referred to as the Kyle Canyon Gateway Area (the "Plan Area"), offer the City a unique opportunity to test the threshold for sustainable development in the Las Vegas Valley; and

WHEREAS, the Plan Area is distinct in its topography, its proximity to environmental resources and recreation areas, and its position as a gateway to the City; and

WHEREAS, one recurring goal expressed through citizen input is to maintain a vibrant and dynamic economy through growth, while, at the same time, maintaining high standards for environmental quality, health, safety and recreation; and

WHEREAS, a "business as usual" approach to development may place the desires for vibrant growth and environmental quality at odds—especially considering increasing pressures on energy and water resources, transportation and air quality, and state and local budgets; and

WHEREAS, sustainable development, by integrating key elements of smart growth, new urbanism and green development, can extend the growth window while minimizing the impacts on the surrounding environment and natural resources; and

WHEREAS, the sale of BLM land for development provides a source of revenue for parks, trails and natural areas that are in great demand by the City's residents; and

WHEREAS, the City could lead the charge in becoming a national and world leader in planning and design techniques, building technologies, and water and energy conservation and generation; and

WHEREAS, it is the intent of the City Council to provide general information, standards and estimates relating to the City's expectations for development within the Plan Area which are intended as an outline to aid interested parties in identifying the key issues that need to be addressed prior to development within the Plan Area.

1 NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las
2 Vegas to adopt the following guidelines:

3 **I. General Guidelines**

4 A. Development within the Plan Area will be governed by a development agreement and
5 specific standards adopted by the City in conjunction with applications filed pursuant to Title 19 of
6 the Las Vegas Municipal Code. The approval of these applications (the "Development Approvals")
7 will include design criteria, infrastructure and public facility requirements, allowable land uses and
8 densities, etc.

9 B. The Plan Area will be developed in accordance with all applicable City plans and
10 policies, including the Centennial Hills Sector Plan, the Las Vegas 2020 Master Plan and Title 19.

11 **II. Public Facility/Infrastructure Guidelines**

12 A. The master developer of the Plan Area will be required to coordinate the development
13 of a number of public facilities, some or all of which will require the dedication of land. The City
14 estimates that approximately 245 acres will be required for public facility dedications, which will
15 include washes, arroyos, natural areas, parks, miscellaneous trails, utility corridors, landscape areas,
16 open space, and may include schools, a U. S. post office, a police station, a fire station, a library, and
17 a regional transportation facility or any other public facilities as agreed to by the City and the master
18 developer. The acreage estimate for public facility dedication is based on a planned community
19 development of 9,500 residential dwelling units. The final acreage requirement could vary
20 depending on a number of factors, including community design and residential density.

21 B. The master developer will also be required to dedicate rights-of-way to the
22 satisfaction of the City and construct or participate in the construction of infrastructure including:

- 23 1. Roadways as shown on the City's Master Plan of Streets and Highways;
- 24 2. Stormwater drainage facilities as shown on both Master and Neighborhood
25 Plans;
- 26 3. Sewer collection facilities;
- 27 4. Water distribution facilities (potable and recycled) and other appurtenant
28 facilities related to infrastructure requirements to meet the City's development and design standards.

1 C. The master developer will also be required to dedicate additional acreage for
2 roadways and rights-of-way not shown on the City's Master Plan of Streets and Highways.

3 D. Alternatives to the infrastructure shown in Master and Neighborhood Plans will be
4 considered, if acceptable to the City.

5 **III. Conservation/Sustainable Community Guidelines**

6 The Development Agreement will include criteria and policies that further each of the following
7 goals:

8 A. Conservation and preservation of natural resources and environmentally sensitive
9 areas.

10 1. Reservation of natural open space in the Plan Area for the purposes of active
11 and passive recreation, visual relief, habitat preservation, nature observation, hiking and biking, and
12 flood control/public safety.

13 2. Retention of natural arroyos and washes that are dominant landform features
14 of the Plan Area.

15 3. Development of pedestrian, bicycle, equestrian, and interpretive nature trails
16 along arroyos and washes.

17 B. Compatibility of development with the existing environment and future planned uses.

18 1. The use of natural drainages, paseos, greenways, developed parks, and
19 community facilities designed to link the Plan Area to natural open spaced areas.

20 2. Development of night sky preservation standards for street lighting and
21 outdoor lighting for buildings.

22 C. Provision of a diverse mix of land use, housing type and densities.

23 1. Development of neighborhoods as distinctive places, with each neighborhood
24 containing creative and innovative housing responsive to resident needs, market conditions, and
25 community desires.

26 2. Inclusion within each neighborhood of a variety of housing types, lot sizes
27 and densities.

28 3. Provision for diversification of housing for buyers from a wide range of

1 economic levels and age groups.

2 4. Development of architectural styles that promote diverse and cohesive
3 neighborhoods.

4 D. Provision of an integrated circulation system that includes pedestrian-friendly streets.

5 1. Use of neighborhood site plans that:

6 a. Create walkable villages to allow for most residents to walk from their
7 front door to any neighborhood or facility with minimal street crossings; and

8 b. Establish a street hierarchy incorporating pedestrian, bike and transit
9 facilities.

10 2. Inclusion of curb separated sidewalks with integrated facilities that provide
11 shade and shelter (e.g., benches, street trees, bus stops), along with combinations of separated
12 vehicular and pedestrian/bicycle facilities that utilize safety curbs, detached and meandering
13 sidewalks, landscaped buffers from streets, parkways, street trees for shade, themed street furniture,
14 and decorative fencing and/or walls.

15 3. Reduction of the impacts of vehicular traffic at high pedestrian-use
16 intersections by provision of refuge islands in the median and right turn lane.

17 E. Consideration of a village/employment center.

18 1. Inclusion within a village/employment center of a broad range of uses,
19 including retail, service, office, entertainment, civic, cultural, dining, housing, and similar uses to
20 achieve balance for the community.

21 2. Development within the village/employment center of higher residential
22 densities to reinforce its role as the "heart" of the community, and promote pedestrian, bicycle, and
23 public transit use.

24 3. Design of sidewalks and public plazas to integrate quality landscaping, street
25 furniture, signage, lighting, public art, areas for shade and shelter.

26 F. Development of resource-efficient homes and buildings.

27 1. Water. Reduce water consumption to 50% of current Las Vegas average per
28 capita daily consumption as reported by Southern Nevada Water Authority (300 gallons per person,

1 per day).

2 a. Provision for the plumbing of all community-wide, public landscape
3 irrigation for recycled water, using potable water until such time as recycled water becomes
4 available from a future reclamation facility in the area.

5 b. Provision of a central control irrigation system linked to an on-site
6 weather station to improve irrigation efficiency.

7 c. Provision of low flow water fixtures that meet national low flow water
8 standards.

9 d. Compliance with current landscaping guidelines and other drought
10 restrictions.

11 e. Elimination of irrigation spray onto adjacent hard surfaces.

12 2. Energy.

13 a. Provision for all occupied buildings to meet, or preferably exceed,
14 Energy Star standards.

15 b. Provision for all occupied buildings to offer, as an option:

16 i. A total compact fluorescent and fluorescent system with
17 electronic ballasts.

18 ii. Photovoltaic panels.

19 iii. Indoor motion-activated lighting.

20 c. Provision for an Energy Star appliance package to be required for all
21 appliances sold with the home, with Energy Star appliances to be made available for all other
22 appliances (washer, dryer, refrigerator, trash compactor, etc).

23 3. Indoor Air Quality. Provisions for requiring:

24 a. Paints and coatings to meet VOC and chemical component limits of
25 Green Seal requirements.

26 b. Carpeting to meet the Carpet and Rug Institute Green Label Indoor
27 Air Quality Test Program.

28 c. Formaldehyde-free fiberglass insulation or fiberglass alternatives.

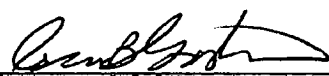
1 d. Water-based wood finishes.

2 **IV. Effectiveness**

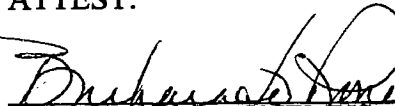
3 The provisions of these guidelines shall be effective until they are modified, expanded or deleted
4 in conjunction with the adoption of Development Approvals.

5 PASSED, ADOPTED, AND APPROVED this 1st day of December, 2004.

6 CITY OF LAS VEGAS

7
8 BY 
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 
12 BARBARA JO RONECUS, City Clerk

13 APPROVED AS TO FORM

14  11-18-04
15 Date

16

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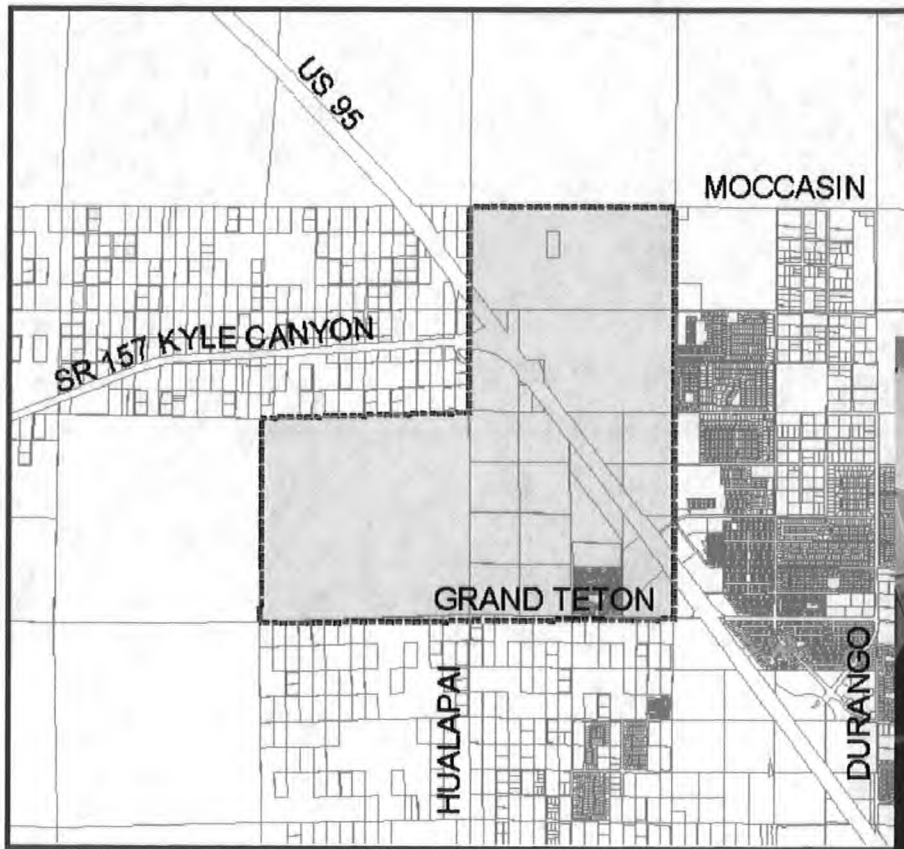
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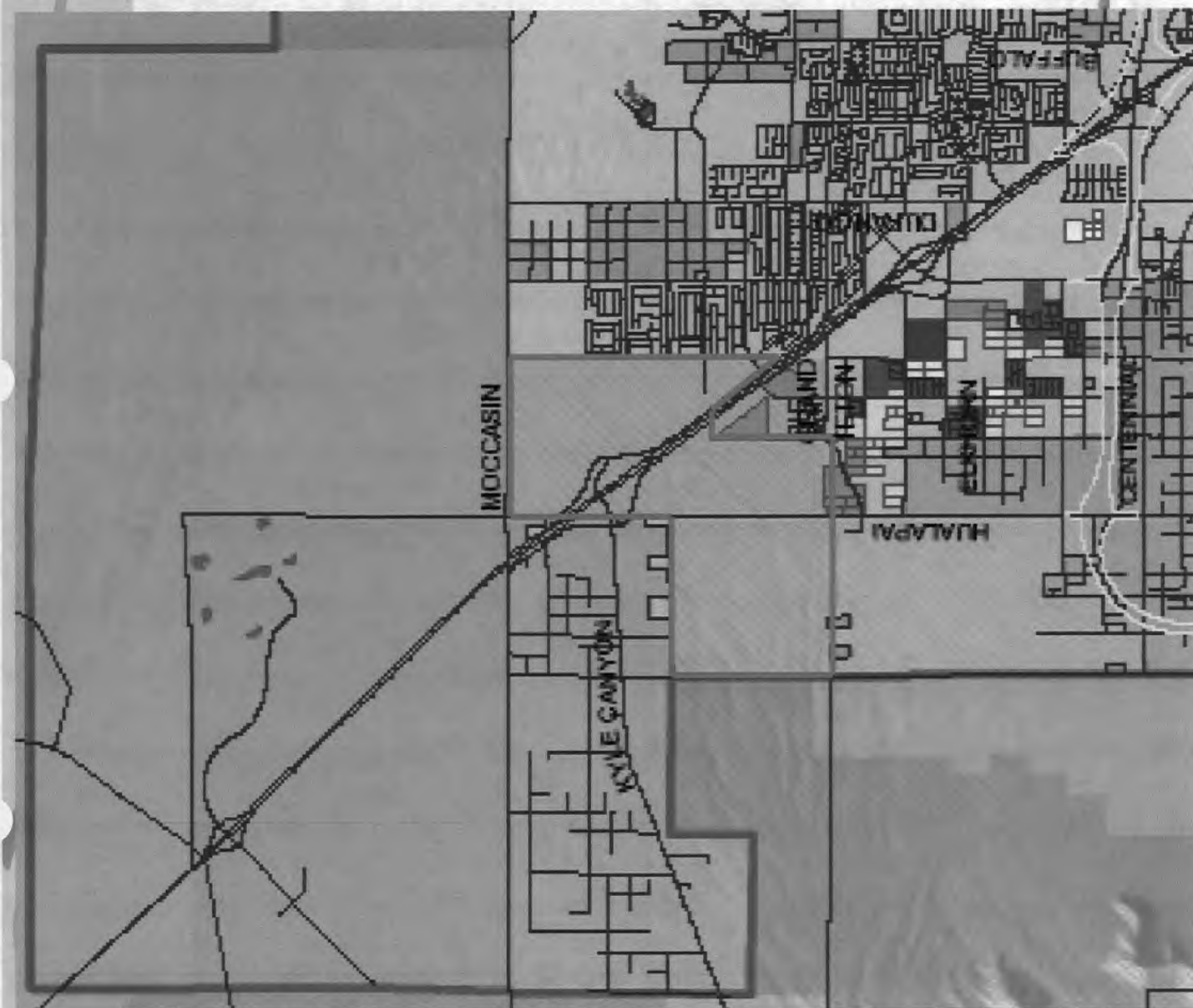
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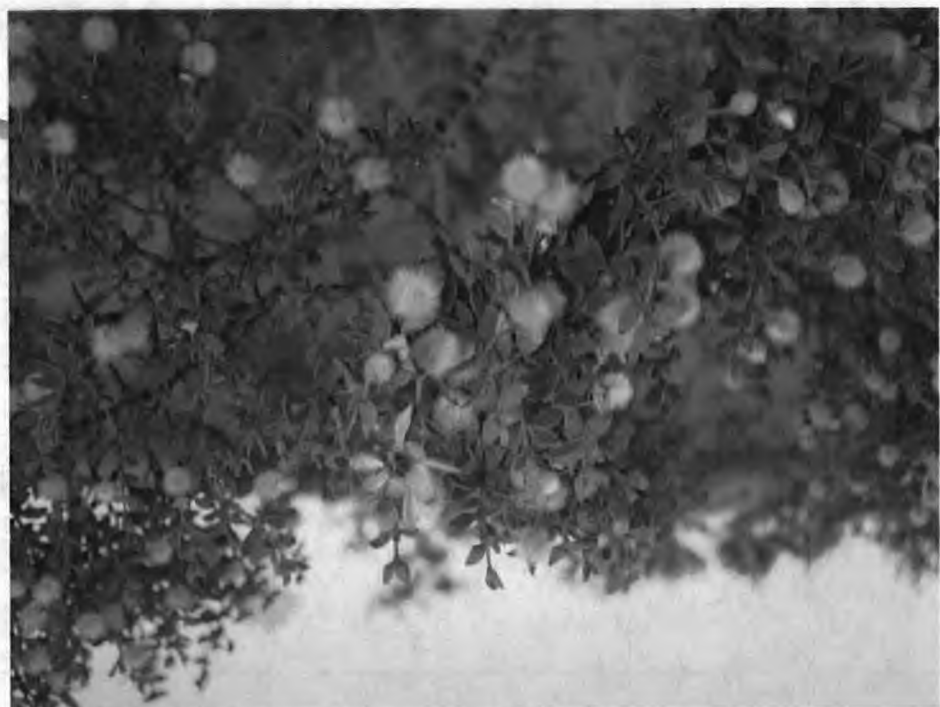
Kyle Canyon

Gateway Plan

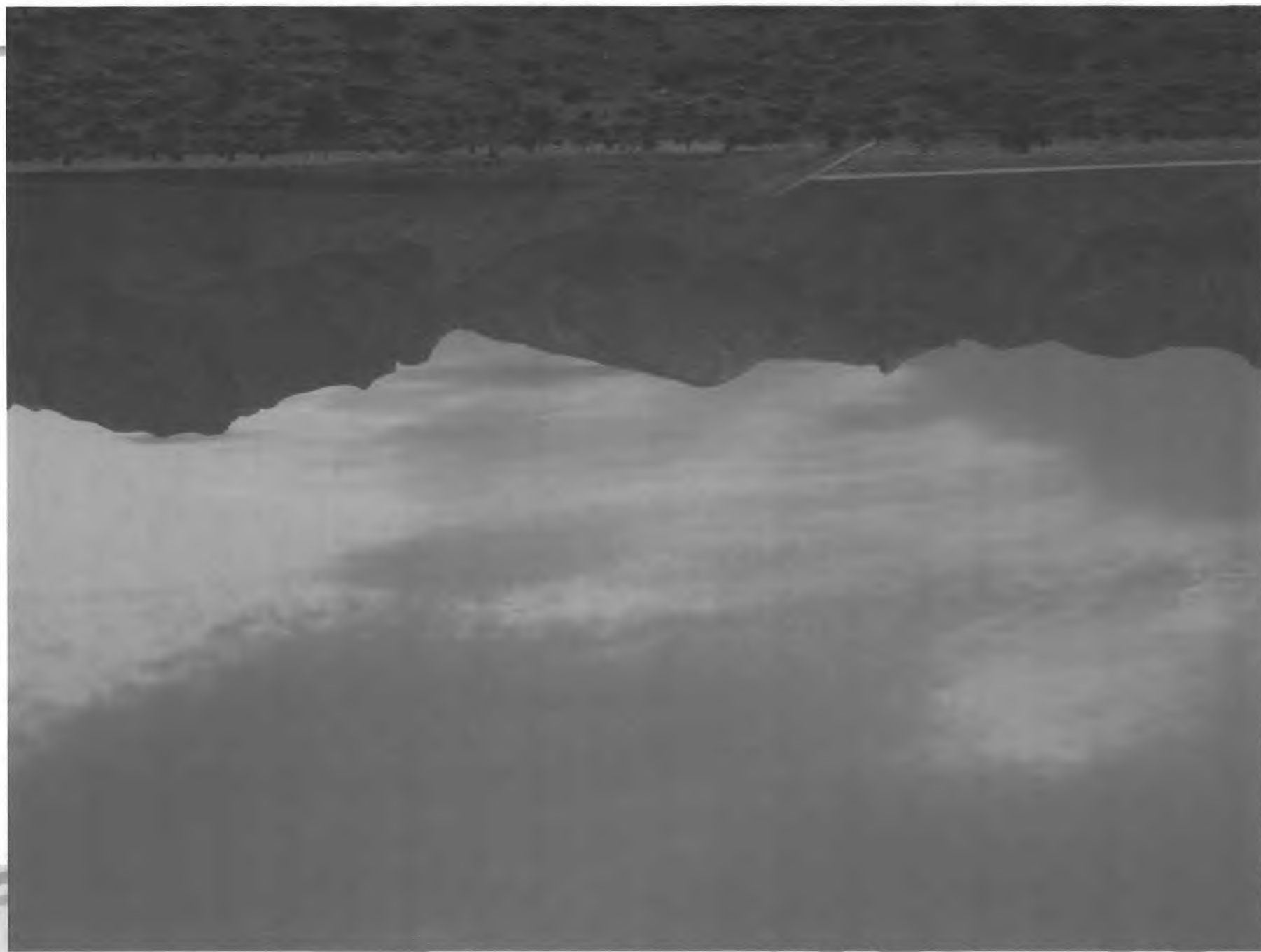


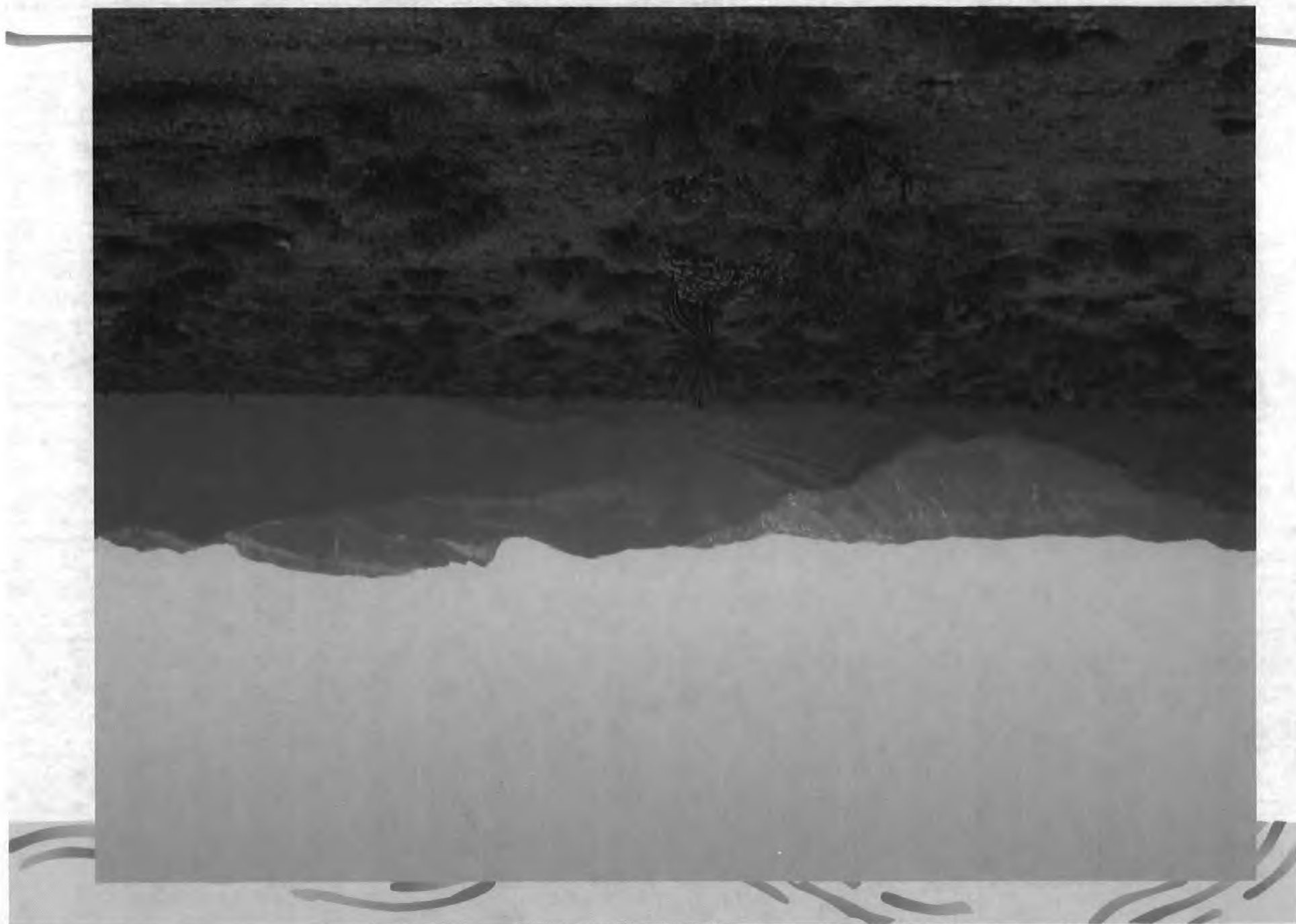
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Milestones

- **Plan Document**
 - **Sustainability Design Charrette**
 - **Scoping Document**
 - **Design Criteria**
 - **City Ordinance**
 - **Resolution**
 - **Auction**
- 

Water [Goal] To reduce total average per-person water use to 150 gallons per person per day.



- Dual distribution system that uses recycled water for outdoor common areas
- Elimination of irrigation spray onto adjacent hard surfaces
- Share water-intensive end uses such as common turf areas

Energy [Goal] All residential units meet Energy Star standards.



- Buildings 30% more energy efficient
 - Energy efficient HVAC systems & appliances
 - Fluorescent lighting
 - Optional solar panels



Landscape [Goal] Maximize use and design of open space to preserve viewsheds and the site's natural character.



- Utilize natural arroyos and ridgelines
 - Preserve views
 - Preserve natural drainage
 - Incorporate trails
- Develop night sky preservation standards

Community Plan [Goal] Balance density, open space and cost of housing.



- Village/employment center to include retail, service, office, entertainment, civic, and higher density residential uses
- Diversification of housing types and prices within neighborhoods

Transportation [Goal] Design transportation infrastructure to allow for multiple modes of transportation within the site.



- Incorporate paths and trails throughout the site
- Locate a regional transportation center on the site to serve as a connection point for transferring between modes of transport

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

**Discussion and possible action regarding a Resolution Adopting Guidelines for
Development Within the Kyle Canyon Gateway Area**

Appearance List:

OSCAR GOODMAN, Mayor

TOM PERRIGO, Planning and Development

LAWRENCE WEEKLY, Councilman

MICHAEL MACK, Councilman

GARY REESE, Councilman

JERRY HELTON, Southern Highlands Development Corporation

VAL STEED, Chief Deputy City Attorney

DOUG SELBY, City Manager

LARRY BROWN, Councilman

UNIDENTIFIED SPEAKER

(12:07 – 12:27)

3-144

20 minutes

Typed by: Stacey Campbell

Proofed by: Lean Coleman

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

22 **MAYOR GOODMAN**

23 Item number 51 is R176 dash two thousand and four. Discussion and possible action regarding a
24 resolution adopting guidelines for development within the Kyle Canyon Gateway area. Mr.
25 Perrigo.

26

27 **TOM PERRIGO**

28 Thank you, Mayor and Council, Tom Perrigo, Planning and Development Department. The
29 reason we placed this resolution before you today is to provide clear and concise guidelines and
30 goals to those who are interested in – bidding on the Kyle Canyon development, Kyle Canyon
31 property.

32

33 **MAYOR GOODMAN**

34 This is pretty (inaudible).

35

36 **TOM PERRIGO**

37 Situated at the northwestern edge of the City where Kyle Canyon Road intersects Highway 95,
38 the Kyle Canyon Gateway area is a seventeen hundred ten acre parcel –

39

40 **MAYOR GOODMAN**

41 (inaudible) needs to (inaudible)

42

43 **TOM PERRIGO**

44 – managed by the Bureau of Land Management. It has an appraised value of three hundred
45 twenty three million dollars and is slated to be sold at auction on February 2nd, 2005. Following
46 the auction, we anticipate entering into discussions with the successful bidder to – prepare a
47 master development plan for the area. This resolution will serve as a basis for those discussions.
48 The resolution covers public facility needs, it sets goals for achieving fifty percent reduction in
49 water consumption, it sets goals for reducing energy consumption by thirty percent –

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 51

50 **MAYOR GOODMAN**

51 This is the way (inaudible) looks.

52

53 **TOM PERRIGO**

54 – it discusses preserving the arroyos for open space, preserving them in their natural state for
55 open space for trails, for site drainage, to preserve the views of the area. It covers community
56 design, talks about a pedestrian friendly environment, preserving trail access throughout the
57 community, developing a village center. It also talks about transportation needs.

58 The Kyle Canyon Gateway area is special, typifies Mojave Desert environment. It's rich in its
59 diversity of plants and animals. It has deep arroyos that – traverse through the property. It has
60 excellent views towards the Red Rock Conservation Area to, on its western border. It also has
61 excellent views of the Spring Mountains, Mount Charleston and Mummy Mountain. And, of
62 course, at a higher elevation, it has wonderful views of the developed valley below.

63 The challenge, of course, as we develop this area is to preserve these resources while at the same
64 time, accommodating growth. None of the things that we ask for in the resolution are new to the
65 development community. In fact, these practices are currently, we're seeing them in
66 subdivisions around this town and also other communities across the country. And, all of the
67 provisions in the resolution can also be found, supported in the policies of the Master Plan and its
68 various elements. The difference is, with this community, is that we're asking for all these
69 concepts to come together in one well thought out, well designed master planned community.

70 I sort of gave an abbreviated version of this presentation in the interest of time. It's the lunch
71 hour. So, with that, staff recommends approval and would be happy to answer any questions.

72

73 **MAYOR GOODMAN**

74 When will the sale – take place?

75

76 **TOM PERRIGO**

77 February 2nd, 2005, assuming that the environmental impact statement does have a record of
78 decision by that time. Right now, we anticipate that that will happen.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

79 **COUNCILMAN WEEKLY**

80 Your Honor?

81

82 **MAYOR GOODMAN**

83 Very good

84

85 **COUNCILMAN WEEKLY**

86 Mayor?

87

88 **MAYOR GOODMAN**

89 Yes?

90

91 **COUNCILMAN WEEKLY**

92 Question, real quickly here. I was asked a question about this and someone wanted to know, will
93 it be sold in one whole parcel or will it be divided up at all?

94

95 **TOM PERRIGO**

96 It will be sold in one parcel –

97

98 **COUNCILMAN WEEKLY**

99 One parcel.

100

101 **TOM PERRIGO**

102 – one thousand seven hundred ten acres.

103

104 **COUNCILMAN WEEKLY**

105 Okay.

106

107 **TOM PERRIGO**

108 And, I believe there's a gentleman here also that would like to speak on this.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

109 **MAYOR GOODMAN**

110 Fine. I'm gonna – recognize you in a moment. Do we have a minimum bid that we put out
111 there?

112

113 **TOM PERRIGO**

114 The BLM did do an appraisal on the property at three hundred twenty three million dollars. That
115 is considered its fair market value and that will be the opening bid.

116

17 **MAYOR GOODMAN**

118 Okay. And, that's how many acres again?

119

120 **TOM PERRIGO**

121 One thousand seven hundred ten acres.

122

123 **MAYOR GOODMAN**

124 One thousand seven hundred and ten acres.

125

126 **COUNCILMAN MACK**

27 That's the opening bid?

128

129 **COUNCILMAN WEEKLY**

130 Oscar, can you lend me (inaudible)?

131

132 **TOM PERRIGO**

133 Three hundred and twen, well – that's the minimum that they'll accept so, yes, that would serve
134 as the opening bid.

135

136 **MAYOR GOODMAN**

137 I'll lend you, how much did you want to borrow?

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

138 **COUNCILMAN WEEKLY**

139 Three hundred and twenty three million dollars.

140

141 **MAYOR GOODMAN**

142 I can't lend you the whole amount. Does the buyer have to come with the entire amount of
143 money?

144

145 **TOM PERRIGO**

46 They, I believe, at the last auction, they put twenty percent down and the balance is due six
147 months after the sale. So, in that six-month period is when we would be discussing the – master
148 development plan.

149

150 **MAYOR GOODMAN**

151 I see. And, that's a matter of federal law? Is that it, with the twenty percent?

152

153 **TOM PERRIGO**

154 That, those are the, that's a process that was established by the Bureau of Land Management for
155 the auctions.

56

157 **MAYOR GOODMAN**

158 Okay. Well, I can lend you twenty percent, Councilman.

159

160 **COUNCILMAN REESE**

161 I thought you was gonna bid on it?

162

163 **MAYOR GOODMAN**

164 Well, he wanted to make sure that I could loan him the money before he did it. You're
165 responsible for the balance though.

**CITY COUNCIL MEETING OF
December 1, 2004**

VERBATIM TRANSCRIPT – ITEM 51

166 **COUNCILMAN WEEKLY**

167 All right.

168

169 **MAYOR GOODMAN**

170 Yes, Sir.

171

172 **JERRY HELTON**

173 Mayor, members of Council, my name's Jerry Helton, I'm here representing one of the
74 development groups that's interested in purchasing the property. The group comprised of
175 Olympia Land and America Nevada. We would just like to, I left one sheet out, sorry, I can't
176 start without that. We would like to recommend that the resolution incorporate some language
177 that limits the density for this project to the ninety five hundred units that was discussed in the
178 Planning charette held previously for the project.

179 In working to develop a plan for this project, we've come to recognize that interfacing such a
180 development with the existing residential communities bordering on Ft. Apache, Grand Teton
181 and Grand Canyon, will be a significant challenge and that planning for the Kyle Canyon project
182 should also maintain the existing lifestyles of these existing communities. To that end, we know
183 and we feel, that the ninety five hundred unit density considered in the – charette can accomplish
34 the goals of blending such a new project with existing communities and the lifestyles already
185 established for this area.

186 We feel that by establishing a density limitation for this project, the City would be sending a
187 message to the competing developer company, entities for this project. That the City is going to
188 hold to the design and development goals developed in the charette. That the planning and
189 design for the project is going to be a function of these goals rather than being a function of the
190 price paid for the land.

191 I'm available for any questions if you wish.

192

193 **MAYOR GOODMAN**

194 Thank you Mr. Helton. Are there any questions of Mr. Helton?

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

195 **COUNCILMAN MACK**

196 Your Honor? Your Honor?

197

198 **MAYOR GOODMAN**

199 Yes?

200

201 **COUNCILMAN MACK**

202 If you look – at item, if you look at page two, in our backup material, line eighteen and nineteen,

203 I think it addresses the density issue starting with the acreage estimate for public facility
204 dedication is based on a planned community development of ninety five hundred acres,
205 residential dwelling units. So, it's – stated right in here that there'll be ninety five hundred
206 residential dwelling units. Is that not – concrete enough, Mr. Helton? Do you think it's
207 ambiguous?

208

209 **JERRY HELTON**

210 Not to be argumentative, Sir, but that's a sentence that applies to the acreages estimated for the
211 public facility, facilities and how you got to the two hundred and forty five acres. You could, I
212 guess I could say, standing on my development shoes or developers shoes, that then if I wanted
213 fifteen thousand units, which, you know, might maximize the density on that project, then I
214 would have to provide an appropriate increase in public facilities. That just establishes what the
215 – two forty five mentioned in here was based on.

216

217 **COUNCILMAN MACK**

218 Mr. Perrigo?

219

220 **TOM PERRIGO**

221 Well, all of the planning we've done, so far, has sort of been built around an estimate of ninety
222 five hundred dwelling units and that number is the result of the master planned designation for
223 that property and the zoning that will go with it. It would ultimately allow approximately ninety
224 five hundred units. So, that's sort of the – basis for that number and we've planned around that.

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 51

225 **COUNCILMAN MACK**

226 But I see what Mr. Helton's meant, you know, and this is under the subheading Public Facility
227 Infrastructure Guidelines and maybe it needs to have its own subheading that, you now, this will
228 be the maximum density of ninety five hundred dwelling units, residential. And, I – understand
229 what you're saying. We all need to play by the same rules. If you're – bidding on, based on
230 ninety five hundred acres and company B's at ten thousand five hundred, it doesn't give a
231 fairness and with the open space and everything that's required. So, is there anything else that
232 would help clarify that in some way, an amendment of some sort? Mr. Genzer, maybe you, Mr.
33 Steed?

234

235 **VAL STEED**

236 Yes, let me just point out that this is a resolution, it's not intended to – establish the kind of
237 density limitations that an ordinance would. Its gonna have the effect of the resolution but if at
238 some point in time, there's a decision to increase or decrease the maximum, that would be done
239 by ordinance in the normal course. This is intended to be an interim measure until we can work
240 out the ordinance details.

241

242 **COUNCILMAN MACK**

43 And will we have the ordinance complete before the February sale?

244

245 **VAL STEED**

246 I can't imagine we would. It – it's far in the – future as far as I can tell.

247

248 **COUNCILMAN MACK**

249 You're saying we could have the ordinance complete or not?

250

251 **VAL STEED**

252 No. No.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

253 **DOUG SELBY**

254 Councilman, if I might? Mayor?

255

256 **MAYOR GOODMAN**

257 Yes, certainly.

258

259 **DOUG SELBY**

260 The – intent here is more disclosure of the City's intent when the successful bidder comes
51 forward for their development plan with the City, is that, these are expectations that shouldn't be
262 concealed from any prospective bidder. So, the intent is to disclose what we would recommend,
263 as staff to the Council, when that development agreement is finally brought forward.

264

265 **COUNCILMAN MACK**

266 Okay, as long as we can put on the record that that's, that our intent is ninety five hundred acres
267 and we'll follow that up with a resolution.

268

269 **MAYOR GOODMAN**

270 And, Mr. Perrigo, did you, what kind of guideline do you use to ascertain that approximately two
/1 hundred and forty five acres will be set aside for public facilities including parks? Is there a rule
272 of thumb?

273

274 **TOM PERRIGO**

275 Yeah, yes there, based on the ninety five hundred units, there are standards for how many
276 students will be generated for – schools, how many –

277

278 **MAYOR GOODMAN**

279 Oh, so it's based on the – residential rather than on the amount of the acreage?

280

281 **TOM PERRIGO**

282 Yes, Sir, it's ninety five hundred residential units –

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

283 **MAYOR GOODMAN**

284 Oh, I see.

285

286 **TOM PERRIGO**

287 – that establishes this – the parks space.

288

289 **MAYOR GOODMAN**

290 I see.

91

292 **TOM PERRIGO**

293 And then we have additional standards we're trying to achieve for open space out in that area –

294

295 **MAYOR GOODMAN**

296 I see.

297

298 **TOM PERRIGO**

299 – and, so –

300

301 **MAYOR GOODMAN**

302 Okay, thank you. Councilman Brown.

303

304 **COUNCILMAN BROWN**

305 Thank you, Mayor. Recently, we – amended the Summerlin West Master Plan development
306 agreement. They actually increased their density significantly through market concerns. So, this
307 one, the ninety five hundred ac, the ninety five hundred units seems relatively low in density
308 compared to what we see in – the Summerlin West agreement and what the market seems to be
309 driving out in the northwest. Do we have a range, a density range that, separate from a number,
310 but those developable acres that's going to ultimately go to the bidder that wins, do we have a
311 sense where that range is that we want to see come in? On the developable (SIC) the developable
312 land?

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 51

313 **TOM PERRIGO**

314 The -- ninety five hundred acres, the ninety five hundred units, works out to approximately, on
315 average, eight units per residential planned area acre.

316

317 **COUNCILMAN MACK**

318 And, you know, that varied from very high density to the low density.

319

320 **MAYOR GOODMAN**

21 (inaudible) he has that.

322

323 **COUNCILMAN BROWN**

324 How many developable acres to we anticipate?

325

326 **TOM PERRIGO**

327 Out of the seventeen hundred ten acres, there's about, approximately, two hundred fifty acres
328 coming off for the Mountain Edge Parkway and then, if you subtract out approximately two
329 hundred fifty acres for the public facility needs, that leaves approximately twelve hundred acres.

330 And, if you assume that all of that is going to be developed residential for high end estimate,
31 which it probably won't be, that would, at eight units to the acre, given the current planned land
332 use and the zoning that goes with that, that would be approximately ninety six hundred units.

333

334 **COUNCILMAN BROWN**

335 And that, I, and I guess since this is a resolution we could have some discussion over the next
336 few months, that seems extremely low. Most of what, what's coming through as far as urban
337 development is the eight to twelve range now.

338

339 **COUNCILMAN MACK**

340 Councilman, that's not -- taking in account the commercial that would also be taken out of this.

341 This is a -- assuming that it would be all residential.

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 51

342 **COUNCILMAN BROWN**

343 But, then I asked the question improperly, the – residential density anticipated, I think we need to
344 have some discussion as far as where we'd, where we would like that to come in at, eight, just
345 residential, ten, twelve, a range. I think that's important because Mr. Helton's point is a good
346 one. Let's not say it's going to come it at X units per acre and then through negotiation that
347 turns out to be X plus four.

348

349 **TOM PERRIGO**

50 Right, I mean the current land use will not allow us to go over eight units per acre so, we would
351 have to, I guess, look at that. But, getting back to Dr. Selby's point that these are general
352 guidelines to let the people know what we're gonna be expecting. Those final details would be
353 worked out in the negotiation process after the land sale.

354 The ninety five hundred units, we, you know, we sorta went back and forth, should we put that
355 number out there, but in order to establish some of the planning parameters, we have to start with
356 something and that, based on the work we did in the charette that he discussed and other efforts,
357 we felt that that was a reasonable number to use as a, as sort of a planning benchmark.

358

359 **COUNCILMAN BROWN**

50 Thanks, Tom, I appreciate that.

361

362 **MAYOR GOODMAN**

363 My – quick arithmetic here, I'm not sure whether I'm even using the valid – facts but, it would
364 appear to me that there are twelve hundred usable acres, as I understand it, for private
365 development and they're paying three hundred and twenty three million as a minimum. That's
366 two hundred and fifty thousand an acre, that's about half of what a residential acre's costing
367 today in the community.

368

369 **COUNCILMAN REESE**

370 That's cheap.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

371 **COUNCILMAN BROWN**

372 That's – the opening –

373

374 **COUNCILMAN MACK**

375 That's minimum bid.

376

377 **COUNCILMAN BROWN**

378 That's the minimum bid.

79

380 **UNIDENTIFIED SPEAKER**

381 My guess is –

382

383 **MAYOR GOODMAN**

384 Right, the minimum, I – understand but the minimum bid is cheap. Councilman Weekly, we'll
385 talk about this afterwards.

386

387 **JERRY HELTON**

388 If, I could – shed, I think, some quick light on your density, or your – range of – product
389 concerns. In, as many of you, you know, and I – don't know that we we're able to get to every
390 Council member but we've made presentation to, I think, as many as we could. You know, we
391 do have a plan for the project. The, to add ninety five hundred units we can have housing
392 product ranges from five units per acre up to twenty four with middle – to medium density
393 residential, high density residential, medium density multi-family and still some commercial
394 village center elements in that and still work with the open space requirements. So, eight will,
395 while you say an average of eight units per acre, over twelve hundred acres, ninety six hundred
396 units, not every, not everybody's gonna build, I mean, that – community's not gonna be
397 uniformly eight units per acre. It's gonna have different mixes.

398 We're definitely going to have to buffer against the existing four, five and six unit per acre
399 product that surrounds the property on – more than two sides. So, you know, you're not gonna
400 slam a much higher density product there. So, that's gonna create that lower density buffer. As

CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – ITEM 51

401 you move towards the core, which is part of the design concepts, some of those densities will
402 come up into that three, two/three story product, maybe even four. So, I think there'll be a pretty
403 good mix.

404 A comparison, if you will, that's right there in, right adjacent and done this year, was Cliff's
405 Edge Providence, nine, little over nine thousand units on eleven hundred acres. So, they're right
406 in that same – eleven hundred usable, they're right in that same kind of number. And, they've
407 got a pretty – decent blend similar up to the twenty-four unit per acre.

408 Our biggest concern in this is that Las Vegas' become a world market for land. There is, the
09 development groups that live here and work here and will work with you and we – can ascertain
410 what you want and we can – do the best we can to buy the property with those goals in mind.
411 But there can be some development groups that are nothing but investment groups and if they
412 come in and they don't understand that there's a basis here of ninety five hundred or whatever
413 number there's, that you desire for your community. They may bid saying, you know, you can
414 read the ordinance and you can – take eight and multiply it times seventeen and justify fifteen
415 thousand units. Well, that's a different number and then we don't have the thing we wanted to
416 have.

417 So, that's why, you know, we all want to compete. We're not afraid to compete. But, let's have
418 a basis which, with which we can do it. And, if there's a way you can indicate through the
19 resolution, knowing that all ordinances can change that, but indicate through the resolution what
420 your goals are, that's what we're asking for.

421
422 **MAYOR GOODMAN**
423 All right, thank you very much. We appreciate it. All right, any other comments or questions?
424 Okay, Mayor Pro Tem.

425
426 **COUNCILMAN REESE**
427 Councilman Mack.

428
429 **MAYOR GOODMAN**
430 Oh, Councilman Mack, okay.

CITY COUNCIL MEETING OF
December 1, 2004

VERBATIM TRANSCRIPT – ITEM 51

431 **COUNCILMAN MACK**

432 Thank you, Your Honor, you know, I have to first of all thank Bob and Tom for your efforts.
433 The Kyle Canyon Gateway charrette, all the hard work through all our different consultants we've
434 hired. This is cutting edge. This is the way I think this valley is gonna be shaped in the future.
435 We're talking about a sustainable community. One that has, you know, fifty percent less water
436 consumption, thirty percent less energy consumption, using the view sheds, using the natural
437 arroyos, being flexible with the open space, talking about the outer beltway and how – that outer
438 connectivity will help the whole northwest. But, really, this was multi jurisdictional, the
39 developers were involved in the process and I think the end result is we got something very
440 special and a lot of homebuilders today are using, you know, the quote, energy star, energy
441 efficiency, that this is the wave of the future.

442 But, as – important it is to have all these bells and whistles on – the land and I think they also
443 drive the price of the land up as well to build to these standards, we have to keep affordability in
444 mind and that's why I want, you know, we always say, you know, affordability, affordability but
445 with today's medium priced home being three hundred thousand, we're out pricing the market
446 and not necessarily we are, but the market's done it to itself.

447 This master planned community's gonna be something, you know, it's gonna be a legacy for
448 future of the City of Las Vegas and I'm quite proud we're moving forward and hope, hoping
49 that, you know, the conditions of this sale will be upheld in a development agreement post – sale.
450 And, the minimum bid, it does sound like a low number but if you look at all the minimum bids
451 that all the other jurisdictions they're in the similar price points but went beyond that. And,
452 we're fortunate to be able to see a lot of these funds that go from the sale right back to the
453 community. And the Centennial Hills was granted thirty six million dollars from Gail Norton
454 just recently from land sales in Henderson or, I think, prior to that.

455 If there – is some ambiguity to the ninety five hundred acres, I just want to clarify for the record,
456 it's ninety five hundred acres on the usable –

457

458 **MAYOR GOODMAN**

459 (inaudible)

CITY COUNCIL MEETING OF
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460 **COUNCILMAN REESE**

461 Units.

462

463 **COUNCILMAN MACK**

464 Ninety five hundred units, excuse me, for the eleven or twelve hundred developable acres, you
465 know, if you're taking out the beltway and the open space requirements and for our public
466 facilities. So, with that, **I'd like to follow staff's recommendation and move forward with**
467 **this resolution.**

68

469 **MAYOR GOODMAN**

470 All right, let's vote on that please. Post. Motion carries. **(Motion carried UNANIMOUSLY)**

471 Thank you. Appreciate it.

472 **(END OF DISCUSSION)**

473 /sc;lc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

BOARDS AND COMMISSIONS

Discussion and possible action on the appointment of a member of the City Council to serve on the Oversight Panel for School Facilities

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

The 1997 State Legislature formed the Oversight Panel for School Facilities whose obligation it is to "review and approve or disapprove a request by the board of trustees of the school district for the issuance of general obligation bonds" for school construction (NRS 393.097). The law calls for a representative of the County Commission and each of the City Councils in Clark County to serve on this panel, along with five members appointed by the Board of School Trustees. Councilman Larry Brown has served as the City's representative on this Panel, term expiration, December 31, 2004, and is eligible for reappointment.

RECOMMENDATION:

Procedure to fill this seat is appointment by the City Council. Options are to reappoint Councilman Brown or appoint a new member of the Council to serve on the Oversight Panel for School Facilities.

BACKUP DOCUMENTATION:

Listing and authority for this panel

MOTION:

GOODMAN - Motion to REAPPOINT COUNCILMAN LARRY BROWN - UNANIMOUS

MINUTES:

Clerk to notify

There was no discussion.

(12:27)

3-775

12-4-2002

OVERSIGHT PANEL FOR SCHOOL FACILITIES

Member	Appt. Date	Exp./ Notes
Councilman Larry Brown (Reappointed 6-28-1999) (Reappointed 1-17-2001) (Reappointed 12-4-2002)	9-22-97	12-31-2004

Authority: NRS 393.092

Term: 2-Year term begins on January 1 and ends on December 31 of the second year

Appointment: Committee consists of 11 members as follows:

Six members elected representatives of local government determined as follows:

1 member board of county commissioners appointed by a majority vote of the board of county commissioners

1 member of the governing body of each incorporated city in the county, each of whom is appointed by a majority vote of the governing body of which he is a member.

If the county and cities membership is less than six, one additional member of the board of county commissioners and, if applicable, additional members of the governing bodies of incorporated cities in the county, appointed as above, until six members have been appointed. If this membership would result in an unequal number of representatives among the incorporated cities, the membership of the incorporated cities on the panel must be rotated and the board of county commissioners shall draw lots to determine which city of cities will be first represented, which next, and so on.

Five members board of trustees of the County School District according to specific criteria set forth in NRS 393.092.

Continued . . .

After the initial terms, the term of each member of this panel is 2 years; members are eligible for reappointment.

PURPOSE: On or before July 1 of each even-numbered year, the Oversight Panel is mandated to submit to the director of the Legislative Counsel Bureau for transmittal to the next regular session of the legislature written recommendations for financing the cost of new construction, design, maintenance and repair of school facilities. In addition, the Oversight Panel shall review and approve or disapprove a request by the Board of Trustees of the School District for the issuance of General Obligation Bonds pursuant to Subsection 4 of NRS 350.020.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK**DIRECTOR: BARBARA JO RONEMUS**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:****BOARDS & COMMISSIONS**

Appointment and reappointment of members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

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

The Youth Neighborhood Association Partnership Program Grant Review Board was established by Council action on March 1, 2000. YNAPP is a service-learning program encouraging young people to take an active role in their neighborhood. The Board consists of 15 members, eight adults and seven youth. Terms of office are one year, and members may be reappointed to consecutive one-year terms. Expiration of this Board occurs yearly. Members appointed at this meeting will serve from December 3, 2004 to December 3, 2005.

RECOMMENDATION:

Procedure for this Board is appointment by the City Council and the Dept. of Neighborhood Services recommends the following: Appointments: (Adult Representative) Detrick Sanford, (Youth Representatives) Rogierre Hughes, William Arndt, Madeline Laxa, Jazmin Terrazas, Jessica Cohen, Natasha Yonkof, Isabelle Slick Reappointments: (Adult Representatives) Minerva Gomez, Katrina Manzi, Loretta Arrington, Katherine Martin, Greg Toussaint, Darcy Hayes, Lisa Clearwater-Campbell

BACKUP DOCUMENTATION:

1. Agenda Memo explaining purpose of board and proposed appointments and their categories
2. Current Listing and Authority – Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

MOTION:

GOODMAN - Motion to APPOINT and REAPPOINT the members as recommended - UNANIMOUS

Clerk to notify

NOTE: A previous motion by Goodman for reconsideration rescinded Reese's initial motion to appoint and reappoint the members as recommended because the last five names were not announced. Both motions carried unanimously.

MINUTES:

There was no discussion.

(12:27 - 12:28/12:32 - 12:33)

3-789/3-959

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

DEPARTMENT: CITY CLERK

ITEM DESCRIPTION: Appointment and Reappointment of Members to the Youth Neighborhood Association Partnership Program (YNAPP) Grant Review Board

The Youth Neighborhood Association Partnership Program (YNAPP) is designed to encourage neighborhood youth to take an active role in their community. This program will enable middle and high school youth throughout the City of Las Vegas to carry out community building projects of their own design.

Youth who need financial assistance to implement community service learning project ideas can apply for YNAPP grants up to \$1,000. Young people involved in this program will identify community needs, plan a strategy to address those needs, and submit an YNAPP Grant Application to implement their plan.

Youth and adults will serve side by side on the YNAPP Grant review Board and select exemplary proposals for funding. The board consists of fifteen (15) members, seven (7) youth and eight (8) adults. The Board shall be comprised of the Mayor's two (2) designees, and one (1) Council designee from each of the six (6) Council Wards. The Mayor shall also appoint seven (7) youth from geographically diverse locations throughout the City of Las Vegas.

Attached are the Department of Neighborhood Services' recommended appointments and reappointments listed according to their appropriate categories.

City of Las Vegas

CITY COUNCIL MEETING DATE: DECEMBER 1, 2004

AGENDA MEMO – PAGE TWO

YNAPP GRANT REVIEW BOARD APPOINTMENTS DECEMBER 1, 2004	
Elected Official	Designee
Mayor Oscar B. Goodman Designee	Katrina Manzi, Community Leader 3608 Naugatuck Circle LV 89129 491-4910
Mayor Oscar B. Goodman Designee	Minerva Gomez, City of Las Vegas 229-6281
Mayor Pro-Tem Gary Reese Ward 3 Designee	Loretta Arrington, Council Liaison City of Las Vegas 229-6405
Councilwoman Janet Moncrief Ward 1 Designee	Katherine Martin, Neighborhood Leader 2801 Alcoa Ave. LV 89102 876-5156
Councilman Steve Wolfson Ward 2 Designee	Greg Toussaint, Neighborhood Leader 9030 W. Sahara Ave. #465 LV 89117 240-5994
Councilman Larry Brown Ward 4 Designee	Darcy Hayes, Council Liaison City of Las Vegas 229-6405
Councilman Lawrence Weekly Ward 5 Designee	Detrick Sanford, Community Leader 310 W. Van Buren Ave. LV 89106 807-4316
Councilman Michael Mack Ward 6 Designee	Lisa Clearwater Campbell, Council Liaison City of Las Vegas 229-6405
Mayor Goodman's Youth Designees:	
Youth Designee Representing: Las Vegas High School	Rogierre Hughes, 6580 Solitary Ave. LV 89110 256-6976
Youth Designee Representing: Clark School	William Arndt, 121 Red Coral Dr. HD 89105 558-2954
Youth Designee Representing: Palo Verde High School	Madeline Laxa, 2600 S. Town Center Dr. #2158 LV 89135 256-5380
Youth Designee Representing: Desert Pines High School	Jazmin Terrazas, 4016 Red Pony Ct. LV 89110 452-5592
Youth Designee Representing: The Meadows School	Jessica Cohen, 7500 Via Sistina St. LV 89131 839-1280
Youth Designee Representing: Cheyenne High School	Natasha Yonkof, 4040 W. Delhi Ave. NLV 89032 399-9911
Youth Designee Representing: Centennial High School	Isabelle Slick, 7612 Sudan Ct. LV 89149 645-9925

YOUTH NEIGHBORHOOD ASSOCIATION PARTNERSHIP PROGRAM (YNAPP) GRANT REVIEW BOARD

	<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
1.	Katrina Manzi (Mayor Oscar Goodman's Designee)	3608 Naugatuck Circle 306-3383	89129	2-5-2003 (Reappt. 12-3-2003)	12-3-2004
2.	Minerva Gomez (Mayor Oscar Goodman's Designee)	City Hall 229-6281	89101	5-3-2000 (Reappt 12-19-2001) (Effective 1-21-2002) (Reappt 2-5-2003) (Reappt. 12-3-2003)	12-3-2004
3.	Katherine Martin (Councilwoman Janet Moncrief's Ward 1 Designee) (Replaced Mel Kalagian - resigned effective 1-28-2002)	2801 Alcoa Avenue 876-5156	89102	2-20-2002 (Reappointed 2-5-2003) (Reappt. 12-3-2003)	12-3-2004
4.	Greg Toussaint (Councilwoman Lynette B. McDonald's Ward 2 Designee) (Replaced Nichole Alberti - resigned effective 1-29-2002)	9030 W. Sahara Avenue, #465 240-5994	89117	2-20-2002 (Reappointed 2-5-2003) (Reappt. 12-3-2003)	12-3-2004
5.	Loretta Arrington (Mayor Pro-Tem Gary Reese's Ward 3 Designee)	City Hall 229-6501	89101	5-3-2000 (Reappt 12-19-2001) (Effective 1-21-2002) (Reappt 2-5-2003) (Reappt. 12-3-2003)	12-3-2004
6.	Darcy Hayes (Councilman Larry Brown's Ward 4 Designee)	City Hall 229-6501	89101	2-5-2003 (Reappt. 12-3-2003)	12-3-2004
7.	Kelly Benavidez (Councilman Lawrence Weekly's Ward 5 Designee) (Replaced Joshua D. Swackhamer - resigned effective 2-6-2002)	City Hall 229-6501	89101	2-20-2002 (Reappointed 2-5-2003) (Reappt. 12-3-2003)	12-3-2004
8.	Lisa Clearwater Campbell (Councilman Michael Mack's Ward 6 Designee)	City Hall 229-6501	89101	2-5-2003 (Reappt. 12-3-2003)	12-3-2004
9.	Taylor Verhaalen (Mayor Oscar Goodman's Youth Designee Representing The Meadows School)	2694 Caumsett Ct. 227-6067	89117	12-3-2003	12-3-2004
10.	Afton Brown (Mayor Oscar Goodman's Youth Designee Representing Centennial High School)	8117 Eagle Clan Ct. 367-6718	89131	12-3-2003	12-3-2004

	<u>MEMBERS</u>	<u>ADDRESS</u>	<u>ZIP CODE</u>	<u>ORIGINAL APPT.</u>	<u>TERM EXPIRES</u>
11.	Crystal Hemsley (Mayor Oscar Goodman's Youth Designee Representing Cheyenne High School)	2832 Armin Avenue 649-8013	89101	12-3-2003	12-3-2004
12.	Alexis Kourafas (Mayor Oscar Goodman's Youth Designee Representing Cimarron-Memorial High School)	8117 Tiara Cove Circle 228-2461	89128	2-5-2003 (Reappt. 12-3-2003)	12-3-2004
13.	Francisco Arambula (Mayor Oscar Goodman's Youth Designee Representing Desert Pines High School)	2421 Statz Street #B, NLV 639-9993	89030	12-3-2003	12-3-2004
14.	Henry Rodriguez (Mayor Oscar Goodman's Youth Designee Representing Western High School)	5009 Carmen Blvd. 631-7949	89108	12-3-2003	12-3-2004
15.	Rosette Diaz (Mayor Oscar Goodman's Youth Designee Representing Clark High School)	6390 Pawlow Avenue 683-5221	89118	12-3-2003	12-3-2004

GENERAL PURPOSE: Service learning program designed to encourage middle and high school youth to take an active role in their community. Youth and adults will serve side-by-side and select exemplary proposals for funding. Board reviews YNAPP applications and recommends awards to the City Council. Service learning grants are offered to registered neighborhood association youth groups for neighborhood and community improvement projects.

AUTHORITY: Created by City Council action on 3-1-2000 and members appointed on 5-3-2000. By-laws adopted 3-1-2000. By-Laws Amended by City Council on 11-5-2003 (changes the renewal date for members to a date specified by the City).

TERMS: ONE-YEAR TERM - May be reappointed to consecutive one-year terms.

Must fill un-expired term. Membership is not transferable or assignable.
Board expires yearly on date specified by the City (11-5-2003 Council action, amended By-Laws).

MEMBERS: 15 members appointed by the Mayor and City Council as follows:

Mayor Two (2) Adult Designees
Seven (7) Youth Designees from geographically diverse locations
Council One (1) Adult Designee from each of the six Council Wards

NOTE: NO CITY RESIDENCY REQUIREMENT.
NO FINANCIAL DISCLOSURE REQUIRED.

CONTACT: Principal Office: City Hall, 400 Stewart Avenue, Dept. of Neighborhood Services, 2nd Floor, Las Vegas, Nevada
Contact Person: Jocelyn Bluitt - 229-5267

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Earlier this year the City Council adopted an ordinance to establish the Live/Work Overlay District. It is now proposed to expand the boundaries of the Overlay District to include the Las Vegas Medical District, and to allow medical office uses within the Overlay District. This bill will accomplish the change.

RECOMMENDATION:

ADOPTION at 12/1/2004 City Council meeting as First Amendment pursuant to the 11/16/2004 Recommending Committee

First Reading – 11/3/2004; First Publication – 11/19/2004

BACKUP DOCUMENTATION:

Bill No. 2004-71

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5734 - UNANIMOUS

Clerk to proceed with second publication

MINUTES:

There was no discussion.

(12:28 - 12:29)

3-823

FIRST AMENDMENT

BILL NO. 2004-71

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND THE BOUNDARIES OF THE LIVE/WORK OVERLAY DISTRICT TO EXTEND TO, AND INCLUDE, THE LAS VEGAS MEDICAL DISTRICT, TO ALLOW MEDICAL OFFICE USES WITHIN THE OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Expands the boundaries of the Live/Work Overlay District to extend to, and include, the Las Vegas Medical District, and allows medical office uses within the Overlay District.

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

SECTION 1: Title 19, Chapter 6, Section 130, Subsection (D), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(D) Approval Criteria. All Live/Work units within the Live/Work Overlay District must meet the following criteria in order to be approved:

(1) Zoning. Live/Work units may be located in the C-1, C-2, C-M, [and] M and PD Zoning Districts only.

(2) Permissible Nonresidential Uses. Because of the residential component, only the following nonresidential uses are permitted:

(a) Office uses, [(excluding medical offices).]

(b) Desktop publishing.

(c) Arts activities, including painting, sculpture, printmaking, ceramics, photography, film, video, graphic design, jewelry, and textiles, but excluding any activity that involves welding or open flame work. The sale of artwork is permitted as an ancillary use.

(3) Nonresidential Use Criteria. Nonresidential activities must generally conform to the intent of the Live/Work Overlay District as described in Subsection (B) of this Section.

(4) Residential Use Criteria. The residential component of a Live/Work unit must contain sleeping space, cooking facilities, and complete sanitary facilities. No more than fifty percent of the

1 total floor area of a Live/Work unit shall be designed or used for residential purposes. The residential
2 occupancy of a Live/Work unit must include at least one person who is employed or carries out an
3 occupation in the unit.

4 (5) Emergency Access and Parking. Live/Work units shall be clearly identified by signage
5 in order to facilitate access for emergency services. The amount of required onsite parking shall be
6 calculated in accordance with Chapter 19.10, based upon the gross square footage of the unit and the
7 nonresidential use or uses occurring therein.

8 (6) Signage. Permissible signage shall be in accordance with the requirements and
9 limitations of Chapter 19.14 and those that pertain to any other overlay district in which the property
10 is located.

11 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.130
12 is deemed to be a subchapter rather than a section.

13 SECTION 3: The map that is attached to this Ordinance is hereby adopted and
14 incorporated into LVMC 19.06.130(C). The attached map replaces and supersedes the map that was
15 adopted as part of LVMC 19.06.130(C) by Ordinance No. 5671. The attached map shall be included
16 in the appropriate place in any codification of this Ordinance.

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

25 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
26 ...
27 ...
28 ...

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

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

4 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Valsted 11-17-04
13 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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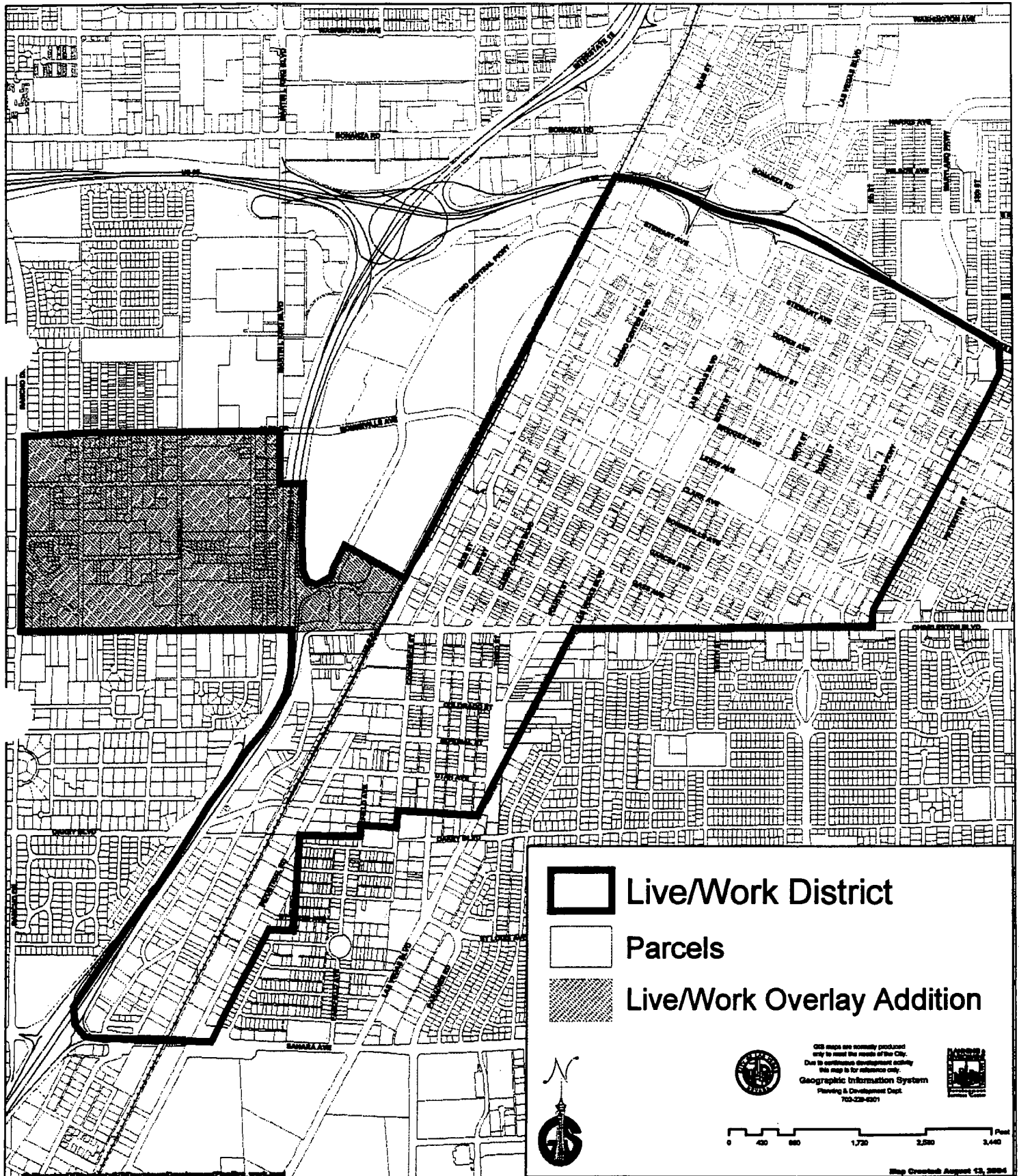
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City of Las Vegas

LIVE/WORK OVERLAY DISTRICT



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Several months ago the City Council adopted an ordinance to revise the standards and procedures for converting public streets into private streets in existing subdivisions. One of the requirements was for private streets to be located on property that is separately owned by a property owners' association. It has since been proposed, as an alternative to the current ownership requirement, to allow such private streets to be located on property that is subject to perpetual access easements running in favor of the owners of lots within the subdivision. This bill will accomplish the change.

RECOMMENDATION:

ADOPTION at 12/1/2004 City Council meeting pursuant to the 11/16/2004 Recommending Committee

First Reading – 11/3/2004; First Publication – 11/19/2004

BACKUP DOCUMENTATION:

Bill No. 2004-72

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5735 - UNANIMOUS with GOODMAN abstaining because he lives in the Scotch 80s

Clerk to proceed with second publication

MINUTES:

DANNY PIPER, 1217 Park Circle, urged approval, stating that the ordinance is necessary in order to preserve older neighborhoods.

COUNCILWOMAN MONCRIEF commented that she is working with Scotch 80s. The residents will incur the cost of converting public streets to private streets. It will actually be a savings to the taxpayers because the residents will maintain their own streets.

(12:29 - 12:32)

3-846

BILL NO. 2004-72

ORDINANCE NO. _____

AN ORDINANCE TO REVISE THE STANDARDS FOR CONVERTING PUBLIC STREETS INTO PRIVATE STREETS IN EXISTING SUBDIVISIONS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Councilwoman Janet Moncrief

Summary: Revises the standards for converting public streets into private streets in existing subdivisions.

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

**SECTION 1: Title 19, Chapter 4, Section 40, Subsection (C), is hereby amended by
amending the subdivision entitled "Private Streets" to read as follows:**

PRIVATE STREETS [ALL RESIDENTIAL DISTRICTS]

(1) Eligibility as Conditional Use. Private streets are permitted pursuant to the following provisions only if:

(a) The streets are public streets within an existing subdivision that are proposed to be converted to private streets; and

(b) All the lots within the subdivision conform to the minimum lot size requirements of Title 19.

(2) Design and Construction Standards. Unless otherwise approved by the City Council or otherwise provided by means of a specific regulation governing private streets, every private street shall conform to the same standards that govern the design and construction of public streets.

(3) Access Restrictions. The entrances to all private streets must be marked with a sign stating that it is a private street. Guard houses, access control gates and cross arms may be constructed. All restricted access entrances shall be manned twenty four hours every day or provide an alternative means of ensuring access to the subdivision by the City and other emergency and utility service providers with appropriate identification. If the association fails to maintain reliable access as required to provide City services, the City may enter the subdivision and remove any gate or device which is a barrier to access at the sole expense of the association. The association documents shall contain provisions in conformity with this paragraph which may not be amended without the written

1 consent of the City.

2 (4) Access Restricted Entrance Design Standards. Any private street which has access control
3 gates or cross arms must be of a break-away design. A turn-around space must be located in front of
4 any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any
5 guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of
6 fourteen feet in height above the road surface.

7 (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used,
8 maintained, or constructed as private streets. Also, the Department may deny the creation of any other
9 private street if it is determined that the private street would have any of the following effects:

- 10 (a) Negatively affect traffic circulation on public streets;
- 11 (b) Impair access to property either on-site or off site to the subdivision;
- 12 (c) Impair access to or from public facilities including schools, parks and libraries; or
- 13 (d) Delay the response time of emergency vehicles.

14 (6) Property Owners' Associations Required. Subdivisions developed with private streets must
15 have a mandatory property owners' association which includes all property served by private streets.
16 The association shall own and be responsible for the maintenance of private streets and appurtenances.
17 The association documents must establish a reserve fund for the maintenance of streets and other
18 improvements. Such documents are subject to review and approval by the City to ensure that adequate
19 provision for maintenance has been made.

20 (7) Private Street [Lot.] Requirements. Private streets [shall be constructed] must be located on
21 property that is separately owned by a property owners' association[.] or is subject to perpetual access
22 easements running in favor of the owners of lots within the subdivision. Private streets must include
23 provision for appropriate easements to be granted to the City and to other utility providers allowing
24 necessary use and access for utilities and the maintenance thereof. The [easement shall] easements
25 must also provide the City and protective service providers with the same right of access they would
26 have if the streets were public streets.

27 (8) Waiver of Services. The subdivision final map, property deeds and property owners
28 association documents shall note that certain City services shall not be provided on private streets.

1 Among the services which will not be provided are: routine police patrols, enforcement of traffic and
2 parking ordinances, preparation of accident reports and other services which may not be reasonably
3 or properly available within a particular development. All private regulatory signs shall conform to
4 State of Nevada regulations.

5 (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets
6 that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of
7 Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special
8 Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not
9 waivable in connection with a Special Use Permit approval.

10 SECTION 2: In Section 1 of this Ordinance, the brackets that follow the title of the
11 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
12 of indicating the applicable districts. Brackets appearing elsewhere in Section 1 do indicate deleted
13 matter.

14 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
15 is deemed to be a subchapter rather than a section.

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

24 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
25 ...
26 ...
27 ...
28 ...

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

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

4 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 10-20-04
13 Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-74 - Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District. Sponsored by: Councilman Larry Brown

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Mixed-use developments are presently allowed by means of special use permit in the C-1 and C-2 Zoning Districts, but only in the Neighborhood Revitalization Area, and are not permitted in the C-PB Zoning District. This bill would allow mixed-use developments by means of special use permit in all C-1, C-2 and C-PB Zoning Districts. (NOTE: The adoption of this bill will depend on the approval of a corresponding amendment to the Las Vegas 2020 Master Plan.)

RECOMMENDATION:

HELD IN ABEYANCE to the 12/14/2004 Recommending Committee meeting and 12/15/2004 City Council meeting pursuant to the 11/30/2004 Recommending Committee.

First Reading – 11/17/2004; First Publication – 11/20/2004

BACKUP DOCUMENTATION:

Bill No. 2004-74

MOTION:

REESE - Motion to bring forward and STRIKE Item 5 and Hold in ABEYANCE Item 56 to 12/15/2004 - UNANIMOUS

MINUTES:

There was no related discussion.

(9:30 - 9:31)

1-752

BILL NO. 2004-74

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND THE ALLOWABILITY OF MIXED-USE DEVELOPMENTS IN THE C-1 AND C-2 ZONING DISTRICTS, TO ALLOW SUCH DEVELOPMENTS BY MEANS OF SPECIAL USE PERMIT IN THE C-PB ZONING DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Larry Brown

Summary: Expands the allowability of mixed-use developments in the C-1 and C-2 Zoning Districts, and allow such developments by means of special use permit in the C-PB Zoning District.

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

SECTION 1: Title 19, Chapter 2, Section 40, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Commercial Districts.

(1) P-R Professional Office and Parking District. The P-R District is intended to allow for office uses in an area which is predominantly residential but because of traffic and other factors is no longer suitable for the continuation of low density residential uses. This district is designed to be a transitional zone to allow low intensity administrative and professional offices. These uses are characterized by a low volume of direct daily client and customer contact. To decrease the impact to adjacent residential uses, single-family structures should be retained or new development in the P-R District should be constructed to maintain a residential character. The P-R District is consistent with the Office category of the General Plan.

(2) N-S Neighborhood Service District. The purpose of the N-S District is to provide for the development of convenience retail shopping, services and professional offices principally serving neighborhood needs and compatible in scale, character and intensity with adjacent residential development. This district is intended to be located at intersections of streets designated as collector or larger. The N-S District should also be used as a buffer between residential and more intense retail/commercial uses. The N-S District is consistent with the Service Commercial and the Neighborhood Center categories of the General Plan.

1 (3) O Office District. The Office District is designed to provide for the development of
2 office uses, supporting service uses and low intensity commercial uses performing administrative,
3 professional and personal services. These may be small office buildings developed in a cluster with
4 an internal traffic circulation system or one larger office building. This district may be used as a buffer
5 between residential and more intense retail/commercial uses. The O District is consistent with the
6 Office category of the General Plan.

7 (4) C-D Designed Commercial District. The purpose of the C-D District is to provide
8 standards for the development of a select type of light commercial uses which will be in harmony with
9 the neighborhood in which it is to be located. The C-D District is consistent with the Service
10 Commercial and the Neighborhood Center categories of the General Plan.

11 (5) C-1 Limited Commercial District. The C-1 District is intended to provide most retail
12 shopping and personal services[.], and may be appropriate for mixed-use developments. This district
13 should be located on the periphery of residential neighborhoods and should be confined to the
14 intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District
15 is consistent with the Service Commercial and the Neighborhood Center categories of the General
16 Plan.

17 (6) C-2 General Commercial District. The C-2 District is designed to provide the broadest
18 scope of compatible services for both the general and traveling public. This category allows retail,
19 service, automotive, wholesale, office and other general business uses of an intense character[.], as
20 well as mixed-use developments. This district should be located away from low and medium density
21 residential development and may be used as a buffer between retail and industrial uses. The C-2
22 District is also appropriate along commercial corridors. The C-2 District is consistent with the
23 General Commercial category of the General Plan.

24 SECTION 2: Title 19, Chapter 2, Section 40, Subsection (C), of the Municipal Code
25 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

26 (C) Industrial Districts.

27 (1) C-PB Planned Business Park District. The C-PB District allows industrial uses,
28 including light manufacturing, assembling and processing, warehousing and distribution, research,

development and testing laboratories; medical related uses and ancillary commercial uses in an Industrial Office Park setting[.]; and mixed-use developments. The C-PB District is consistent with the Light Industry/Research category of the General Plan.

(2) C-M Commercial/Industrial District. The C-M District is a general commercial and restricted industrial district designed to provide for a variety of compatible business, warehouse, wholesale, office and limited industrial uses. This district is intended to be located away from areas of low and medium density residential development. The CM District is consistent with the Light Industry/Research category of the General Plan.

(3) M Industrial District. The M District is intended to provide for heavy manufacturing industries in locations where they will be compatible with and not adversely impact adjacent land uses. This district is intended to be located away from all residential development. The M District is consistent with the Light Industry/Research category of the General Plan.

SECTION 3: Table 2 of the Land Use Tables adopted in Title 19, Chapter 4, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to allow the use "Mixed Use" in the C-PB Zoning District by means of Special Use Permit. In order to reflect the amendment, the "Mixed Uses" element of Table 2 is amended to read as follows:

U	R-A	R-E	R-D	R-1	R-CL	R-2	R-3	R-4	R-5	R-MH	R-MHP	MIXED USES
							S	S				Mixed-Use

MIXED USES	P-R	N-S	O	C-D	C-1	C-2	C-PB	C-M	M
Mixed-Use	S	S	S		S	S	<u>S</u>		

SECTION 4: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by deleting in its entirety the subdivision entitled "Mixed-Use" and replacing it with a new subdivision entitled "Mixed-Use," reading as follows:

MIXED-USE [R-3, R-4, P-R, N-S, O, C-1, C-2 and C-PB]

*(1) Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of Special Use Permit within a P-R, N-S, O, C-1, C-2, or C-PB Zoning District.

*(2) Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be

permitted by means of Special Use Permit within an R-3 or R-4 Zoning District.

(3) When residential and nonresidential uses are approved for a single parcel:

(a) The nonresidential use shall be located at ground level fronting the primary public right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and

(b) The overall architecture of the front elevation shall highlight the difference in uses through variations in volume and proportion, and shall be treated as a cohesive whole through finishes and colors.

SECTION 5: Title 19, Chapter 8, Section 45, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended Table 3 adopted therein so that Note 2 to Table 3 reads as follows:

2. Height.

a. Non-Residential Building Height When Adjacent to Residential. See Section 19.08.060(B).

b. P-R and O Districts. The maximum building height in the P-R and O Districts is two stories or thirty-five feet, whichever is less.

c. C-D District. Unless otherwise approved by the City Council in a Site Development Plan, building heights in the C-D Districts shall not exceed:

(1) One story or twenty feet, whichever is less, for parcels that front on Charleston Boulevard between Rancho Drive and Valley View Boulevard;

(2) Two stories or thirty-five feet, whichever is less, for all other parcels.

d. C-PB District. The maximum building height in the C-PB District is three stories or fifty-five feet, whichever is less. [Any] For any parcel of land contiguous to a freeway or expressway, [and to a depth of six hundred feet from the right-of-way line thereof,] the maximum building height shall be six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of permitted commercial and retail uses, the maximum building height shall be two stories or thirty-five feet, whichever is less.

e. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs, tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround mounted mechanical equipment; skylights; whip and mounted antennas and flag poles up to forty feet

1 in height may be erected above the required height limits. In no case shall structures above the
2 permitted height limit be constructed for the purpose of providing additional floor space.

3 f. Height Along Certain Streets. For additional building height restrictions along streets
4 classified as collector or larger, see Section 19.08.030(C).

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

8 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.02.040,
9 19.04.010, 19.04.050 and 19.08.045 are deemed to be subchapters rather than sections.

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

18 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,

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

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

4 APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

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8 ATTEST:

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10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

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Val Steed 11-3-04
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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12 APPROVED:

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14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

RECOMMENDING COMMITTEE: BILL ELIGIBLE FOR ADOPTION AT THIS MEETING:

Bill No. 2004-75 - Provides for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The City's zoning regulations currently do not address the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements. This bill will allow the relocation of such signs to be approved administratively under certain circumstances, subject to conditions designed to minimize any impacts associated with sign relocation.

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. 2004-75

MOTION:

MONCRIEF - Second Reading and BILL ADOPTED as recommended as Ordinance No. 5736 - UNANIMOUS

Clerk to proceed with second publication

NOTE: COUNCILMAN MACK disclosed that although Mack Consulting has previously had dealings, and may do so in the future, with various outdoor advertising companies, this bill treats every company equally. COUNCILMAN MACK stated he would be voting, as none of the sign companies have approached him regarding this bill, and he did not believe his business would be impacted.

MINUTES:

There was no discussion.

(12:33 - 12:34)

3-1005

BILL NO. 2004-75

ORDINANCE NO. _____

AN ORDINANCE TO PROVIDE FOR THE RELOCATION OF OFF-PREMISE SIGNS THAT ARE REQUIRED TO BE REMOVED IN CONNECTION WITH THE INSTALLATION OF PUBLICLY-FUNDED IMPROVEMENTS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

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

Summary: Provides for the relocation of off-premise signs that are required to be removed in connection with the installation of publicly-funded improvements.

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

SECTION 1: Title 19, Chapter 14, Section 100, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(B) Special Use Permit Required.

(1) Except as otherwise provided in Subsection (F) of this Section, [A] a Special Use Permit is required for all off-premise signs prior to the construction, placement, erection or modification of the sign in accordance with the requirements of this Chapter. A Special Use Permit application shall be processed in accordance with Section 19.18.060. Furthermore, the property owner(s), owner(s) of the structure or other assignee shall maintain in force, at all times, a sign certificate for the sign in accordance with the requirements of this Chapter.

(2) The Special Use Permit requirement set forth in [this Section] Paragraph (1) is in addition to [an] and independent of any locational provision or limitation contained in this Section. In determining whether to approve or deny a Special Use Permit under this Section, the Planning Commission and City Council may consider the aesthetic impact of the sign on the area and all other aspects of the sign's compatibility with the surrounding area, including the existence or nonexistence of other signage in the area. The provisions of this Paragraph (2) are intended to reflect and reconfirm existing standards and practice, rather than to impose a new or different standard.

(3) In connection with the approval of a Special Use Permit under this Section, the Planning Commission or City Council may impose a time limit on the approval or require a periodic review of the sign as a condition of approval. After conducting a review, the Planning Commission

1 or City Council may require removal of the sign if it is demonstrated that conditions in the
2 surrounding area have changed in such a manner that the sign no longer meets the standards
3 established in Section 19.18.060(L).

4 SECTION 2: Title 19, Chapter 14, Section 100, of the Municipal Code of the City of
5 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new subsection, designated
6 as Subsection (F), reading as follows:

7 (F) Relocation of Signs Required to Be Removed for Publicly Funded Improvements.

8 (1) If an off-premise sign is required to be removed by a governmental entity in connection
9 with the widening of a public roadway or the installation of publicly-funded improvements, the sign
10 may be relocated without obtaining a Special Use Permit or Variance that would otherwise be
11 required, but only if:

12 (a) The applicant can demonstrate that the sign, at its existing or previous location,
13 received all necessary approvals and permits, and that the approvals and permits remain valid;

14 (b) The relocation will be on the same parcel or within the same commercial
15 subdivision;

16 (c) The applicant submits for and obtains a waiver, pursuant to Paragraph (4)
17 below, of any and all requirements and limitations of this Section pertaining to distance separation and
18 location that cannot otherwise be met by the sign as relocated;

19 (d) There will be no increase in the area of the sign to be relocated; and

20 (e) There will be no increase in the height of the sign, except that:

21 (i) A sign within one hundred fifty feet of the right-of-way line of an
22 elevated freeway or highway to which it is oriented may be erected thirty feet above the elevation of
23 the elevated roadway surface nearest the sign; and

24 (ii) A sign that, at a height of forty feet, will have a significant portion of
25 its display surface obscured from view from the travel lanes of the right-of-way to which it is oriented,
26 may be increased to a maximum of fifty-five feet.

27 (2) The applicant for relocation of a sign under the provisions of Paragraph (1) must
28 submit to the Department a written application for administrative review. The application must

1 include:

- 2 (a) A site plan;
- 3 (b) An elevation drawing;
- 4 (c) Evidence that the sign, at its existing or previous location, received all necessary
5 approvals and permits, and that the approvals and permits remain valid;
- 6 (d) A request for the waiver of any and all requirements and limitations of this
7 Section pertaining to distance separation and location that cannot otherwise be met with the sign as
8 relocated;
- 9 (e) A request for any desired increase in the height of the sign that may be
10 permitted under Paragraph (1)(e);
- 11 (f) A justification letter that includes the reason for removal and relocation; and
- 12 (g) Any other information required by the Director.

13 (3) If the Director determines that the relocation of the off-premise sign:

14 (a) Conforms to the conditions set forth in Paragraph (1), the Director shall provide
15 written notice of approval to the applicant, with a copy to the office of the City Council. Within ten
16 days after the notice is mailed or delivered, the applicant may proceed to apply for building permits,
17 unless within that time a member of the City Council files with the Director a request for the Council
18 to review the approval. If such a request to review is filed, the application must first be reviewed and
19 approved by the Council prior to issuance of any building permits.

20 (b) Does not conform to the conditions set forth in Paragraph (1), the normal
21 Special Use Permit and Variance requirements and limitations will apply. Any determination by the
22 Director that the relocation of an off-premise sign does not conform to the conditions set forth in
23 Paragraph (1) is not subject to appeal.

24 (4) In connection with an application to relocate an off-premise sign pursuant to Paragraph
25 (1), the requirements and limitations of this Section pertaining to distance separation and location may
26 be waived by the Director, or in connection with City Council review pursuant to Paragraph (3)(a),
27 notwithstanding any other provision of this Title, upon a determination that the relocation, under the
28 circumstances, will not have a materially different impact on surrounding properties and uses than the

1 existing sign.

2 (5) Unless otherwise indicated in a written notice of approval pursuant to Paragraph (3)(a),
3 conditions of approval from any previous Special Use Permit and Variance applications pertaining to
4 the sign at its existing or previous location will apply to the relocated sign, and additional conditions
5 may be added as appropriate.

6 (6) A demolition permit must be obtained for the removal of an existing off-premise sign
7 prior to removal. A building permit must be obtained and construction related to the relocation of the
8 sign completed within six months after issuance of the demolition permit, unless the Director grants
9 an extension of time.

10 (7) For purposes of this Subsection (F), the "relocation" of a sign includes both the re-
11 erection of a sign at a replacement location and the erection of a new structure at that location.

12 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.14.100
13 is deemed to be a subchapter rather than a section.

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

22 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

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

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

4 APPROVED:

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6 By OSCAR B. GOODMAN, Mayor

7 ATTEST:

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9 BARBARA JO RONEMUS, City Clerk

10 APPROVED AS TO FORM:

11 Val Steed 11-3-04
12 Date

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

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

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APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-76 - Updates the membership of the Design Review Committee for the Downtown Entertainment Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact:

☒ No Impact

Amount:

☐ Budget Funds Available

Dept./Division:

☐ Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

By ordinance, the Design Review Committee for the Downtown Entertainment Overlay District includes within its membership a representative of the City Centre Development Corporation. Because that corporation no longer functions, it is necessary to update the committee membership. This bill will accomplish that, adding a second representative from the Planning and Development Department to take the place of the seat previously held by City Centre Development Corporation.

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. 2004-76

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

12/14/2004 Recommending Committee

12/15/2004 Council Agenda

There was no discussion.

(12:34 - 12:36)

3-1036

1 **BILL NO. 2004-76**

2 **ORDINANCE NO. _____**

3 **AN ORDINANCE TO UPDATE THE MEMBERSHIP OF THE DESIGN REVIEW COMMITTEE**
4 **FOR THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT, AND TO PROVIDE FOR**
5 **OTHER RELATED MATTERS.**

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

Summary: Updates the membership of the
Design Review Committee for the Downtown
Entertainment Overlay District.

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

10 **SECTION 1: Title 19, Chapter 6, Section 120, Subsection (E), Paragraph (2), of the**
11 **Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as**
12 **follows:**

13 **(2) There is hereby created a Design Review Committee for the Downtown Entertainment Overlay**
14 **District (DEOD-DRC). The DEOD-DRC shall [initially] be composed of:**

15 **(a) Two members from the Planning Commission, to be designated by the Planning**
16 **Commission;**

17 **(b) [One member from the City Centre Development Corporation, either from its Board of**
18 **Directors or from its staff, to be designated by the Board of Directors;**

19 **(c) One member] Two members from the Planning and Development Department; [and]**

20 **[(d)] (c) One member from the Office of Business Development who is assigned to the City of**
21 **Las Vegas Redevelopment Agency[.]; and**

22 **(d) [If and when there is created an owners' association that is representative of the owners**
23 **of property located within the District, the membership of the DEOD-DRC shall also include two]**
24 **Two members from [that owners' association,] an owners' association that is representative of the**
25 **owners of property located within the District, to be designated by the governing board thereof.**

26 **SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.120**
27 **is deemed to be a subchapter rather than a section.**

28 **SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or**
phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

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

7 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2005.

11 APPROVED:

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13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 *Vallsted* 11-16-04
19 Date
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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of ____, 2004, and referred to the following committee composed of
3 ____ and ____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 ____, 2005, which was a ____ meeting of said Council; that at said
6 ____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-77 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The City's zoning regulations generally require a distance separation between taverns, but allow the distance separation requirement to be waived in certain limited circumstances. This bill would add another such circumstance, namely, when a proposed tavern will be located within a regional mall.

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. 2004-77

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

12/14/2004 Recommending Committee

12/15/2004 Council Agenda

There was no discussion.

(12:34 - 12:36)

3-1036

BILL NO. 2004-77

ORDINANCE NO. _____

AN ORDINANCE TO AUTHORIZE THE GRANTING OF A DISTANCE-SEPARATION WAIVER FOR A TAVERN TO BE LOCATED WITHIN A REGIONAL MALL, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilwoman Janet Moncrief Summary: Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall.

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

SECTION 1: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the subdivision entitled "Liquor Establishment (Tavern)" reads as follows:

LIQUOR ESTABLISHMENT (TAVERN) [C-1 THROUGH M]

(1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, except as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) which is closest to the existing use to which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed liquor establishment (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not

1 include the property line of a leasehold parcel; and

2 (b) The "property line" of a liquor establishment (tavern) refers to:

3 (i) The property line of a parcel that has been created by an approved and recorded
4 parcel map or commercial subdivision map; or

5 (ii) The property line of a parcel that is located within an approved and recorded
6 commercial subdivision and that has been created by a record of survey or legal description, if:

7 (A) Using the property line of that parcel for the purpose of measuring the
8 distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation
9 requirement;

10 (B) The proposed liquor establishment (tavern) will have direct access (both
11 ingress and egress) from a street having a minimum right-of-way width of one hundred feet. The
12 required access may be shared with a larger development but must be located within the property lines
13 of the parcel on which the proposed liquor establishment (tavern) will be located;

14 (C) All parking spaces required by LVMC Chapter 19.10 for the liquor
15 establishment (tavern) use will be located on the same parcel as the use; and

16 (D) The owners of all parcels within the commercial subdivision, including
17 the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record
18 an agreement, satisfactory to the City Attorney, that provides for perpetual, reciprocal cross-access,
19 ingress and egress throughout the commercial subdivision.

20 (4) The distance separation requirement set forth in Paragraph (1) does not apply to an
21 establishment which has a non-restricted gaming license in connection with a hotel having two
22 hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having
23 in excess of two hundred guest rooms after July 1, 1992.

24 (5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance
25 with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor
26 establishment (tavern) that:

27 (a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay
28 District;

1 (b) Will be located on a parcel or within a building that, pursuant to State law or City
2 ordinance, has been designated as an historic property, historic building, or landmark; [or]

3 (c) Will be located within a regional mall; or

4 [(c)] (d) Will be separated from the existing use by a street or highway with a minimum right-
5 of-way width of one hundred feet.

6 (6) The use shall conform to the provisions of LVMC Chapter 6.50.

7 SECTION 2: Title 19, Chapter 20, Section 20, of the Municipal Code of the City of
8 Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto, at the appropriate location,
9 the term "Regional Mall" and its definition, as follows:

10 "Regional Mall" means an enclosed structure with a minimum square footage of three hundred fifty
11 thousand square feet:

12 (A) That is used or intended to be used as an assemblage of various tenants,
13 including, without limitation, retail uses, personal service uses, food service uses, and other ancillary
14 uses;

15 (B) That includes a minimum of two major anchor tenants; and

16 (C) In which the typical means of access to the various uses is from inside the mall
17 structure.

18 SECTION 3: In Section 1 of this Ordinance, the brackets that follow the title of the
19 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
20 of indicating the applicable districts.

21 SECTION 4: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.050
22 and 19.20.020 are deemed to be subchapters rather than sections.

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

1 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
2 invalid or ineffective.

3 SECTION 6: All ordinances or parts of ordinances or sections, subsections, phrases,
4 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
5 1983 Edition, in conflict herewith are hereby repealed.

6 PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

7 APPROVED:

8
9 By _____
10 OSCAR B. GOODMAN, Mayor

11 ATTEST:

12 _____
13 BARBARA JO RONEMUS, City Clerk

14 APPROVED AS TO FORM:

15 Val Steep 11-16-04
16 _____
17 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2005, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17

18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: DECEMBER 1, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

NEW BILL:

Bill No. 2004-78 - Clarifies the procedures and standards that apply to the installation of speed humps on residential streets. Proposed by: Richard D. Goecke, Director of Public Works

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The City currently has a number of procedures and provisions that apply to the installation of speed humps on residential streets. This bill will establish an overall approach to the issue, taking into account existing procedures and standards and clarifying the role and discretion of the City Council in the process.

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. 2004-78

MOTION:

None required.

MINUTES:

First Reading - Referred - COUNCILMEMBERS MONCRIEF and WOLFSON

12/14/2004 Recommending Committee

12/15/2004 Council Agenda

There was no discussion.

(12:34 - 12:36)

3-1036

BILL NO. 2004-78

ORDINANCE NO. _____

AN ORDINANCE TO CLARIFY THE PROCEDURES AND STANDARDS THAT APPLY TO THE INSTALLATION OF SPEED HUMPS ON RESIDENTIAL STREETS, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Richard D. Goecke,
Director of Public Works

Summary: Clarifies the procedures and standards that apply to the installation of speed humps on residential streets.

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

SECTION 1: Title 11 of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto a new chapter, designated as Chapter 33, consisting of the provisions set forth as Section 2 of this Ordinance.

SECTION 2: (A) The approval and installation of speed humps on residential streets within the City shall be in accordance with:

(1) This Section;
(2) Any criteria for the approval and installation of such devices that have been adopted by the City Council; and

(3) Applicable provisions of the City's Fire Code.

(B) The City Council shall have the discretion to waive any of the criteria described in Paragraph (2) of Subsection (A) for good cause.

(C) For purposes of this Section and the Manual on Uniform Traffic Control Devices adopted pursuant to NAC 408.411, speed humps are deemed to be roadway design features rather than traffic-control devices.

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

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this ____ day of _____, 2005.

8 APPROVED:

9
10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:

13 _____
14 BARBARA JO RONEMUS, City Clerk

15 APPROVED AS TO FORM:

16 Val Steed 11-16-04
Date

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6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____
9 VOTING "NAY": _____
10 ABSENT: _____

12 APPROVED:

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 BARBARA JO RONEMUS, City Clerk