

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
TUESDAY, DECEMBER 14, 2004
4:00 P.M.

RECOMMENDING COMMITTEE - COUNCILWOMAN MONCRIEF AND COUNCILMAN WOLFSON

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

ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- 1. Bill No. 2004-74 - ABEYANCE ITEM - 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
- 2. 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
- 3. 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
- 4. 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
- 5. Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
- 6. Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement
- 7. 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

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

continued

RECOMMENDING COMMITTEE MEETING
TUESDAY, DECEMBER 14, 2004
Page 2

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

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

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

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

AFFIDAVIT OF MAILING

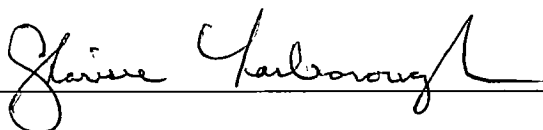
(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Sharisse Yarborough, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **7th** day of **December**, 2004, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **14th** 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.



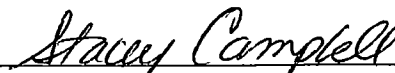
SIGNATURE

City Clerk

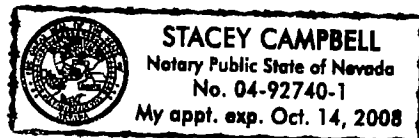
DEPARTMENT

Subscribed and sworn to before me this

7th day of December, 2004



NOTARY PUBLIC in and for said County and State



STATE OF NEVADA)
) ss
COUNTY OF CLARK)

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

NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE AGENDA
RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

- CALL TO ORDER

MINUTES:

PRESENT: COUNCILWOMAN MONCRIEF and COUNCILMAN WOLFSON

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

- ANNOUNCEMENT 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

(4:05)

1-1

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-74 - ABEYANCE ITEM - 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:

1. Bill No. 2004-74
2. Bill No. 2004-74 Proposed First Amendment

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-74 be forwarded to the Full Council as a First Amendment with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, explained that this matter was previously held in abeyance to allow him additional time to resolve some of the details. Consequently, a proposed first amendment was drafted, a copy of which was submitted for the minutes. This amendment places height limitations of ten stories or 150 feet, whichever is less, in the C-1 and C-2 districts and five stories or 85 feet, whichever is less, in the CP-B district. For parcels that are located either contiguous to or within 200 feet of a freeway or expressway, the maximum height would be six stories or 100 feet, whichever is less. These proposed provisions lessen the concerns of staff, while still allowing development of the larger mixed-use projects in the downtown revitalization area. He recommended approval as amended.

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

MINUTES - Continued:

COUNCILMAN WOLFSON asked if the Recommending body makes a recommendation to the Council, who then has full discretion up or down. MR. GENZER responded in the affirmative and pointed out that this bill would die if not approved at the 12/15/2004 Council meeting. COUNCILMAN WOLFSON then ascertained with MR. GENZER that ample notice was given to allow public comments.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:05 - 4:09)

1-7

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:

5
6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 11-3-04
13 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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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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PROPOSED FIRST AMENDMENT

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 allows 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:

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(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

1 Neighborhood Center categories of the General Plan.

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3 office uses, supporting service uses and low intensity commercial uses performing administrative,
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7 Office category of the General Plan.

8 (4) C-D Designed Commercial District. The purpose of the C-D District is to provide
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10 the neighborhood in which it is to be located. The C-D District is consistent with the Service
11 Commercial and the Neighborhood Center categories of the General Plan.

12 (5) C-1 Limited Commercial District. The C-1 District is intended to provide most retail
13 shopping and personal services[.], and may be appropriate for mixed-use developments. This district
14 should be located on the periphery of residential neighborhoods and should be confined to the
15 intersections of primary and secondary thoroughfares along major retail corridors. The C-1 District
16 is consistent with the Service Commercial and the Neighborhood Center categories of the General
17 Plan.

18 (6) C-2 General Commercial District. The C-2 District is designed to provide the broadest
19 scope of compatible services for both the general and traveling public. This category allows retail,
20 service, automotive, wholesale, office and other general business uses of an intense character[.], as
21 well as mixed-use developments. This district should be located away from low and medium density
22 residential development and may be used as a buffer between retail and industrial uses. The C-2
23 District is also appropriate along commercial corridors. The C-2 District is consistent with the
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28 (1) C-PB Planned Business Park District. The C-PB District allows industrial uses,

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	S		

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.

1 *(2) Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be
2 permitted by means of Special Use Permit within an R-3 or R-4 Zoning District.

3 (3) When residential and nonresidential uses are approved for a single parcel:

4 (a) The nonresidential use shall be located at ground level fronting the primary public
5 right-of-way, and the primary entryway to that use shall be directly from and oriented to a street; and

6 (b) The overall architecture of the front elevation shall highlight the difference in uses
7 through variations in volume and proportion, and shall be treated as a cohesive whole through finishes
8 and colors.

9 SECTION 5: Title 19, Chapter 8, Section 45, Subsection (B), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by amending Table 3, as adopted
11 therein, so that Note 2 to Table 3 reads as follows:

12 2. Height.

13 a. Non-Residential Building Height When Adjacent to Residential. See Section 19.08.060(B).

14 b. P-R and O Districts. The maximum building height in the P-R and O Districts is two
15 stories or thirty-five feet, whichever is less.

16 c. C-D District. Unless otherwise approved by the City Council in a Site Development Plan,
17 building heights in the C-D Districts shall not exceed:

18 (1) One story or twenty feet, whichever is less, for parcels that front on Charleston
19 Boulevard between Rancho Drive and Valley View Boulevard;

20 (2) Two stories or thirty-five feet, whichever is less, for all other parcels.

21 d. C-1 and C-2 Districts. For parcels that are located within the C-1 and C-2 Districts, but are
22 outside the Neighborhood Revitalization Area, the maximum building height for mixed-use
23 development is ten stories, or one hundred fifty feet, whichever is less. For purposes of the foregoing,
24 the "Neighborhood Revitalization Area" means the area so designated in the Las Vegas 2020 Master
25 Plan adopted by Ordinance No. 5250, as the boundaries of that area may be amended from time to
26 time.

27 [d.] e. C-PB District. The maximum building height in the C-PB District is [three] five stories or
28 [fifty-five] eighty-five feet, whichever is less. [Any parcel] For parcels of land located within a C-PB

1 Zoning District that is contiguous to, or within two hundred feet of, a freeway or expressway, [and to
2 a depth of six hundred feet from the right-of-way line thereof,] the maximum building height shall be
3 six stories or one hundred feet, whichever is less. Notwithstanding the above, in the case of permitted
4 commercial and retail uses, the maximum building height shall be two stories or thirty-five feet,
5 whichever is less.

6 [e.] f. Exemptions. Chimney and vent stacks; roof structures for the use of elevations, stairs,
7 tanks, ventilation, and similar necessary mechanical equipment; visual screens which surround
8 mounted mechanical equipment; skylights; whip and mounted antennas and flag poles up to forty feet
9 in height may be erected above the required height limits. In no case shall structures above the
10 permitted height limit be constructed for the purpose of providing additional floor space.

11 [f.] g. Height Along Certain Streets. For additional building height restrictions along streets
12 classified as collector or larger, see Section 19.08.030(C).

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

16 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.02.040,
17 19.04.010, 19.04.050 and 19.08.045 are deemed to be subchapters rather than sections.

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

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

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

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

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: _____

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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

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 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:

COUNCILMAN WOLFSON recommended Bill 2004-76 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, indicated that this ordinance simply changes the current ordinance that establishes the membership of the Design Review Committee, which includes one member from the non-existent City Centre Development Corporation committee. Staff proposes two members be appointed from the Planning Development Department and two members be added from an owners association representative of property owners within the District. He recommended approval.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:09 - 4:10)

1-111

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
OTHER RELATED MATTERS.

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

Summary: Updates the membership of the
Design Review Committee for the Downtown
Entertainment Overlay District.

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

9 SECTION 1: Title 19, Chapter 6, Section 120, Subsection (E), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as
11 follows:

12 (2) There is hereby created a Design Review Committee for the Downtown Entertainment Overlay
13 District (DEOD-DRC). The DEOD-DRC shall [initially] be composed of:

14 (a) Two members from the Planning Commission, to be designated by the Planning
15 Commission;

16 (b) [One member from the City Centre Development Corporation, either from its Board of
17 Directors or from its staff, to be designated by the Board of Directors;

18 (c) One member] Two members from the Planning and Development Department; [and]

19 [(d)] (c) One member from the Office of Business Development who is assigned to the City of
20 Las Vegas Redevelopment Agency[.]; and

21 (d) [If and when there is created an owners' association that is representative of the owners
22 of property located within the District, the membership of the DEOD-DRC shall also include two]
23 Two members from [that owners' association,] an owners' association that is representative of the
24 owners of property located within the District, to be designated by the governing board thereof.

25 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.120
26 is deemed to be a subchapter rather than a section.

27 SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or
28 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:

12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:

16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM:

18 *Vulsted* 11-16-04
19 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: _____

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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

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 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:

COUNCILWOMAN MONCRIEF recommended Bill 2004-77 be held in ABEYANCE to the 1/4/2005 Recommending Committee meeting. COUNCILMAN WOLFSON concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, noted that the way this bill is written only the Meadows Mall would presently qualify. At one time there was a tavern-type use within the Mall, and staff recently received a request to put in a similar-type use where Ricardo's restaurant was located. Current code does not permit it because of the two elementary schools within 200 feet of the property line of the Mall. A waiver is permissible from the school north of the Mall because it is separated by a right-of-way of 100 feet or greater. The elementary school located south of the Mall is almost immediately adjacent, with a large block wall separating the two properties, making access between the two sites impossible. Hence, staff recommends a waiver that would allow application for the installation of a tavern in the Mall.

In an attempt to assuage COUNCILWOMAN MONCRIEF'S concerns, MR. GENZER assured her that there is no location, other than the Meadows Mall, currently within the City that would qualify for approval of the proposed waiver, because the ordinance defines a regional mall as an enclosed structure of a minimum of 350,000 square feet, with certain types of tenants.

COUNCILWOMAN MONCRIEF commented that several years ago there was a German pub in the Meadows Mall, and she asked how that was approved. MR. GENZER replied that he did not know, but

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

MINUTES - Continued:

offered to do some research. He added that the applicant wishing to open a tavern in the Mall could open a supper club. The difference between the two uses is that the tavern use allows more slot machines.

JUNE INGRAM, Charleston Neighborhood Preservation, objected to the waiver, explaining that a lot of teenagers frequent the Mall.

HELEN STANDCLIFF, Charleston Neighborhood Preservation, questioned any changes to Section 5(a) of Page 2. MR. GENZER indicated that there would be no changes to that Section. The section being proposed for addition to the ordinance is Section 5(c) on Page Three.

COUNCILWOMAN MONCRIEF indicated her preference to hold this matter in abeyance. She also asked MS. INGRAM to make an appointment with her to further discuss her concerns.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:10 - 4:15)

1-144

1 **BILL NO. 2004-77**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AUTHORIZE THE GRANTING OF A DISTANCE-SEPARATION WAIVER
4 FOR A TAVERN TO BE LOCATED WITHIN A REGIONAL MALL, AND TO PROVIDE FOR
OTHER RELATED MATTERS.

5 Sponsored by: Councilwoman Janet Moncrief Summary: Authorizes the granting of a
6 distance-separation waiver for a tavern to be
located within a regional mall.

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

9 SECTION 1: Title 19, Chapter 4, Section 50, Subsection (B), of the Municipal Code
10 of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended so that the subdivision entitled
11 "Liquor Establishment (Tavern)" reads as follows:

12 LIQUOR ESTABLISHMENT (TAVERN) [C-1 THROUGH M]

13 (1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council
14 declares that the public health, safety and general welfare of the City are best promoted and protected
15 by generally requiring both a minimum separation between liquor establishments (tavern), and a
16 minimum separation between a liquor establishment (tavern) and certain other uses that should be
17 protected from the impacts associated with a liquor establishment (tavern). Therefore, except as
18 otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet
19 of any other liquor establishment (tavern), church, synagogue, school, child care facility licensed for
20 more than twelve children, or City park.

21 (2) The distance separation referred to in Paragraph (1) shall be measured with reference to the
22 shortest distance between two property lines, one being the property line of the proposed liquor
23 establishment (tavern) which is closest to the existing use to which the measurement pertains, and the
24 other being the property line of that existing use which is closest to the proposed liquor establishment
25 (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

26 (3) For the purpose of Paragraph (2), and for that purpose only:

27 (a) The "property line" of a protected use refers to the property line of a fee interest parcel
28 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 Steed 11-16-04
16 _____
17 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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12 APPROVED:

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14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

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18 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 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:

COUNCILMAN WOLFSON recommended Bill 2004-78 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated that several issues have come up in the past with the installation of speed humps on residential streets and whether or not the Council had the authority to approve their installation, unless certain warrants were met, or whether or not speed humps are considered traffic control devices under State law. The Council previously approved an amendment to the Fire Code that established Fire and Rescue's requirements for speed humps. This bill addresses Public Work's issues by saying that speed humps on residential streets must comply with the Fire Code and with any criteria adopted by the Council for speed humps, and that the Council can waive any criteria for good cause. These changes will facilitate the Council's ability to take action regarding speed humps. He recommended approval.

COUNCILWOMAN MONCRIEF asked if the City would be held liable for Council's approval of the installation of speed bumps that do not meet warrants. CHIEF DEPUTY CITY ATTORNEY STEED remarked that there is a difference between speed humps and speed bumps. This bill addresses speed humps. Speed bumps still have to meet certain requirements. He clarified that, to his knowledge, speed bumps are placed only in parking lots.

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

MINUTES - Continued:

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:15 - 4:19)

1-305

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:

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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
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: _____

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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

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-79 - Levies Assessment for Special Improvement District No. 1480 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement

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:

Levies the assessment for the cost of street improvements: pavement, curb and gutter, sidewalk, driveways, streetlights, water laterals, water mains, sewer laterals, and sewer mains. The assessments will be paid over a 10-year period.

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. 2004-79

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-79 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated this matter involves a standard Special Improvement District ordinance. It is in order.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:19 - 4:20)

1-436

BILL NO. 2004-79

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1480 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1480 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (hereinafter the "District"), for the purpose of acquiring a Street Project, a Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

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

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

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$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 of the Project; and

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

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

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, November 17, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, 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 caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on October 20, 2004. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1480 Assessment Protest Resolution; and

WHEREAS, by the District No. 1480 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

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

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

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1480 Levy Ordinance" (hereinafter the "Ordinance").

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

and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1480 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1480 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on October 20, 2004, and as modified and confirmed by the District No. 1480 Assessment Protest Resolution duly adopted by the City Council on December 1, 2004.

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

date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after February 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100 percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the

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

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. January 9, 2005) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner

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

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

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

such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1480 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE
MOUNTAIN ROAD)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1480 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on January 5, 2005. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1480 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before February 8, 2005, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from January 9, 2005 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three

percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after February 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100 percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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

timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from January 9, 2005 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this January 5, 2005.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before January 5, 2005, such publication to be in substantially the following form:

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1480 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 1st day of December, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 5th day of January, 2005.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

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

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1480 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on December 1, 2004, and was passed at a regular meeting held on January 5, 2005, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

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

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after _____, 20____, i.e., the day after its publication by title only.

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

This _____ day of _____, 20____.

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

(SEAL)

Attest:
/s/ BARBARA JO RONE MUS
City Clerk

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

Introduced December 1, 2004, PASSED, ADOPTED AND APPROVED January 5, 2005.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEMUS, City Clerk

Approved as to Form:

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on December 1, 2004 and finally adopted and approved on January 5, 2005.

2. The following members of the City Council were present at the December 1, 2004 Council meeting:

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on December 1, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on January 5, 2005, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the January 5, 2005 meeting and voted upon the adoption of the Ordinance as follows:

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

Those Voting Nay:	_____

Those Absent:	_____

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

5. All members of the City Council were given due and proper notice of the meetings held on December 1, 2004, and January 5, 2005. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

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

; and

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

6. A copy of such notice so given of the meeting of the City Council on December 1, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on January 5, 2005, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this January 5, 2005.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of January 5, 2005 Meeting)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-80 - Levies Assessment for Special Improvement District No. 1495 - Buffalo Drive (Cheyenne Avenue to Lone Mountain Road). Sponsored by: Step Requirement

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:

Levies the assessment for the cost of street improvements: pavement, curb and gutter, sidewalk, and streetlights. The assessments will be paid over a 10-year period.

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. 2004-80

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-80 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED stated this matter involves a standard Special Improvement District ordinance. It is in order.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:20)

1-449

BILL NO. 2004-80

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1495 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

Summary: Levy Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, has heretofore, pursuant to the requisite preliminary proceedings, created Las Vegas, Nevada, Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road) (hereinafter the "District"), for the purpose of acquiring a Street Project, a Sanitary Sewer Project, and a Water Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project") and has provided that a portion of the entire cost and expense of the Project shall be paid by special assessments, according to benefits, levied against the benefited lots, tracts and parcels of land in the District; and

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

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

WHEREAS, in accordance with NRS 271.360, the City Council has heretofore determined, and does hereby declare, that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$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 of the Project; and

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

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

WHEREAS, the City Council thereupon fixed a time and place, to wit: Wednesday, November 17, 2004, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada, when all complaints, protests and objections to the final assessment roll, to the amount of the assessments, and to the regularity of the proceedings in making such assessments, by the owners of the property specially benefited by, and proposed to be assessed for, the improvements in the District, by any person interested, and by any parties aggrieved by such assessments, would be heard and considered by the City Council; and

WHEREAS, the City Engineer (with the assistance of Engineering Integration Division) has, in accordance with the provisions of law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests or objections on Wednesday, 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 caused the final assessment roll ("Tabulation of Parcels") to be filed in the records of the office of the City Clerk on October 20, 2004. The City Clerk, by publication and by mail, gave the requisite notice of the time and place of such hearing, of the filing of the final assessment roll in her office, of the date of filing the same, and of the right of any such person to object specifically in writing and of the waiver of any objection in the absence of such objection; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were found to be without sufficient merit and overruled, except as provided in the District No. 1495 Assessment Protest Resolution; and

WHEREAS, by the District No. 1495 Assessment Protest Resolution, the City Council modified, corrected and revised the final assessment roll and modified, corrected, revised and confirmed the final assessment roll to be in final form; and

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

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

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

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

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

Section 1. This Ordinance shall be known as, and may be cited by, the short title "District No. 1495 Levy Ordinance" (hereinafter the "Ordinance").

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

and the same be, and the same hereby is, overruled, and finally passed on by the City Council, except as provided in the District No. 1495 Assessment Protest Resolution.

Section 3. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Ordinance) concerning Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road), including, but not limited to, the creation of the District, the acquisition of the Project, the amount of the construction contract, the levy of assessments for those purposes, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and confirmation of the final assessment roll and the assessments therein, be, and the same hereby is, ratified, approved and confirmed.

Section 4. For the purpose of paying a portion of the costs and expenses of the Project, the amounts and assessments shown in the final assessment roll (as so filed, modified and confirmed) are hereby levied and assessed against the lots, tracts and parcels of land in the District (being all those specially benefited by said improvements) and described in the final assessment roll for the District, as filed in the office of the City Clerk on October 20, 2004, and as modified and confirmed by the District No. 1495 Assessment Protest Resolution duly adopted by the City Council on December 1, 2004.

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

date of this Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds for the district. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any installment, whether of principal or interest, when due, shall cause the whole amount of the unpaid principal to become due and payable immediately, at the option of the City. The exercise of said option to be indicated by the commencement of foreclosure proceedings by the City. The whole amount of the unpaid principal and accrued interest shall, after such delinquency, whether or not said option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of said payment, with interest thereon, and all penalties accrued, and shall thereupon be restored to the right thereafter to pay in installments in the same manner as if default had not been suffered. The owner of any property assessed and not in default as to any installment or payment, may at any time (at the option of such owner), pay the whole or any semiannual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after February 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100 percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

Pursuant to NRS 271.357 and NRS 271.360, any assessment against property for which an application for Hardship Determination has been approved by the City Council shall be postponed, but the owner shall make payments of interest on the unpaid balance of previous and current assessments at the

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

Section 6. The amounts assessed shall be a lien upon the owner's lots, tracts and parcels of land from the effective date of this Ordinance (i.e. January 9, 2005) until paid. The lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general or other taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor. Such amounts shall continue to be a lien upon the lots, tracts and parcels of land assessed until paid in full (including all principal and the interest thereon, and any penalties and collection costs).

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

Section 8. In case any lot, tract or parcel of land so assessed is delinquent in the payment of the assessment or any installment of principal or interest, the City Council shall forthwith cause the owner

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

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

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

such publication to be at least 15 days prior to the end of the 30-day period stating that said assessments have been levied and are due and payable. The notice shall further state that payment must be made in full prior to the end of the 30 day period to avoid paying interest on the assessment. It shall not be necessary that the notice be published on the same day of the week, but not less than 14 days shall intervene between the first publication and the last publication. Service by publication shall be verified by the affidavit of the publisher and filed with the City Clerk of the City. In accordance with NRS 271.390(2), the City Clerk or Deputy City Clerk shall also give written notice of the levying of the assessments by mailing a copy of such notice, postage prepaid, at least 20 days prior to the end of said 30-day period, to the owner or owners of all property upon which the assessment was levied at his or her last known address or addresses. Proof of such mailing shall be made by the affidavit of the City Clerk or Deputy City Clerk and such proof shall be filed with the City Clerk. Failure to mail any such notice or notices shall not invalidate any assessment or any other proceedings concerning the District. Proof of the publication and proof of the mailing shall be maintained in the permanent records of the office of the City Clerk until all special assessments and special assessment bonds issued (if such special assessment bonds are hereafter issued) shall have been paid in full, both principal and interest, or until any claim is barred by an appropriate statute of limitations. The City Council hereby determines that the manner of giving notice herein provided by publication and by mail is reasonably calculated to inform the parties of the proceedings concerning the District and the levy of assessments which may directly and adversely affect their legally protected interests.

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

(Form of Notice)

NOTICE TO PROPERTY OWNERS OF THE LEVY OF ASSESSMENTS FOR
IMPROVEMENTS IN CITY OF LAS VEGAS, NEVADA SPECIAL IMPROVEMENT
DISTRICT NO. 1495 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE
MOUNTAIN ROAD)

NOTICE IS HEREBY GIVEN to the owners of all property upon which an assessment has been levied, and other interested persons, that District No. 1495 Levy Ordinance (hereinafter the "Levy Ordinance") was duly passed, adopted, signed and approved on January 5, 2005. The Levy Ordinance levied and assessed a portion of the cost and expense of such improvements against the lots, tracts and parcels of land specially benefited by the local improvements in what is commonly designated as "City of Las Vegas, Nevada, Special Improvement District No. 1495 – Buffalo Drive (Cheyenne Avenue to Lone Mountain Road)," (said lots, tracts and parcels of land being more specifically described in the final assessment roll designated in the ordinance).

Assessments are due and payable at the office of the City Treasurer, in Las Vegas, Nevada, on or before February 8, 2005, being 30 days after the effective date of the Levy Ordinance, without interest and without demand, provided that all, or any part of such assessments may, at the election of the owner, be paid in installments, with interest as hereinafter provided. Failure to pay the whole assessment within the 30-day period will be conclusively considered and held an election on the part of all persons interested, whether under disability or otherwise, to pay the unpaid assessment in installments. In case of such election to pay in installments, the unpaid assessments will be payable in twenty (20) substantially equal semi-annual installments of principal until paid in full, with interest in all cases on the unpaid and deferred installments of principal from January 9, 2005 (i.e., the effective date of the Levy Ordinance) both principal and interest being payable semi-annually at the office of the City Treasurer, Las Vegas, Nevada, on April 1 and October 1 in each year, commencing on October 1, 2005. After the effective date of the Levy Ordinance and before assessment bonds are issued (or if bonds are not issued), the City Council shall by Resolution provide the rate of interest on the unpaid and deferred installments of assessments. If assessment bonds are sold, the rate will not exceed by more than one percent (1%) the highest rate of interest on the assessment bonds issued for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed by more than three

percent (3%) the "Index of Twenty Bonds", which is most recently published before the bids for such bonds are received, or at the time a negotiated offer for the sale of such bonds is accepted. Failure to pay any assessment installment, whether principal or interest, when due will cause the whole of the unpaid principal of such assessment to become due and payable immediately at the City's option, and the whole amount of the unpaid principal and accrued interest will, after such delinquency, whether or not the City's option is exercised, bear penalty interest at the rate of two percent (2%) (or at any higher rate authorized by statute, or any lower rate, which may be zero percent, for such period as determined by the City Treasurer) per month (not prorated for any portion of the month) on the unpaid balance of the assessment and accrued interest, until the day of sale or until paid. At any time prior to the date of the sale, the owner may pay the amount of all delinquent installments originally becoming due on or before the date of payment, with the interest thereon and all penalties accrued, and will thereupon be restored the right, thereafter, to pay in installments in the same manner as if default had not been suffered. The owner of any property not in default as to any assessment installment or payment may, at any time, pay the whole or any semi-annual installment of the unpaid principal with interest accruing thereon to the next interest payment date. If such prepayment takes place after February 8, 2005, but before the adoption of the aforementioned resolution establishing the rate of interest on deferred installments of assessments, such interest accruing thereon to the next interest payment date shall be calculated at seven and 57/100 percent (7.57%) per annum (i.e., the presumed rate of interest on the assessment bonds for the District plus one percent).

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

timely manner; or (e) the property owner pays all previous and current assessments. The owner shall also be subject to the lien as provided in Section 6 hereof.

Pursuant to NRS 271.395, within 15 days after the effective date of the Levy Ordinance, any person who has filed a complaint, protest or objection in writing, pursuant to NRS 271.380, shall have the right to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination. Thereafter, all actions or suits attacking the regularity, validity and correctness of the proceedings, of the final assessment roll, of each assessment contained therein, of the amount of special benefits and market value increases, and of the amount thereof levied on each tract, including, without limiting the generality of the foregoing, the defense of confiscation shall be perpetually barred.

The amounts assessed as aforesaid constitute a lien upon said lots, tracts and parcels of land from January 9, 2005 (i.e., the effective date of the Levy Ordinance), which lien shall be co-equal with the latest lien thereon to secure the payment of general taxes and prior and superior to all other liens, claims, encumbrances and titles (other than the liens of assessments and general taxes). The sale of any such lot, tract or parcel of land for general taxes shall not relieve such lot, tract or parcel of land from such assessment or the lien therefor.

Dated this January 5, 2005.

BARBARA JO RONEMUS, City Clerk

(End of Form of Notice)

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

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

Section 14. That in accordance with Section 2.110 of the City Charter, this Ordinance when first proposed is to be read by title to the City Council, immediately after which an adequate number of copies of the proposed Ordinance are to be deposited with the office of the City Clerk for public examination and distribution upon request; thereafter, the City Clerk is authorized and directed to give notice of the deposit together with the title of the Ordinance by publication at least once in the Las Vegas Review-Journal, i.e., a newspaper published and having general circulation in the City, at least ten (10) days before the adoption of the Ordinance, i.e., at least ten (10) days before January 5, 2005, such publication to be in substantially the following form:

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

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1495 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 1st day of December, 2004, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 5th day of January, 2005.

/s/ Barbara Jo Ronemus
City Clerk

(End of Form)

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

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. _____

AN ORDINANCE CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1495 – BUFFALO DRIVE (CHEYENNE AVENUE TO LONE MOUNTAIN ROAD); PROVIDING FOR THE PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS; ASSESSING A PORTION OF THE COST OF SAID IMPROVEMENTS AGAINST THE ASSESSABLE LOTS, TRACTS, AND PARCELS OF LAND BENEFITED BY SAID IMPROVEMENTS; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN; PRESCRIBING DETAILS IN CONNECTION THEREWITH.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on December 1, 2004, and was passed at a regular meeting held on January 5, 2005, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

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

Those Voting Nay:

Those Absent:

This Ordinance shall be in full force and effect from and after _____, 20____, i.e., the day after its publication by title only.

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

This _____ day of _____, 20____.

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

(SEAL)

Attest:
/s/ BARBARA JO RONE MUS
City Clerk

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

Introduced December 1, 2004, PASSED, ADOPTED AND APPROVED January 5, 2005.

OSCAR B. GOODMAN, Mayor

Attest:

BARBARA JO RONEUMUS, City Clerk

Approved as to Form:

Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on December 1, 2004 and finally adopted and approved on January 5, 2005.

2. The following members of the City Council were present at the December 1, 2004 Council meeting:

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

3. The foregoing Ordinance was first proposed and read by title to the City Council on December 1, 2004, and referred to a committee composed of _____ and _____ for recommendation; thereafter the said committee reported favorably on said Ordinance on January 5, 2005, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The following members of the City Council were present at the January 5, 2005 meeting and voted upon the adoption of the Ordinance as follows:

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

Those Voting Nay:

Those Absent:

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

5. All members of the City Council were given due and proper notice of the meetings held on December 1, 2004, and January 5, 2005. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

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

; and

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

6. A copy of such notice so given of the meeting of the City Council on December 1, 2004, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on January 5, 2005, is attached to this certificate as Exhibit B.

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

IN WITNESS WHEREOF, I have hereunto set my hand on this January 5, 2005.

BARBARA JO RONEMUS, City Clerk

(SEAL)

EXHIBIT A

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

EXHIBIT B

(Attach Copy of Notice of January 5, 2005 Meeting)

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

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

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This bill is a housekeeping measure to update 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.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Bill No. 2004-81
2. Bill No. 2004-81 Proposed First Amendment

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-81 be forwarded to the Full Council as a First Amendment with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that this bill would add two new districts created by the Election Department. At the time the bill was introduced the precincts were unknown; therefore, a Proposed First Amendment bill, a copy of which is included in the minutes, was drafted indicating the two new precincts. He recommended approval as amended.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:20 - 4:21)

1-459

BILL NO. 2004-81

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE 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, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Barbara Jo Ronemus, City Clerk

Summary: 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.

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

AS FOLLOWS:

SECTION 1: Title 1, Chapter 16, Sections 20, 30, 40, 50, 60 and 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, are hereby repealed in their entirety.

SECTION 2: Title 1, Chapter 16, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended by adding thereto six new sections, designated as Sections 20, 30, 40, 50, 60 and 70, reading respectively as follows:

1.16.020: Ward No. 1 shall consist of that area of the City which is encompassed within election precinct numbers 3120, 3127, 3301, 3302, 3308, 3309, 3310, 3311, 3312, 3320, 3321, 3322, 3323, 3326, 3353, 3354, 3900, 4325, 4350, 4351, 4352, 4353, 4355, 4356, 4901, 5014, 6013, 6031, 6034, 6333, 6351, 6352, 6353, 6354, 6355, 6360, 6361, 6362, 6363, 6364, 6365, 6370, 6371, 6372, 6373, 6374, 6375, 6384, 6385, 6390, 6391, 6392, 6393, 6394, 6395, 6396, 6400, 6401, 6402 and 6403.

1.16.030: Ward No. 2 shall consist of that area of the City which is encompassed within election precinct numbers 2306, 2311, 2312, 2461, 3089, 3090, 3129, 3130, 3225, 3227, 3228, 3229, 3340, 3341, 3342, 3343, 3344, 3345, 3350, 3351, 3352, 3355, 3360, 3361, 3362, 3363, 3364, 3365, 3366, 3370, 3371, 3372, 3373, 3374, 3375, 3380, 3381, 3382, 3386, 3541, 3544, 6343, 6344, 6345, 6350, 6380, 6381, 6382 and 6383.

1.16.040: Ward No. 3 shall consist of that area of the City which is encompassed within election precinct numbers 4050, 4360, 4361, 4363, 4364, 4365, 4370, 4371, 4372, 4373, 4374, 4375, 4376, 4380, 4381, 4382, 4383, 4384, 4385, 5003, 5300, 5310, 5312, 5313, 5315, 5316, 5320, 5350, 5351,

1 5352, 5356, 5383, 5384, 5385, 5901, 5902, 7370, 7371, 7372 and 7373.

2 **1.16.050:** Ward No. 4 shall consist of that area of the City which is encompassed within election
3 precinct numbers 2300, 2301, 2302, 2303, 2305, 2307, 2310, 2313, 2314, 2321, 2342, 2900, 3034,
4 3035, 3036, 3037, 3038, 3040, 3041, 3042, 3214, 3217, 3219, 3220, 3383, 3384, 3385, 3390, 3391,
5 3392, 3393, 3394, 3395, 3396, 3400, 3401, 3402, 3403, 3404, 3410, 3411, 3412, 3413, 3414, 3415,
6 3416, 3420, 3421, 3422, 3423, 3424, 3425, 3430, 3431, 3432, 3434, 3435, 3436, 3442, 3443, 3446,
7 3450, 3451, 3452, 3454 and 3903.

8 **1.16.060:** Ward No. 5 shall consist of that area of the City which is encompassed within election
9 precinct numbers 2050, 2327, 2332, 2333, 2349, 2450, 2451, 2452, 2453, 4028, 4031, 4035, 4040,
10 4320, 4321, 4324, 4330, 4331, 4332, 4340, 4341, 4342, 4343, 4344, 4345, 4347, 4386, 4387, 4450,
11 4451, 4452, 4453, 4455, 4460, 4461, 4462, 4463, 4464, 4465, 4466, 6300, 6301, 6302, 6303, 6311,
12 6312, 6314, 6320, 6322, 6323, 6325, 6330, 6331, 6332, 6334, 6339 and 6340.

13 **1.16.070:** Ward No. 6 shall consist of that area of the City which is encompassed within election
14 precinct numbers 2037, 2044, 2047, 2048, 2052, 2322, 2323, 2324, 2325, 2326, 2328, 2331, 2338,
15 2341, 2344, 2345, 2346, 2350, 2351, 2352, 2353, 2354, 2355, 2454, 2455, 2460, 2462, 2901, 2947,
16 2948, 3453, 3463, 3464, 3465, 3466, 3470, 3471, 3472, 3481, 3482, 3483, 3485, 3486, 3490, 3491,
17 3494, 3495, 3500, 3501, 3502, 3505, 3506, 3507, 3508, 3510, 3514, 3520, 3524, 3525, 3526, 3527,
18 3528, 3530, 3545, 3961, 3965, 6305, 6310, 6341 and 6342.

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

27 ...

28 ...

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

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

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Val Steeb 11-22-04
Date

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

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 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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PROPOSED FIRST AMENDMENT

BILL NO. 2004-81

ORDINANCE NO. _____

AN ORDINANCE TO UPDATE 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, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Barbara Jo Ronemus, City Clerk

Summary: 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.

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

SECTION 1: Title 1, Chapter 16, Section 50, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.050: Ward No. 4 shall consist of that area of the City which is encompassed within election precinct numbers 2300, 2301, 2302, 2303, 2305, 2307, 2310, 2313, 2314, 2321, 2342, 2900, 3034, 3035, 3036, 3037, 3038, 3040, 3041, 3042, 3214, 3217, 3219, 3220, 3383, 3384, 3385, 3390, 3391, 3392, 3393, 3394, 3395, 3396, 3400, 3401, 3402, 3403, 3404, 3410, 3411, 3412, 3413, 3414, 3415, 3416, 3420, 3421, 3422, 3423, 3424, 3425, 3430, 3431, 3432, 3434, 3435, 3436, 3442, 3443, 3446, 3450, 3451, 3452, 3454 and 3903.

SECTION 2: Title 1, Chapter 16, Section 70, of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

1.16.070: Ward No. 6 shall consist of that area of the City which is encompassed within election precinct numbers 2037, 2044, 2047, 2048, 2052, 2322, 2323, 2324, 2325, 2326, 2328, 2331, 2338, 2341, 2344, 2345, 2346, 2350, 2351, 2352, 2353, 2354, 2355, 2454, 2455, 2460, 2462, 2901, 2947, 2948, 3453, 3463, 3464, 3465, 3466, 3470, 3471, 3472, 3481, 3482, 3483, 3485, 3486, 3490, 3491, 3494, 3495, 3500, 3501, 3502, 3505, 3506, 3507, 3508, 3510, 3514, 3520, 3524, 3525, 3526, 3527, 3528, 3529, 3530, 3545, 3961, 3965, 6305, 6310, 6341 and 6342.

SECTION 3: If any section, subsection, subdivision, paragraph, sentence, clause or

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

8 SECTION 4: All ordinances or parts of ordinances or sections, subsections, phrases,
9 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

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

12 APPROVED:

13
14 By _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:

17 _____
18 BARBARA JO RONEMUS, City Clerk

19 APPROVED AS TO FORM:

20 _____
21 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 amended and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12

APPROVED:

13

14

By _____
OSCAR B. GOODMAN, Mayor

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ATTEST:

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BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: DECEMBER 14, 2004

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

MINUTES:

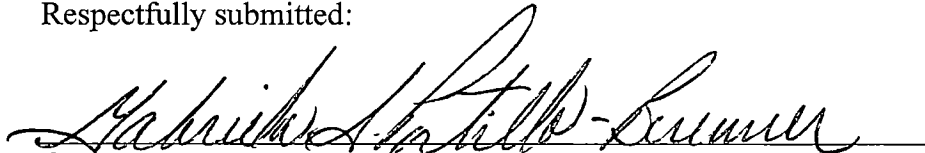
None.

(4:21)

1-498

THE MEETING ADJOURNED AT 4:21 P.M.

Respectfully submitted:


GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK
December 29, 2004