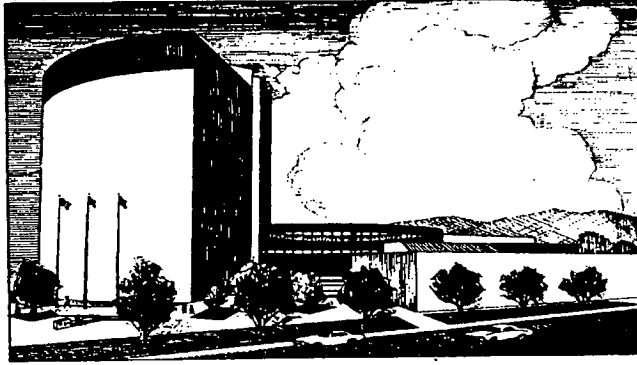




MINUTES

City of Las Vegas

CITY COUNCIL

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

CITY COUNCIL

Meeting of

APRIL 6, 2005

INVOCATION PLEDGE OF ALLEGIANCE

CITY COUNCIL

MAYOR OSCAR B. GOODMAN

COUNCILMAN GARY REESE

MAYOR PRO-TEM

(Excused fro PM session from 1:50 PM to 3:05 PM)

COUNCILMAN LARRY BROWN

COUNCILMAN LAWRENCE WEEKLY

COUNCILMAN MICHAEL MACK

COUNCILMAN STEVE WOLFSON

COUNCILWOMAN LOIS TARKANIAN

PRESENT

ABSENT

EXCUSED



DOUG SELBY, CITY MANAGER

BRAD JERBIC, CITY ATTORNEY

BRYAN SCOTT, DEPUTY CITY ATTORNEY (PM session)

TOM GREEN, DEPUTY CITY ATTORNEY

BARBARA JO RONEUMUS, CITY CLERK



APPROVED BY REFERENCE: June 1, 2005

ATTEST:


CITY CLERK


MAYOR



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

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

MICHAEL MACK (Ward 6), STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1)

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

APRIL 6, 2005

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

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

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN, BEN ASHER INSTITUTE OF ISLAMIC AND SUFI STUDIES
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE WINNERS IN THE LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT YOUTH ART CONTEST
- RECOGNITION OF THE CENTENNIAL HIGH SCHOOL GIRLS BASKETBALL AND SOCCER STATE CHAMPIONS
- RECOGNITION OF THE MEADOWS HIGH SCHOOL AA STATE BASKETBALL CHAMPIONS
- RECOGNITION OF LIEUTENANT RYAN SWINDELL
- RECOGNITION OF THE SENIOR OF THE QUARTER
- RECOGNITION OF THE GRAND SUMO TOURNAMENT
- PRESENTATION BY THE TULE SPRINGS PRESERVATION COMMITTEE
- RECOGNITION OF FAIR HOUSING MONTH
- RECOGNITION OF NATIONAL YOUTH SERVICE DAY

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of January 19, 2005 and the Special City Council Meeting of January 27, 2005

CONSENT AGENDA

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

FINANCE & BUSINESS SERVICES - CONSENT

3. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
4. Approval of a Special Event License for Southern Nevada Blues Association (SNBA), Location: Lorenzi Park, 3333 West Washington Avenue, Date: April 17, 2005, Type: Special Event Beer/Wine, Event: Centennial Blues Festival, Responsible Person in Charge: Chere Jean Perez - Ward 5 (Weekly)
5. Approval of a Special Event License for Kingdom of Aragon, Location: Lorenzi Park, 3333 West Washington Avenue, Date: May 1, 2005, Type: Special Event General, Event: Cinco de Mayo Festival, Responsible Person in Charge: Ruth Heines - Ward 5 (Weekly)
6. Approval of Change of Business Name for a Psychic Art and Science License, Emitra Fehr, dba From: Serenity Hookah Lounge, To: Serenity Hookah Palace, 2000 Las Vegas Boulevard, South, Suite E10, Emitra J. Fehr, 100% - Ward 1 (Tarkanian)
7. Approval of Change of Name for a Class II Secondhand Dealer License, Call Renee Estate Liquidation, LLC, dba From: Call Renee Estate Liquidation, To: Not Just Antiques, 1422 Western Avenue, Renee Poole, Mmbr, Mgr, 100% - Ward 1 (Tarkanian)
8. Approval of the rejection of bid and award of Bid No. 050126-DK, Janitorial Services - Department of Field Operations - Award recommended to: ABM JANITORIAL SERVICES (Estimated annual amount \$882,000 - General Fund)
9. Approval of Modification No. 3 to Contract No. 040120, Master Plan Design for the Northwest Equestrian Park located at Iron Mountain Road and Jones Boulevard - Department of Planning and Development - Award recommended to: GREENWAYS, INC. (\$394,390 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
10. Approval of award of Bid No. 050528-LED, Annual Requirements Contract for Culvert Cleaning - Department of Field Operations - Award recommended to: H2O ENVIRONMENTAL, INC. (\$500,000 - Road and Flood Capital Projects Fund) - Wards 1, 3 and 5 (Tarkanian, Reese and Weekly)
11. Approval of revision of purchase order 216080, for Janitorial Services - Department of Field Operations - Award to: BEST JANITORIAL SERVICES OF NEVADA, INC. (\$140,000 - General Fund)
12. Approval of issuance of a purchase order for a Communicator Community Automatic Notification System - Department of Fire and Rescue - Award recommended to: DIALOGIC COMMUNICATIONS CORPORATION (\$73,850 - Multipurpose Special Revenue Fund)
13. Approval of issuance of a purchase order for Hook & Line (HAL) BombTec Rigging System - Department of Fire and Rescue - Award recommended to: ALLEN-VANGUARD, INC. (\$39,900 - Multipurpose Special Revenue Fund)

FINANCE & BUSINESS SERVICES - CONSENT

14. Approval of issuance of a purchase order for Lifepak CR Plus Defibrillators - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$58,363 - Multipurpose Special Revenue Fund)
15. Approval of issuance of a purchase order for Electronic Light Displays and Keypads - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$51,930 - Multipurpose Special Revenue Fund)
16. Approval of revision to purchase order 222323 for annual requirements contract for Laboratory Services - Department of Fire and Rescue - Award to: QUEST DIAGNOSTICS (\$25,000 - General Fund)
17. Approval to allocate \$60,000 of "In Lieu of Open Space" revenue and award of Bid No. 04.15341.37-LED, Estelle Neal Park Water Feature, located at 6551 Azure Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADEWEST CONSTRUCTION, INC. (\$138,400 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
18. Approval to allocate \$525,000 of the Capital Improvements Plan Bid Reserve, allocate \$25,000 of funding from the Development Services Enterprise Fund, rejection and award of Bid No. 04.15341.03-LED, Records & Archival materials Storage Facility and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: B&H CONSTRUCTION, INC. (\$3,665,299 - City Facilities Projects Fund) - Ward 4 (Brown)

FIRE & RESCUE - CONSENT

19. Approval of a business impact statement to address the impact of Bill No. 2005-21, relating to the installation of automatic sprinkler systems in existing residential board and care facilities - All Wards

NEIGHBORHOOD SERVICES - CONSENT

20. Approval of a Deferred Loan Agreement expending \$35,000 of Home Investment Partnership Program (HOME) funds for housing rehabilitation activities at 404 Alexander Avenue, Patricia Monroe Turner, owner - Ward 5 (Weekly)
21. Approval of a Department of Justice sponsored Weed and Seed Interlocal Agreement between the City of Las Vegas and the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Reno to allocate \$40,000 of Weed and Seed Funds - Wards 3 and 5 (Reese and Weekly)

PLANNING & DEVELOPMENT - CONSENT

22. Approval of parcels recommended for disposal at the Spring 2006 Bureau of Land Management Public Land Sale - Ward 2 (Wolfson)

PUBLIC WORKS - CONSENT

23. Approval of the First Amendment to Engineering Design Services Agreement between the City of Las Vegas and Louis Berger Group, Inc., to increase contract funding for the Las Vegas Middle Branch Pre-Design (\$61,015 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Mack)
24. Approval of Supplemental No. 7 Interlocal Contract 51J/B871214 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding for Traffic Capacity and Safety Improvements Fifth Program Year (\$738.95 - Regional Transportation Commission of Southern Nevada) - Ward 1 (Tarkanian)

PUBLIC WORKS - CONSENT

25. Approval of Supplemental No. 1 to the Cooperative Agreement 330/B871215 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to reduce bond funding for the Smoke Ranch Road - Jones Boulevard to Buffalo Drive construction project (decrease of \$738.95 - Regional Transportation Commission of Southern Nevada) - Wards 4 and 6 (Brown and Mack)
26. Approval of Interlocal Contract 500 between the Regional Transportation Commission of Southern Nevada (RTC), the City of North Las Vegas, the City of Las Vegas and Clark County for the development, design and deployment of arterial incident and event management systems in the Craig Road and Las Vegas Boulevard corridors (\$680,000 - Regional Transportation Commission of Southern Nevada) - Ward 6 (Mack) and North Las Vegas
27. Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Kimball Hill Homes Nevada, Incorporated, owner (Tee Pee Lane between Farm Road and Donald Nelson Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from JVC Architects on behalf of Ada Cohen, lessee (southwest corner of Ogden Avenue and Eighth Street) - Ward 5 (Weekly)
29. Approval of an Encroachment Request from Bunkers Mortuary on behalf of Carriage Cemetery Services, Incorporated, owner (southeast corner of Lone Mountain Road and Monte Cristo Way) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Michael G. Alexander Living Trust, Michael G. Alexander, Trustee, owner (west of Quadrel Street, North of Craig Road, APN 138-04-603-013) - County (near Ward 4 - Brown)
31. Approval of an Encroachment Request from El Gran Patron, LLC, owner (northwest corner of Coolidge Avenue and Fourth Street) - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from John David Burke Architects on behalf of Becker Equities, owner (southeast corner of Durango Drive and Centennial Parkway) - Ward 6 (Mack)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Robert D. Riggs and Judy Riggs, owners (north of Tropical Parkway, east of Conquistador Street, APN 125-30-202-012) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Gary Wayne Williams and Patricia A. Williams, owners (northwest corner of Tropical Parkway and Jensen Street, APN 125-30-202-014) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Temple Family Trust, Dix Frampton and Sunhee Frampton, Trustees, owners (north of Corbett Street, west of El Capitan Way, APN 125-29-304-006) - County (near Ward 6 - Mack)
36. Approval of an Encroachment Request from Port Of Subs, Incorporated, lessee (southwest corner of Stewart Avenue and Las Vegas Boulevard) - Ward 5 (Weekly)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (southeast corner of Mustang Street and Deer Springs Way, APN 125-23-702-001) - County (near Ward 6 - Mack)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (south of Dorrell Lane, west of Torrey Pines Drive, APNs 125-23-201-002, 125-23-201-005, 125-23-201-012, 125-23-601-002 and 125-23-601-027) - County (near Ward 6 - Mack)
39. Approval of an Agreement between the Commission for the Las Vegas Centennial and the City of Las Vegas concerning placement, ownership and maintenance of historic markers - All Wards

RESOLUTIONS - CONSENT

- 40. R-31-2005 - Approval of a Resolution to support the New Las Vegas Marathon Route
- 41. R-32-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) (\$153,695.05 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
- 42. R-33-2005 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west) (\$58,767.02 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
- 43. R-34-2005 - Approval of Resolution of Intent to Annex Territory Generally Located On the South Side of Centennial Parkway, East of Puli Drive (ANX-5163); Acreage: Approximately 62 acres; Zoned: R-U (County zoning), U (PCD) and U (PF) (City equivalents) - Ward 6 (Mack)

REAL ESTATE COMMITTEE - CONSENT

- 44. Approval of a Lease Agreement between the City of Las Vegas (Lessor) and Affleck Enterprises (Lessee) located at 1951 Stella Lake Drive, Suite 5, commonly known as the Las Vegas Business Center (\$31,536 revenue/36 months - Las Vegas Business Center Operations Fund) - Ward 5 Weekly)
- 45. ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
- 46. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a seventy-two square foot Easement to LVVWD to service a portion of APN 137-12-101-008 located near Gilmore Avenue and Cliff Shadows Parkway - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

- 47. Report and possible action concerning the status of 2005 legislative issues

CITY ATTORNEY - DISCUSSION

- 48. Discussion and possible action on Appeal of Work Card Denial: Anthony Victor O'Malley, 2121 Fremont Street #127, Las Vegas, Nevada 89101
- 49. Discussion and possible action on Appeal of Work Card Denial: Gilbert Aguirre, 3700 Broxburn, Las Vegas, Nevada 89108
- 50. Discussion and possible action on Appeal of Work Card Denial: Antonette Marie Tomas, 212 View Drive, Las Vegas, Nevada 89107
- 51. Discussion and possible action on Appeal of Work Card Denial: Kristal Gayle Henderson, 1500 Stardust Road, L2200, Las Vegas, Nevada 89109
- 52. Discussion and possible action on Appeal of Work Card Denial: Lashonda Marquette Bradford, 4617 Curdsen Way, Las Vegas, Nevada 89110

CITY ATTORNEY - DISCUSSION

53. Discussion and possible action on Appeal of Work Card Denial: Corey Alexander Klunk, 6433 Deadwood Road, Las Vegas, Nevada 89108
54. Discussion and possible action regarding Complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

55. Discussion and possible action regarding Temporary Approval of a new Tavern-limited License subject to the provisions of the fire codes and Health Dept. regulations, Big Nails, LLC, dba Beauty Bar, 517 Fremont Street, Suite 150, Paul Devitt, Mgr, Mmbr, 45%, Frank S. Cicero, Mmbr, 20%, John P. Nixon, Mmbr, 10% - Ward 5 (Weekly)
56. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: John A. Gallo, 100%, To: Sanchez and Trujillo, dba Gallo's Famous Pizza Company, 3250 North Tenaya Way, Suite 110, Luis Sanchez and Regla C. Trujillo, 100% jointly as husband and wife - Ward 4 (Brown)
57. Discussion and possible action regarding Change of Ownership and Location for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: 226 West Sahara Avenue, Jitendra Patel, 100%, To: An India Oven, Inc., dba India Oven, 2218 Paradise Road, Jitendra Patel, Dir, Pres, Treas, 50%, Jayshree Patel, Dir, Secy, 50% (NOTE: Item to be heard in the afternoon session in conjunction with Item 127 - SUP-5912) - Ward 3 (Reese)
58. Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning and fire codes, Yong Wen, dba Good Hands Acupressure and Massage Center, 4300 Meadows Lane, 6512, Yong Wen, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 125 - SUP-5908) - Ward 1 (Tarkanian)
59. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License, subject to the provisions of the fire codes, From: Larry Watson, dba Creative Home Furniture, Larry Watson, 100%, To: Creative Home Furnishings, LLC, dba Creative Home Furnishings, 1120 South Main Street, Larry Watson, Mgr and Ivona S. Watson, Mmbr, 80% jointly as husband and wife, Erik P. Lonnquist, Mmbr, 20% - Ward 1 (Tarkanian)
60. Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, La-Dor, Inc., dba Stateside Lounge, 931 Las Vegas Boulevard North, Doris L. Atchison, Dir, Pres, Treas, 50%, Laura J. Atchison, Dir, Secy, 50% - Ward 5 (Weekly)
61. Discussion and possible action regarding a Six Month Review of a Locksmith License, Judith Renea Zaruba, dba L Reo Lock & Key, 8929 Sheep Ranch Court, Judith R. Zaruba, 51%, Robert M. Zaruba, 49% - Ward 6 (Mack)
62. Discussion and possible action to rescind the City Council's vote regarding a Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
63. Discussion and possible action reconsidering the application of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
64. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Cisco's Supper Club, Incorporated, dba Ciscos Mexican Seafood and Cantina, 2100 Fremont Street, Michelle E. Gomez, Dir, Pres, VP, Secy, Treas, 100% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

65. Discussion and possible action regarding Temporary Approval of a new Psychic Arts and Science License, Diane Adams, dba Psychic Experience, 301 Fremont Street, Diane P. Adams, 100% - Ward 1 (Tarkanian)

RESOLUTIONS - DISCUSSION

66. R-35-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Celebrity Las Vegas, LLC, located at 201 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #2 and to Redevelopment Agency Item #3]
67. R-36-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Hogs & Heifers of Las Vegas, Inc., located at 211 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #4 and to Redevelopment Agency Item #5]
68. R-37-2005 - Public hearing and possible action on a resolution authorizing the issuance and sale of economic development revenue bonds (\$9,645,000) for Goodwill Industries of Southern Nevada, Inc.

BOARDS & COMMISSIONS - DISCUSSION

69. SENIOR CITIZEN LAW PROJECT ADVISORY BOARD - Jackie Seip, Term Expiration 4-18-2005
70. ABEYANCE ITEM - PARK & RECREATION ADVISORY COMMISSION - Walter R. Sapling, Term Expiration 1-8-2006 (Deceased)

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

71. Bill No. 2005-12 - Annexation No. ANX-5656 - Property location: On the west side of Al Carrison Street, 50 feet south of McNamee Avenue; Petitioned by: Michael E. Burke; Acreage: 2.08 acres; Zoned: R-A (County zoning), R-A (City equivalent). Sponsored by: Councilman Michael Mack
72. Bill No. 2005-14 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilman Larry Brown

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

73. Bill No. Z-2005-1 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Margo Wheeler, Director of Planning and Development
74. Bill No. Z-2005-2 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Margo Wheeler, Director of Planning and Development

NEW BILLS - DISCUSSION

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

75. Bill No. 2005-17 - Annexation No. ANX-5329 – Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly
76. Bill No. 2005-18 - Updates the City's drought plan ordinance to reflect a change in terminology from "drought emergency" to "drought critical." Sponsored by: Councilman Larry Brown
77. Bill No. 2005-19 - Adopts the International Energy Conservation Code, 2003 Edition, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," as replacements for the Model Energy Code, 1992 Edition, and the Supplemental Document amending that code. Proposed by: Paul Wilkins, Director of Building and Safety
78. Bill No. 2005-20 - Amends the City's Administrative Code to authorize the implementation of a program for contractor verification regarding the proper installation of water heaters and water softeners. Proposed by: Paul K. Wilkins, Director of Building and Safety
79. Bill No. 2005-21 - Amends the City's Fire Code to require the installation of automatic sprinkler systems in existing residential board and care facilities. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
80. Bill No. 2005-22 - Amends the City's Fire Code to update fire protection requirements for certain structures and occupancies. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
81. Bill No. 2005-23 - Levies Assessment for Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

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

HEARINGS - DISCUSSION

83. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1176 Hassell Avenue. PROPERTY OWNERS: ESTRADA INVESTORS LLC - Ward 5 (Weekly)
84. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1804 Plantea Court. PROPERTY OWNER: GARY W. WALTERS - Ward 1 (Tarkanian)
85. Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 7075 W. Craig Road. PROPERTY OWNERS: RICHARD A. & BARBARA L. STIMAC - Ward 6 (Mack)
86. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 704 W. Wilson Avenue. PROPERTY OWNER: KARL EDWARD BUTLER - Ward 5 (Weekly)

HEARINGS - DISCUSSION

87. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 371 Maydelle Place. PROPERTY OWNERS: TRUSTEE CLARK COUNTY TREASURER - C/O GOULD ROBERT S. - Ward 3 (Reese)
88. ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)
89. Public hearing on annexation report for the proposed annexation area located on the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west (ANX-3026) – Ward 6 (Mack)
90. Public hearing on annexation report for the proposed annexation area bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north (ANX-5528) – Ward 6 (Mack)
91. Public hearing on local improvement district for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance - FY2006) - (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

PLANNING & DEVELOPMENT

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

PLANNING & DEVELOPMENT - CONSENT

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

92. EOT-6090 - APPLICANT/OWNER: DR HORTON - Request for an Extension Time for an approved Site Development Plan Review (SDR-1395) FOR A PROPOSED 565-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 226.80 acres adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road (APNs 125-04-001-002, 005, through 009 and 011; and 125-05-604-049), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 6 (Mack). Staff recommends APPROVAL
93. EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC - Request for an Extension of Time for an approved Special Use Permit which allowed A TAVERN on a portion of 5.0 acres adjacent to northwest corner of Durango Drive and Deer Springs Way (APN 125-20-201-025) T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

94. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack). Staff recommends DENIAL
95. RQR-6141 - PUBLIC HEARING - APPLICANT: YONO ENTERPRISES - OWNER: RICHARD STURMAN - Required One-Year Review of an approved Review of Condition (ROC-1770) WHICH DELETED CONDITION NO. 2 of an approved Special Use Permit (U-0154-98) PROHIBITING THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE for an existing market at 611 Fremont Street, Suite 20 (APN 139-34-611-019), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL

PLANNING & DEVELOPMENT - DISCUSSION

96. ROC-6073 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: BRUCE A. MORRIS - OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD - Request for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] TO ELIMINATE THE REQUIREMENT FOR A DECORATIVE BLOCK WALL ALONG THE SOUTH PROPERTY LINE for an existing church on 11.22 acres at 2900 North Torrey Pines Drive (APNs 138-14-601-005, 006, 013 and 014), U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under Resolution of Intent to C-V (Civic) and C-V (Civic) Zone, Ward 5 (Weekly). Staff recommends DENIAL

97. ROC-6074 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: THE MONTECITO COMPANIES - OWNER: AZURE SOUTH, INC. - Request for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], WHICH PROHIBITED CERTAIN USES, TO ELIMINATE THE CONDITION ENTIRELY for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive (APN 125-27-222-006), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL

98. ROC-6132 - PUBLIC HEARING - APPLICANT: DWYER ENGINEERING - OWNER: CANYON RIDGE CHRISTIAN CHURCH - Request for a Review of Condition Number 2 of an approved Review of Condition (ROC-3216) TO REMOVE THE REQUIREMENT TO INSTALL HALF STREET IMPROVEMENTS ON THE EAST SIDE OF MAVERICK STREET, SOUTH OF LA MADRE WAY for an existing Church located at 6200 West Lone Mountain Road (APNs 125-35-802-001, 003 and 007), C-V (Civic) Zone, Ward 6 (Mack). Staff recommends DENIAL

99. SDR-5924 - PUBLIC HEARING - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES - Request for Site Development Plan Review FOR A PROPOSED CITY PARK on 5.05 acres adjacent to the northwest corner of El Campo Grande Avenue and Bradley Road (a portion of APN 125-25-302-001), C-V (Civic) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

100. SDR-5943 - PUBLIC HEARING - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 216 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 8.52 acres at 5800 West Lake Mead Boulevard (APN 138-24-215-005), R-4 (High Density Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

101. SDR-6017 - PUBLIC HEARING - APPLICANT: SKY RISE DEVELOPMENT GROUP, INC - OWNER: EDWARD B. FRANKEL FAMILY TRUST - Request for a Site Development Plan Review FOR THE CONVERSION OF A 504-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 24.76 acres at 2200 South Fort Apache Road (APN 163-05-315-045 and 163-05-410-001), R-PD18 (Residential Planned Development - 18 Units per Acre), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

102. SDR-6025 - PUBLIC HEARING - APPLICANT/OWNER: DECATUR CONCORD LLC - Request for a Site Development Plan Review FOR A 4,987 SQUARE-FOOT COMMERCIAL BUILDING AND A WAIVER TO ALLOW A 15-FOOT FRONT SETBACK WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED AND WAIVERS OF FOUNDATION, BUFFER AND PARKING LOT LANDSCAPING STANDARDS on 0.83 acres adjacent to the northeast corner of Decatur Boulevard and Concord Village Drive (APN 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend DENIAL

103. MOD-5581 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE TO: MULTI-FAMILY MEDIUM on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5579 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 136-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

105. VAC-5901 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SEEGMILLER PARTNERS, LLC - Petition to Vacate Public Utility Easements at 205 Hoover Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

106. VAC-5902 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SP SAHARA DEVELOPMENT, LLC - Petition to Vacate a 15 foot wide Public Utility Easement at 200 West Sahara Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

107. VAC-5936 - PUBLIC HEARING - APPLICANT/OWNER: PN II, INC. D/B/A PULTE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located west of Shaumber Road, south of Dorrell Lane, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

108. VAC-5954 - PUBLIC HEARING - OWNER: CARINA CORPORATION - APPLICANT: THE KEITH COMPANIES - Petition to Vacate a Road, Public Utility and Flood Control Easements generally located on Tule Springs Road approximately 1,316 Feet south of Farm Road, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

109. VAC-6015 - PUBLIC HEARING - OWNER/APPLICANT: TOM AND JUDY MILLER - Petition to Vacate a portion of Nemeth Road generally located south of Smoke Ranch Road, approximately 481 feet east of Rainbow Boulevard, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL. [NOTE: The application should read Nemeth Lane]

110. WVR-6035 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTURES LLC - Request for a Waiver of Title 18.12.160 TO ALLOW 209 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Dorrell Lane and Hualapai Way (APN 125-19-201-001 and 003), R-PD3 (Residential Planned Development- 3 Units per Acre), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

111. VAR-5808 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Variance TO ALLOW A 37-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 84 FEET FOR A PROPOSED OFFICE/WAREHOUSE DEVELOPMENT on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

112. SDR-5813 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 38,000 SQUARE-FOOT OFFICE/WAREHOUSE DEVELOPMENT AND FOR A WAIVER OF THE BUILDING PLACEMENT, PERIMETER, AND PARKING LOT LANDSCAPING REQUIREMENTS on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

113. VAR-5694 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Variance TO ALLOW A 24-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 73 FEET on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

114. SUP-5691 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING PARK adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request withdrawn as unnecessary]
115. SDR-5689 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Site Development Plan Review FOR A 6,115 SQUARE-FOOT TAVERN AND A WAIVER OF TRASH ENCLOSURE SEPARATION on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request has been withdrawn]
116. VAR-5952 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Variance to ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT on 4.87 ACRES WHERE 5.00 ACRES IS THE MINIMUM AREA REQUIRED adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
117. ZON-5788 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
118. WVR-5790 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 190 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED IN CONJUNCTION WITH A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
119. SDR-5789 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL
120. VAR-6028 - PUBLIC HEARING - APPLICANT: TIM C. AYALA - OWNER: REYES G. PALACIOS - Request for a Variance TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE TEN FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED ROOM ADDITION on 0.50 acres at 729 Clarkway Drive (APN 139-28-301-017), R-E (Residence Estates) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL
121. VAR-6030 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Variance TO ALLOW 14 PARKING SPACES WHERE 18 SPACES ARE THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED OFFICE DEVELOPMENT on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

122. SDR-6026 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Site Development Plan Review FOR A 5,362 SQUARE-FOOT OFFICE DEVELOPMENT AND WAIVERS OF THE SETBACK, LANDSCAPE BUFFER STANDARDS AND PARKING LOT LANDSCAPE STANDARDS on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
123. RQR-5925 - PUBLIC HEARING - APPLICANT/OWNER: CHETAK DEVELOPMENT CORPORATION - Required Two Year Review of an Approved Special Use Permit (SUP-1274) FOR A 55 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2236 Paradise Road (APN 162-03-411-011), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
124. RQR-5939 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: LODGE BPOE #1468 - Appeal letter filed by the applicant from the Denial by the Planning Commission of a Required Five Year Review of an approved Special Use Permit (U-0216-90) WHICH ALLOWED A 40 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4100 West Charleston Boulevard (APN 139-31-801-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (4-2 vote) recommends DENIAL. Staff recommends APPROVAL
125. SUP-5908 - PUBLIC HEARING - APPLICANT: YONG WEN - OWNER: GGP IVANHOE II, INC. - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER OF THE REQUIRED 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY AND A SCHOOL at 4300 Meadows Lane (APN 139-31-510-019), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). (NOTE: Item to be heard in conjunction with Morning Session Item 58) The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
126. SUP-5910 - PUBLIC HEARING - APPLICANT: CLASSY CONSIGNMENT, INC. - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER at 4704 West Sahara Avenue, Suite #1 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL
127. SUP-5912 - PUBLIC HEARING - APPLICANT: INDIA OVEN, INC. - OWNER: CHETAK DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 2218 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese). (NOTE: Item to be heard in conjunction with Morning Session Item 57) The Planning Commission (4-0-2 vote) and staff recommend APPROVAL
128. SUP-5938 - PUBLIC HEARING - APPLICANT: LIJUN ZHANG - OWNER: RAINBOW EXPRESS VILLAGE, LIMITED PARTNERSHIP - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND WAIVERS OF THE REQUIRED 1,000 FOOT DISTANCE SEPARATION FROM A SIMILAR USE, THE 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY, AND HOURS OF OPERATION OF 8:00 A.M. TO 9:00 P.M. TO ALLOW THE HOURS OF OPERATION OF 10:00 A.M. TO 3:00 A.M. at 1750 South Rainbow Boulevard, Suite #12 (APN 163-02-212-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL
129. SUP-5917 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND FOR A WAIVER OF THE REQUIRED 1,500 FOOT DISTANCE SEPARATION FROM A CHURCH, A SCHOOL AND A CHILD CARE FACILITY adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL
130. SDR-5916 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Site Development Plan Review FOR A PROPOSED 5,000 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) on a 1.34 acre portion of a 31.42 site acres adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

131. SUP-5947 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (ON AND OFF-PREMISE SALE OF BEER AND WINE) at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

132. SDR-5946 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Site Development Plan Review FOR A PROPOSED 737 SQUARE FOOT EXPANSION TO AN EXISTING SHOPPING CENTER on 8.28 acres at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

133. SUP-5859 - PUBLIC HEARING - APPLICANT: ANVUI, LLC - OWNER: G.L. DRAGON, LLC - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB at 1050 South Rampart Boulevard (APN 138-32-412-024), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

134. SUP-5998 - PUBLIC HEARING - APPLICANT: PEI WEI - OWNER: MARK L. FINE & ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 10830 West Charleston Boulevard, Suite 110 (APN 137-36-414-002), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

135. SUP-6004 - PUBLIC HEARING - APPLICANT: MULUGETA BOUR - OWNER: NEVADA BROOKS COOK - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) TO ALLOW FULL LIQUOR SALES at 1616 South Las Vegas Boulevard (APN 162-03-210-058), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL

136. SUP-6020 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

137. SDR-6018 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Site Development Plan Review FOR A 14,797 SQUARE-FOOT CHILD CARE CENTER on 2.24 acres adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

138. ZON-5769 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL. [NOTE: Request is to P-R (Professional Office and Parking)]

139. SDR-5770 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Site Development Plan Review FOR A PROPOSED 1,688 SQUARE-FOOT COMMERCIAL USE AND WAIVERS OF COMMERCIAL DEVELOPMENT STANDARDS FOR PERIMETER, FOUNDATION AND PARKING LOT LANDSCAPING; A WAIVER TO ALLOW A 27 FOOT FRONT SETBACK WHERE 20 FEET IS REQUIRED; AND A WAIVER TO ALLOW A 6.2 FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A COMMERCIAL USE on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), R-1 (Single Family Residential) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

140. ZON-5776 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE) on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. [NOTE: Application has been revised to R-PD3 (Residential Planned Development - 3 Units per Acre)] (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)

PLANNING & DEVELOPMENT - DISCUSSION

141. VAR-5846 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 2.16 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED on property adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
142. SDR-5778 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: Proposal as been amended to R-PD3 for 7 units) (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
143. GPA-5762 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request to amend a portion of the Centennial Hills Sector Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
144. ZON-5765 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
145. ZON-5809 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE) on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Request is now for R-PD8)
146. VAR-5810 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Variance TO ALLOW 0.51 ACRES OF OPEN SPACE WHERE 1.09 ACRES IS THE MINIMUM AMOUNT REQUIRED IN CONJUNCTION WITH A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)
147. SDR-5807 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)

SET DATE

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

CITIZENS PARTICIPATION

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

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

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

City of Las Vegas

CITY COUNCIL MEETING
CITY HALL, 400 STEWART AVENUE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 6, 2005
1:00 P.M.

ADDENDUM:

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

- 94A. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION -
Appeal of Director's decision per Title 19.00.070.F to deny the acceptance of the application of a
Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF
GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS,
Ward 6 (Mack). Staff recommends DENIAL

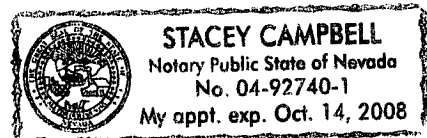
THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING
LOCATIONS:

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

(Mailing required under the provisions of NRS Chapter 241)

Paula Clark
SIGNATURE

Stacey Campbell
NOTARY PUBLIC in and for said County and State



AFFIDAVIT OF ELECTRONIC MAILING (email)

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **31st** day of **March, 2005**, a copy of NOTICE, the attached of which is a true and correct copy of the Notice – re: **City of Las Vegas, City Council Meeting** to be held on the **6th day of April, 2005**, was electronically mailed (emailed) to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.

Paula Clark

SIGNATURE

City Clerk

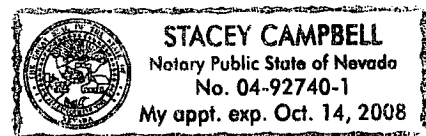
DEPARTMENT

Subscribed and sworn to before me this

31st day of March, 2005

Stacey Campbell

NOTARY PUBLIC in and for said County and State



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

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Paula Clark, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **31st** day of **March, 2005** at the hour of **4:00 P.M.** there were posted copies of a NOTICE, the attached of which is a true and correct copy of a **City of Las Vegas, City Council Meeting** to be held on the **6th day of April, 2005, at 9:00 A.M.,** Las Vegas, Nevada; to be posted on Public Bulletin Boards at the following locations:

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



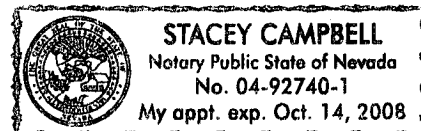
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

31st day of March, 2005


NOTARY PUBLIC in and for said County and State



CITY COUNCIL AGENDA
CITY COUNCIL MEETING OF: APRIL 6, 2005

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

- CALL TO ORDER

MINUTES:

PRESENT: MAYOR GOODMAN and COUNCILMEMBERS REESE (excused during the afternoon session from 1:50 p.m. to 3:05 p.m.), BROWN, WEEKLY, MACK, WOLFSON, and TARKANIAN

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

- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

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

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

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(9:06 - 9:07)

1-1

- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN, BEN ASHER INSTITUTE OF ISLAMIC AND SUFI STUDIES

MINUTES:

AZIZ EDDEBBARH, Chairman, Ben Asher Institute of Islamic and Sufi Studies, gave the invocation.

(9:07- 9:08)

1-22

- PLEDGE OF ALLEGIANCE

MINUTES:

MAYOR GOODMAN led the audience in the Pledge.

(9:08 - 9:09)

1-65

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE CITIZEN OF THE MONTH

BACKUP DOCUMENTATION:

Submitted at meeting: copy of face of plaque for Citizen of the Month Susie Sepulveda

MOTION:

None required. A presentation was made.

MINUTES:

NOTE: Videotape was shown but not submitted for the minutes.

COUNCILMAN WEEKLY recognized SUSIE SEPULVEDA, Director, Arturo Cambiero Senior Center, as April's Citizen of the Month. Before she came forward, videotape was shown of MS. SEPULVEDA working at the Center. She puts in countless hours and works very hard to make the Center a comfortable place for the seniors. Last year, the Center was in jeopardy of closing; however, with the support of the Council members, the Las Vegas Housing Authority, and the Latin Chamber of Commerce, the Center remained open.

MS. SEPULVEDA accepted the Citizen of the Month plaque and thanked the Council and the Latin Chamber of Commerce for this honor. She stated that she loves her job.

(9:09 - 9:12)

1-96

CEREMONIAL BACKUP

RECOGNITION OF THE CITIZEN OF
THE MONTH



City of Las Vegas
Citizen of the Month
April 2005

Susie Sepulveda

Shay Rene
Councilman Larry Brown

Bob Goodman
Mayor
Garry Brown
Councilman Larry Brown

Lawrence Welby
Councilman Lawrence Welby

[Signature]
Councilman Michael Holman

[Signature]
Councilman David L. Cohen

Tom Tuckman
Councilman Tom Tuckman

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE WINNERS IN THE LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT YOUTH ART CONTEST

BACKUP DOCUMENTATION:

Submitted to the Council at meeting: winning bookmarks of the Youth Art Contest

MOTION:

None required. A presentation was made.

MINUTES:

Before making this presentation, COUNCILMAN WEEKLY announced that the memorial services for POLLY GONZALES of KLAS Channel 8 would take place that evening at 7:30 p.m., at Shadow Hills Baptist Church, 7811 West Vegas Drive.

COUNCILMAN WEEKLY continued and called forward DAN WALTERS, Director, and NANCY HUTCHINSON of the Las Vegas-Clark County Library District to honor the winners of the Martin Luther King Bookmark Contest.

MS. HUTCHINSON indicated that this is an annual contest presented by the Las Vegas-Clark County Library District to honor DR. MARTIN LUTHER KING and his ideals of peace, brotherhood, and love. Since its inception eight years ago, the contest has expanded to every library in the Library District for children in four age groups, Kindergarten to 8th Grade, who are invited to submit a bookmark. Four winners are chosen and one grand-prize winner. The winning bookmarks are handed out throughout all the libraries during February, which is African-American History Month. These bookmarks are also part of the Library District's celebration during the DR. KING annual parade, in which the winners are invited to march. She called forward and congratulated the winners: LAUREN HITT, GABRIELLE HILLYER, AUSTIN MACK, and JAMIE NIMS. MEGUMI ITOH, who is also a winner, could not be present.

MR. WALTERS thanked MS. HUTCHINSON for her work and the support of the Council on this project. He reminded everyone to participate in the adult reading program, Reading Las Vegas, which started April 1, 2005.

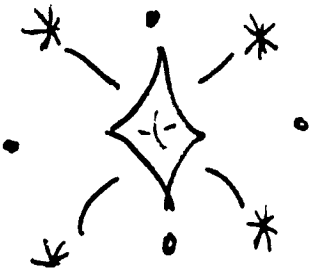
(9:12 - 9:17)

1-169

CEREMONIAL BACKUP

RECOGNITION OF THE WINNERS IN THE LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT YOUTH ART CONTEST

HONOR
ALL
HUMAN
BEINGS
AND
THEIR
DREAMS



Grand Prize Winner
Jamie Mims
I Have A Dream
Bookmark Contest
2005



Winner Age 5-8
Megumi Itoh
I Have A Dream
Bookmark Contest
2005

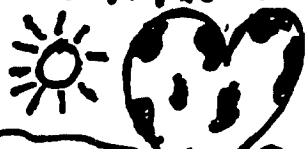
PEACE IS
the most valuable
thing on earth,

IN THE WORDS
OF MARTIN LUTHER
KING: I HAVE A
DREAM...

FRIENDSHIP



If all of us were
to respect it,
the world would
look like this.



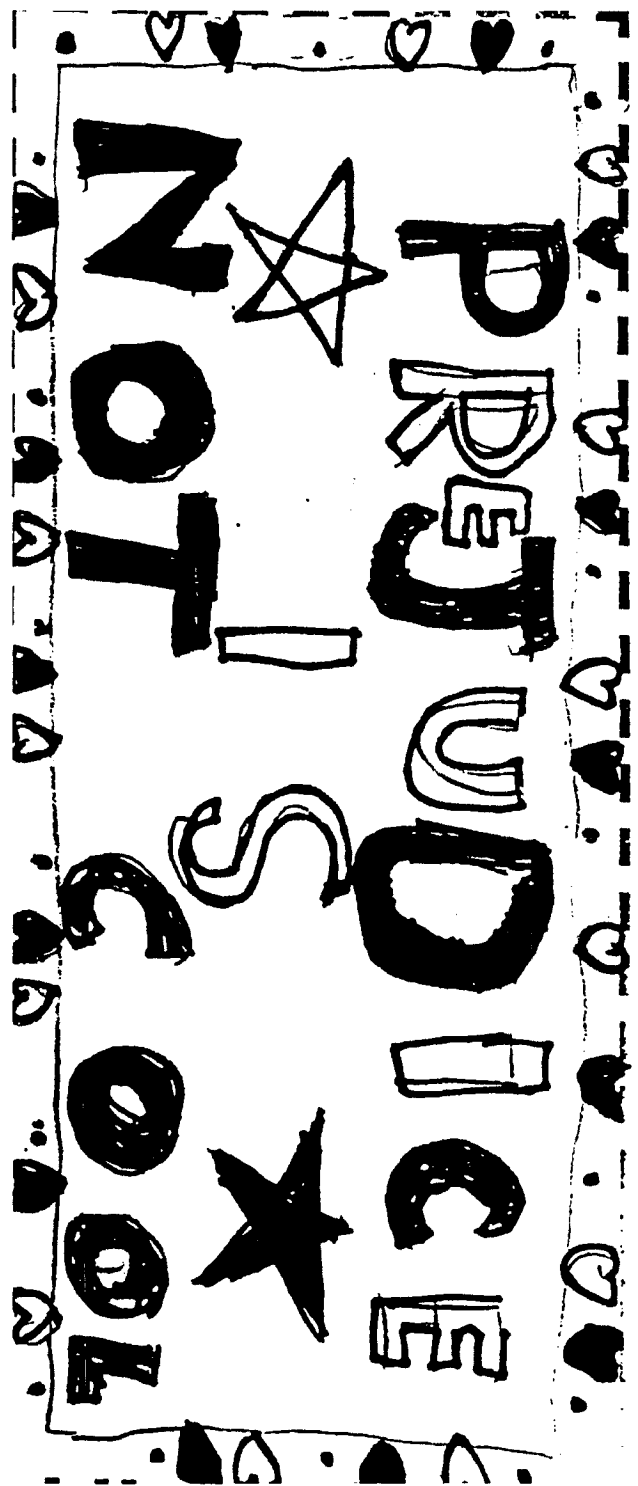
Winner Age 11-12

Lauren Hitt

I Have A Dream

Bookmark Contest

2005



Winner Age 9-10

Gabrielle Hillyer

I Have A Dream

Bookmark Contest

2005

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE CENTENNIAL HIGH SCHOOL GIRLS BASKETBALL AND SOCCER STATE CHAMPIONS

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILMAN MACK recognized the Centennial High School Girl's Basketball State Champions. They have been undefeated Division Champions for six consecutive years, four-time Region Champions, and four-time Consecutive State Champions. The team's overall school record is 188-11, or 94%. He called forward the team members, the assistant coaches, and the head coach. He noted that all five of the seniors on the team signed full scholarships this year with colleges. HEAD COACH WEITZ accepted the plaque and said that being undefeated champions is a dream come true. Discipline and dedication have certainly paid off.

Concurrently, COUNCILMAN MACK recognized the Centennial High School Girls Soccer State Champions: The team had 17 wins, one loss, and four ties. They tied for division championship with Palo Verde and then lost to Palo Verde in the regional competition. They finally beat Palo Verde in the Championship game 3-1. The team members came forward as their names were called, along with HEAD COACH JAY HOWARD. COACH HOWARD thanked the Council members for this recognition, as well as the team members for their dedication.

(9:17 - 9:23)

1-336

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE MEADOWS HIGH SCHOOL AA STATE BASKETBALL CHAMPIONS

MOTION:

None required. A presentation was made.

MINUTES:

COUNCILMAN BROWN recognized the Meadows High School Mustangs, who are the 2005 AA State Basketball Champions. He mentioned that the team finished 7-0 in the league despite battling critical team injuries early in the season. He called the team members forward and congratulated them on their victory. ASSISTANT COACH MIKE LEWIS also came forward and said that he felt honored to represent the Meadows School. On behalf of HEAD COACH GREG GOORJIAN, who could not be present, he thanked the Council and the players for their efforts and persistence.

(9:23 - 9:26)

1-550

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF LIEUTENANT RYAN SWINDELL

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN announced that LIEUTENANT RYAN SWINDELL attended the Council meeting last year before going to Iraq. At that meeting, LIEUTENANT SWINDELL accepted two good luck chips to give to the troops. Thankfully, LIEUTENANT SWINDELL is back from Iraq, safe and sound. It is great to have him in the community again. LIEUTENANT SWINDELL returned the two good luck coins to the Mayor, along with a first cap coin from his division and unit commanders.

(9:26 - 9:27)

1-607

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE SENIOR OF THE QUARTER

BACKUP DOCUMENTATION:

Submitted at meeting: copy of face of plaque for Senior of the Quarter Gerard Annabel

MOTION:

None required. A presentation was made.

MINUTES:

JERRY KOSBAB, Chairman of the Senior Citizens Advisory Board, honored GERARD ANNABEL as Senior of the Quarter. He was nominated by the Volunteer Coordinator at the University Medical Center, where he has volunteered his time for more than six years. As an accredited representative of the American Heart Association, MR. ANNABEL provides comfort and assistance to cardiovascular patients before and after heart surgery. He is well liked and respected by all who meet him.

MR. ANNABEL accepted the Senior of the Quarter plaque for Mended Hearts, Inc., an organization affiliated with the American Heart Association that he joined years ago after he received before-and-after care from this organization.

(9:27 - 9:30)

1-681

CEREMONIAL BACKUP

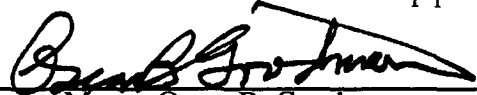
RECOGNITION OF THE SENIOR OF THE QUARTER



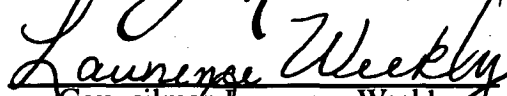
The Mayor and City Council in recognition of your outstanding community service
hereby present this award to

Gerard Annabel

This the 6th day of April, Two thousand and five
with their sincere thanks and appreciation.


Mayor Oscar B. Goodman


Councilman Gary Reese • Mayor Pro-tem


Councilman Lawrence Weekly


Councilman Steve Wolfson


Councilman Larry Brown


Councilman Michael Mack


Councilwoman Lois Tarkanian

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF THE GRAND SUMO TOURNAMENT

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN recognized three world-class Sumo athletes who are visiting Las Vegas as part of the first-time, three-day Grand Sumo Tournament in October at the Mandalay Bay Resort and Casino.

He called forward the following three Sumo athletes: ASASHORYU - current grand champion of the sport worldwide; MUSASHIMARU - retired Yokozuna, a rank established 300 years ago that only 68 Sumo athletes have achieved and which requires winning two consecutive tournaments at the rank of Ozeki to even be considered; and TAKASAGO - retired Sumo who at the pinnacle of his career attained the rank of Ozeki, who currently serves as the Public Relations Director for the Japan Sumo Association, and who will serve as Tournament Director for the Grand Sumo Tournament in Las Vegas.

MUSASHIMARU accepted the Key to the City and, through a translator, said that it was a pleasure and a privilege to be in attendance. He hopes the tournament will be a successful event. The Sumo athletes presented each of the Council members with gifts.

(9:30 - 9:34)

1-775

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

PRESENTATION BY THE TULE SPRINGS PRESERVATION COMMITTEE

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN introduced HELEN MORTENSON, Tule Springs Preservation Committee, who made a special presentation to COUNCILMAN MACK for his support of Tule Springs. MS. MORTENSON indicated that this Committee is a non-profit organization dedicated to ensuring the preservation and protection of Floyd Lamb State Park. One of the many programs the Committee works on is the restoration of the ranch buildings in the park. During 2004, the Committee concentrated on restoring the main ranch house to be utilized as a visitor center. Volunteer workdays were planned to get it ready. Lots of hard work and many hours went into this project. COUNCILMAN MACK donated money to the Committee to provide a barbecue lunch for the volunteers. In appreciation for his assistance, MS. MORTENSON presented him with a plaque.

MS. MORETNSON pointed out that the plaque has a skeleton of a mammoth, because the Tule Springs Preservation Committee is also involved in the upper Las Vegas Wash, where 200 mammoth skeletons were recently found. There is a huge paleontological site located north of Las Vegas. Shadow Ridge High School is involved in a National Science Foundation program exploring this site. This site contains skeletons of other animals. A grand opening will be held at the Shadow Ridge High School on May 13, 2005, to display what scientists have found at this site.

COUNCILMAN MACK thanked MS. MORTENSON for this presentation and for her and her husband's involvement in the Tule Springs area. He hopes Floyd Lamb State Park will be transferred to the City.

(9:34 - 9:38)

1-913

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF FAIR HOUSING MONTH

BACKUP DOCUMENTATION:

Submitted at meeting: copy of Proclamation proclaiming April 2005 to be Fair Housing Month

MOTION:

None required. A presentation was made.

MINUTES:

MAYOR GOODMAN announced that April 2005 marks the 37th anniversary of the Civil Rights Act of 1968 and the celebration of 37 years of progress in promoting fair housing and equal opportunity for all Americans. The City supports this initiative through Community Development Block Grants and other fair housing programs. He presented the Proclamation to JEAN NORTON, President-Elect of the Community Housing Resource Board.

MS. NORTON said that the Community Housing Resource Board is made up of volunteers whose sole purpose is to provide educational programs throughout the year to educate the public on their rights for fair housing, because everyone should have the right to reside where they please without discriminatory practices.

(9:38 - 9:40)

1-1067

CEREMONIAL BACKUP

RECOGNITION OF FAIR HOUSING
MONTH

From the office of the Mayor **Proclamation**

- Whereas;** April has traditionally been designated as Fair Housing Month, nationally; and
- Whereas;** April, 2004 marks the 37th Anniversary of the Civil Rights Act of 1968, and the celebration of 37 years of progress in promoting fair housing and equal opportunity for all Americans; and
- Whereas;** the principal of Fair Housing is not only Federal law and national policy, but a fundamental human concept and entitlement for all Americans; and
- Whereas;** the City of Las Vegas supports by its signature to the Community Development Block Grant grantee, Federal certification for fair housing efforts; and
- Whereas;** through the City's direct participation in the U.S. Department of Housing and Urban Development, Office of Fair Housing and Equal Opportunity's Community Housing Resource Boards Program which is designed to promote voluntary housing efforts in the real estate and home builders industries as well as general public awareness of the Federal Fair Housing Law; now
- Therefore;** I, THE MAYOR OF THE CITY OF LAS VEGAS, COUNTY OF CLARK, STATE OF NEVADA, HEREBY PROUDLY PROCLAIM APRIL, 2005, TO BE:

Fair Housing Month

IN THE CITY OF LAS VEGAS AND ASK ALL CITIZENS TO ACKNOWLEDGE THE IMPORTANCE OF FAIR HOUSING.



In Witness Whereof:
**BY THE POWERS GRANTED TO ME,
I HAVE HEREUNTO SET MY HAND
AND CAUSED THE SEAL OF THE
CITY OF LAS VEGAS TO BE AFFIXED
THIS 1ST DAY OF APRIL, 2005.**


**HONORABLE OSCAR B. GOODMAN
MAYOR, CITY OF LAS VEGAS**

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: COMMUNICATIONS

DIRECTOR: DAVID RIGGLEMAN

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

CEREMONIAL

RECOGNITION OF NATIONAL YOUTH SERVICE DAY

BACKUP DOCUMENTATION:

Submitted at meeting: Proclamation proclaiming Saturday, April 16, 2005 as National Youth Service Day

MOTION:

None required. A presentation was made.

MINUTES:

At the request of COUNCILMAN WEEKLY, ORLANDO SANCHEZ, Director, Neighborhood Services, made this presentation. MR. SANCHEZ felt honored to introduce and welcome FRAN SMITH, of the Volunteer Center of Southern Nevada, who accepted the Proclamation. He indicated that the local youth do a lot of great work in this community but do not receive the honor and respect they deserve. Many times the news only reports the bad but not all the great things they do for the community.

MS. SMITH commented that the Volunteer Center, as the lead agency for the National Youth Service Day Coalition in Southern Nevada, greatly appreciates this honor. National Youth Service Day is the largest day of youth service in the world. In Southern Nevada, hundreds of youth will be turning out on Youth Day and throughout the month of April to serve the community. She thanked the City for its partnership in this effort and for its recognition of youth service.

(9:40 - 9:42)

1-1134

CEREMONIAL BACKUP

RECOGNITION OF NATIONAL YOUTH
SERVICE DAY

Proclamation

Whereas,

it is the policy and pleasure of the Las Vegas City Council to mobilize youth to identify and address the needs of their community through service and to support youth on a life-long path of service and civic engagement throughout Las Vegas; and

Whereas,

the city of Las Vegas recognizes the important contributions youth make to their community's welfare every day of the year through volunteer service; and

Whereas,

young people who volunteer are less likely to abuse drugs, alcohol, cigarettes or engage in destructive behavior and are more likely to do well in school, graduate, vote and be philanthropic; and

Whereas,

youth who volunteer respect others; are helpful and kind; understand people who are different from them; develop leadership skills, become more patient, and gain a better understanding of good citizenship; and

Whereas,

the Volunteer Center of Southern Nevada is the instrumental agency for National Youth Service Day, a public awareness and education campaign highlighting the amazing contributions that young people make to their communities 365 days a year;

Now Therefore Be It Resolved That The

Mayor and members of the Las Vegas City Council, do hereby recognize The Volunteer Center of Southern Nevada for their efforts, and proclaim Saturday, April 16, 2005 as

National Youth Service Day

in the city of Las Vegas and ask all citizens to join us in this celebration.



Mayor Oscar B. Goodman


Mayor Pro Tem Gary Reese
Councilman Larry Brown • Ward 4
Councilman Lawrence Weekly • Ward 8
Councilman Michael Mack • Ward 6
Councilman Steve Wolfson • Ward 2
Councilwoman Lois Tarkanian • Ward 1

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐

CONSENT

☐

DISCUSSION

SUBJECT:

CEREMONIAL

ADDITIONAL ANNOUNCEMENTS AND RECOGNITIONS

MINUTES:

RECOGNITION OF HELLDORADO

MAYOR GOODMAN announced that COUNCILMEN REESE and MACK entered the Whiskerino Contest for Helldorado, which is being brought back for the Centennial Celebration. He encouraged everyone to attend the parade.

(9:42 - 9:48)

1-1193

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

BUSINESS ITEMS:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

COUNCILWOMAN TARKANIAN assured MAYOR GOODMAN that she ascertained the concurrence of COUNCILMEN BROWN and WOLFSON to hold Item 72.

(9:48 - 9:50)

1-1436

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY CLERK

DIRECTOR: BARBARA JO RONEMUS

☐ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

BUSINESS ITEMS:

Approval of the Final Minutes by reference of the regular City Council Meeting of January 19, 2005 and the Special City Council Meeting of January 27, 2005

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED by Reference - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no discussion.

(9:50 - 9:51)

1-1515

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

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

Fiscal Impact:

☐ No Impact	Amount:	\$48,200,481.22
☒ Budget Funds Available	Dept./Division:	Accounting Operations
☐ Augmentation Required	Funding Source:	All Funds

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

BACKUP DOCUMENTATION:

Summary of cash expenditures for the period 03/01/05 - 03/15/05

Total Services and Material Checks: \$14,744,925.08
Total Services and Materials EFT Payments: \$303,188.65
Total Wire Transfers: \$27,358,238.54
Total Payroll Checks: \$5,794,128.95

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

NOTE: COUNCILMAN MACK disclosed that the location involved in Item 36 is in proximity to the Lady Luck Casino, with which his brother-in-law **ANDREW DONNER** has a contract related to its non-restricted gaming license. **COUNCILMAN MACK** indicated he would be voting, as he did not believe his brother-in-law's interest would be impacted, and they have not discussed this matter.

MINUTES:

COUNCILMAN WOLFSON reported that the Real Estate Committee met to review all the Real Estate Items on the Consent Agenda and joined with the recommendation of staff that each item be approved by the City Council.

COUNCILMAN WEEKLY requested that Items 4, 5, 21, 41, and 42 be pulled from the consent agenda for discussion. **MARK VINCENT**, Director, Finance and Business Services, requested Item 18 be pulled for a correction.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

(9:51 - 9:52/9:53 - 9:55)

1-1530

City of Las Vegas

Summary of Cash Expenditures

For period of 3/1/05-3/15/05

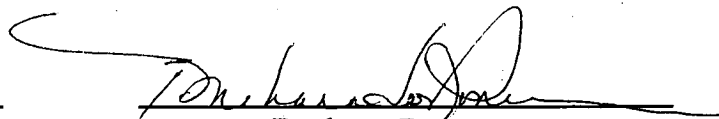
Total Services & Materials Checks :	\$14,744,925.08
Total Services & Materials EFT Payments :	\$303,188.65
Total Wire Transfers:	\$27,358,238.54
Total Payroll Checks:	\$5,794,128.95

Grand Total:	\$48,200,481.22

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



Mark R. Vincent
Director of Finance



Barbara Ronemus
City Clerk

On APRIL 6, 2005, the City Council approved the above cash expenditures,



Oscar B. Goodman
Mayor

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Special Event License for Southern Nevada Blues Association (SNBA), Location: Lorenzi Park, 3333 West Washington Avenue, Date: April 17, 2005, Type: Special Event Beer/Wine, Event: Centennial Blues Festival, Responsible Person in Charge: Chere Jean Perez - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of a Special Event License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS with BROWN not voting

MINUTES:

Under Item 3, COUNCILMAN WEEKLY requested this item be pulled for discussion.

COUNCILMAN WEEKLY asked JIM DiFIORE, Manager, Business Services, if the applicant obtained a liquor license and adequate security for this event. MR. DiFIORE answered that approval of this matter would approve issuance of the license. The applicant entered into a standard contract with Leisure Services for the provision of security by the City Marshals and event staff.

As far as clean up, DR. BARBARA JACKSON, Director, Leisure Services, indicated that the standard practice is to enter into agreement with the applicant stating the degree of clean up and deposit amount to cover any possible damages.

COUNCILMAN WEEKLY noted that it is important to ensure proper maintenance and clean up when it comes to events held in residential areas.

(9:51 - 9:52/9:53 - 9:55/9:55 - 9:58)

1-1530/1-1618

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Special Event License for Kingdom of Aragon, Location: Lorenzi Park, 3333 West Washington Avenue, Date: May 1, 2005, Type: Special Event General, Event: Cinco de Mayo Festival, Responsible Person in Charge: Ruth Heines - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of a Special Event License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS

MINUTES:

Under Item 3, COUNCILMAN WEEKLY requested this item be pulled for discussion.

COUNCILMAN WEEKLY expressed the same concerns as with Item 4.

NOTE: See Item 4 for related discussion.

(9:51 - 9:52/9:53 - 9:55/9:58 - 9:59)

1-1530/1-1840

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Business Name for a Psychic Art and Science License, Emitra Fehr, dba From: Serenity Hookah Lounge, To: Serenity Hookah Palace, 2000 Las Vegas Boulevard, South, Suite E10, Emitra J. Fehr, 100% - Ward 1 (Tarkanian)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Approval of Change of Business Name for a Psychic Art and Science License.

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Change of Name for a Class II Secondhand Dealer License, Call Renee Estate Liquidation, LLC, dba From: Call Renee Estate Liquidation, To: Not Just Antiques, 1422 Western Avenue, Renee Poole, Mmbr, Mgr, 100% - Ward 1 (Tarkanian)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

Recommend approval.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of the rejection of bid and award of Bid No. 050126-DK, Janitorial Services - Department of Field Operations - Award recommended to: ABM JANITORIAL SERVICES (Estimated annual amount \$882,000 - General Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$882,000.00
☒ Budget Funds Available	Dept./Division:	Field Operations
☐ Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

This request is for an annual requirements contract to purchase Janitorial Services for various City buildings. Staff recommends rejection of a non-responsible bid from the apparent low bidder. The apparent low bidder failed to provide demonstrated experience in contracts of similar scope and size and lacked credible pricing to adequately perform the requirements of the contract.

PCC: D. Kaplan

POC: Nick D. Martinez - (702) 362-1050

RECOMMENDATION:

That the City Council approve rejection of bid and award of Bid No. 050126-DK, Janitorial Services from April 1, 2005 through March 31, 2006 with three (3) one-year options to renew in the estimated annual amount of \$882,000.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: FINANCE & BUSINESS SERVICES****DIRECTOR: MARK R. VINCENT**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of Modification No. 3 to Contract No. 040120, Master Plan Design for the Northwest Equestrian Park located at Iron Mountain Road and Jones Boulevard - Department of Planning and Development - Award recommended to: GREENWAYS, INC. (\$394,390 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)

Fiscal Impact:

☐	No Impact	Amount:	\$394,390.00
☒	Budget Funds Available	Dept./Division:	Planning and Development
☐	Augmentation Required	Funding Source:	Parks and Leisure Activities CPF

PURPOSE/BACKGROUND:

The City Council approved the award of Contract No. 040120 to Greenways, Inc. on April 7, 2004 in the amount of \$235,780 for the Northwest Regional Open Space Plan. Subsequently, the City Council approved the award of a contract modification on July 7, 2004 in the amount of \$144,920 to add work for the design and development of a city-wide multi-use trails system that augmented the current planning efforts. Integral to the Northwest Regional Open Space Plan, was the plan to develop a Northwest equestrian park. This Modification No. 3 adds work to prepare a master plan and a phase 1 preliminary design for the equestrian park in the not to exceed amount of \$394,390. This requirement is exempt for competitive bidding process pursuant to NRS 332.155.1(b), professional services.

PCC: D. Kaplan

POC: Charles A. Flink II - (919) 464-8448

RECOMMENDATION:

That the City Council approve the award of Modification No. 3 to Contract No. 040120, to increase the contract value by \$394,390 from \$380,700 to a not to exceed amount of \$775,090. Authority to execute the Contract Modification is given to the Purchasing Manager per R-88-2004

BACKUP DOCUMENTATION:

Certificate - Disclosure of Ownership/Principals

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: **APPROVED** under separate actions (see individual items)Item 15: **STRICKEN** under separate action (see individual item)**MINUTES:**

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1	Contracting Entity
Name <u>Greenways Incorporated</u>	
Address <u>5850 Fayetteville Road,</u> <u>Durham, NC 27713</u>	
Telephone <u>919-484-8448</u>	
EIN or DUNS <u>78301532</u>	

Block 2	Description
Subject Matter of Contract/Agreement	
<u>Northwest Regional Open Space Plan Consulting Services</u>	
Contract No. <u>040120</u>	

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

CERTIFICATE – DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Charles A. Flink	5850 Fayetteville Road, Suite 211 Durham, NC 27713	919-484-8448
2.			
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			

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

Block 5 DISCLOSURE OF OWNERSHIP AND PRINCIPALS – ALTERNATE

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

Name of Attached Document: _____ Not Applicable _____

Date of Attached Document: _____ Number of Pages: _____

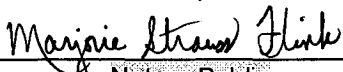
I certify under penalty of perjury, that all the information provided in this Certificate is current, complete and accurate. I further certify that I am an individual authorized to contractually bind the above named Contracting Entity


Name

March 17, 2005
Date

Subscribed and sworn to before me this 17th day of

March, 2005


Notary Public

My commission expires 5/22/2007

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of award of Bid No. 050528-LED, Annual Requirements Contract for Culvert Cleaning - Department of Field Operations - Award recommended to: H2O ENVIRONMENTAL, INC. (\$500,000 - Road and Flood Capital Projects Fund) - Wards 1, 3 and 5 (Tarkanian, Reese and Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$500,000.00
☒ Budget Funds Available	Dept./Division:	Field Operations
☐ Augmentation Required	Funding Source:	Road and Flood CPF

PURPOSE/BACKGROUND:

The work on this project consists of the removal of sand, rock and debris from reinforced concrete box (RCB) culverts and open channel areas within the City of Las Vegas on an as-needed /on-call basis for the period from date of award through March 31, 2006 with the option to renew for three (3) one-year option periods.

PCC: L.E. Davis

POC: Alec Gonzales - (702) 396-4148

RECOMMENDATION:

That the City Council approve the award of Bid No. 050528-LED, annual requirements contract for Culvert Cleaning to H2O Environmental, Inc. for the period from date of award through March 31, 2006 with the option to renew for three (3) one-year option periods for an estimated annual amount of \$500,000. Authority to execute the contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of revision of purchase order 216080, for Janitorial Services - Department of Field Operations - Award to: BEST JANITORIAL SERVICES OF NEVADA, INC. (\$140,000 - General Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$140,000.00
☒ Budget Funds Available	Dept./Division:	Field Operations/Facilities Management
☐ Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

On January 2, 2000 City Council awarded this janitorial services bid. Additional funds were approved by City Council January 5, 2005 due to the extension of the contract term to March 31, 2005 to allow time for rebid. The funds requested in this agenda item are to cover services through the revised contract term ending April 30, 2005.

PCC: T. Maino

POC: Rafael Romano - (702) 736-4785

RECOMMENDATION:

That the City Council approve the revision to purchase order 216080 for janitorial services to Best Janitorial Services of Nevada, Inc. in the amount of \$140,000.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of issuance of a purchase order for a Communicator Community Automatic Notification System - Department of Fire and Rescue - Award recommended to: DIALOGIC COMMUNICATIONS CORPORATION (\$73,850 - Multipurpose Special Revenue Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$73,850.00
☒ Budget Funds Available	Dept./Division:	Fire and Rescue
☐ Augmentation Required	Funding Source:	Multipurpose SRF

PURPOSE/BACKGROUND:

This request provides for the purchase of a Communicator Community Automatic Notification System. This purchase is funded through an Emergency Management Program Grant (EMPG). This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(d) Equipment which, by reason of the training of the personnel or an inventory of replacement parts maintained by the local government is compatible with existing equipment.

PCC: G. Leaf

POC: Rob Brinkmeier - (615) 519-7252

CFN: 050580

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for a Communicator Community Automatic Notification System, in the amount of \$73,850 to Dialogic Communications Corporation.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of issuance of a purchase order for Hook & Line (HAL) BombTec Rigging System - Department of Fire and Rescue - Award recommended to: ALLEN-VANGUARD, INC. (\$39,900 - Multipurpose Special Revenue Fund)

Fiscal Impact:

☐	No Impact	Amount:	\$39,900.00
☒	Budget Funds Available	Dept./Division:	Fire and Rescue
☐	Augmentation Required	Funding Source:	Multipurpose SRF

PURPOSE/BACKGROUND:

This request provides for the purchase of Hook & Line (HAL) BombTec Rigging Systems. This purchase is funded through a Department of Justice Urban Area Security Grant. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(a) items which may only be contracted from a sole source.

PCC: G. Leaf
POC: Sheila Basan - (866) 747-3590
CFN: 050583

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for Hook & Line (HAL) BombTec Rigging Systems in the amount of \$39,900 to Allen-Vanguard, Inc.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.
(9:51 - 9:52/9:53 - 9:55)
1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of issuance of a purchase order for Lifepak CR Plus Defibrillators - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$58,363 - Multipurpose Special Revenue Fund)

Fiscal Impact:

☐	No Impact	Amount:	\$58,363.00
☒	Budget Funds Available	Dept./Division:	Fire and Rescue
☐	Augmentation Required	Funding Source:	Multipurpose SRF

PURPOSE/BACKGROUND:

This request provides for the purchase of Lifepak CR Plus Defibrillators. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(d) Equipment which, by reason of the training of the personnel or an inventory of replacement parts maintained by the local government is compatible with existing equipment.

PCC: G. Leaf

POC: Mark Sheldahl - (800) 442-1142

CFN: 050582

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for Lifepak CR Plus Defibrillators in the amount of \$58,363 to Medtronic Physio Control Corporation.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES**DIRECTOR: MARK R. VINCENT**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of issuance of a purchase order for Electronic Light Displays and Keypads - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$51,930 - Multipurpose Special Revenue Fund)

Fiscal Impact:

☐	No Impact	Amount:	\$51,930.00
☒	Budget Funds Available	Dept./Division:	Fire and Rescue
☐	Augmentation Required	Funding Source:	Multipurpose SRF

PURPOSE/BACKGROUND:

This request provides for the purchase of Electronic Light Displays and Keypads, making them readable in sunlight and replaces worn keypads. This item is exempt from the competitive bidding process pursuant to NRS 332.115.1(g) Hardware and associated peripheral equipment and devices for computers.

PCC: G. Leaf

POC: Mark Sheldahl - (800) 442-1142

CFN: 050581

RECOMMENDATION:

That the City Council approve the issuance of a purchase order for Electronic Light Displays and Keypads in the amount of \$51,930 to Medtronic Physio Control Corporation.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no related discussion.

(9:48 - 9:50)

1-1436

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of revision to purchase order 222323 for annual requirements contract for Laboratory Services - Department of Fire and Rescue - Award to: QUEST DIAGNOSTICS (\$25,000 - General Fund)

Fiscal Impact:

☐ No Impact	Amount:	\$25,000.00
☒ Budget Funds Available	Dept./Division:	Fire and Rescue
☐ Augmentation Required	Funding Source:	General Fund

PURPOSE/BACKGROUND:

On May 19, 2004, City Council approved the award of Contract No. 040200 to Quest Diagnostics for laboratory services in the estimated amount of \$46,000 through May 18, 2005, with four, one-year options to renew. This purchase order revision adds funding to meet the increased use of these services.

PCC: G. Leaf

POC: Michael Doyle - (702) 221-8531

CFN: 040200

RECOMMENDATION:

That the City Council approve a revision to purchase order 222323 to Quest Diagnostics in the amount of \$25,000, creating a revised annual contract amount of \$71,000.

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval to allocate \$60,000 of "In Lieu of Open Space" revenue and award of Bid No. 04.15341.37-LED, Estelle Neal Park Water Feature, located at 6551 Azure Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADEWEST CONSTRUCTION, INC. (\$138,400 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)

Fiscal Impact:

☐ No Impact	Amount:	\$138,400.00
☐ Budget Funds Available	Dept./Division:	Public Works
☒ Augmentation Required	Funding Source:	Parks and Leisure Activities CPF

PURPOSE/BACKGROUND:

Construction bids for the Estelle Neal park project exceed current funding due in part to the escalating costs for materials in the construction industry. The additional funding is required for bid award including a 7% contingency. This project includes the construction of a water park feature element complete with concrete sidewalk access, resilient waterproof surface, sand separator, water and electrical supply for the water feature. The park is located at 6551 Azure Drive, Las Vegas, Nevada.

PCC: L.E. Davis

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

RECOMMENDATION:

Staff recommends approval of the \$60,000 allocation and award of Bid No. 04.15341.37-LED, Estelle Neal Park Water Feature to Tradewest Construction, Inc. in the amount of \$138,400 and approve a construction conflicts and contingency reserve of \$9,688. Authority to execute the contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

1. Bid Abstract
2. Parks in progress listing

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

CL-2005-208

TO: John McNellis Please review and approve award to Trade West Construction
prior to 3/21/05 for Council award on 4/6/05
[Signature] 3/21/05
Purchasing & Contracts Representative Date
[Signature] 3/24/05
Department/Division Signature Date
subject to
funding availability

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

Park/Facility	Project to Date Funding as of 12/15/05	City Council Agenda	Total
Alexander Hualapai Park	7,177,542		7,177,542
Artificial Turf Program	1,000,000		1,000,000
Big League Dreams Sports Complex	2,430,000		2,430,000
Bonanza Trail Construction	12,120,000		12,120,000
Boulder Plaza Park	0		0
Centennial Hills - Phase I	9,435,700		9,435,700
Centennial Hills Leisure Center	37,230,564		37,230,564
Centennial Hills Multi-Use Trail Segments	740,000		740,000
Centennial Hills Park Trail	440,000		440,000
Centennial Hills Prehistoric Riverbed Preservation	3,800,000		3,800,000
Chester Stupak Park	150,000		150,000
Chuck Minker Racquetball Court Conversions	0		0
Cultural Corridor Trails	0		0
Doolittle Complex Upgrades	250,000		250,000
East Las Vegas Community Ctr Marquee	0		0
East Las Vegas Community Ctr Upgrades	350,000		350,000
El Campo Grande	1,500,000		1,500,000
Equestrian Park	500,000		500,000
Estelle Neal Park Water Feature	100,000	60,000	160,000
Firefighters Memorial - Phase II	1,136,000		1,136,000
Fort Apache/Elkhorn Park	1,600,000		1,600,000
Fountain Park Phase II	2,960,616		2,960,616
Freedom Park Master Plan	750,000		750,000
Freedom Park Pool & Bathhouse	3,850,000		3,850,000
Garside Pool & Bathhouse	0		0
Gilmore Cliff Shadows Trailhead	1,500,000		1,500,000
Lone Mtn West #2 - Gilmore Cliff Shadows Park	517,161		517,161
Harmony Park	150,000		150,000
Horse/Bradley curb & gutter	100,000		100,000
Huntridge Circle Park Traffic Barriers	40,000		40,000
Iron Mountain Fort Apache Park	700,000		700,000
Johnson Community School Expansion	0		0
La Madre Mountain Trailhead	3,900,000		3,900,000
Las Vegas Senior Center Parking Lot	200,000		200,000
Las Vegas Wash Trail	1,920,000		1,920,000
Lone Mountain Trail System - Phase I	3,200,000		3,200,000
Lorenzi Park Tennis Complex	0		0
Lorenzi Park Upgrades	580,000		580,000
Mirabelli Community Center Reconstruction	7,889,759		7,889,759
Molasky Community School Modular	355,000		355,000
Mountain Ridge - Phase IV	2,495,000		2,495,000
Multi-use Transportation Trails	0		0
Multi-use Trails & Trailheads - 90 Miles	4,300,000		4,300,000
Natural History Museum Retrofit	100,000		100,000
Neon Boneyard Park	0		0
NW Regional Open Space Plan	250,000		250,000
Patriot Park Lighted Tennis Court	211,000		211,000
Pavillion Center Pool Lighting	0		0
Post Office Building	1,457,570		1,457,570
Reed Whipple Cultural Center Marquee	0		0
Sky Ridge Park Security Lighting	0		0
Stupak Community Center Demolish & Rebuild	700,000		700,000
Tenaya/Washington Park	1,105,000		1,105,000
Veterans Memorial Pool Cover	0		0
Washington/Bufalo Park - Phase I	41,450,000		41,450,000
Washington/Bufalo Park - Phase II	0		0
West Las Vegas Arts Center Security Package	100,000		100,000
	160,740,912	60,000	160,800,912
CIP BID RESERVE	4,688,000		4,688,000

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: FINANCE & BUSINESS SERVICES****DIRECTOR: MARK R. VINCENT**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval to allocate \$525,000 of the Capital Improvements Plan Bid Reserve, allocate \$25,000 of funding from the Development Services Enterprise Fund, rejection and award of Bid No. 04.15341.03-LED, Records & Archival materials Storage Facility and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: B&H CONSTRUCTION, INC. (\$3,665,299 - City Facilities Projects Fund) - Ward 4 (Brown)

Fiscal Impact:

☐	No Impact	Amount:	\$3,665,299.00
☐	Budget Funds Available	Dept./Division:	Public Works
☒	Augmentation Required	Funding Source:	City Facilities CPF

PURPOSE/BACKGROUND:

Construction bids for the Records & Archival Materials Storage Facility project exceed current project funding. The additional funding is required for bid award including a 7% contingency. This project includes the construction of a 27,282 square foot records center facility with paved parking, loading dock area, new stucco walls at the West and South property lines, automated entrance gates and two additive alternate items to provide landscaping from Ronemus Drive West along Peak Drive and along Peak Drive to the intersection of Peak and Buffalo Drive. NRS 338.141 requires the three apparent low bidders submit their 1% Subcontractor Listing within two hours of the completion of the bid opening. The listing was due no later than 3:40 PM. Burke & Associates, Inc. submitted their listing at 3:46 PM which renders their bid non-responsive. The annual estimated building maintenance cost for this facility is \$354,666.

POC: L.E. Davis

PCC: Raymond Hoffman - (702) 564-8484

RECOMMENDATION:

Staff recommends Council approve allocations of \$550,000, the rejection of the bid submitted by Burke & Associates, Inc., approve the award of Bid No. 04.15341.03-LED to B & H Construction, Inc. in the amount of \$3,665,299 and approve a construction conflicts and contingency reserve of \$256,571. Authority to execute the contract is given to the Purchasing Manager per R-88-2004.

BACKUP DOCUMENTATION:

1. Bid Abstract
2. Capital Improvement Plan Bid Reserve Status

MOTION:**REESE - APPROVED as corrected - UNANIMOUS with BROWN and MACK not voting****MINUTES:**

Under Item 3, MARK VINCENT, Director, Finance and Business Services, requested Item 18 be pulled for a correction. He indicated the subject matter would be corrected to allocate \$25,000 of funding from the Sanitation Enterprise Fund.

(9:51 - 9:52/9:52 - 9:53)

1-1530/1-1598

BID ABSTRACT
Records Archival Materials Storage Facility
04.15341.03-LED
CL-2005-168

		Burke & Associates, Inc	B&H Construction	Apco Construction	Rafael Construction
	ITEM DESCRIPTION	BIDDER 1	BIDDER 2	BIDDER 3	BIDDER 4
Base Bid	All work indicated in the Drawings and Specifications in accordance with the General Conditions of the Contract. (except for the work specifically described in the following Alternate (s))	3,552,616.00	\$ 3,572,990.00	\$ 3,647,770.00	\$ 3,735,000.00
Additive Alternate 1	Landscape and irrigation work from Ronemus Drive west along Peak Drive to the west property line.	\$ 25,391.00	\$ 46,567.00	\$ 48,693.00	\$ 49,000.00
Additive Alternate 2	Landscape and irrigation work from the west property line along Peak Drive to the intersection of Peak Drive and Buffalo. Work to include stucco cmu monument wall, foundations and electrical conduit, wire, and lighting from site pullbox to the monument sign.	\$ 43,495.00	\$ 45,742.00	\$ 35,163.00	\$ 52,000.00
Deductive Alternate	Removal of 2,700 s.f. of building, including related Mechanical, Plumbing, and Electrical Systems between structural grid lines	(\$146,283)	(\$136,519)	(\$69,600)	(\$119,567)
Base Bid plus Additive Alternate 1 & 2		\$ 3,621,502.00	\$ 3,665,299.00	\$ 3,731,626.00	\$ 3,836,000.00
	Architect/Engineer Estimate	\$ 3,609,715.00			
	Additive Alternate 1	\$ 85,000.00			
	Additive Alternate 2	\$ 69,782.00			
	Total Estimate	\$ 3,764,497.00			
	Responsive Bidder	No	Yes	Yes	Yes
	Responsible Bidder	Yes	Yes	Yes	Yes

TO: John McNellis Please review and approve the rejection of Burke & Associates as non-responsive and award to B & H Construction prior to

3/17/05 for Council award on 4/6/05

Award Base Bid Only: _____

Award Base Bid plus Additive Alternate 1: _____

Award Base Bid plus Additive Alternate 1 & 2: ✓ + w/o deductive alternate #1

[Signature]
Purchasing & Contracts Representative

3/15/05
Date

[Signature]
Department/Division Signature

3-15-05
Date

CAPITAL IMPROVEMENT PLAN BID RESERVE STATUS

	<u>Approval Date</u>	<u>Amount</u>
Reserve established	11/1/2004	6,308,000
Mirabelli Community Center Reconstruction	12/15/2004	(1,000,000)
Detention Culinary Facility Renovation	1/5/2005	(620,000)
Records & Archival Materials Storage Facility		(525,000)
Balance		<u><u>4,163,000</u></u>

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FIRE & RESCUE

DIRECTOR: DAVID WASHINGTON

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a business impact statement to address the impact of Bill No. 2005-21, relating to the installation of automatic sprinkler systems in existing residential board and care facilities - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

State law requires the preparation of a business impact statement regarding the impact of proposed rules or regulations that might create a significant economic burden or restriction on the formation of a business or the operation of existing businesses. Bill No. 2005-21, which would require the installation of automatic sprinkler systems in existing residential board and care facilities, is deemed to have such an impact on existing businesses, and a business impact statement has been prepared in accordance with regulatory requirements.

RECOMMENDATION:

It is recommended that the City Council approve the business impact statement.

BACKUP DOCUMENTATION:

Business impact statement

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

BUSINESS IMPACT STATEMENT

The following business impact statement was prepared pursuant to NRS 237.090 to address the impact of Bill No. 2005-21, relating to the installation of automatic sprinkler systems in existing residential board and care facilities.

1. The following constitutes a description of the number of the manner in which comment was solicited from affected businesses, a summary of their responses and an explanation of the manner in which other interested persons may obtain a copy of the summary.

All residential board and care homes within the City that stand to be affected by the proposed ordinance were given an opportunity to submit comments. An informational meeting was held on January 27, 2005. In addition to representatives of these facilities, representatives of the Residential Board & Care Industry were invited to attend the informational meeting. Representatives of the State of Nevada, Department of Health, Bureau of Licensure and Certification were also invited to attend. The notification letter to the affected parties outlined the proposed ordinance. Approximately 50% of the facilities to be affected were represented at the informational meeting. Other interested persons may contact the Department of Fire and Rescue to obtain a summary of responses or comments made regarding the proposal.

2. The estimated economic effect of the proposed rule on businesses, including, without limitation, both adverse and beneficial effects, and both direct and indirect effects:

Adverse effects:

There is an installation cost associated with the retrofit provision for fire sprinklers. Each residential board & care facility can work with the fire protection contractor to extend payments or work with their financial institution on a home equity loan to pay for the installation cost.

Beneficial effects:

The safety of the those residing in the residential board and care facilities will be greatly increased. Such residents at times do not have the ability for self-preservation in a fire event. The facilities would not suffer a long-term shutdown if a fire did occur.

Another benefit to these facilities is that it becomes easier to transfer ownership. Under State licensing requirements, such facilities would need to retrofit to the sprinkling requirements upon transfer of ownership. By retrofitting a facility under the proposed ordinance, no sprinkling upgrade will be required upon transfer of ownership.

Direct effects:

Owners and operators of the affected residential board and care facilities will have the direct,

up-front cost of installing fire sprinkler systems. Facility residents will directly benefit from the protection of an installed system during a fire event.

Indirect effects:

Owners and operators of the affected facilities will have a more marketable business to sell when desired. As noted above, transfer or ownership cannot occur under State requirements without the installation of a fire sprinkler system.

3. The following constitutes a description of the methods the local government considered to reduce the impact of the proposed rule on businesses and a statement regarding whether any, and if so which, of these methods were used:

Extensive consideration has been given to minimizing the impact of the proposed ordinance on the facilities to be affected. The proposed ordinance will establish an extended compliance date of January 1, 2006. The City has applied for a Federal-matching grant to help facility owners offset the cost of the fire sprinkler system, but has not heard on the status of this application. (Approval of the grant does not appear favorable at this time.

4. The governing body estimates the annual cost to the local government for enforcement of the proposed rule is:

No additional cost

5. (If applicable, provide the following:) The proposed rule provides for a new fee or increases and existing fee and the total annual amount expected to be collected is:

No fee or additional fee proposed, other than the standard fees applicable to a retrofit project.

6. The money generated by the new fee or increase in existing fee will be used by the local government to:

Not applicable

7. (If applicable, provide the following:) The proposed rule includes provisions that duplicate or are more stringent than federal, state or local standards regulating the same activity. The following explains when such duplicative or more stringent provisions are necessary:

The proposed ordinance is more stringent than what is currently required by State regulations (NAC 449.221), which would not require fire sprinklers to be installed in existing facilities

except under certain conditions related to transfer of ownership or change in facility operation. The proposed requirement to install fire sprinklers by January 1, 2006, without regard to the conditions described in NAC 449.211, is based upon a desire to avoid the kind of circumstance that took place on March 20, 2004. On that date, two persons perished in a fire that occurred in a residential board and care facility had no fire sprinklers. State law requires local authorities to obtain the approval of the Nevada State Board of Examiners in order to adopt fire-safety regulations for existing buildings that are more stringent than State regulations. Pursuant to NRS 477.110, the City sought approval from the State Board of Examiners for approval of this retrofit provision for fire sprinklers in residential board and care facilities. Approval was granted on December 7, 2004.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES**DIRECTOR: ORLANDO SANCHEZ**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of a Deferred Loan Agreement expending \$35,000 of Home Investment Partnership Program (HOME) funds for housing rehabilitation activities at 404 Alexander Avenue, Patricia Monroe Turner, owner - Ward 5 (Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$35,000.00
☒ Budget Funds Available	Dept./Division:	Neigh. Svcs./Neigh. Devel.
☐ Augmentation Required	Funding Source:	HOME

PURPOSE/BACKGROUND:

Ms. Turner is a single mother of one who also cares for her niece, a full time student. The annual household income of \$24,816 qualifies Ms. Turner for a HOME funded Deferred Housing Rehabilitation Loan. Ms. Turner's home is in need of a new roofing system including roof sheathing; mechanical system repairs, new windows, new doors, drywall repair and paint. The requested funding will cover the cost from the low, responsive bidding contractor, work contract contingency, real estate appraisal, preliminary title report, credit report, engineering and recording fees.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

Deferred Loan Agreement

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

DEFERRED LOAN AGREEMENT

THIS AGREEMENT, made and entered into this ^{6th}~~21st~~ day of ^{April}~~March~~, 2005, by and between the City of Las Vegas, a municipal corporation of the State of Nevada, (herein the "City"), and Patricia Monroe Turner, (herein the "Owner").

WITNESSETH:

WHEREAS, Clark County, Nevada, (herein the "County") has entered into a Grant Agreement with the United States Department of Housing and Urban Development, (herein "HUD") for participation in the Home Investment Partnerships Program, (herein the "HOME Program"), under 24 CFR Part 92 as amended; and

WHEREAS, the County as the Entitlement Grantee for the HOME Program is responsible for planning, administration, implementation and evaluation of the program; and

WHEREAS, the City has entered into an Interlocal Agreement with the County for the purpose of creating a HOME Program Consortium (herein the "Consortium") wherein the City is entitled to participate in a pro rata share of all HOME Program funds allocated to and administered by the County; and

WHEREAS, the County pursuant to the terms and conditions of the Interlocal Agreement with the City shall transfer HOME Program funds to the City; and

WHEREAS, the City, through the Neighborhood Development Division of the Neighborhood Services Department, has established a Residential Rehabilitation Deferred Loan Program (Loan Program) to enable low-to-moderate income homeowners who reside in their homes within the City of Las Vegas to obtain loans from the City to assist homeowners in making their homes safe and livable; and

WHEREAS, the Owner is the resident of certain improved real property located in the City of Las Vegas, Nevada, commonly known as 404 Alexander Avenue, which more particularly described as, Sunset Manor TR #3, Plat Book 5 Page 86, Lot 21 Block C , City of Las Vegas, County of Clark, State of Nevada, which serves as the Owner's home (hereafter "Owner's home" or "Property"); and

WHEREAS, the Owner desires to have certain rehabilitation work performed on the Owner's home which is described as follows to wit: new mechanical system, new roofing system and roof sheathing, new windows, smoke detectors, new water heater, ceiling and wall repair new fascia, exterior wall repair, (hereinafter "Rehabilitation Work"); and

WHEREAS, the Owner desires to obtain from the City a loan which is to be used solely for the Rehabilitation Work of the Owner's home;

NOW, THEREFORE, it is mutually agreed by and between the parties that:

1. The City agrees to lend to the Owner, and the Owner agrees to borrow from the City, the sum of Thirty thousand two hundred ninety three and 40/100--Dollars (\$30,293.40) (herein the "HOME Program Loan") which amount is based on the estimated cost of the labor and materials required for the Rehabilitation Work on the Owner's home.

2. The Owner agrees to execute any contract required to effect completion of the Rehabilitation Work on the Owner's home. Changes in the amounts to be paid for the labor and/or materials shall be authorized only by a written Change Order, which must be signed by the Owner and the contractor performing the Rehabilitation Work, but in no event shall any Change Order be executed without written approval of the City's Neighborhood Development Division. In the event that the Change Order changes the amount of the contract entered into for the Rehabilitation Work, the Loan will be adjusted accordingly unless the Change Order is not approved by the City.

3. The Owner agrees that the proceeds of the HOME Program Loan will be used solely for the rehabilitation of the Owner's home.

4. The Owner agrees to execute the Promissory Note and Deed of Trust, copies of which are attached hereto as Exhibits "A" and "B" in favor of the City and to repay the HOME Program Loan in accordance with the provisions of the Promissory Note. If, upon completion of the Rehabilitation Work, the amount expended for the Rehabilitation Work varies from the sum of \$30,293.40, the Owner agrees to execute a revised Promissory Note and Deed of Trust, if necessary, so that the amount of the indebtedness concurs with the amount expended for the Rehabilitation Work.

5. The Owner agrees to obtain and maintain policies of fire, hazard and flood insurance (where required) for the Owner's home, specifically the building and its contents in the minimum amount of \$30,293.40. With respect to such insurance, the Owner further agrees to:

a. Name the City as an additional insured party on the policies, as the City's interest may appear;

b. Adjust as needed the amount of insurance coverage expressly required to be maintained by this Paragraph 5 so as to reflect the reconstruction or replacement costs of the Owner's home;

c. Furnish to the City annually certificates of insurance demonstrating that the foregoing insurance requirement in the sum stated is in effect;

d. Notify the City ten (10) days prior to any material change in insurance coverage or of a cancellation or an impending lapse of such coverage; and

e. Maintain such insurance identifying the City as an additional insured party on the Owner's home until the termination of this Agreement.

6. The Owner understands and agrees that the Loan is for the benefit of the Owner only and only as long as the Owner actually lives in Owner's home. In the event that all or any part of the improved real property that is the subject of this Agreement or an interest therein is sold, transferred or otherwise alienated, or if the Owner ceases to live in the Owner's home, the total amount of the Loan, without interest shall, at the discretion of the City, be immediately due and payable.

7. The Owner acknowledges that the loan is comprised of federal HOME funds. The Owner further understands and agrees that the City of Las Vegas requires that unit (Owner's home) assisted with federal funds remain affordable until the Owner's home is sold, transferred or otherwise alienated and the subsidy provided by federal funds is recaptured. Owner agrees to execute the Promissory Note and a Deed of Trust of even date herewith granting the property of Owner's home in favor of City of Las Vegas, State of Nevada ("Deed of Trust") and to comply with and/or acknowledge the following deed restrictions:

- (1) The term of compliance is 10 years.
- (2) The Property must be used as the Owner's principal home.
- (3) No temporary subleases of Owner's home are allowed;
- (4) Federal funds, which comprise the loan, must be recaptured upon sale, transfer or change of ownership of Owner's home.
- (5) Should the Trustor lose possession of the property through foreclosure, the City must be properly notified by a Request for Notice of Default and a written notice from the Trustor submitted in a timely manner in order that the City be included in the division of net proceeds from the foreclosure sale and this amount will satisfy the repayment of the HOME Program funds.
- (6) The estimated value of the Property, after rehabilitation, does not exceed 95 percent of the median price for the area where the property is located.

8. The City will not subordinate its lien position for future lending except in the following circumstances: (1) to refinance an existing mortgage to a lower interest rate to reduce their monthly payment or (2) in the event of the death of the owner and the property is being refinanced to allow a new income eligible family member to acquire the property. Home equity loans will only be allowed if the financier of the loan is willing to take a subordinate position to the City's lien. Bill consolidation loans, new higher mortgages, or loans that result in the Owner receiving cash as a result of the new increased value of the asset will not be approved for subordination. An approved subordination will be allowed once during the affordability period.

9. Owner agrees to indemnify and save the City, its officers, employees and agents (collectively "City"), harmless from and against any claims or causes of action filed against City as

a result from, related to, or arising out of Owner's action or inaction concerning the Rehabilitation work on Owner's home.

10. According to Executive Order 12166, enacted on August 11, 2000, it is mandated that the federal government reduce barriers to limited English proficiency ("LEP") persons with regard to federal benefits. The City, as a recipient of HUD assistance funds, directly or indirectly, is subject to said Executive Order and Title VI, Civil Rights protections, as a condition of receiving these federal funds. The failure to ensure limited English proficiency (LEP) persons access to HUD benefits may violate Title VI based upon national origin.

11. MISCELLANEOUS PROVISIONS

A. NOTICES

Any notice or other communication required or permitted to be given under this Agreement (herein the "Notices") shall be in writing and shall be (i) personally delivered, or (ii) delivered by certified mail, return receipt requested, and deposited in the U.S. Mail, postage prepaid. The Notices shall be deemed received upon actual receipt. The Notices shall be directed to the parties at their respective addresses shown below, or such other address as either party may, from time to time, specify in writing to the other party in the manner described above:

CITY

City of Las Vegas
Attention: Director,
Neighborhood Services Department
400 Stewart Avenue, 2nd Floor
Las Vegas, NV 89101

OWNER:

Patricia Monroe Turner
404 Alexander Avenue
Las Vegas, NV 89106

B. AMENDMENTS

This Agreement may not be amended or modified except by a written instrument executed by the parties hereto.

C. TIME OF THE ESSENCE

Time is of the essence of this Agreement and each and every term, condition and provision hereof.

D. NO WAIVER

No waiver of any of the provisions of the Agreement shall be deemed, or shall constitute, a waiver of any other provisions, whether or not similar, nor shall any waiver constitute a continuing waiver. No waiver shall be binding unless executed in writing by the party making the waiver.

E. COUNTERPARTS

This agreement may be executed in two (2) counterparts, each of which shall be deemed to be an original.

F. ENTIRE AGREEMENT

This agreement constitutes the entire agreement between parties hereto with respect to the subject matter hereof, and supersedes all prior understandings or agreements between the parties.

G. HEADINGS AND INTERPRETATION

Headings used in this agreement are for convenience or reference only and are not intended to govern, limit or aid in the construction of any term or provision hereof. Any reference to a Section in this Agreement shall include all sections and subsections related thereto.

H. CHOICE OF LAW

This Agreement and each and every related document are to be governed by, and construed in accordance with, the laws of the State of Nevada.

1. SEVERABILITY

If any term, covenant, condition or provision of this agreement, or the application thereof to any person or circumstance, shall to any extent be held by a court of competent jurisdiction, or rendered by the adoption of a statute invalid, void or unenforceable, the remainder or the terms, covenants, conditions or provisions of this Agreement, or the application thereof to any person or circumstance, shall remain in full force and effect and shall in no way be affected, impaired or invalidated thereby.

J. ATTORNEY'S FEES

In the event that any party hereto institutes an action or proceeding relating to or arising out of this Agreement, or the transactions contemplated hereby, or in the event any party is in default of its obligations pursuant thereto, whether or not suit is filed or prosecuted to final judgment, in the

prevailing party shall be entitled to its reasonable attorneys' fees and to all court costs incurred, in addition to any other damages or relief awarded.

K. ASSIGNMENT

This agreement may not be assigned without the written consent of the City.

L. DISCLOSURE OF PRINCIPALS. Pursuant to resolution R-105-99 adopted by the City Council effective October 1, 1999, (Owner's name) warrants that it has disclosed, on the form attached hereto as Exhibit C, all principals, including, partners of Owner or anyone acquiring an interest in Owner's home, as well as all persons and entities holding more than 1% interest in Owner's home or any principal of the company acquiring Owner's home. Throughout the term hereof, Owner shall notify in writing of any material change in the above disclosure within 15 days of any such change.

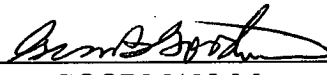
M. RIGHT TO REVIEW AND AUDIT

1. The Owner agrees to maintain financial records pertaining to all matters relative to this Agreement in accordance with standard accounting principles and procedures and to retain all records and supporting documentation applicable to this Agreement for a period of three years, except those records subject to audit findings shall be retained for three years after such findings have been resolved. In the event the Owners goes out of existence, the Agreement shall turn over to the City all of its records relating to this Agreement to be retained by the City for the required period of time.

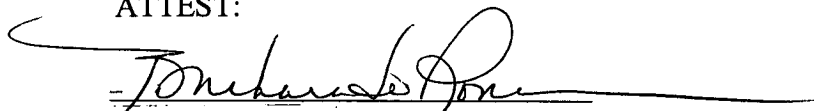
2. The Owner agrees to permit the City or the City's designated representatives to inspect and audit its records and books relative to this Agreement at any time during normal business hours and under reasonable circumstances and to copy therefrom any information that the City desires concerning Owner's operation hereunder. The Owners further understands and agrees that said inspection and audit would be exercised upon written notice. If the Owners or its records or books are not located within Clark County Nevada, In the event of an inspection and audit, Owner agrees to deliver the records or books or have the records of books delivered to the City or the City's designated representatives at an address within the City of Las Vegas as designated by the City. If the City or the City's designated representatives find that the records delivered by the Owners are incomplete, the Owners agrees to pay the City or the City representatives' costs to travel (including travel, lodging, meals and other related expenses) to the Owner's offices to inspect, audit, and retrieve the complete records. The Owners further agrees to permit the City or the City's designated representatives to inspect and audit, as deemed necessary, all records of this project relating to finances, as well as other records including performance records that may be required by relevant directives of funding sources of the City.

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date first set forth above.

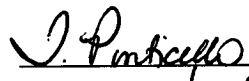
CITY OF LAS VEGAS

BY: 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, CITY CLERK

Approved as to form:


3/18/05 Date

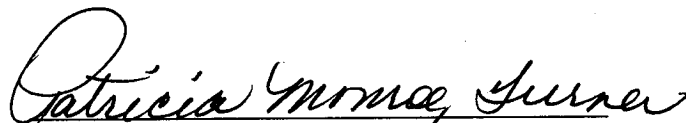

PATRICIA MONROE TURNER, Owner

Exhibit "A"

**CITY OF LAS VEGAS
NEIGHBORHOOD SERVICES DEPARTMENT
NEIGHBORHOOD DEVELOPMENT DIVISION**

**PROMISSORY NOTE SECURED BY DEED OF TRUST
DEFERRED LOAN
(OWNER-OCCUPIED REHAB PROGRAM)**

PROPERTY: 404 Alexander Avenue

AMOUNT: \$30,293.40

FOR VALUE RECEIVED, the undersigned promise(s) to pay to the CITY OF LAS VEGAS, at its office at 400 East Stewart, Las Vegas, Nevada 89101, the principal sum of Thirty thousand two hundred ninety three and 40/100--Dollars (\$30,293.40) without interest, upon the occurrence of either of the following two conditions:

1. The undersigned ceases to reside on the real property which is pledged as security for the indebtedness herein by means of a certain Deed of Trust of even date herewith.
2. All or any part of the aforesaid property, or any interest therein, is sold or transferred.
3. The Owner acknowledges that the loan is comprised of federal HOME funds. The Owner further understands and agrees that the City of Las Vegas requires that the unit (Owner's Home) assisted with federal funds remain affordable until the Owner's Home is sold, transferred or otherwise alienated and the subsidy provided by federal funds is recaptured. Owner agrees to execute the Promissory Note and a Deed of Trust of even date herewith granting the property of Owner's Home in favor of City of Las Vegas, State of Nevada ("Deed of Trust") and to comply with and/or acknowledge the following deed restrictions:
 - (1) The term of compliance is 10 years.
 - (2) The Property must be used as the Owner's principal home.
 - (3) No temporary subleases of Owner's home are allowed.
 - (4) Federal funds which comprise the loan must be recaptured upon sale, transfer or change of ownership of Owner's home.
 - (5) Should the Homebuyer lose possession of the property through foreclosure, the City of Las Vegas must be properly notified in a timely manner in order

to be included in the division of net proceeds of the property (if any), and this amount will satisfy the repayment of the HOME investment.

- (6) The estimated value of the Property, after rehabilitation, does not exceed 95 percent of the median price for the area where the property is located.

In the event that any of the aforesaid conditions occur, the holder of the NOTE may without notice at its option, declare said indebtedness at once due and payable, and any failure to exercise said option shall not constitute a waiver of the right to exercise the same at any time.

Presentment, notice of dishonor and protest are hereby waived.

Should payment thereof not be made when due, the undersigned further promises to pay all cost of collection, including, without limitations, attorney's fees, incurred by the City in connection herewith.

Property legally described as: Sunset Manor TR #3
Plat Book 5 Page 86
Lot 21 Block C
City of Las Vegas
County of Clark
State of Nevada
Assessor's Parcel No. 139-22-310-096

and, more commonly known as 404 ALEXANDER AVENUE, LAS VEGAS, NEVADA, IS THE SECURITY FOR INDEBTEDNESS EVIDENCED BY THIS PROMISSORY NOTE. A Deed of Trust of even date herewith secures this Promissory Note, and reference is made to said Deed of Trust for rights as to acceleration of the indebtedness evidenced by this Promissory Note.

This NOTE shall be governed by and construed in accordance with the laws of the State of Nevada. If the undersigned is more than one, each covenant and obligation contained herein stated shall be joint and several.

<u>PATRICIA MONROE TURNER, BORROWER</u>	<u>DATE</u>

SCHEDULE OF COSTS IN LOAN AMOUNT	
Contract Amount paid to All-Star Contracting, Inc.	\$28,670.40
Real Estate Appraisal	300.00
Preliminary Title Report	200.00
Recording Documents at Clark County Recorder	14.00
Credit Report	9.00
Engineering Fees	1,100.00

ADJUSTED AMOUNT

DATE

APN: 139-22-310-096

Exhibit "B"
DEED OF TRUST

(HOMEOWNER DEFERRED PAYMENT LOAN)

THIS DEED OF TRUST, made this _____ day of _____, 2005,
between Patricia Monroe Turner, herein called TRUSTOR, whose address is 404 Alexander Avenue, Las Vegas, NV 89106; and the City of Las Vegas, herein called TRUSTEE and BENEFICIARY, a municipal corporation duly organized in the State of Nevada, whose principal office is located at 400 E. Stewart Avenue, Las Vegas, Nevada 89101, Attention: Neighborhood Services Department.

WITNESSETH, that TRUSTOR IRREVOCABLY GRANTS, TRANSFERS AND ASSIGNS TO TRUSTEE IN TRUST WITH POWER OF SALE, that property located in the City of Las Vegas, Clark County, State of Nevada described as:

Sunset Manor TR#3
Plat Book 5 Page 86
Lot 21 Block C
City of Las Vegas
Clark County
State of Nevada
APN: 139-22-310-096

TOGETHER WITH all appurtenances in which TRUSTOR has any interests including water rights benefiting said realty, represented by shares of a company or otherwise; and

TOGETHER WITH the rents, issues and profits thereof, reserving the right to collect and use the same, except during some default hereunder, in which event the TRUSTEE shall collect the same by any lawful means in the name of the BENEFICIARY.

FOR THE PURPOSE OF SECURING (1) performance of the HOME Investment Partnership Program (herein "HOME"), Homeowner Deferred Payment Loan Agreement executed by TRUSTOR on the _____ day of _____, 2005 ("Homeowner Deferred Payment Loan Agreement") and (2) payment of any and all indebtedness evidenced by and accruing under the Promissory Note dated _____, 2005 ("Promissory Note"), in the principal sum of Thirty thousand two hundred ninety three and 40/100--(\$30,293.40) Dollars, executed by TRUSTOR in favor of TRUSTEE, or order.

TO PROTECT THE SECURITY OF THE DEED OF TRUST, TRUSTOR AGREES:

By the execution of this Deed of Trust that those provisions included in the Homeowner Deferred Payment Loan Agreement and Promissory Note, are hereby incorporated herein by reference and made a part hereof as though fully set forth herein at length; that the TRUSTOR or his successors will observe and perform said provisions; and that the references to property, obligations and parties in said provisions shall be construed to refer to the property obligations and parties set forth in this Deed of Trust.

Beneficiary acknowledges that the Property is or will be encumbered by one deed of trust (the "First Deed of Trust") created by Trustor to provide rehabilitation services to the Trustor of the Property which will be recorded in the Official Records of Clark County, Nevada prior to recordation of this Deed of Trust. Trustee acknowledges and agrees that this Deed of Trust and all rights of Trustee hereunder are and will be subject and subordinate to the lien of the First Deed of Trust and to all rights and remedies of the Beneficiary and Trustee under the First Deed of Trust. The Beneficiary under the First Deed of Trust and its successors and assigns, including, without limitation, any purchaser at a Trustee's sale under the First Deed of Trust and the heirs, personal representatives, successors and assigns of such purchaser, shall not be bound by or obligated to perform any of the obligations of the Purchaser under this Deed of Trust. This Deed of Trust will not be subordinate to any replacement of the First Deed of Trust occurring as a result of any prepayment, refinancing, sale or other transaction.

FURTHER, if the Beneficiary under the First Deed of Trust, as the Senior Lien Holder acquires title to the Property pursuant to a deed in lieu of foreclosure, the lien of the Deed of Trust shall automatically terminate upon the Senior Lien Holder's acquisition of title, provided that (i) the Trustee under this Deed of Trust has been given written notice of default under the First Deed of Trust and (ii) the Trustee under this Deed of Trust shall not have cured the default under the First Deed of Trust, or diligently pursued curing the default as determined by the Senior Lien Holder, within the 60-day period provided in such notice sent to the Trustee.

THE TRUSTOR AGREES TO COMPLY WITH THE FOLLOWING RESTRICTIONS:

1. The term of compliance shall be 10 years;
2. The Property shall be used as Trustor's principal Home;
3. No temporary subleases of the Home are allowed;
4. Federal HOME funds used for the loan under the Promissory Note must be recaptured upon the sale, transfer or change of ownership of the Property;
5. Should the Homebuyer lose possession of the property through foreclosure, the City of Las Vegas must be properly notified in a timely manner in order to be

included in the division of net proceeds of the property (if any), and this amount will satisfy the repayment of the HOME investment.

6. The estimated value of the Property, after rehabilitation, does not exceed 95 percent of the median price for the area where the Property is located.

The following covenants Nos. 11, 2, 3, 4, 5, 6, 7, 8, and 9 of NRS 107.030 are hereby adopted and made a part of this Deed of Trust. Such provisions so incorporated shall have the same force and effect as though specifically set forth and incorporated in this Deed of Trust.

THE UNDERSIGNED TRUSTOR requests that a copy of any Notice of Default, any Notice of Sale, and or any Notice of Lien hereunder be mailed to the address hereinabove set forth:

Trustor: Patricia Monroe Turner

STATE OF NEVADA)

ss:

COUNTY OF CLARK)

On this _____ day of _____, in the year 20__, before me, personally appeared _____, personally known to be (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the instrument, and acknowledged that he/she/they executed it.

SUBSCRIBED AND SWORN to before me
this _____ day of _____, 20__.

NOTARY PUBLIC in and for said
County and State

STATE OF NEVADA)

ss:

COUNTY OF CLARK)

On this _____ day of _____, in the year 20__, before me, personally appeared _____, personally known to be (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is subscribed to the instrument, and acknowledged that he/she/they executed it.

SUBSCRIBED AND SWORN to before me
this _____ day of _____, 20__.

NOTARY PUBLIC in and for said
County and State

WHEN RECORDED MAIL TO:

City of Las Vegas Neighborhood Services Dept.
400 East Stewart, 2nd floor
Las Vegas, NV 89101
ATTN: Erik King

MAIL TAX STATEMENTS TO:

Patricia Monroe Turner
404 Alexander Avenue
Las Vegas, NV 89106

EXHIBIT "C"

DISCLOSURE OF PRINCIPALS

Owner represents and discloses that the Owner's home is owned by the Owner. Owner warrants that it shall disclose all principals, including partners of Owner, as well as all persons and entities of any principal acquiring an ownership in Owner's home. Throughout the term hereof, Owner shall notify in writing of any material change, including in the principals and partners of Owner and all persons and entities holding more than 1% interest in Owner or any principal of Owner. The changes shall be listed as follows:

FULL NAME	BUSINESS ADDRESS	BUSINESS PHONE

1. PATRICIA MONROE TURNER	404 ALEXANDER AVE L.V. NV 89106	642-0072

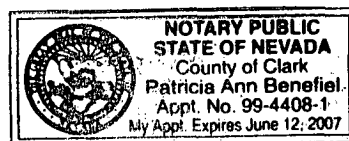
Continue list until full and complete disclosure is made.

I certify under penalty of perjury, that the following list is full and complete.

By Patricia Monroe Turner
Patricia Monroe Turner

Subscribed and sworn to before me this

21 day of MARCH, 2005
Patricia Ann Benefiel
Notary Public



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Department of Justice sponsored Weed and Seed Interlocal Agreement between the City of Las Vegas and the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Reno to allocate \$40,000 of Weed and Seed Funds - Wards 3 and 5 (Reese and Weekly)

Fiscal Impact:

☐ No Impact	Amount:	\$40,000.00
☒ Budget Funds Available	Dept./Division:	Neigh. Svcs./Neigh. Initiatives
☐ Augmentation Required	Funding Source:	Weed and Seed

PURPOSE/BACKGROUND:

The city of Las Vegas Weed and Seed Initiative Fiscal Year 2004 grant award included \$40,000 for the University of Nevada, Reno. Funding will be utilized for specific elements of the Weed and Seed evaluation that will include: charting the developments that have emerged from the Weed and Seed project; examining crime statistics; assessing community perceptions; examining the potential barriers associated with project sustainability; complete the tasks listed in the Statement of Work; and compile and synthesize findings into a final report.

RECOMMENDATION:

Staff recommends approval.

BACKUP DOCUMENTATION:

Weed and Seed Interlocal Agreement

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS

MINUTES:

Under Item 3, COUNCILMAN WEEKLY requested this item be pulled for discussion.

COUNCILMAN WEEKLY asked what is going to happen with the funds. FRANKLIN SIMPSON answered that the Weed and Seed Program has been in operation for ten years and is scheduled to expire. City staff wishes to perform an evaluation, with the assistance of an evaluator who will compile a final report of the components mentioned in the above Purpose/Background section. DR. RANDY BROWN added that the evaluation project will provide information pertaining to the developments that came out in the various wards. A community attitude survey will also be conducted, along with a follow-up.

COUNCILMAN WEEKLY indicated that he would be interested in seeing which was the most successful project that came out of the Weed and Seed program. He is concerned that Wards 3 and 5 have been studied and assessed for many years, because he always wonders about the purpose behind it. He consented that Weed and Seed did a wonderful job in Meadows Village, but reiterated that he would like to see what has been the most successful program stemming from Weed and Seed, particularly in West Las Vegas.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

MR. SIMPSON indicated that the 2000 Weed and Seed cycle called for 75% of the efforts, energy, and funding to be applied to the downtown area. But this project will highlight a lot of the accomplishments that took place in West Las Vegas, including sustenance after the federal funding dried up. He assured COUNCILMAN WEEKLY that he would receive a draft copy of the report so that he could request clarification.

COUNCILMAN WEEKLY stated that some very good initiatives came out of the downtown area.

(9:51 - 9:52/9:53 - 9:55/9:59 - 10:03)

1-1530/1-1840

**WEED AND SEED INTERLOCAL
AGREEMENT
between the City of Las Vegas and Board of
Regents of the University and Community College
System of Nevada, on behalf of the
University of Nevada, Reno**

THIS INTERLOCAL AGREEMENT, made and entered into this day *April 6*, 2005 by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada, hereinafter referred to as "CITY", and the Board of Regents of the University and Community College System of Nevada, on Behalf of the University of Nevada, Reno a political subdivision in the State of Nevada, hereinafter referred to as "SUBRECIPIENT," whose primary mailing address at the date of execution is 1664 N. Virginia Street, Reno, Nevada 89557.

WITNESSETH:

WHEREAS, the CITY has entered into a Grant Agreement with the Executive Office for Weed and Seed in the Office of Justice Programs (OJP), U.S. Department of Justice (DOJ), as authorized by Title I of the Omnibus Crime Control and Safe Streets Act of 1968, 42 U.S.C. 3701, et Seq., as amended; and

WHEREAS, CITY as Grantee wishes to engage "SUBRECIPIENT" to assist the CITY in utilizing such funds by providing services within the three targeted neighborhoods more particularly described as "Downtown, West Las Vegas, Meadows Village", Census Tracts 4.00; 6.00; 7.00; 8.00

WHEREAS, the Subrecipient desires to provide the Program, as described below, which will comply with the following requirements:

1. The Subrecipient's Program must benefit residents within the Weed and Seed target area;
2. The Subrecipient shall assure compliance with the applicable federal requirements and achievement of performance goals.

NOW, THEREFORE, it is agreed between the parties hereto that;

1. SCOPE OF SERVICE

A. ACTIVITIES

"SUBRECIPIENT" will be responsible for administering a FY2005 Weed and Seed Program known as "Las Vegas Weed and Seed Evaluation" that provides activities eligible under the Executive Office for Weed and Seed Programs as cited in the Scope of Services I.B.1, hereinafter referred to as "Program". It is expressly agreed and understood that the total amount to be provided by the CITY under this Agreement shall be \$40,000 in WEED AND SEED funds to be allocated in accordance with the Program Budget. SUBRECIPIENT shall invoice for the full amount by June 30, 2005. "SUBRECIPIENT" hereby agrees to utilize said WEED AND SEED funds made available pursuant to this Agreement to supplement rather than supplant funds otherwise available.

B. PROGRAM DESCRIPTION

1. Scope of Services to be Provided

Purpose of

Services:

Will allow the Subrecipient to implement the Weed and Seed Evaluation Project located within the Downtown Weed and Seed site.

Tasks to be Performed:

The evaluation team will be responsible for designing the evaluation approach and corresponding methods. The team will coordinate the collection of the data and analyze and synthesize the data for a final report (For specific tasks, see Attachment A: Weed and Seed Evaluation Statement of Work.)

Level of Service to be Provided:

Services will be provided in Census Tracts: 4.00; 6.00; 7.00; 8.00

Measurable Goals for Grant period:

The specific elements of the evaluation will include: Charting the developments that have emerged from the Weed and Seed project; Examining crime statistics; Assessing community perceptions; and Examining the potential barriers associated with project sustainability. Specifically, Subrecipient shall complete the tasks listed in the Statement of Work (Attachment A) and shall compile and synthesize findings into a final report.

"SUBRECIPIENT" hereby agrees to meet the goals as stated above, to the greatest extent feasible, in order to ensure the success of the Program.

C. CLIENT DATA

"SUBRECIPIENT" will be required to collect information and provide to the CITY a comprehensive evaluation report related to Weed and Seed program accomplishments as outlined in the Statement of Work (Attachment A) for the period of April 1, 2005 or the date first written above, until September 30, 2005, unless this Agreement is modified at the express consent of the CITY and "SUBRECIPIENT." "SUBRECIPIENT" shall submit said evaluation report to the CITY by September 30, 2005 detailing the findings from the Weed and Seed Downtown evaluation related to:

- 1) Crime statistics.
- 2) Developments in the community.
- 3) Community perceptions.
- 4) Project sustainability.

The report will be forwarded to the City of Las Vegas Neighborhood Services Department, ATTN: Franklin Simpson, Neighborhood Planner. The CITY will monitor the performance of "SUBRECIPIENT" against goals and performance standards required herein. Substandard performance as determined by CITY will constitute non-compliance with this Agreement.

If action to correct such substandard performance is not taken by "SUBRECIPIENT" within a reasonable period of time after being notified by the CITY, contract suspension or termination procedures will be initiated.

D. TIME OF PERFORMANCE

This Agreement provides for WEED AND SEED funding of "SUBRECIPIENT" program rendered in accordance with this Agreement from April 1, 2005 or the date first written above, through September 30, 2005. Furthermore, the CITY shall be liable only for payment proportional to the extent that WEED AND SEED grant award funds are received by the CITY.

2. CITY GENERAL CONDITIONS

A. COMPLIANCE WITH OTHER APPLICABLE STATUTES AND REGULATIONS

"SUBRECIPIENT" shall obtain any and all Federal, State, and Local permits and licenses required to execute the Project or Program as described in the Agreement's Scope of Services.

"SUBRECIPIENT" further agrees to abide by all applicable Federal, State, and Local codes, regulations, statutes, ordinances, and laws.

B. SUBRECIPIENT RETAINS EXCLUSIVE RIGHT OF PERFORMING SERVICES

"SUBRECIPIENT" has requested financial support of the CITY to enable "SUBRECIPIENT" to provide the services contemplated herein. The CITY shall have no relationship whatsoever with the services contemplated herein except the provision of financial support and the receipt of reports as provided herein. In any and all events, the services contemplated herein shall be rendered at the time, in the manner and under circumstances determined solely and exclusively by "SUBRECIPIENT," subject only to review by the City of Las Vegas, Neighborhood Services Director or other designee of the Neighborhood Services Director to assure continuing eligibility for WEED AND SEED funding.

3. INDEMNIFICATION

To the extent permitted by law, including but not limited to NRS Chapters 41 and 354, the SUBRECIPIENT shall protect, indemnify and hold the City, its officers, employees and agents, harmless from and against any and all claims, damages, losses, suits, actions, decrees, judgments, attorney's fees, court costs and other expenses of any kind or character which the City, its officers, employees or agents, may suffer, or which may be sought against, recovered from or obtainable against the City, its officers, employees or agents, (i) as a result of, by reason of, arising out of, on account of, or in consequence of, the operations of the SUBRECIPIENT, its subcontractors or agents, or anyone directly or indirectly employed by any subcontractor or agent, in the fulfillment or performance of the terms, conditions or covenants of this Agreement, regardless of whether or not the occurrence which gave rise to such claim, damage, loss, suit, action, judgment or expense was caused, in part, by the party indemnified hereunder. Any money due the SUBRECIPIENT under and by virtue of this Agreement which is considered necessary by the City for such purpose, may be retained by the City for its protection.

In this connection, it is expressly agreed that the SUBRECIPIENT shall, to the extent permitted by law, at its own expense, defend the City, its officers, employees and agents against any and all claims, suits or actions which may be brought against them, or any of them, as a result of, by reason of, arising out of, on account of, or in consequence of, any act or omission against which the SUBRECIPIENT has indemnified the City. If the SUBRECIPIENT shall fail to do so, the City shall have the right, but not the obligation, to defend the same and to charge all direct and incidental costs of such defense to the SUBRECIPIENT, including attorney's fees and court costs.

The SUBRECIPIENT guarantees the payment of all just claims for materials, supplies and labor, and all other just claims against it or any subcontractor, in connection with this Agreement.

4. RECORD RETENTION AND INSPECTION

SUBRECIPIENT agrees that the City or any duly authorized representative shall have the right to examine, audit, excerpt, copy or transcribe any pertinent transaction, activity, time cards, or other records and proprietary data created or maintained by SUBRECIPIENT for this

Agreement. These records and data must be kept and maintained by SUBRECIPIENT for a period of five years after expiration or termination of this Agreement unless written permission for the City is obtained to dispose of material prior to this time.

At any time during the term of this Agreement, or at any time within five years after the expiration or termination of this Agreement, the City or an authorized representative may conduct an audit of SUBRECIPIENT regarding the services provided to the City and if such audit finds the City's dollar liability for such services is to be less than payments made by the City to SUBRECIPIENT then SUBRECIPIENT agrees that the difference shall be either: (1) repaid immediately by SUBRECIPIENT to the City by cash payment or (2) at the City's option, credited against any future payments to SUBRECIPIENT.

5. FEDERAL GENERAL CONDITIONS

Compliance with all pertinent Federal Regulations. Pursuant to 28 Code of Federal Regulations (CFR) Part 66 et. sq., the following regulatory provisions shall apply to this agreement. § 66.21 Payment:

- a) Scope. This section prescribes the basic standard and the methods under which a Federal agency will make payments to grantees, and grantees will make payments to subgrantees and contractors.
- b) Basic standard. Methods and procedures for payment shall minimize the time elapsing between the transfer of funds and disbursement by the grantee or subgrantee, in accordance with Treasury regulations at 31 CFR part 205.
- c) Advances. Grantees and subgrantees shall be paid in advance, provided they maintain or demonstrate the willingness and ability to maintain procedures to minimize the time elapsing between the transfer of the funds and their disbursement by the grantee or subgrantee.
- d) Reimbursement. Reimbursement shall be the preferred method when the requirements in paragraph (c) of this section are not met. Grantees and subgrantees may also be paid by reimbursement for any construction grant. Except as otherwise specified in regulation, Federal agencies shall not use the percentage of completion method to pay construction grants. The grantee or subgrantee may use that method to pay its construction contractor, and if it does, the awarding agency's payments to the grantee or subgrantee will be based on the grantee's or subgrantee's actual rate of disbursement.
- e) Working capital advances. If a grantee cannot meet the criteria for advance payments described in paragraph (c) of this section, and the Federal agency has determined that

reimbursement is not feasible because the grantee lacks sufficient working capital, the awarding agency may provide cash or a working capital advance basis. Under this procedure the awarding agency shall advance cash to the grantee to cover its estimated disbursement needs for the initial period generally geared to the grantee's disbursing cycle. Thereafter, the awarding agency shall reimburse the grantee for its actual cash disbursements. The working capital advance method of payment shall not be used by grantees or subgrantees if the reason for using such method is the unwillingness or inability of the grantee to provide timely advances to the subgrantee to meet the subgrantee's actual cash disbursements.

f) Effect of program income, refunds, and audit recoveries on payment.

(1) Grantees and subgrantees shall disburse repayments to and interest earned on a revolving fund before requesting additional cash payments for the same activity.

(2) Except as provided in paragraph (f)(1) of this section, grantees and subgrantees shall disburse program income, rebates, refunds, contract settlements, audit recoveries and interest earned on such funds before requesting additional cash payments.

g) Withholding payments.

(1) Unless otherwise required by Federal statute, awarding agencies shall not withhold payments for proper charges incurred by grantees or subgrantees unless-- (i) The grantee or subgrantee has failed to comply with grant award conditions or (ii) The grantee or subgrantee is indebted to the United States.

(2) Cash withheld for failure to comply with grant award condition, but without suspension of the grant, shall be released to the grantee upon subsequent compliance. When a grant is suspended, payment adjustments will be made in accordance with Sec. 66.43(c).

(3) A Federal agency shall not make payment to grantees for amounts that are withheld by grantees or subgrantees from payment to contractors to assure satisfactory completion of work. Payments shall be made by the Federal agency when the grantees or subgrantees actually disburse the withheld funds to the contractors or to escrow accounts established to assure satisfactory completion of work.

h) Cash depositories.

(1) Consistent with the national goal of expanding the opportunities for minority business enterprises, grantees and subgrantees are encouraged to use minority banks (a bank which is owned at least 50 percent by minority group members). A list of minority owned banks can be obtained from the Minority Business Development Agency, Department of Commerce, Washington, DC 20230.

(2) A grantee or subgrantee shall maintain a separate bank account only when required by Federal-State agreement.

i) Interest earned on advances. Except for interest earned on advances of funds exempt under the Intergovernmental Cooperation Act (31 U.S.C. 6501 et seq.) and the Indian Self-Determination Act (23 U.S.C. 450), grantees and subgrantees shall promptly, but least quarterly, remit interest earned on advances to the Federal agency. The grantee or subgrantee may keep interest amounts up to \$ 100 per year for administrative expenses.

j) Equal Opportunity. SUBRECIPIENT shall comply with all provisions of Title VI of the Civil Rights Act of 1964 and of the rules, regulations and relevant order of the Secretary of Labor regarding discrimination.

6. MISCELLANEOUS

A. Waiver. Any waiver of a breach of this Agreement by a party, whether express or implied, shall not constitute a waiver of any other or subsequent breach.

B. Attorney Fees. In the event of any litigation in any way arising out of or relating to this Agreement, the prevailing party shall be entitled to recover from the unsuccessful party its costs and expenses, including reasonable attorneys' fees, all of which shall be included in and as apart of the judgment rendered in such litigation subject to the fiscal funding out clause.

C. Applicable Law. SUBRECIPIENT agrees to comply with all applicable federal, state and local laws in the conduct of the work hereunder. This Agreement shall be construed, interpreted and the rights of the parties determined, in accordance with the laws of the State of Nevada.

D. Meaning of Article and Section Headings. The section headings appearing herein shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning, or intent of the provisions of this Agreement.

E. Confidentiality of Reports. To the extent permitted by law, including but not limited to NRS Chapter 239, the SUBRECIPIENT shall keep confidential all reports, information and data given to, prepared or assembled by SUBRECIPIENT pursuant to Subrecipient's performance hereunder and City designates as confidential. Such information shall not be made available to any person, firm, corporation or entity without the prior written consent of the City first obtained.

F. Release of News Information. No news release, including photographs, public announcements or confirmation of same, or any part of the subject matter of this Agreement or any phase of any program hereunder shall be made without prior written approval of both parties.

G. Severability. A determination that any part of this Agreement is invalid shall not invalidate or impair the force of the remainder of this Agreement.

H. Effective Date. The effective date of this Agreement shall be the date that the City Council approves the execution hereof, and such date shall be inserted in the first paragraph of this Agreement.

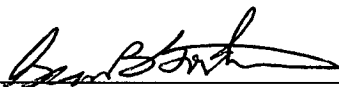
I. Entire Agreement. This Agreement and any exhibits or documents incorporated herein by reference, constitutes the complete and entire Agreement between the parties and shall also include those provisions and revisions set forth and agreed to in discussion.

IN WITNESS WHEREOF, the parties hereto have caused this Interlocal Agreement to be executed by their duly authorized officers. Signatory approval by an entity to this Agreement represents a legal obligation by the parties herein identified to abide by the above provisions.

PASSED, ADOPTED, AND APPROVED this April 6, 2005.

CITY OF LAS VEGAS

BOARD OF REGENTS OF THE UCCSN
ON BEHALF OF UNIVERSITY OF
NEVADA, RENO



OSCAR B. GOODMAN, Mayor

By:  3/17/05

Assistant Director
SPONSORED PROJECTS
Its: _____

ATTEST:



BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

 3/7/05

Date

Attachment A

Weed and Seed Evaluation Statement of Work (3/1/05 – 9/30/05)

Task	Who	Schedule
› Introduction of the evaluators to members of the advisory committee.	Staff set this up, Randy Brown attended	December 14 th
› Provide a list of representatives of key agencies, citizens, staff who have been involved in the project over the cycle of the grant.	City staff	March
› Conduct interviews with key informants (by phone or face-to-face).	CPEPDS	April-May
› Summarize interview findings.	CPEPDS	June
› Send program documentation.	City Staff	March
› Summarize program documentation.	CPEPDS	April-May
› Meet with police department chain of command.	Brown & Associates	April
› Collect crime statistics.	Brown & Associates	April-June
› Summarize crime statistics.	Brown/CPEPDS	July
› Send prior Community Attitudes survey results.	City Staff	Completed
› Revise Community Attitudes survey.	Brown/CPEPDS	Completed
› Re-administer Community Attitudes survey.	City Staff	April
› Process, analyze, and summarize Community Attitudes survey data.	CPEPDS/Brown	May-June
› Develop and complete final report.	CPEPDS/Brown	July-September

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of parcels recommended for disposal at the Spring 2006 Bureau of Land Management Public Land Sale - Ward 2 (Wolfson)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Staff is recommending the nomination of three parcels for disposal at the Spring 2006 Public Land Sale. Descriptions are provided on the attached maps and Agenda Memo. Each of these parcels is located in an area of the city appropriate for development and not otherwise needed for a public purpose. There are no other parcels appropriate for nomination at this time.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Location Maps

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PLANNING AND DEVELOPMENT DEPARTMENT

**ITEM DESCRIPTION: APPROVAL OF PARCELS RECOMMENDED FOR
DISPOSAL AT THE SPRING 2006 BUREAU OF LAND MANAGEMENT PUBLIC
LAND SALE.**

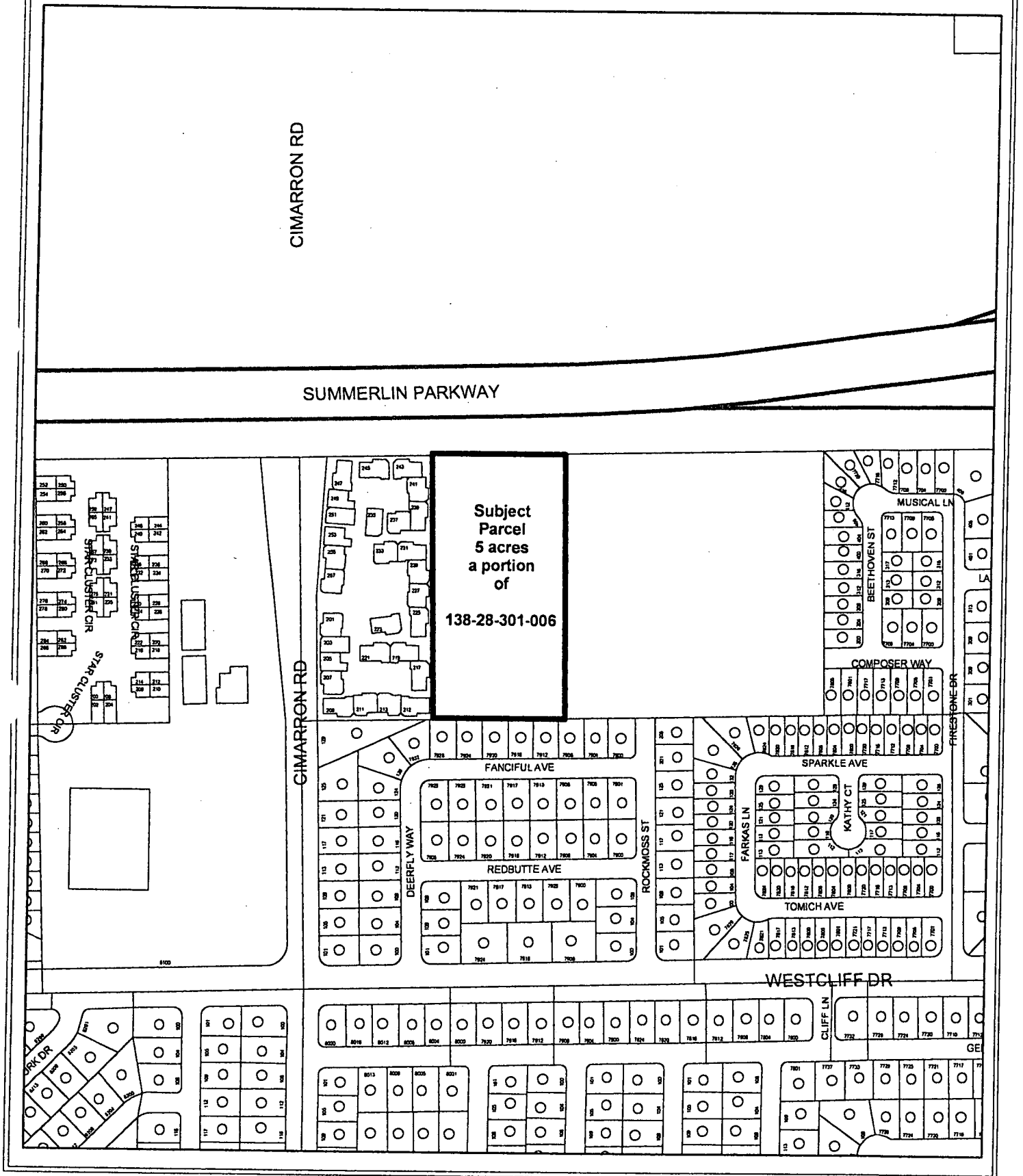
City of Las Vegas Nominations for the Spring 2006 Public Land Sale

1. APN: Portion of 138-28-301-006 (5 acres)
South of Summerlin Parkway, north of Westcliff Drive, approximately 330 feet east of Cimarron Road
Pt. E $\frac{1}{2}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 28, T 20 S, R 60 E

2. APN: 138-28-801-002 (10 acres)
South of Summerlin Parkway, north of Westcliff Drive, approximately 670 feet east of Cimarron Road
Pt. NE $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, section 28, T 20 S, R 60 E

3. APN: Portion of 138-31-101-002 (80 acres overall)
West of Hualapai Way, approximately 730 feet north of Alta Drive
Pt. N $\frac{1}{2}$ NW $\frac{1}{4}$ section 31, T 20 S, R 60 E

City of Las Vegas Nominations for the Spring 2006 Public Land Sale



SUMMERLIN PARKWAY

CIMARRON RD

~~WESTCLIFF DR~~

GENZER DR

City of Las Vegas Nominations for the Spring 2006 Public Land Sale



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of the First Amendment to Engineering Design Services Agreement between the City of Las Vegas and Louis Berger Group, Inc., to increase contract funding for the Las Vegas Middle Branch Pre-Design (\$61,015 - Clark County Regional Flood Control District [CCRFCDD]) - Ward 6 (Mack)

Fiscal Impact:

☐ No Impact	Amount:	\$61,015.00
☒ Budget Funds Available	Dept./Division:	Public Works/City Engineer
☐ Augmentation Required	Funding Source:	CCRFCDD

PURPOSE/BACKGROUND:

This Amendment will increase funding to conduct survey and aerial mapping for two possible detention basin sites and the reinforced concrete box storm drain corridor that was added to the scope of the project. Total cost of this project shall not exceed \$395,641.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

First Amendment to Engineering Design Services Agreement

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: **APPROVED** under separate actions (see individual items)

Item 15: **STRICKEN** under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

**FIRST AMENDMENT TO
ENGINEERING DESIGN SERVICES AGREEMENT FOR
LAS VEGAS WASH – MIDDLE BRANCH PRE-DESIGN REPORT**

THIS FIRST AMENDMENT made and entered into this 6th day of April, 2005, by and between the CITY OF LAS VEGAS, a municipal corporation within the State of Nevada (herein the "City"), and the Louis Berger Group, Inc. (herein the "Consultant").

W I T N E S S E T H:

WHEREAS, the City and the Consultant have entered into a Professional Services Agreement dated December 3, 2003 (herein the "Agreement"), retaining the services of the Consultant for the Las Vegas Wash – Middle Branch Pre-Design including hydrologic and hydraulic modeling in a formal report (herein the "Project") and shown on Exhibit "A-1"; and

WHEREAS, the City desires to modify the scope of the Additional Services for the Project to conduct survey and aerial mapping for the two detention basins and the RCB storm drain corridor not included in the original scope of the Project.

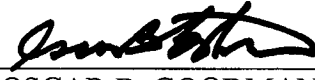
NOW, THEREFORE, the parties hereto agree that the following changes shall be made to the Agreement:

1. Section 7.03 of the Agreement is hereby amended to change the amount referenced therein for Additional Services of the Consultant from \$85,000.00 to \$146,015.00 and to change the total amount for the entire Agreement referenced therein from \$334,626.00 to \$395,641.00.
2. Exhibits B and D attached to the Agreement are hereby deleted in their entirety and Exhibits B-1 and D-1 attached hereto inserted in lieu thereof.
3. All other terms and conditions of the Agreement remain unchanged.

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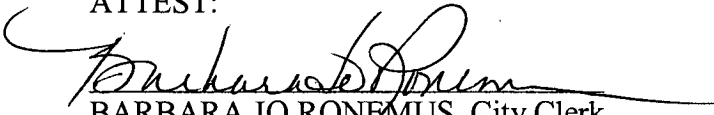
IN WITNESS WHEREOF, the parties have caused this First Amendment to the original Agreement to be executed the day and year first above written.

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

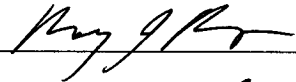
"City"

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

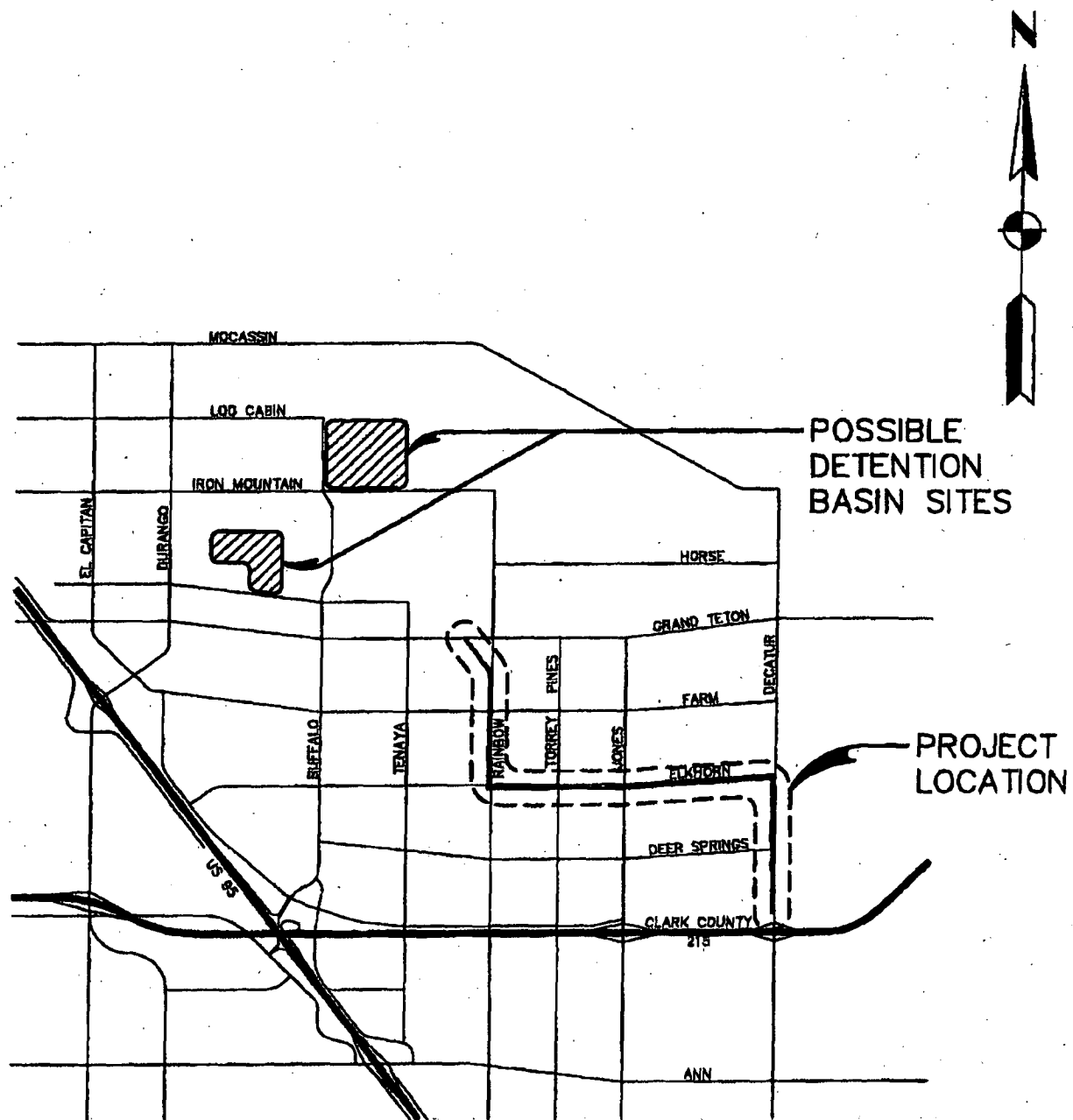
Robert J. Zivari 2-28-05
Date
Deputy City Attorney


By: Roger Patton
Its: Vice President 3/3/05

"Consultant"

EXHIBITS

Exhibit "A-1"	Location Map
Exhibit "B-1"	Additional Services (Sections 1.01, 4.01, 7.03)
Exhibit "D-1"	Cost Derivative and Hourly Fee Schedule (Sections 7.02, 7.03)



Vicinity Map
NOT TO SCALE

FIGURE A-1

EXHIBIT B-1

ADDITIONAL SERVICES

TASK 5 - SUPPLEMENTAL SERVICES

The Consultant will perform supplemental services upon written authorization by the City. Supplemental services that may be necessary include:

- 5.1 Provide additional civil engineering services in the event it is necessary to perform additional work not specified under Tasks 1 through 5, but required for and related to the project.
- 5.2 Through a subcontractor, WESCO Surveys, Inc., the Consultant shall provide survey services to:
 - Establish horizontal and vertical control for the project mapping.
 - Provide project mapping, at 1" = 40' scale and 1 ft contour interval, extending at least 150 ft around the two proposed detention basins, shown on Figure A-1.
 - Perform ground survey to field edit the project mapping including as-builts of the existing drainage facilities, utilities, and other significant existing surface features within the mapping area.

All benchmarks and vertical and horizontal survey control points will be coordinated with and approved by the City Surveyor.

- 5.3 Obtain additional right-of-way documentation not specified under Task 3 including certified copies of deeds, title reports, and other data depicting property ownership, utility easements, patent easements, and mining claims. This task may also include preparation of right-of-way exhibits and legal descriptions for permanent and temporary easements.
- 5.4 Provide, through a subcontractor, services for potholing including backfill, compaction and pavement patching. Provide surveying services for field location of excavated potholes and supply a copy of the field data to the City.
- 5.5 Prepare background material for agenda items and visual aids for presentations as required to process a Master Plan change or amendment.

EXHIBIT D-1
PROFESSIONAL ENGINEERING SERVICES AGREEMENT
FOR THE
LAS VEGAS WASH MIDDLE BRANCH

Cost Derivation and Hourly Fee Schedule

Task Description		Project Principal \$186.31	Project Manager \$139.74	Project Engineer \$105.49	Hydrologist \$72.61	Utilities Specialist \$128.78	CADD Manager \$104.81	CADD Tech \$68.39	Clerical Support \$51.29	Total Manhours	Expenses	Loaded Labor
TASK 1 PROJECT COORDINATION AND SCHEDULE												
1.1	Project Meetings	2	32	60				24		118	\$ -	\$ 12,815.34
1.2	Project Schedule		16							16	\$ -	\$ 2,235.91
	Subtotal		48	60	0	0	0	24	0	134	\$ -	\$ 15,051.25
TASK 2 DATA COLLECTION AND REVIEW												
2.1	Studies and Plans		8	24	24	8			16	80	\$ 200.00	\$ 7,243.28
2.2	Field Reconnaissance		12	24	24	8				68	\$ -	\$ 6,981.57
	Subtotal		20	48	48	16	0	0	16	148	\$ 200.00	\$ 14,224.85
TASK 3 ALTERNATIVES DEVELOPMENT AND ANALYSIS												
3.1	Develop Concept Level Alternatives		40	120	40			40		240	\$ -	\$ 23,888.77
3.2	Hydrologic and Hydraulic Analysis		8	24	120					152	\$ -	\$ 12,362.70
3.3	Right-of-Way		2	4						6	\$ -	\$ 701.46
3.4	Concept Level Drawings		16	40			16	120		192	\$ -	\$ 16,339.38
3.5	Utilities Research and Schedule		4	40	60	24				128	\$ -	\$ 12,225.85
3.6	Cost Estimates		4	8	60	16				88	\$ -	\$ 7,819.86
3.7	Alternatives Summary Memorandum		8	40				40	8	96	\$ 500.00	\$ 8,483.60
	Subtotal		82	276	280	40	16	200	8	902	\$ 500.00	\$ 81,821.63
TASK 4 PRELIMINARY DESIGN												
4.1	Preliminary Design Plans		80	320	120	40	32	320		912	\$ -	\$ 84,039.98
4.2	Hydrologic and Hydraulic Analysis		8	16	100					124	\$ -	\$ 10,066.61
4.3	Utility Pothole Plan		2	8		24		16		50	\$ -	\$ 5,308.39
4.4	Preliminary Design Report & Cost Estimate		16	40	80			40	8	184	\$ -	\$ 15,410.18
4.5	Quality Control/Quality Assurance Review	24								24	\$ -	\$ 4,471.36
4.6	Preliminary Design Submittal		4	16			4		4	28	\$ 500.00	\$ 2,871.26
4.7	Incorporate Comments		8	60	40			60	4	172	\$ 500.00	\$ 14,660.39
	Subtotal		118	460	340	64	36	436	16	1494	\$1,000.00	\$ 136,828.18
SUBTOTAL BASIC SERVICES			268	844	668	120	52	660	40	2678	\$1,700.00	\$ 247,925.91
TASK 5 SUPPLEMENTAL SERVICES												
5.1	Additional Engineering Design											\$ 20,000.00
5.2	Survey and Topographic Mapping											\$ 45,000.00
5.3	Right-of-Way											\$ 2,000.00
5.4	Potholing											\$ 15,000.00
5.5	MPU Change/Amendment											\$ 3,000.00
SUBTOTAL ADDITIONAL SERVICES												\$ 146,015.00
TOTAL												\$ 395,640.91

Exhibit G CERTIFICATE DISCLOSURE OF OWNERSHIP/PRINCIPALS

1. Definitions

"City" means the City of Las Vegas.

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

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

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

2. Policy

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

3. Instructions

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

4. Incorporation

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

Block 1	Contracting Entity
Name	The Louis Berger Group, Inc.
Address	500 Amigo Court #100 Las Vegas, NV 89119
Telephone	702/736-6632
ENCLOSURES	22-1754524

Block 2	Description
Subject Matter of Contract/Agreement:	
Las Vegas Wash Middle Branch	
RFP#	

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

CERTIFICATE - DISCLOSURE OF OWNERSHIP/PRINCIPALS (CONTINUED)

Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Derish M. Wolff, Chairman	100 Halsted Street East Orange, NJ 07018	973/678-1960
2.	Nicholas J. Massucci, President	100 Halsted Street East Orange, NJ 07018	973/678-1960
3.	Michel Jichlinski, EVP, COO	2300 N Street NW Washington, DC 20037	202/912-0200
4.	James G. Bach, Group VP	100 Halsted Street East Orange, NJ 07018	973/678-1960
5.	Ronald F. Kornell, Group VP	38 Covent Road, Silom Bangkok, 10500, Thailand	011-66-2-235-3551
6.	Peter A. Polk, Sr. Vice President	2300 N Street NW Washington, DC 20037	202/912-0200
	Fredric S. Berger, Secretary/Director	2300 N Street NW Washington, DC 20037	202/912-0200
8.	Francois Fahri, Director	55 bis, qual de Grenell 75015 Paris, France	011-33-1-45-78-39-39
9.	Pat M. Quinn, Director	2300 N Street NW Washington, DC 20037	202/912-0200
10.	Fabrice Signor, Partner	55 bis, qual de Grenell 75015 Paris, France	011-33-1-45-78-39-39

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

Block 5 Disclosure of Ownership and Principals - Alternate

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

Name of Attached Document: _____

Date of Attached Document: _____ Number of Pages: _____

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

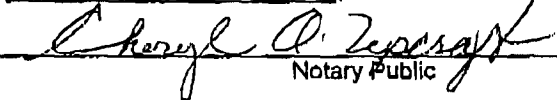


 Name
 10/17/03

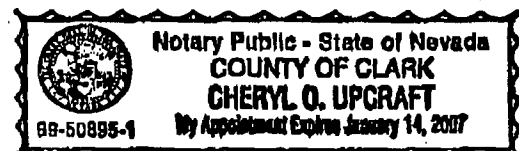
 Date

Subscribed and sworn to before me this 17th day of

October, 2003.



 Notary Public



Block 4 Disclosure of Ownership and Principals

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

	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
11.	Rene Cousin, Partner	55 bis, quai de Grenell 75015 Paris, France	011-33-1-45-78-39-39
12.	Richard Hirsch, Partner	155 N. Wacker Drive, Suite 200 Chicago, IL 60606-1719	312/630-8200
13.	Nick Ivanoff, Partner	96 Morton Street New York, NY 10014	212/462-8500
14.	Leon A. Marantz, Partner	100 Halsted Street East Orange, NJ 07018	973/678-1960
15.	Alexander Popoff, Partner	33301 Ninth Avenue South Federal Way, WA 98003	206/431-2300
16.	Robert Nardi, Partner	100 Halsted Street East Orange, NJ 07019	973/678-1960
17.	John A. Hotopp, Partner	100 Halsted Street East Orange, NJ 07019	973/678-1960
	Larry Walker, Partner	2300 N Street NW Washington, DC 20037	202/912-0200
19.	Carlos Marcenaro, Partner	2300 N Street NW Washington, DC 20037	202/912-0200
20.	Claude Laroche, Partner	55 bis, quai de Grenell 75015 Paris, France	011-33-1-45-78-39-39
21.	D. James Stamatis	100 Halsted Street East Orange, NJ 07019	973/678-1960
22.	Roger Patton, Partner	500 Amigo Court, Suite 100 Las Vegas, NV 89119	702/736-6632
23.	Charles Bell, Partner	2300 N Street NW Washington, DC 20037	202/912-0200

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD GOECKE**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of Supplemental No. 7 Interlocal Contract 51J/B871214 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding for Traffic Capacity and Safety Improvements Fifth Program Year (\$738.95 - Regional Transportation Commission of Southern Nevada) - Ward 1 (Tarkanian)

Fiscal Impact:

☐	No Impact	Amount:	\$738.95
☒	Budget Funds Available	Dept./Division:	Public Works/City Engineer
☐	Augmentation Required	Funding Source:	RTC

PURPOSE/BACKGROUND:

This Supplemental No. 7 Interlocal Contract between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada will increase construction funding. The Regional Transportation Commission of Southern Nevada approved this contract at their March 10, 2005 Board meeting. Total cost of this project shall not exceed \$1,029,829.02.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Supplemental No. 7 Interlocal Contract 51J/B871214

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

**SUPPLEMENTAL NO. 7 INTERLOCAL CONTRACT FOR
TRAFFIC CAPACITY AND SAFETY IMPROVEMENTS – FIFTH PROGRAM YEAR**

THIS SUPPLEMENTAL AGREEMENT made and entered into this 3rd day of May, 2005, by and between the County of Clark, a political subdivision hereinafter called COUNTY, the City of Las Vegas, a municipal corporation, hereinafter called CITY, and the Regional Transportation Commission of Southern Nevada, hereinafter referred to as RTC.

WITNESSETH

WHEREAS, the parties hereto previously entered into an Interlocal Contract dated June 2, 1992, and Supplemental Interlocal Contracts dated April 19, 1994, June 15, 1994, August 15, 1995, October 12, 2000, February 13, 2003, and July 8, 2004, for the design and construction of a Traffic Capacity and Improvement Project – Fifth Program Year; and,

WHEREAS, the City desires to increase funding for the Project.

NOW, THEREFORE, in consideration of the covenants, conditions, agreements, and promises of the parties hereto, it is mutually agreed to supplement the Interlocal Contract for the Project, as follows:

SECTION II - PROJECT COSTS, shall be changed to read as follows:

1. Engineering design, drafting and preparation of contract documents and construction including change orders at a cost not to exceed \$1,029,829.02 except that engineering costs shall be limited to \$127,198.75 plus construction staking.
6. The maximum amount to be funded by the COUNTY pursuant to this Contract shall not exceed the sum of \$1,029,829.02.

The remainder of the Interlocal Contract and Supplemental Interlocal Contracts remains unchanged.

Date of Council Action:

CITY OF LAS VEGAS

April 16, 2005



OSCAR B. GOODMAN

Mayor

Attest:

APPROVED AS TO FORM:

Theresa R. Green 3/18/05
Date



BARBARA JO RONEMUS

City Clerk

Date of Commission Action:

CLARK COUNTY BOARD OF COMMISSIONERS

5/3/05



RORY REID

Chairman

Attest:



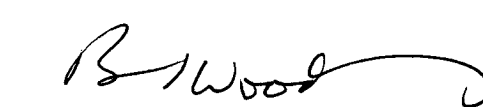
SHIRLEY B. PARRAGUIRRE

County Clerk

Date of Commission Action:

REGIONAL TRANSPORTATION COMMISSION

3/10/05



BRUCE L. WOODBURY

Chairman

Attest:



TONI MICHENER

Executive Assistant

Approved as to Legality and Form:



CHRISTOPHER FIGGINS

Chief Deputy District Attorney

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Supplemental No. 1 to the Cooperative Agreement 330/B871215 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to reduce bond funding for the Smoke Ranch Road - Jones Boulevard to Buffalo Drive construction project (decrease of \$738.95 - Regional Transportation Commission of Southern Nevada) - Wards 4 and 6 (Brown and Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This Supplemental No. 1 to the Cooperative Agreement 330/B871215 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada will decrease bond funding for construction. The Regional Transportation Commission of Southern Nevada approved this contract at their March 10, 2005 Board meeting. Total cost of this project shall not exceed \$1,574,261.05.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Supplemental No. 1 To The Cooperative Agreement 330/B871215

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

The remainder of the Cooperative Agreement remains unchanged.

Date of Council Action:

CITY OF LAS VEGAS

April 6, 2005


OSCAR B. GOODMAN

Mayor

Attest:

APPROVED AS TO FORM:

Thomas R. Green 3/18/05
Date

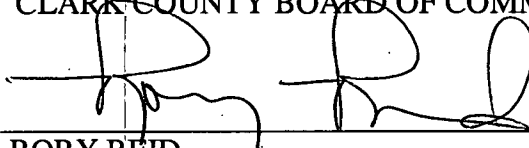

BARBARA JO RONEMUS

City Clerk

Date of Commission Action:

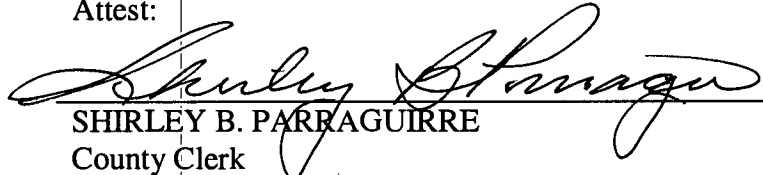
CLARK COUNTY BOARD OF COMMISSIONERS

5/3/05


RORY REID

Chairman

Attest:

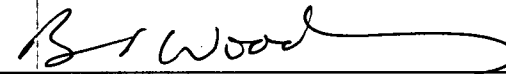

SHIRLEY B. PARRAGUIRRE

County Clerk

Date of Commission Action:

REGIONAL TRANSPORTATION COMMISSION

03/10/05


BRUCE L. WOODBURY

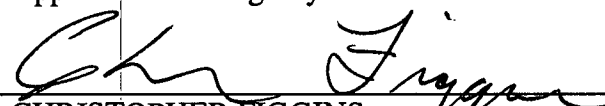
Chairman

Attest:


TONI MICHENER

Executive Assistant

Approved as to Legality and Form:


CHRISTOPHER FIGGINS

Chief Deputy District Attorney

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of Interlocal Contract 500 between the Regional Transportation Commission of Southern Nevada (RTC), the City of North Las Vegas, the City of Las Vegas and Clark County for the development, design and deployment of arterial incident and event management systems in the Craig Road and Las Vegas Boulevard corridors (\$680,000 - Regional Transportation Commission of Southern Nevada) - Ward 6 (Mack) and North Las Vegas

Fiscal Impact:

☐	No Impact	Amount:	\$680,000.00
☒	Budget Funds Available	Dept./Division:	Public Works/City Engineer
☐	Augmentation Required	Funding Source:	RTC

PURPOSE/BACKGROUND:

Interlocal Contract 500 between the Regional Transportation Commission of Southern Nevada (RTC), the City of North Las Vegas, the City of Las Vegas and Clark County for the development, design and deployment of arterial incident and event management systems in the Craig Road and Las Vegas Boulevard corridors. The Regional Transportation Commission of Southern Nevada approved this contract at their March 10, 2005 Board meeting. Total cost of this project shall not exceed \$680,000.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Interlocal Contract 500

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

**INTERLOCAL CONTRACT
ARTERIAL INCIDENT AND EVENT MANAGEMENT SYSTEM**

THIS INTERLOCAL CONTRACT, made and entered into this 3rd day of July, 2005, by and between the Regional Transportation Commission of Southern Nevada, hereinafter referred to as RTC; the City of North Las Vegas, a municipal corporation, hereinafter referred to as CITY; the City of Las Vegas, a municipal corporation, hereinafter referred to as LAS VEGAS; and the County of Clark, a political subdivision, hereinafter referred to as COUNTY, organized pursuant to Chapter 373 of the Nevada Revised Statutes and Chapter 4.04 of the Clark County Code.

WITNESSETH

WHEREAS, pursuant to Chapter 373 of the Nevada Revised Statutes, a Project to develop, design, perform construction inspection, construct, and evaluate Intelligent Transportation Systems (ITS) technologies for Craig Road, and Las Vegas Boulevard North, has been approved by the RTC; and

WHEREAS, the CITY is requesting funds for the development and implementation of the Arterial Incident and Event Management System (AIEMS), *also known as the Multimodal Event Management System*, which shall hereinafter be called the PROJECT; and

WHEREAS, the PROJECT is identified and shown on the attached Exhibit "A".

NOW THEREFORE, in consideration of the covenants, conditions, agreements and promises of the parties hereto, the RTC authorizes the CITY to proceed with the PROJECT as it is mutually agreed and understood as follows:

SECTION I - SCOPE OF PROJECT

This interlocal applies to the development, design, and deployment of arterial incident and event management systems (*also known as an Intelligent Transportation Systems - ITS*) in the Craig Road, and Las Vegas Boulevard corridors. The PROJECT will develop, integrate and implement these ITS systems into the arterial management systems of the Freeway and Arterial System of Transportation (FAST), the Advance Traveler Information System (ATIS), and historical records maintained in the FAST Archived Data User System (ADUS). These systems will aid regional traffic operations through improved event management and improved traffic control and congestion relief through incident detection and verification while improving the safety and mobility of travelers throughout the metropolitan area.

SECTION II - PROJECT COSTS

The RTC agrees to provide funding from Question 10 ITS/Traffic Signal funds for PROJECT costs according to Section 6.1 REIMBURSABLE COSTS of the current Policies and Procedures Manual of the RTC within the limits specified below:

1. The total cost to perform preliminary engineering, design, contract administration, surveying, inspection, testing, right-of-way engineering, appraisals, right-of-way negotiations and acquisition, utility relocations, construction, and construction engineering shall not exceed \$680,000.

2. The CITY will be granted an "Authorization to Proceed" for the PROJECT in an amount not to exceed \$25,000, at the time written "Authorization to Proceed" is received from the RTC.
3. A written request must be made to the RTC and a supplemental interlocal contract approved to increase the total amount noted above prior to payment of any additional funds.

SECTION III - GENERAL

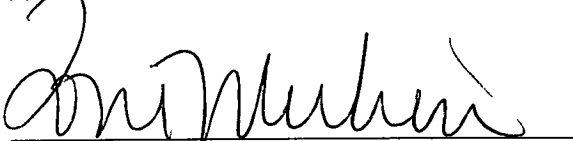
1. All or part of the funding for the PROJECT may be provided by Federal funds.
2. The plans, contract documents and special provisions, and project signs shall show the RTC as a funding agency.
3. Preliminary engineering, design, right-of-way engineering, and contract administration shall be performed by the CITY or by a consultant employed by the CITY.
4. The design, construction, right-of-way acquisition, and contract administration of the PROJECT shall comply with the requirements as set forth in the current "Policies and Procedures" of the RTC.
5. Construction costs shall be paid directly to the contractor based on estimates prepared by the CITY.
6. Upon the completion of construction of the PROJECT, it shall be maintained by FAST in accordance with the current FAST Agreement.
7. The project must be completed to the satisfaction of RTC prior to June 30, 2007. The RTC may at any time thereafter grant time extensions or terminate this Contract and require all sums advanced to the CITY be reimbursed.
8. It is understood and agreed that the purpose of this Interlocal Contract is to fund the PROJECT as herein above set forth. It is further understood and agreed that the CITY is responsible for the design and construction of the PROJECT and will hold the other parties to this Interlocal Contract and the RTC harmless for any liability therefore except the funding provided by this Interlocal Contract.

IN WITNESS WHEREOF, this Interlocal Contract is hereby executed as of the date first set forth above.

Date of Commission Action:

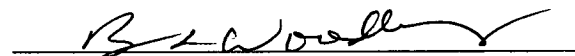
3/10/05

ATTEST:



TONI MICHENER
Executive Assistant

REGIONAL TRANSPORTATION
COMMISSION OF SO. NEVADA



BRUCE L. WOODBURY
Chairman

APPROVED AS TO LEGALITY AND FORM:



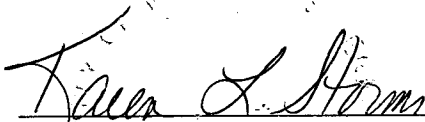
ZEV KAPLAN
General Counsel

Date of City Council Action:

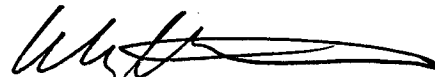
June 1, 2005

ATTEST:

CITY OF NORTH LAS VEGAS

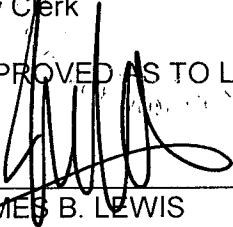


KAREN STORMS, CMC
City Clerk



MICHAEL L. MONTANDON
Mayor

APPROVED AS TO LEGALITY AND FORM:



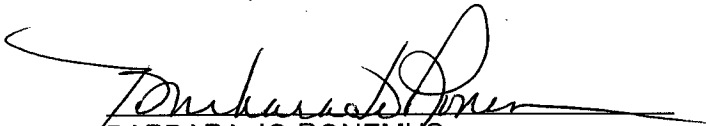
JAMES B. LEWIS
Deputy City Attorney

Date of City Council Action:

April 6, 2005

ATTEST:

CITY OF LAS VEGAS



BARBARA JO RONEMUS
City Clerk



OSCAR B. GOODMAN
Mayor

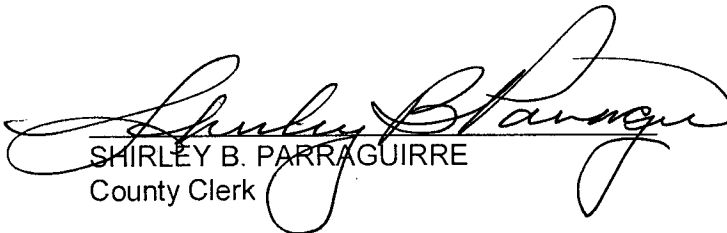
APPROVED AS TO FORM:
Barbara Jo Ronemus 3/18/05
Date

Date of Commission Action:

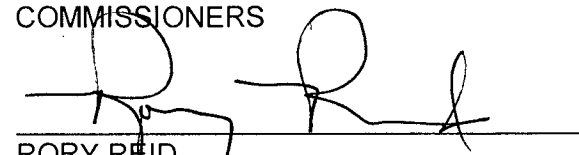
July 5, 2005

ATTEST:

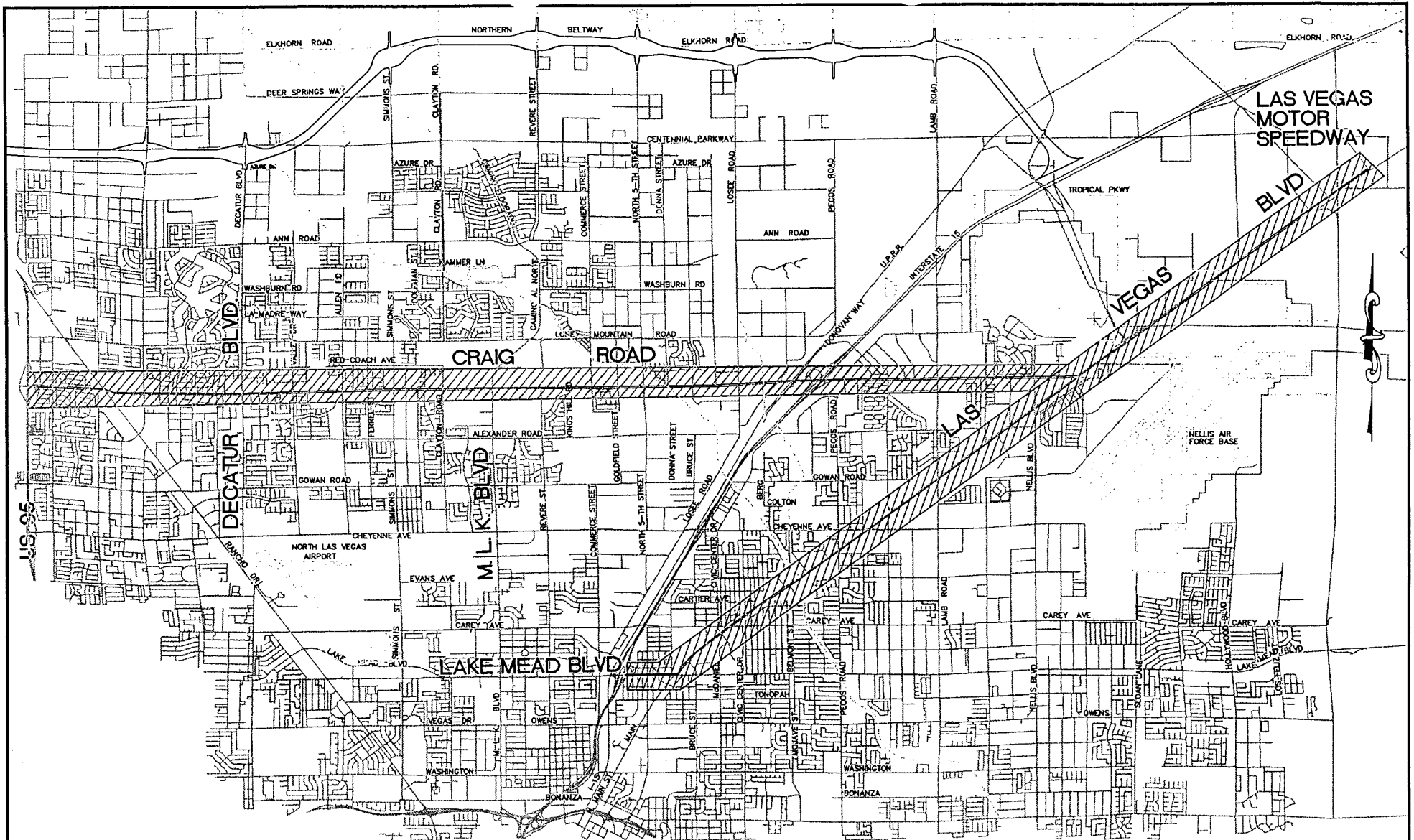
CLARK COUNTY BOARD OF
COMMISSIONERS



SHIRLEY B. PARRAGUIRRE
County Clerk



RORY REID
Chairman



VICINITY MAP

 PROJECT AREA



DEPARTMENT OF PUBLIC WORKS
ENGINEERING SERVICES DIVISION

ARTERIAL INCIDENT AND EVENT MANAGEMENT SYSTEM

SCALE: N.T.S.

DRAWING NAME: Maps\Vicinity\Exhibit One-Vic.Owg

DRAWN BY: S.KRUEGER

DATE: 05/27/03

PAGE 14 OF 14

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Kimball Hill Homes Nevada, Incorporated, owner (Tee Pee Lane between Farm Road and Donald Nelson Avenue) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for an approximate 7.5 foot wide area of landscaping on the west side of Tee Pee Lane between Farm Road and Donald Nelson Avenue consisting of trees, shrubs, ground cover and an irrigation system to meet Town Center landscaping requirements for the proposed Terrasano III subdivision. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (Tee Pee Lane south of Donald Nelson Avenue)
2. Copy of Encroachment Exhibit "B" (Tee Pee Lane north of Farm Road)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

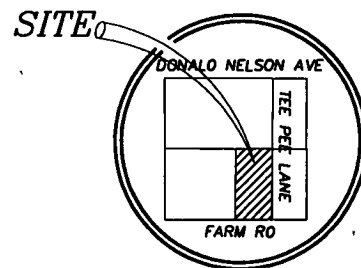
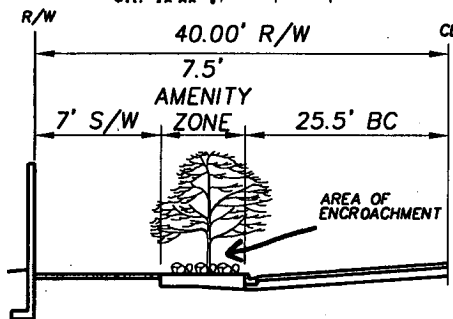
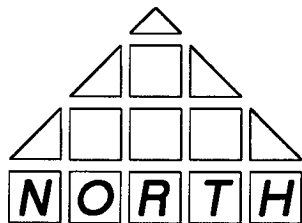
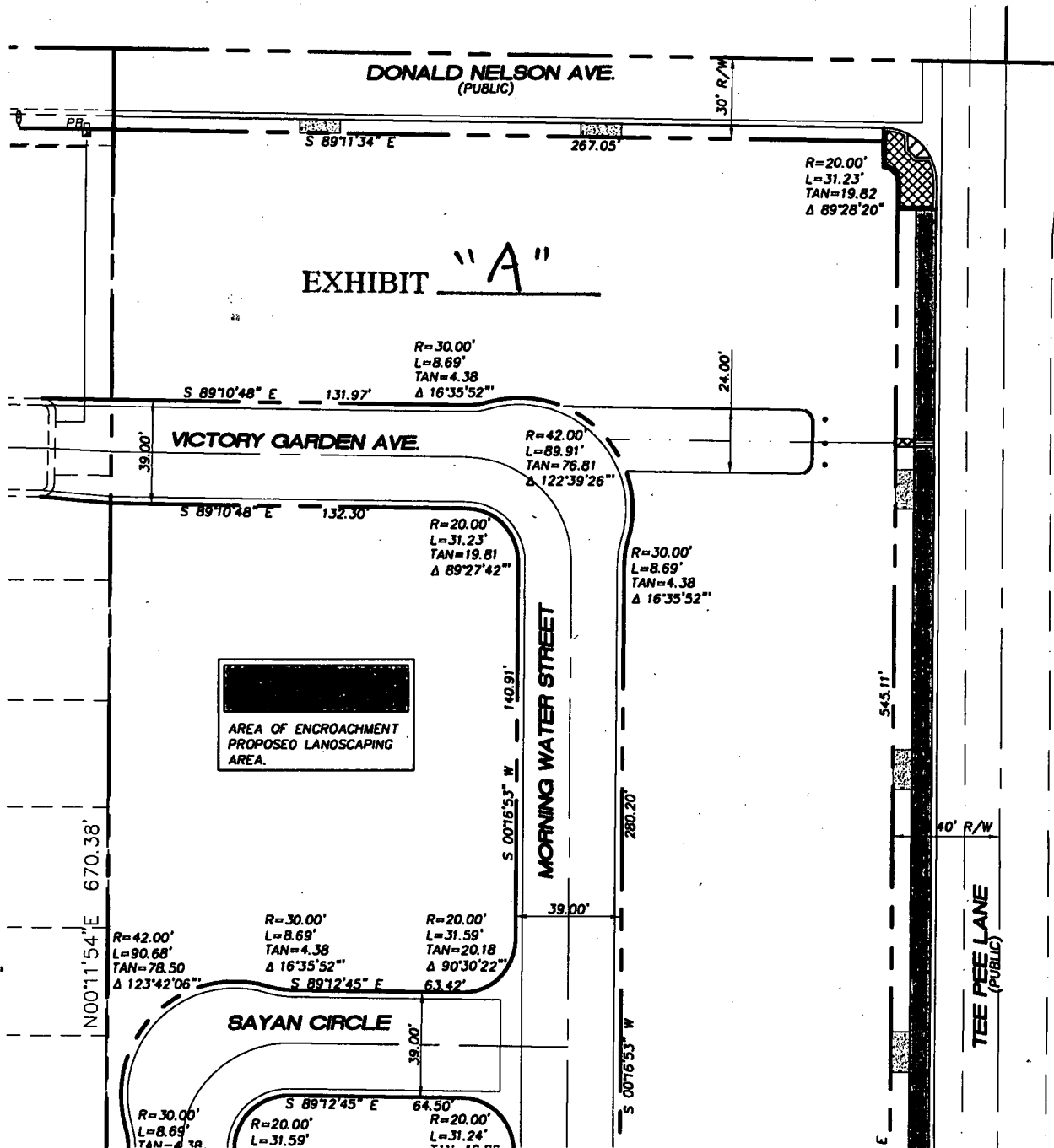
Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from JVC Architects on behalf of Ada Cohen, lessee (southwest corner of Ogden Avenue and Eighth Street) - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for existing balconies and roof overhang protruding into public airspace for no more than four feet over the Ogden Avenue and Eighth Street right-of-way for the Downtowner Motel improvements. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (southwest corner of Ogden Avenue and Eighth Street)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

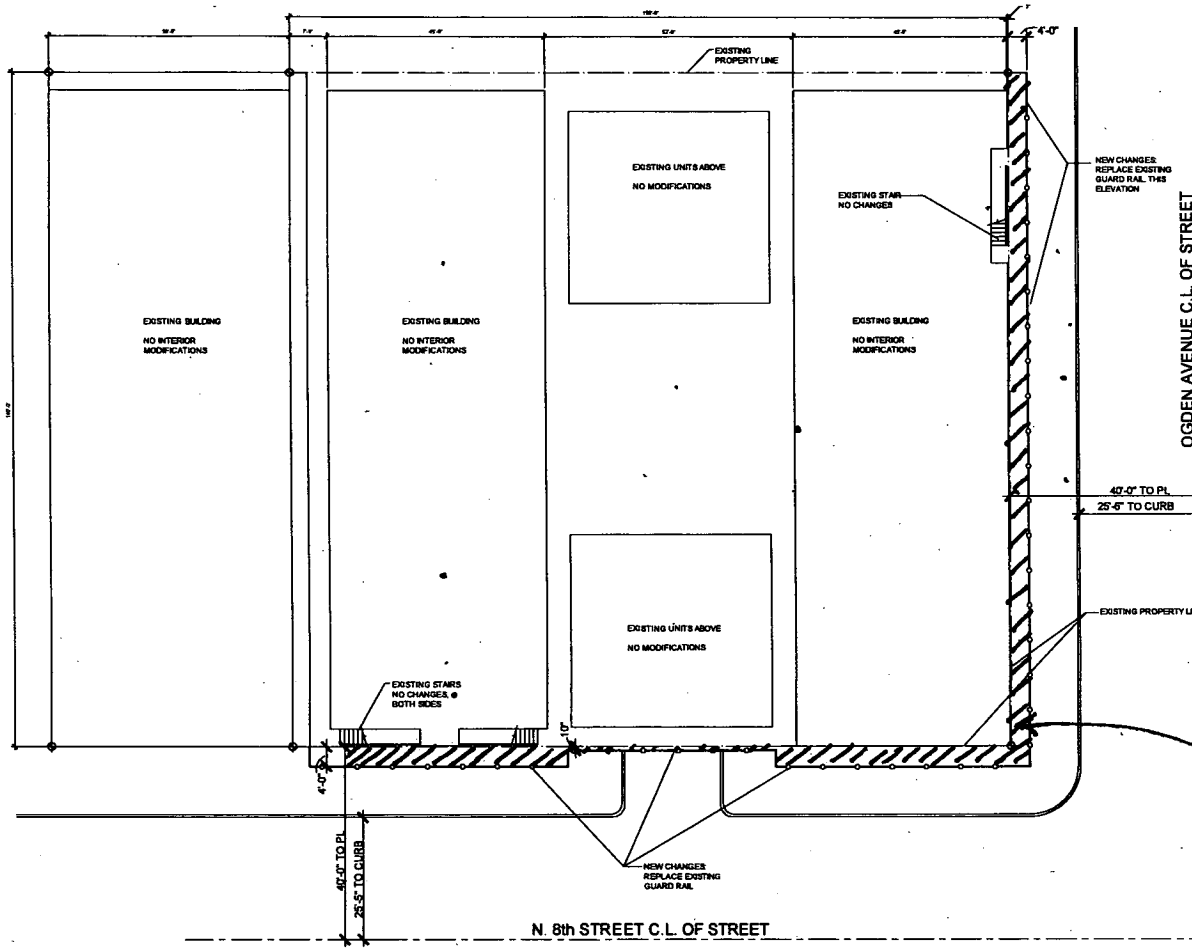
Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530



LOT 14,15,16
BLOCK 12
APN# 139-34-614-017
SUBDIVISION 612

OWNER: ADA COHEN, PHONE
OWNER'S REPRESENTATION:
JVC ARCHITECTS
ROY BURSON 871-3416

PROJECT NAME: DOWNTOWNER
LOCATION: 121 NORTH 8TH ST

AREA OF
ENCROACHMENT

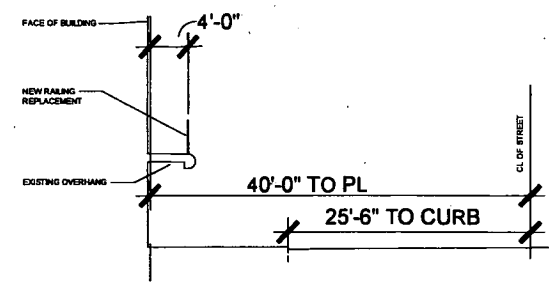
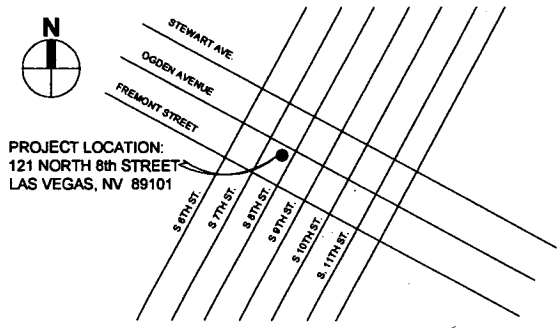


EXHIBIT "A"

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from Bunkers Mortuary on behalf of Carriage Cemetery Services, Incorporated, owner (southeast corner of Lone Mountain Road and Monte Cristo Way) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for an approximate 30 foot wide area of landscaping on the south side of Lone Mountain Road between Tenaya Way and Monte Cristo Way and an approximate 30 foot wide area of landscaping on the east side of Monte Cristo Way between Lone Mountain Road and Red Coach Avenue consisting of trees, shrubs, rocks, ground cover and an irrigation system for a proposed mausoleum addition. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (southeast corner of Lone Mountain Road and Monte Cristo Way)
2. Copy of Encroachment Exhibit "B" (vicinity map)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

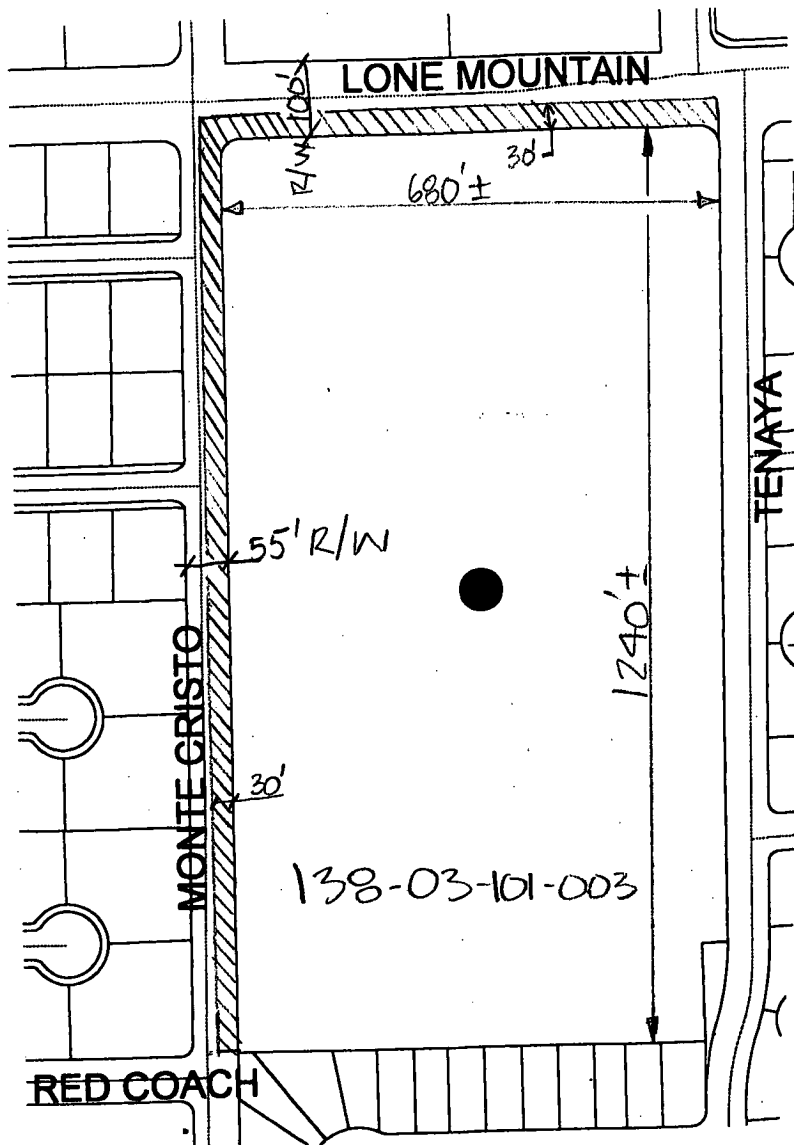
Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530



AREA OF
ENCROACHMENT

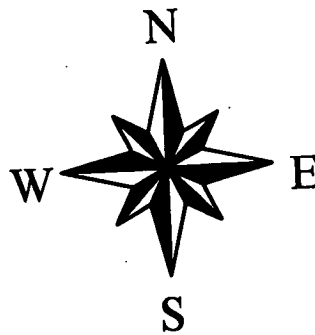
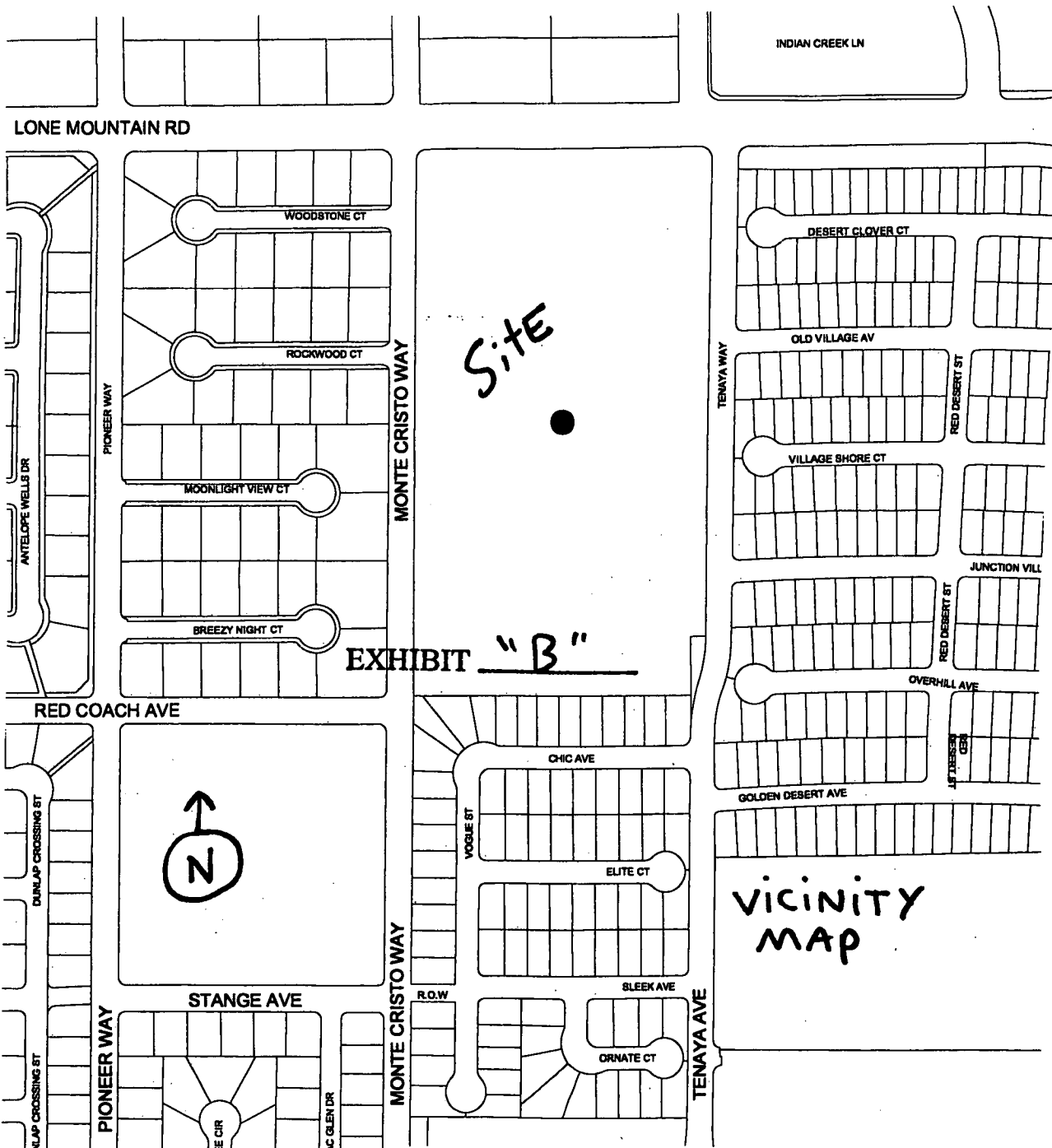


EXHIBIT "A"



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD GOECKE**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Michael G. Alexander Living Trust, Michael G. Alexander, Trustee, owner (west of Quadrel Street, North of Craig Road, APN 138-04-603-013) - County (near Ward 4 - Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located west of Quadrel Street, north of Craig Road. The owner proposes to connect to an existing 12-inch sewer line in Craig Road. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicant has signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

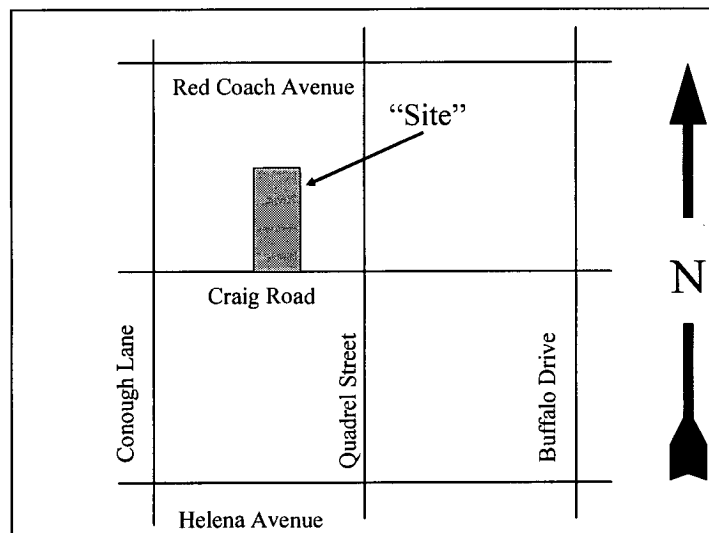
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – MICHAEL G. ALEXANDER LIVING TRUST,
MICHAEL G. ALEXANDER, TRUSTEE, OWNER (WEST OF QUADREL
STREET, NORTH OF CRAIG ROAD, APN 138-04-603-013)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 7th day of February, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Alexander, Michael G. Living Trust & Alexander, Michael G. TRS (approximately 1.04 acres – vacant land; Parcel No. 138-04-603-013 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all

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

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By Chuck Ethridge
CHUCK ETHRIDGE, Acting General Manager

CITY OF LAS VEGAS

By Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

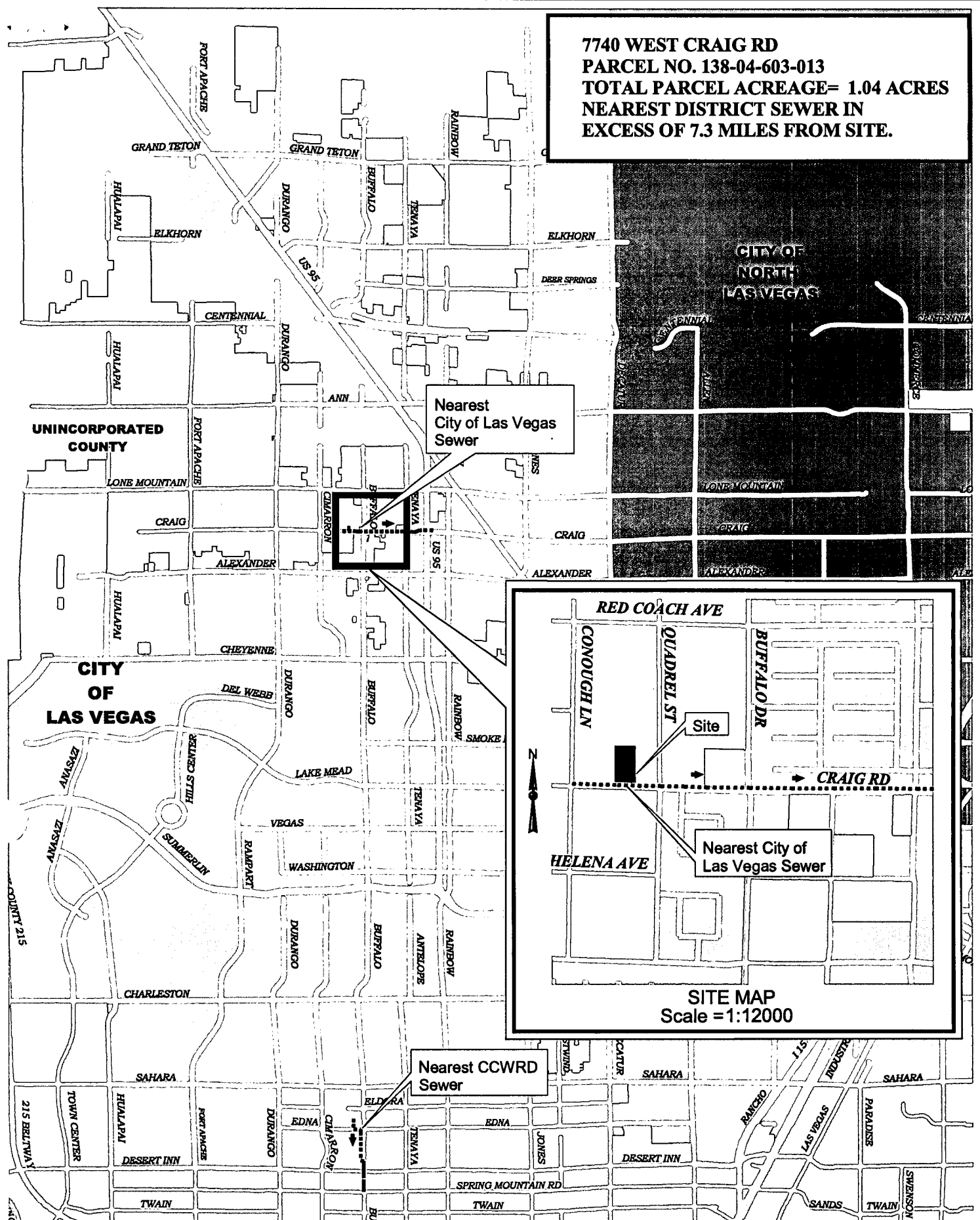
ATTEST:

By Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By Thomas R. Green 4/13/05
Deputy City Attorney

7740 WEST CRAIG RD
 PARCEL NO. 138-04-603-013
 TOTAL PARCEL ACREAGE= 1.04 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 7.3 MILES FROM SITE.



Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from El Gran Patron, LLC, owner (northwest corner of Coolidge Avenue and Fourth Street) - Ward 1 (Tarkanian)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for landscaping on the north side of Coolidge Avenue extending westward from Fourth Street and on the west side of Fourth Street extending northward from Coolidge Avenue consisting of trees, shrubs, ground cover and an irrigation system and a business sign approximately 10 feet tall and 5 feet to 7 feet wide at the corner of Coolidge Avenue and Fourth Street for the Nevada Daily Legal News building. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (northwest corner of Coolidge Avenue and Fourth Street)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

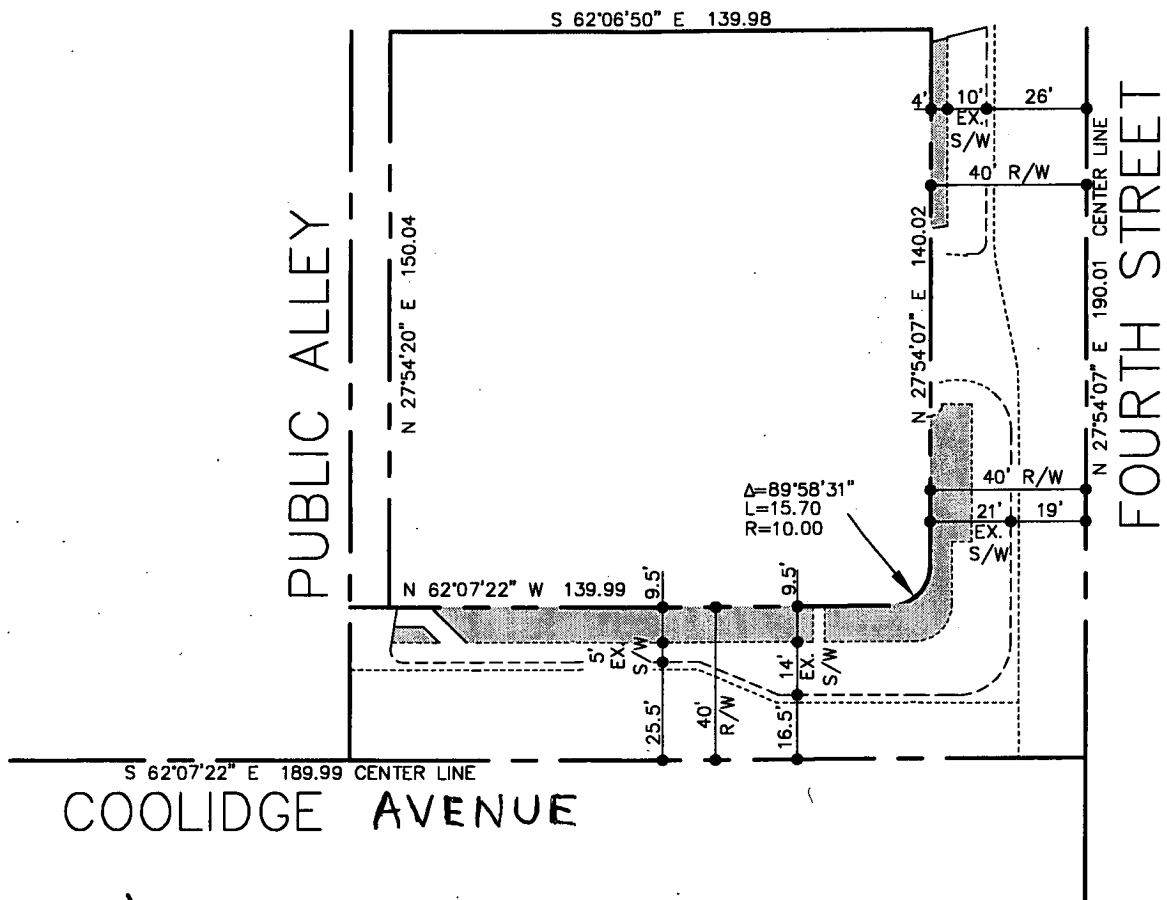
Item 15: STRICKEN under separate action (see individual item)

MINUTES:

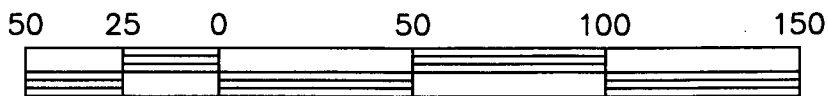
There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530



AREA OF ENCROACHMENT
 PROPOSED LANDSCAPING AREA



SCALE IN FEET
 1 INCH = 50 FT.

Encroachment Display
 EXHIBIT "A"
 NDLN01encroach.dwg

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from John David Burke Architects on behalf of Becker Equities, owner (southeast corner of Durango Drive and Centennial Parkway) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for landscaping of the median adjacent to the property line on Durango Drive extending southward from Centennial Parkway for 185 feet and on the median adjacent to the property line on Centennial Parkway extending eastward from Durango Drive for 242 feet consisting of landscaping to meet Town Center Landscaping Requirements for a proposed convenience store. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

1. Copy of Encroachment Exhibit "A" (Durango Drive south of Centennial Parkway)
2. Copy of Encroachment Exhibit "B" (Centennial Parkway east of Durango Drive)
3. Copy of Encroachment Exhibit "C" (typical sections of Durango Drive and Centennial Parkway)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

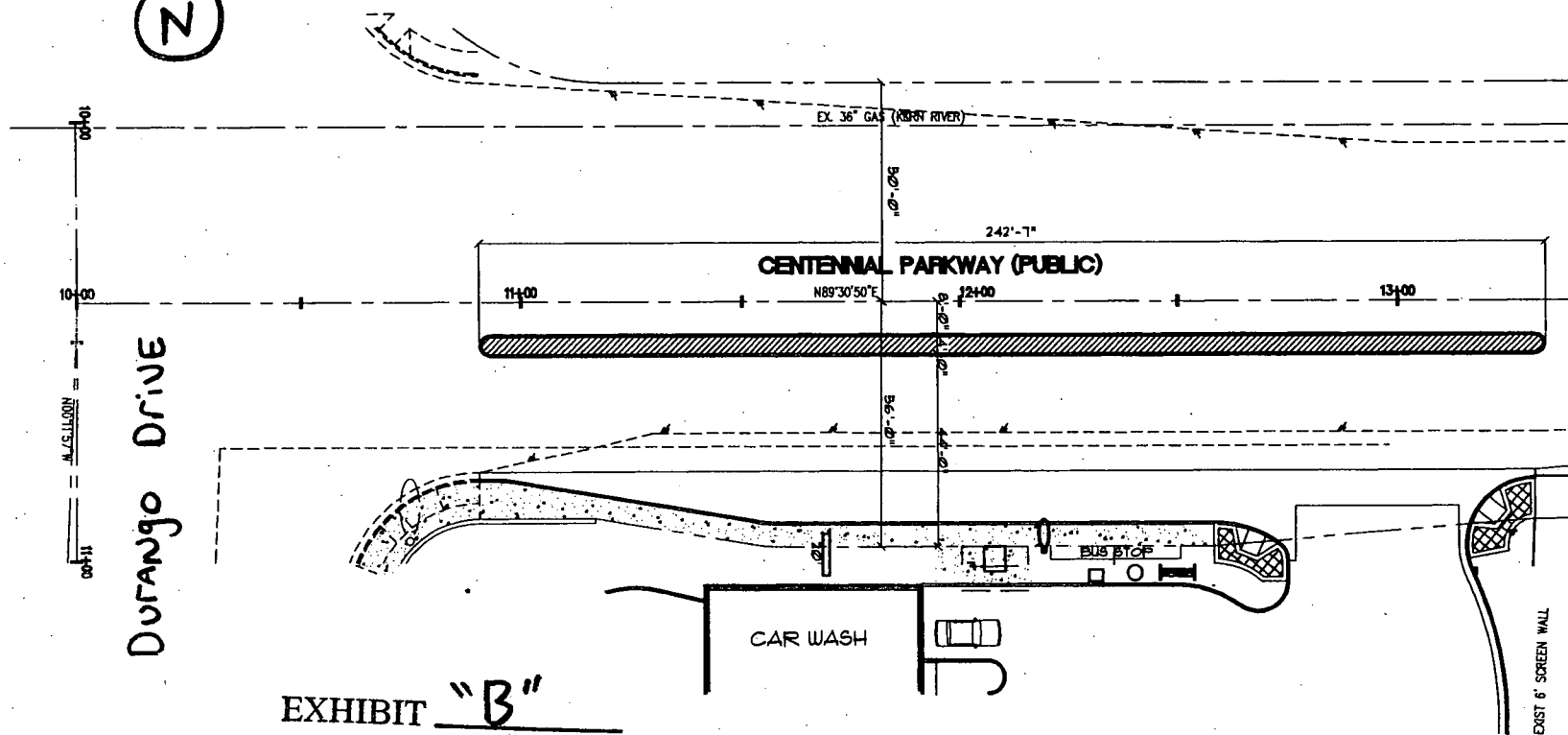
Item 15: STRICKEN under separate action (see individual item)

MINUTES:

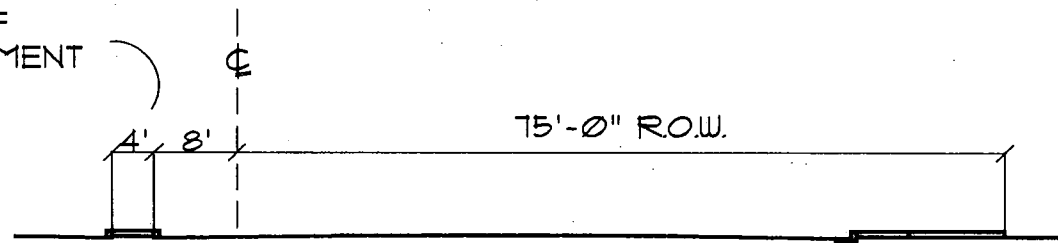
There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

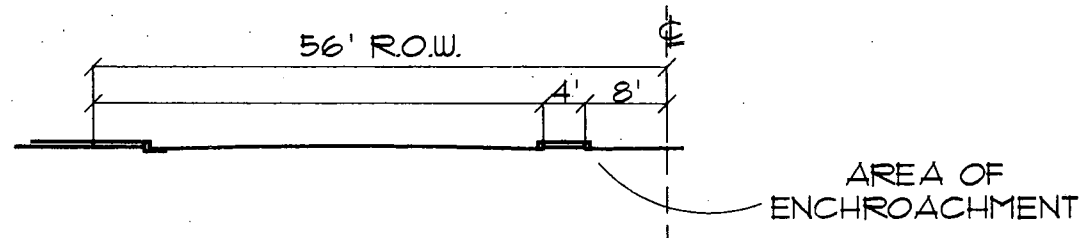


AREA OF
ENCHROACHMENT



**DURANGO DRIVE
(PUBLIC)**

EXHIBIT "C"



CENTENNIAL PARKWAY (PUBLIC)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Robert D. Riggs and Judy Riggs, owners (north of Tropical Parkway, east of Conquistador Street, APN 125-30-202-012) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located north of Tropical Parkway, east of Conquistador Street. The owners propose to connect to an existing 12-inch sewer line located in Tropical Parkway. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

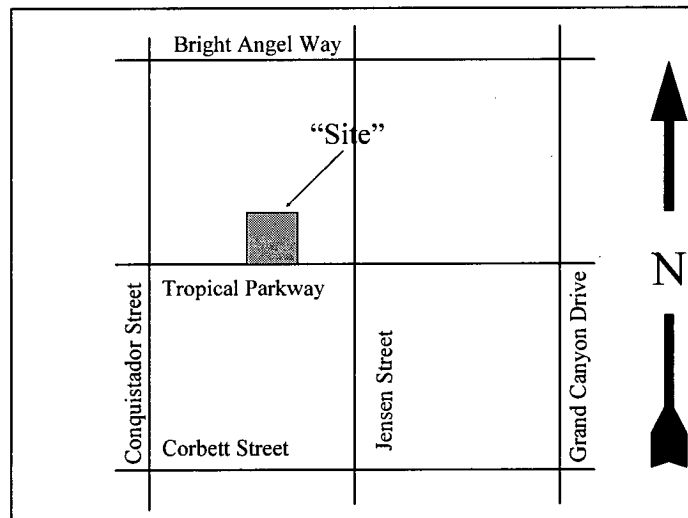
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – ROBERT D. RIGGS AND JUDY RIGGS,
OWNERS (NORTH OF TROPICAL PARKWAY, EAST OF
CONQUISTADOR STREET, APN 125-30-202-012)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 3rd day of March, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Riggs, Robert D and Judy; approximately 0.49 acres – vacant land; Parcel No. 125-30-202-012 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

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

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

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

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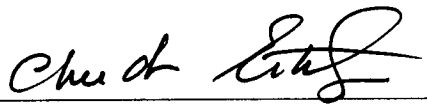
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6. Each party warrants to the other that they have the authority and capacity to perform the provisions hereof.

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
CHUCK ETHRIDGE, Acting General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  4/13/05
Deputy City Attorney

TROPICAL / JENSEN PARCEL
PARCEL NO. 125-30-202-012
TOTAL PARCEL ACREAGE= 0.49 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 9.2 MILES FROM SITE.

**NEAREST CITY OF
LAS VEGAS SEWER**

**CITY OF
NORTH
LAS VEGAS**

**UNINCORPORATED
COUNTY**

**CITY
OF
LAS VEGAS**

**NEAREST CCWRD
SEWER**



**NEAREST CITY OF
LAS VEGAS SEWER**

SITE MAP

Scale = 1:12000

Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Gary Wayne Williams and Patricia A. Williams, owners (northwest corner of Tropical Parkway and Jensen Street, APN 125-30-202-014) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located at the northwest corner of Tropical Parkway and Jensen Street. The owners propose to connect to the 12-inch sewer line located in Tropical Parkway. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

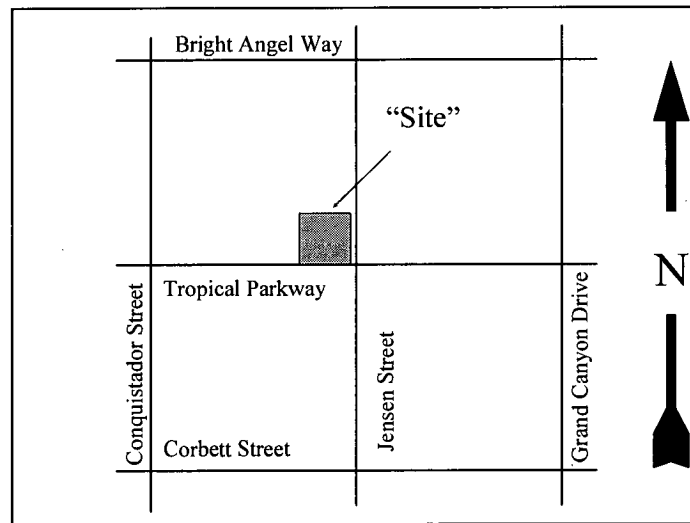
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – GARY WAYNE WILLIAMS AND PATRICIA
A. WILLIAMS, OWNERS (NORTHWEST CORNER OF TROPICAL
PARKWAY AND JENSEN STREET, APN 125-30-202-014)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 3rd day of March, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Williams, Gary Wayne and Patricia Ann; approximately 0.50 acres – vacant land; Parcel No. 125-30-202-014 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By 
CHUCK ETHRIDGE, Acting General Manager

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  4/13/05
Deputy City Attorney

TROPICAL / EL CAPITAN PARCEL
 PARCEL NO. 125-29-304-006
 TOTAL PARCEL ACREAGE= 1.01 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 9 MILES FROM SITE.

NEAREST CITY OF
 LAS VEGAS SEWER

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY

NEAREST CITY OF
 LAS VEGAS SEWER

TROPICAL PKY

SITE

CORBETT ST

EL CAMPO GRANDE AVE

SITE MAP

Scale = 1:12000

CITY
 OF
 LAS VEGAS

NEAREST CCWRD
 SEWER

Scale = 1:96000

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Temple Family Trust, Dix Frampton and Sunhee Frampton, Trustees, owners (north of Corbett Street, west of El Capitan Way, APN 125-29-304-006) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect a single-family dwelling located north of Corbett Street, west of El Capitan Way. The owners propose to connect to the 12-inch sewer line located in Tropical Parkway. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

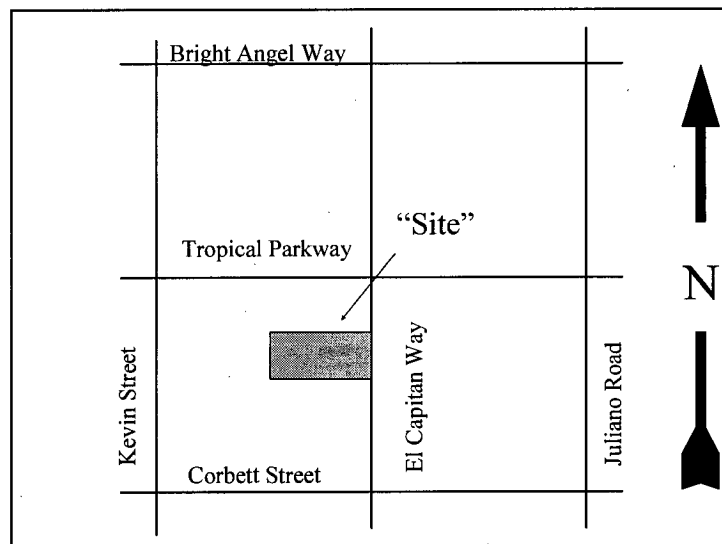
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – TEMPLE FAMILY TRUST, DIX FRAMPTON
AND SUNHEE FRAMPTON, TRUSTEES, OWNERS (NORTH OF
CORBETT STREET, WEST OF EL CAPITAN WAY, APN 125-29-304-006)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 3rd day of March, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by Temple Family Trust/Frampton, Sunhee & Dix Trustees (approximately 1.01 acres – vacant land; Parcel No. 125-29-304-006 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By Chuck Ethridge
CHUCK ETHRIDGE, Acting General Manager

CITY OF LAS VEGAS

By Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

ATTEST:

By Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By Thomas R. Green 4/13/05
Deputy City Attorney

9680 WEST TROPICAL PKWY
 PARCEL NO. 125-30-202-014
 TOTAL PARCEL ACREAGE= 0.50 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 9 MILES FROM SITE.

NEAREST CITY OF
 LAS VEGAS SEWER

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY

NEAREST CITY OF
 LAS VEGAS SEWER

SITE

TROPICAL PKY

CORBETT ST

SITE MAP

Scale = 1:12000

CITY OF
 LAS VEGAS

NEAREST CCWRD
 SEWER

Scale = 1:96000



Clark County
 Water Reclamation
 DISTRICT

ILA #344 - EXHIBIT A

5092605

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Encroachment Request from Port Of Subs, Incorporated, lessee (southwest corner of Stewart Avenue and Las Vegas Boulevard) - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is for outdoor seating on the south side of Stewart Avenue west of Las Vegas Boulevard that will compose of no more than 3 tables with umbrellas and no more than four chairs per table for the Port Of Subs restaurant. If approved, the applicant will be required to sign an Encroachment Agreement, which has conditions of maintenance, liability and removal.

RECOMMENDATION:

Approval

BACKUP DOCUMENTATION:

Copy of Encroachment Exhibit "A" (southwest corner of Stewart Avenue and Las Vegas Boulevard)

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

NOTE: Under Item 3, **COUNCILMAN MACK** disclosed that the location involved in Item 36 is in proximity to the Lady Luck Casino, with which his brother-in-law **ANDREW DONNER** has a contract related to its non-restricted gaming license. **COUNCILMAN MACK** indicated he would be voting, as he did not believe his brother-in-law's interest would be impacted, and they have not discussed this matter.

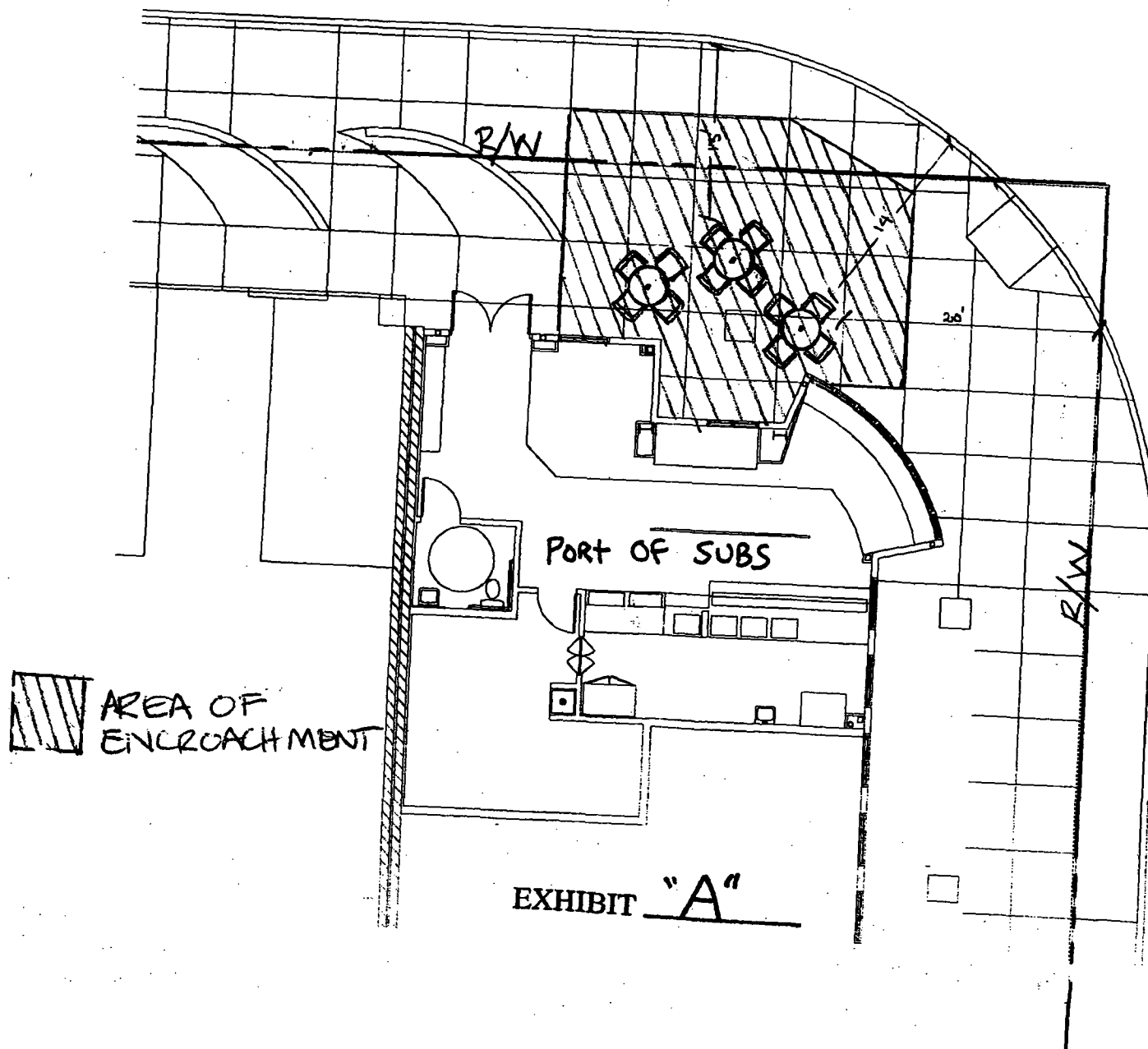
MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

STEWART



LAS VEGAS BLVD

EXHIBIT "A"

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (southeast corner of Mustang Street and Deer Springs Way, APN 125-23-702-001) - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect 4 single-family dwellings located at the southeast corner of Mustang Street and Deer Springs Way. The owner proposes to connect to the 8-inch sewer line located in Deer Springs Way. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

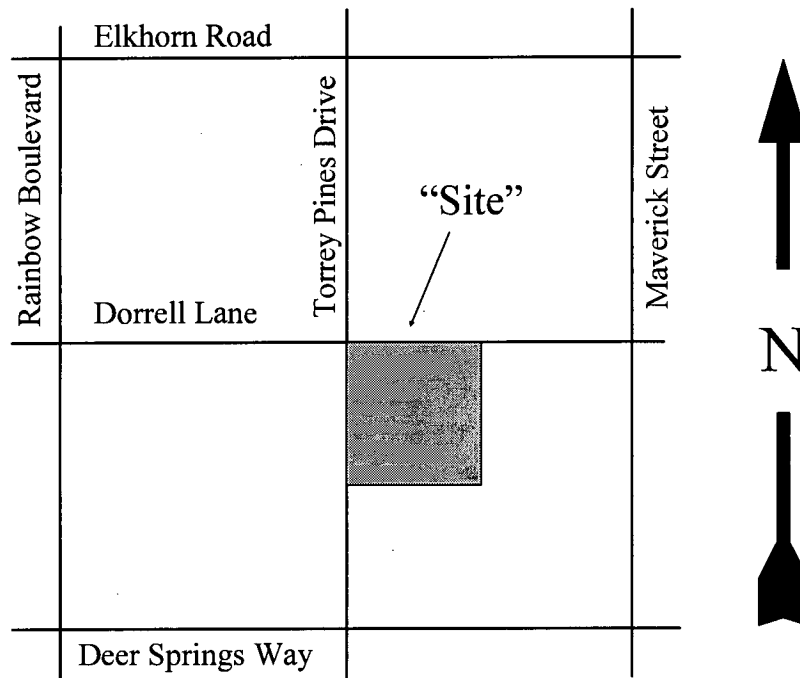
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT – ALPHA ENGINEERING ON BEHALF OF
D.R. HORTON, INCORPORATED, OWNER (SOUTHEAST CORNER OF
MUSTANG STREET AND DEER SPRINGS WAY, APN 125-23-702-001)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 3rd day of March, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by D.R. Horton, Inc.; approximately 2.02 acres – vacant land; Parcel No. 125-23-702-001 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

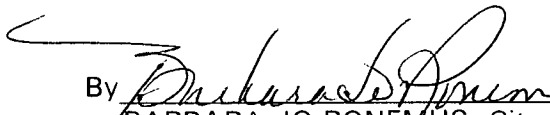
CLARK COUNTY WATER RECLAMATION DISTRICT

By 
CHUCK ETHRIDGE, Acting General Manager

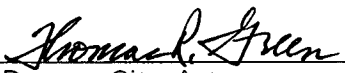
CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor

ATTEST:

By 
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By  4/13/05
Deputy City Attorney

ELKHORN PONDEROSA III
 PARCEL NO. 125-23-702-001
 TOTAL PARCEL ACREAGE= 2.02 ACRES
 NEAREST DISTRICT SEWER IN
 EXCESS OF 9.8 MILES FROM SITE.

NEAREST CITY OF
 LAS VEGAS SEWER

CITY OF
 NORTH
 LAS VEGAS

UNINCORPORATED
 COUNTY

NEAREST CITY OF
 LAS VEGAS SEWER

DEER SPRINGS WAY

MUSTANG ST

SITE

JONES BLVD

SITE MAP

Scale = 1:12000

NEAREST CCWRD
 SEWER

Scale = 1:96000



ILA #343 - EXHIBIT A

50362/20

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD GOECKE**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (south of Dorrell Lane, west of Torrey Pines Drive, APNs 125-23-201-002, 125-23-201-005, 125-23-201-012, 125-23-601-002 and 125-23-601-027 - County (near Ward 6 - Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This request is to connect 103 single-family dwellings located south of Dorrell Lane, west of Torrey Pines Drive. The owners will connect and coordinate the extension of the Torrey Pines Interceptor to the northern edge of the development. The Planning Department has determined the project does conform to the City's General Plan for the area. The applicants have signed a "Sewer Connection Agreement." This property is within the Clark County Interlocal Annexation Exceptions area.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Interlocal Contract

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

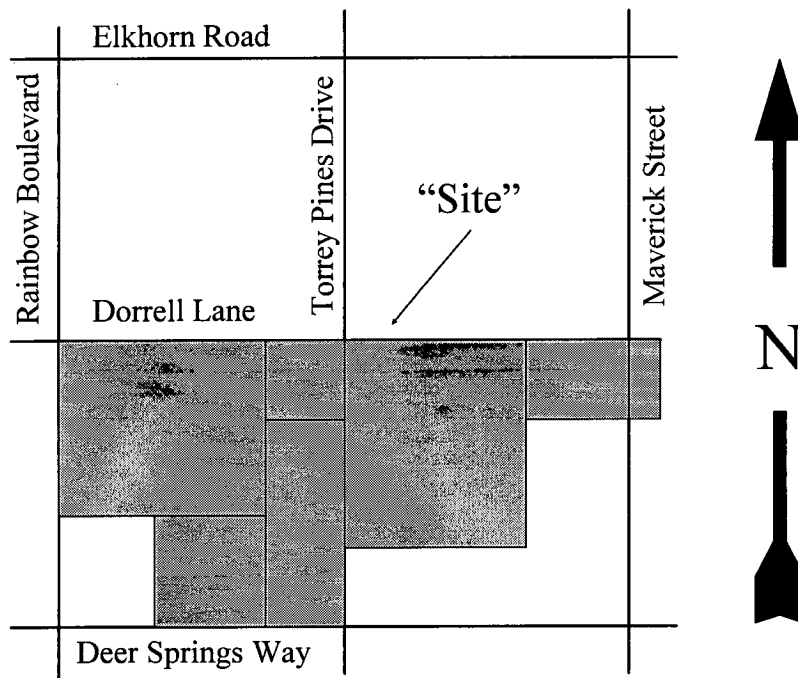
AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

**ITEM DESCRIPTION: APPROVAL OF SEWER CONNECTION AND
INTERLOCAL CONTRACT WITH CLARK COUNTY WATER
RECLAMATION DISTRICT –ALPHA ENGINEERING ON BEHALF OF
D.R. HORTON, INCORPORATED, OWNER (SOUTH OF DORRELL
LANE, WEST OF TORREY PINES DRIVE, APN 125-23-201-002, 125-23-
201-005, 125-23-201-012, 125-23-601-002 AND 125-23-601-027)**

VICINITY MAP



INTERLOCAL CONTRACT

THIS CONTRACT is entered into as of the 3rd day of March, 2005, by and between the CLARK COUNTY WATER RECLAMATION DISTRICT ("DISTRICT") and the CITY OF LAS VEGAS ("CITY"), both political subdivisions of the State of Nevada, located within Clark County, Nevada.

WITNESSETH:

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

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

WHEREAS, DISTRICT sewer lines are not accessible to provide service to the area as shown in Exhibit "A," owned by D.R. Horton, Inc.; approximately 50.00 acres – vacant land; Parcel No. 125-23-201-002, 005, 012 and 125-23-601-002, 027 which is within the boundaries of the DISTRICT and beyond the corporate limits of the CITY but which is more accessible to sewer service by the CITY; and

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

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

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

2. Upon adoption of this CONTRACT, DISTRICT will require all customers/applicants who are located within the boundaries of Exhibit "A" to pay

sewer service and System Development Approval (SDA) charges directly to the CITY. CITY will issue a receipt of payment to each customer/applicant; each customer/applicant shall submit this paid receipt and copy of approved application to the DISTRICT and obtain a DISTRICT SDA for issuance of a Clark County building permit(s).

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

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

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

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

WITNESS OUR HANDS the day and year first above written.

CLARK COUNTY WATER RECLAMATION DISTRICT

By Chuck Ethridge
CHUCK ETHRIDGE, Acting General Manager

CITY OF LAS VEGAS

By Oscar B. Goodman
OSCAR B. GOODMAN, Mayor

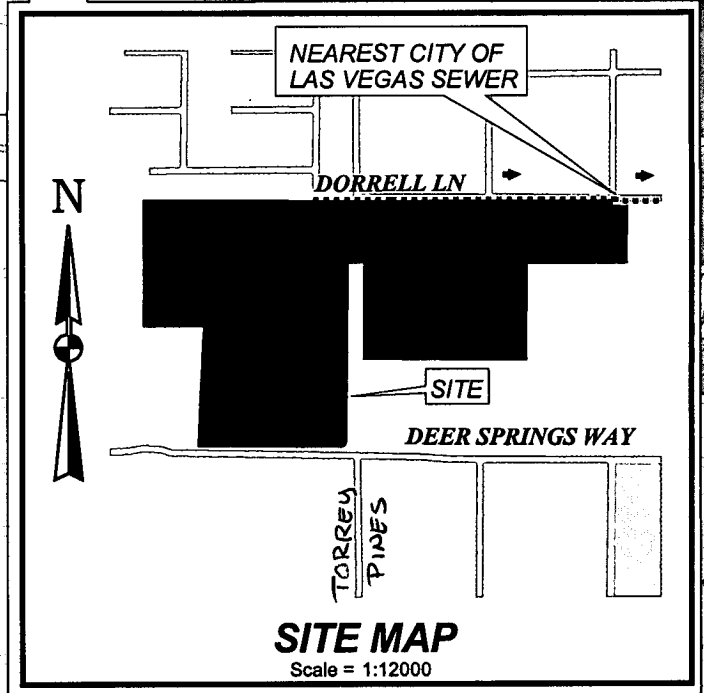
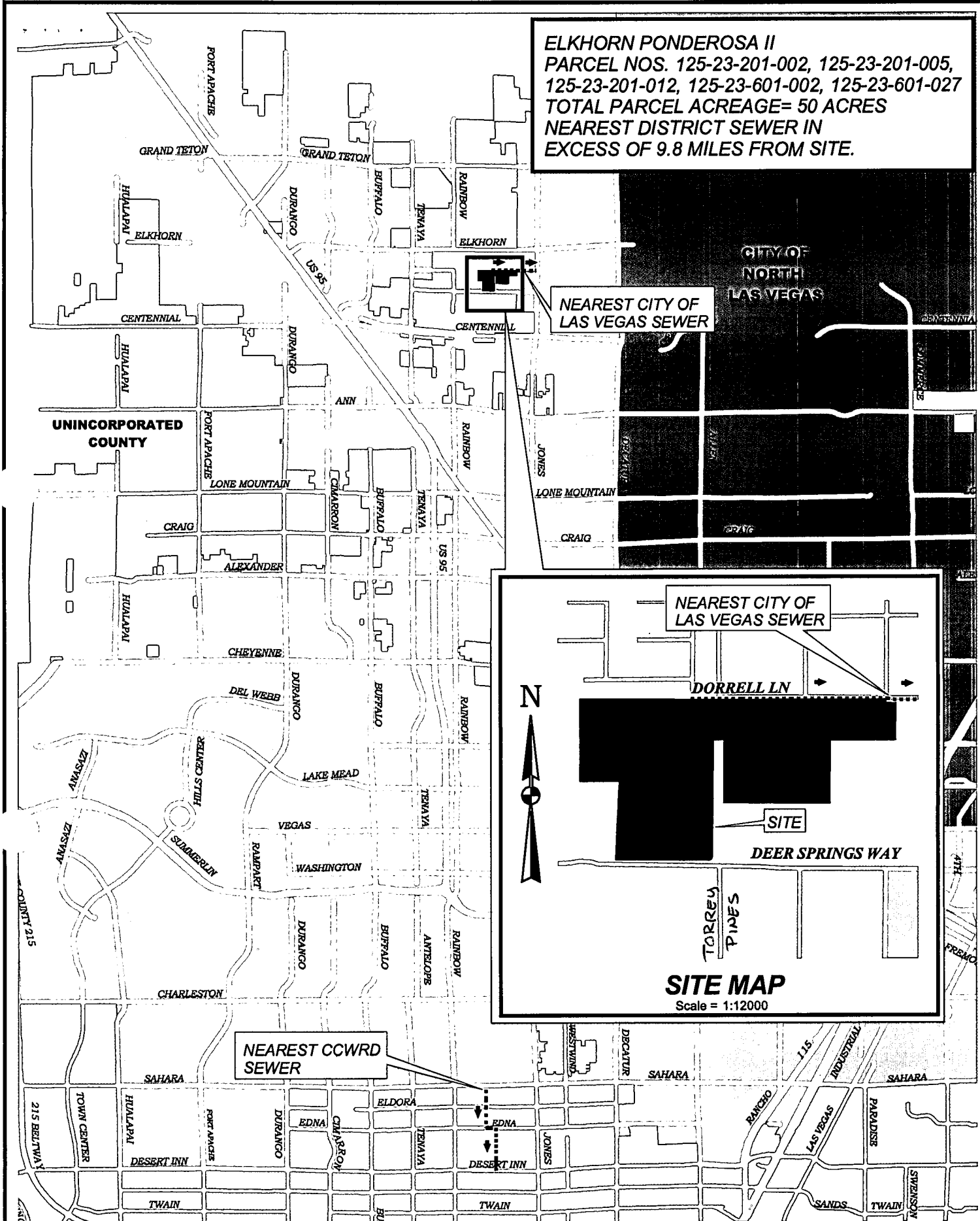
ATTEST:

By Barbara Jo Ronemus
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

By Thomas H. Green 4/13/05
Deputy City Attorney

ELKHORN PONDEROSA II
PARCEL NOS. 125-23-201-002, 125-23-201-005,
125-23-201-012, 125-23-601-002, 125-23-601-027
TOTAL PARCEL ACREAGE= 50 ACRES
NEAREST DISTRICT SEWER IN
EXCESS OF 9.8 MILES FROM SITE.



Scale = 1:96000



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

Approval of an Agreement between the Commission for the Las Vegas Centennial and the City of Las Vegas concerning placement, ownership and maintenance of historic markers - All Wards

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The Las Vegas Centennial historic marker program is a legacy project. The Commission for the Las Vegas Centennial will sunset in January 2006. Approval of this Agreement will transfer ownership and maintenance of historic markers to the City of Las Vegas to ensure preservation and continuation this significant historic program.

RECOMMENDATION:

Approval of the Agreement between the Commission for the Las Vegas Centennial and the City of Las Vegas.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Agreement
3. Exhibit A - Scope of Work
4. Exhibit B - Location Map

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

ITEM DESCRIPTION: APPROVAL OF AGREEMENT BETWEEN THE COMMISSION FOR THE LAS VEGAS CENTENNIAL AND THE CITY OF LAS VEGAS CONCERNING PLACEMENT, OWNERSHIP AND MAINTENANCE OF HISTORIC MARKERS

1. The Commission for the Las Vegas Centennial selected the historic marker program as a legacy project to commemorate and celebrate the 100th birthday of Las Vegas.
2. Centennial funds will be used to fabricate and install 21 historic markers throughout Las Vegas Valley to recognize historic places and events that shaped the Las Vegas community.
3. The Commission for the Las Vegas Centennial will complete the work in a professional manner in compliance with all applicable local, state, and federal guidelines, regulations and laws.
3. The Commission for the Las Vegas Centennial will sunset in January, 2006 and through this Agreement ownership of the historic markers as described in Exhibit "B" will be transferred to the City of Las Vegas in perpetuity. All historic markers located on private property will be the responsibility of the private property owners.
4. The Agreement includes a provision that alerts the City of Las Vegas Historic Preservation Officer should relocation or removal threaten their existence.

**AGREEMENT
BETWEEN
THE CITY OF LAS VEGAS AND THE COMMISSION FOR THE LAS VEGAS
CENTENNIAL**

THIS AGREEMENT is made and entered into this 6th day of April, 2005, by and between the City of Las Vegas, a municipal corporation within the State of Nevada (the "City") and the Commission for the Las Vegas Centennial, a Nevada nonprofit corporation, (hereinafter referred to as "Commission").

RECITALS

WHEREAS, some of the goals of the Commission are to recognize and interpret the cultural history of the first residents of the Las Vegas Valley, to promote the preservation of its remaining historic and cultural resources; and to leave a legacy for future generations; and

WHEREAS, the Commission has approved the Centennial Marker Program ("the Markers"), which consists of a series of free-standing signs located at historic sites within the Las Vegas Valley, as a Signature Project of the Las Vegas Centennial Celebration; and

WHEREAS, the majority of the Markers will be located within the City's boundaries and as the historic birthplace of the Las Vegas community, the City has an interest in the installation and preservation of the Markers.

NOW, THEREFORE, the undersigned parties agree as follows:

1. **PROJECT DESCRIPTION.** The project consists of the design and installation of various improvements that include, but is not necessarily limited to marker poles, artwork and monument markers, and identifying historic significant sites within the City (the "Project").

2. **CITY OBLIGATIONS.** As part of its obligation under this Agreement, the City agrees to do the following:

- a. To take ownership of the Markers within its boundaries on January 1, 2006 or at a date mutually agreed to in writing by the parties.
- b. To maintain all historical markers located on property owned by the City of Las Vegas. All historical markers located on private property will be the responsibility of the private property owners.
- c. To notify the City of Las Vegas Historic Preservation Officer or its designee prior to any roadway or other public improvements that may result in the relocation or temporary removal of a Marker.

3. **COMMISSION OBLIGATIONS.** As a part of its obligation under this Agreement, the Commission agrees to do the following:

- a. To complete the work set forth in the Scope of Work, Exhibit "A" attached hereto and incorporated herein as a part of this Agreement. The Commission will complete the work in a professional manner in compliance with all applicable local, state, and federal guidelines, regulations, and laws.
- b. To acquire and install the necessary components of the Project subsequently agreed upon by the parties hereto including, without limitation, marker poles and artwork at the approximate locations outlined in Exhibit "B". Exact Marker locations will be determined during the City of Las Vegas Public Works permitting process.
- c. To retain the services of a professional design consultant to design the Markers.
- d. To conduct the historical research of the Marker sites.

4. **TERM.** This Agreement shall commence on the date of execution by the City or the Commission, whichever is the latter to occur (which date shall be inserted in the introductory paragraph of this Agreement) and shall continue in force and effect, **unless earlier terminated by Section 5 below**, until the Commission has completed the Project, whereupon the City will assume maintenance responsibility for the improvements installed as specified in Section 2 above.

5. **RIGHT OF TERMINATION.** Either party may terminate this Agreement for any reason whatsoever by providing the other party with 30 days written notice thereof. In the case of termination by the Commission, the City shall be reimbursed for expenses incurred prior to the effective date of the termination.

6. **MISCELLANEOUS PROVISIONS.**

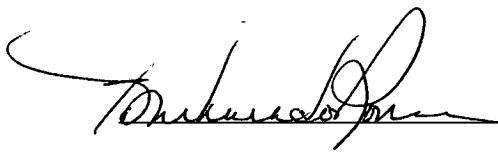
- a. **Entire Agreement.** This Agreement constitutes the entire understanding of the parties concerning the subject matter hereof.
- b. **Amendments.** No amendment is effective to this Agreement unless reduced to writing and signed by both parties.

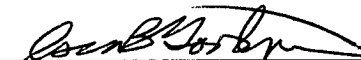
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IN WITNESS WHEREOF the parties have entered into this Agreement the day and year first written above.

ATTEST:

COMMISSION FOR THE LAS VEGAS
CENTENNIAL

 4/12/05
Date

By: 

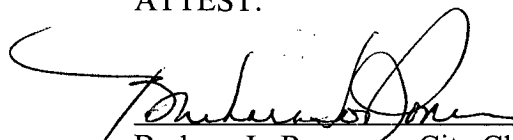
Its: _____

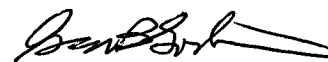
APPROVED AS TO FORM:

By:  3/28/05
Date

ATTEST:

CITY OF LAS VEGAS

 4/12/05
Barbara Jo Ronemus, City Clerk Date

By: 
OSCAR B. GOODMAN, Mayor Date

APPROVED AS TO FORM:

By:  3/28/05
Date

EXHIBIT "A"

SCOPE OF WORK

- 1) Research and write history of each Marker site.
- 2) Select poles and final marker design.
- 3) Identify exact locations for the poles and markers.
- 4) Obtain permission from the City of Las Vegas to put the poles and markers within the Public right-of-way and/or upon City owned property.
- 5) Select a company to fabricate the pole fasteners.
- 6) Select a company to fabricate the markers.
- 7) Select a company to install the markers.
- 8) Install poles and markers.

City of Las Vegas

EXHIBIT B

CENTENNIAL MARKER LOCATIONS

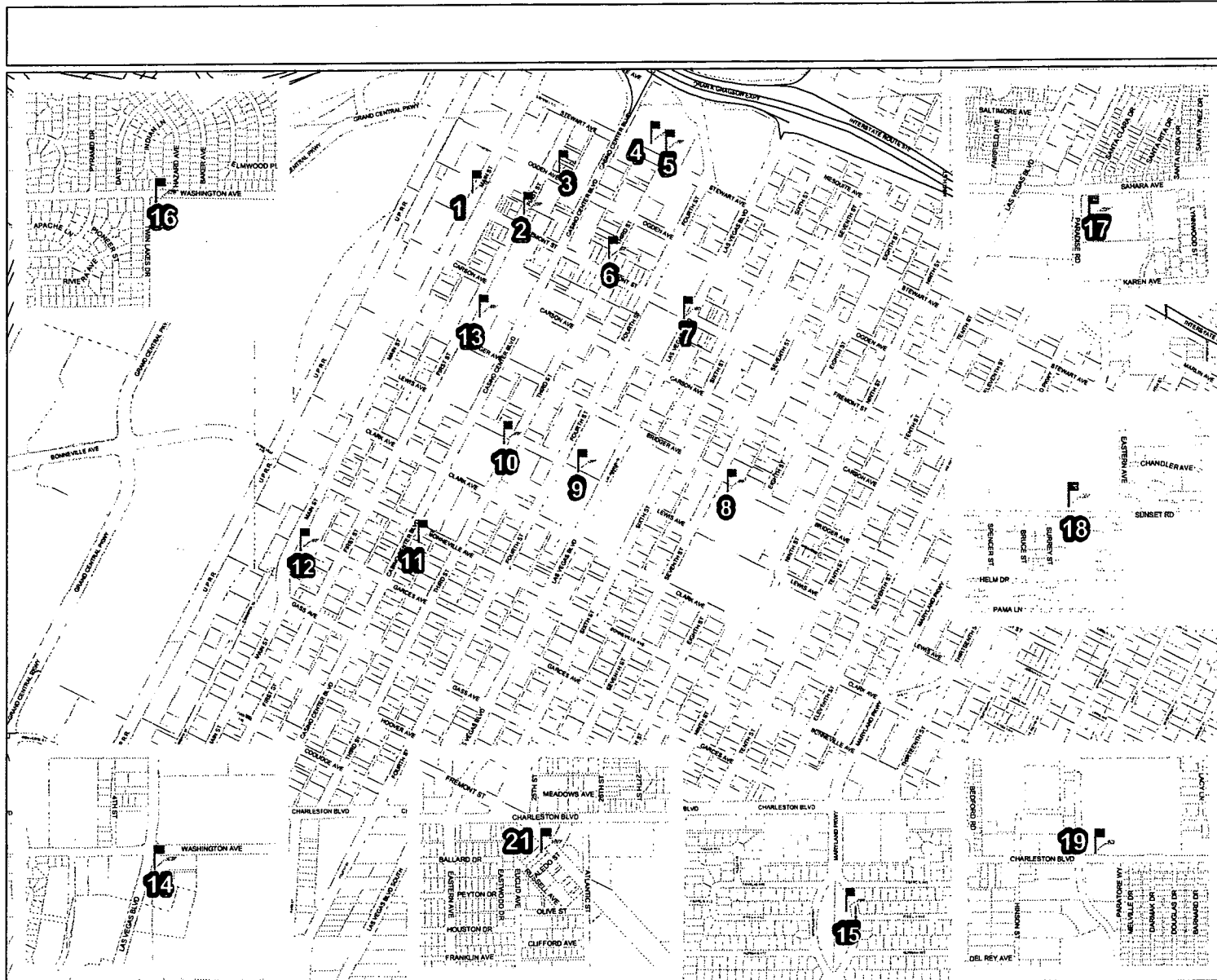
-  Marker inside CLV Limits
-  Marker outside CLV Limits

Topics

- 1 Train Depot
Auction
- 2 Atomic Testing
Gaming (under separate agreement)
- 3 Block 16
- 4 Post Office
- 5 Federal Government in Las Vegas
- 6 Neon Hallidorado
(under separate agreement)
- 7 Evolution of Fremont Street
(under separate agreement)
- 8 LV High School
LVHS Neighborhood
- 9 5th Street School
- 10 Civic Buildings
- 11 Railroad Cottages
- 12 Old Betsy
- 13 Von Tobels Lumberyard
- 14 Mormon Fort & Gass & Stewart
- 15 Huntridge & Post WW2 Housing
- 16 Twin Lakes Resort
- 17 Anderson Field
- 18 Alamo Airport (McCarran)
- 19 Water Company
- 20 Mt. Charleston
(not shown)
- 21 Green Shack



GIS maps are internally produced
only to serve the needs of the City.
Due to GIS hardware development it may
not meet the requirements of
Geographic Information System
Planning & Development Dept.
100-200-0000
Revised: March 24, 2005



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005**DEPARTMENT: ADMINISTRATIVE****DIRECTOR: DOUGLAS A. SELBY**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:****RESOLUTIONS:**

R-31-2005 - Approval of a Resolution to support the New Las Vegas Marathon Route

Fiscal Impact:

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

PURPOSE/BACKGROUND:

The New Las Vegas Marathon is proposed by Devine Racing, operators of the Los Angeles, Salt Lake City, and Chicago running events, on the morning of December 4, 2005. The marathon course is proposed to start adjacent to the Mandalay Bay and run a relatively flat loop course that includes Las Vegas Boulevard and Fremont Street with a finish line at Mandalay Bay Event Center parking lot. The course is 26.2 miles and the race is anticipated to bring up to 15,000 runners and have a potential economic impact of \$60 million.

RECOMMENDATION:

Approval of the Resolution.

BACKUP DOCUMENTATION:

Resolution R-31-2005

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)**Item 15: STRICKEN** under separate action (see individual item)**MINUTES:**

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55)

1-1530

**RESOLUTION SUPPORTING THE ROUTE PROPOSED
FOR THE NEW LAS VEGAS MARATHON**

WHEREAS, the New Las Vegas Marathon will be an exciting event showcasing the properties on the Strip and other local attractions; and

WHEREAS, the New Las Vegas Marathon will be an entirely new event appealing to both the local community and visitors from throughout the United States and around the world; and

WHEREAS, the New Las Vegas Marathon will mirror the city's success at reinventing itself; and

WHEREAS, the racing professionals at Devine Racing, who own and operate highly successful running events in Los Angeles, Salt Lake City and Chicago, are the driving force behind the New Las Vegas Marathon; and

WHEREAS, Devine Racing intends to spend a minimum of 2 million dollars to organize, advertise and promote the New Las Vegas Marathon as an international marathon rivaling the stature of Boston, New York, Chicago, London and Los Angeles; and

WHEREAS, the New Las Vegas Marathon will benefit the local economy with a three-day Expo leading up to race day, attracting exhibitors, filling hotel rooms and convention space, along with a post-race celebration generating additional dollars for the business community; and

WHEREAS, the New Las Vegas Marathon will take place on the morning of December 4, 2005, offering ideal weather for runners who tend to be young and affluent avid travelers; and

WHEREAS, Devine Racing wishes to start the 26.2 mile marathon course adjacent to the Mandalay Bay and run a relatively flat, loop course that will include Las Vegas Boulevard and Fremont Street, and then stage the finish line at Mandalay Bay Event Center and parking lot; and

WHEREAS, the New Las Vegas Marathon will take place in the fastest growing area in America and will be in service to the local running community through a weekly training program designed specifically for first-time marathon runners; and

1 WHEREAS, Devine Racing, based on the success of its existing events, plans to
2 develop an extraordinary Marathon for Las Vegas that will, in its first year, bring up to 15,000
3 runners to Las Vegas, along with friends and family; and

4 WHEREAS, based on similar-sized events in American cities, the New Las Vegas
5 Marathon will positively impact the local economy by as much as \$60 million dollars.

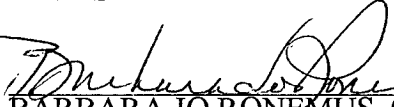
6 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL to approve and
7 authorize the route for the New Las Vegas Marathon as set forth above.

8 PASSED, ADOPTED, AND APPROVED this 6th day of April, 2005.

9
10 CITY OF LAS VEGAS

11
12 BY 
13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 
16 BARBARA JO RONEMUS, City Clerk

17 APPROVED AS TO FORM

18
19 Val Steep 3-28-05
20 Date

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-32-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) (\$153,695.05 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)

Fiscal Impact:

☐	No Impact	Amount:	\$153,695.05
☒	Budget Funds Available	Dept./Division:	Public Works/SID
☐	Augmentation Required	Funding Source:	Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

This project consists of the construction and installation of pavement, curb and gutter, sidewalks, driveway approaches, water laterals, sewer laterals, and streetlights. The interest rate for the district established by this resolution is 5.37 percent. The assessments will be paid over a 10-year period.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-32-2005

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS

MINUTES:

Under Item 3, COUNCILMAN WEEKLY requested this item be pulled for discussion.

COUNCILMAN WEEKLY asked if informational literature was mailed to affected residents about this matter, because he received letters from some residents expressing concern about the funds they will have to pay. Some of the elderly people are undergoing hardships and cannot afford the SID payments. CHARLIE KAJKOWSKI, City Engineer, agreed that there is always room for improvement when it comes to educating the public, but informational discussions are held through the design process, and literature is mailed. This SID is at the end of the process, and this matter sets the interest rate. COUNCILMAN WEEKLY then asked if there is any room for flexibility with the interest rate. MR. KAJKOWSKI commented that the assessment district was already created, and Council approved the ordinance levying the assessment. A change would require starting over.

MR. KAJKOWSKI indicated that payment issues come up with almost every SID. At the time an SID is being formulated, Clark County Social Services is engaged to talk about the means and methods for providing hardship assistance. In this case, he is not aware of any applicants for hardship assistance.

(9:51 - 9:52/9:53 - 9:55/10:03 - 10:07)

1-1530/1-2033

RESOLUTION NO. R-32-2005

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1478 – VEGAS DRIVE (RANCHO DRIVE TO I-15); ESTABLISHING THE RATE OF INTEREST PAYABLE ON DEFERRED INSTALLMENTS OF ASSESSMENTS IN THE SPECIAL IMPROVEMENT DISTRICT; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN BY THE CITY CONCERNING THE DISTRICT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Assessment Installment Rate Resolution

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City" respectively) of the State of Nevada, pursuant to an ordinance heretofore passed and adopted, created the City of Las Vegas, Nevada, Special Improvement District No. 1478 – Vegas Drive (Rancho Drive to I-15), (hereinafter the "District"), and ordered the acquisition of improvements for the District, and determined to defray a portion of the entire cost and expense of such improvements by special assessments, according to benefits, against the benefited lots, tracts and parcels of land in the District; and

WHEREAS, the City Council has, by ordinances heretofore passed and adopted levied assessments (hereinafter the "Assessment Ordinance"), in the total amount of \$176,765.66 against the property benefited by the improvements in the District, and at the close of the applicable cash payment period, there remained unpaid valid assessments in the aggregate principal amount of \$153,695.05; and

WHEREAS, the Assessment Ordinance for the District provided that said unpaid valid assessments shall be payable in twenty (20) substantially equal semiannual installments of principal and interest, with interest in all cases on the unpaid and deferred installments from the effective date of the Assessment Ordinance, at a rate or rates which shall not exceed, by more than three percent (3%), the "Index of Twenty Bonds" that was most recently published before the date on which the Assessment Ordinance was adopted; and

WHEREAS, the interest rate that was indicated by the Index of Twenty Bonds that was so published on the 27th day of January, 2005, being the date on which said Index was most recently published before the date on which the Assessment Ordinance was adopted, was four and 37/100 percent (4.37%) per annum.

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

Section 1. This Resolution shall be known as, and may be cited by, the short title "Special Improvement District No. 1478 Assessment Installment Rate Resolution" (hereinafter the "Resolution").

Section 2. All action, proceedings, matters and things heretofore taken, had and done by the City and the officers of the City (not inconsistent with the provisions of this Resolution) concerning the District including, but not limited to, the construction and other acquisition of the improvements, the performing of all prerequisites to the levying of special assessments, the fixing of the assessment lien against the property within the District, be, and the same is ratified, approved and confirmed.

Section 3. The City Council has determined and does hereby determine that the interest rate on the unpaid and deferred installments of assessments for "City of Las Vegas, Nevada, Special Improvement District No. 1478 – Vegas Drive (Rancho Drive to I-15)" shall be five and 37/100 percent (5.37%) per annum.

Section 4. The City Clerk is hereby directed to deliver to the City Treasurer of the City (hereinafter the "City Treasurer") a notice that such unpaid and deferred installments of assessments for the District shall bear interest at such rate, including in such a notice a request that the City Treasurer include in the mailed or published notice pursuant to NRS 271.415 (5), a notice of such interest rate payable on said installments. The City Treasurer is hereby authorized, empowered and directed, and it shall be his or her duty, to receive and collect all assessments levied to pay the cost of the improvements, the installments hereof, the interest thereon and the penalties accrued, at the time and in the manner specified in each assessment ordinance, and to cause such accrued, at the time and in the manner specified in each assessment ordinance, and to cause such monies to be placed into funds of the City as the City Council may direct periodically.

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

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

Section 7. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall in no way effect any remaining provision of this Resolution.

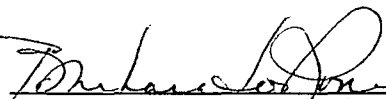
Section 8. The City Council has determined, and does hereby declare, that this Resolution shall be in effect immediately after its passage in accordance with law.

PASSED, ADOPTED AND APPROVED the 6th day of April, 2005.



OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City clerk

Approved as to Form:

23 MAR 2005 W 2 Lenny
Date Deputy City Attorney

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on April 6, 2005.

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

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

Those Voting Nay:	NONE

Those Absent:	NONE

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

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

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

three (3) other separate, prominent places within the jurisdiction of the City

Council, to wit:

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

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

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

6. A copy of such notice so given of the meeting of the City Council on April 6, 2005 is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this April 6, 2005.

(SEAL)

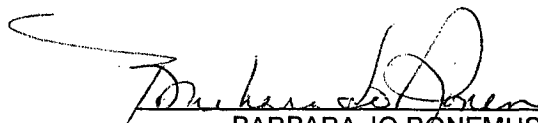

BARBARA JO RONEUMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

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

MICHAEL MACK (Ward 6), STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1)

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

APRIL 6, 2005

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

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

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN, BEN ASHER INSTITUTE OF ISLAMIC AND SUFI STUDIES
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE WINNERS IN THE LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT YOUTH ART CONTEST
- RECOGNITION OF THE CENTENNIAL HIGH SCHOOL GIRLS BASKETBALL AND SOCCER STATE CHAMPIONS
- RECOGNITION OF THE MEADOWS HIGH SCHOOL AA STATE BASKETBALL CHAMPIONS
- RECOGNITION OF LIEUTENANT RYAN SWINDELL
- RECOGNITION OF THE SENIOR OF THE QUARTER
- RECOGNITION OF THE GRAND SUMO TOURNAMENT
- PRESENTATION BY THE TULE SPRINGS PRESERVATION COMMITTEE
- RECOGNITION OF FAIR HOUSING MONTH
- RECOGNITION OF NATIONAL YOUTH SERVICE DAY

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of January 19, 2005 and the Special City Council Meeting of January 27, 2005

CONSENT AGENDA

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

FINANCE & BUSINESS SERVICES - CONSENT

3. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
4. Approval of a Special Event License for Southern Nevada Blues Association (SNBA), Location: Lorenzi Park, 3333 West Washington Avenue, Date: April 17, 2005, Type: Special Event Beer/Wine, Event: Centennial Blues Festival, Responsible Person in Charge: Chere Jean Perez - Ward 5 (Weekly)
5. Approval of a Special Event License for Kingdom of Aragon, Location: Lorenzi Park, 3333 West Washington Avenue, Date: May 1, 2005, Type: Special Event General, Event: Cinco de Mayo Festival, Responsible Person in Charge: Ruth Heines - Ward 5 (Weekly)
6. Approval of Change of Business Name for a Psychic Art and Science License, Emitra Fehr, dba From: Serenity Hookah Lounge, To: Serenity Hookah Palace, 2000 Las Vegas Boulevard, South, Suite E10, Emitra J. Fehr, 100% - Ward 1 (Tarkanian)
7. Approval of Change of Name for a Class II Secondhand Dealer License, Call Renee Estate Liquidation, LLC, dba From: Call Renee Estate Liquidation, To: Not Just Antiques, 1422 Western Avenue, Renee Poole, Mmbr, Mgr, 100% - Ward 1 (Tarkanian)
8. Approval of the rejection of bid and award of Bid No. 050126-DK, Janitorial Services - Department of Field Operations - Award recommended to: ABM JANITORIAL SERVICES (Estimated annual amount \$882,000 - General Fund)
9. Approval of Modification No. 3 to Contract No. 040120, Master Plan Design for the Northwest Equestrian Park located at Iron Mountain Road and Jones Boulevard - Department of Planning and Development - Award recommended to: GREENWAYS, INC. (\$394,390 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
10. Approval of award of Bid No. 050528-LED, Annual Requirements Contract for Culvert Cleaning - Department of Field Operations - Award recommended to: H2O ENVIRONMENTAL, INC. (\$500,000 - Road and Flood Capital Projects Fund) - Wards 1, 3 and 5 (Tarkanian, Reese and Weekly)
11. Approval of revision of purchase order 216080, for Janitorial Services - Department of Field Operations - Award to: BEST JANITORIAL SERVICES OF NEVADA, INC. (\$140,000 - General Fund)
12. Approval of issuance of a purchase order for a Communicator Community Automatic Notification System - Department of Fire and Rescue - Award recommended to: DIALOGIC COMMUNICATIONS CORPORATION (\$73,850 - Multipurpose Special Revenue Fund)
13. Approval of issuance of a purchase order for Hook & Line (HAL) BombTec Rigging System - Department of Fire and Rescue - Award recommended to: ALLEN-VANGUARD, INC. (\$39,900 - Multipurpose Special Revenue Fund)

FINANCE & BUSINESS SERVICES - CONSENT

14. Approval of issuance of a purchase order for Lifepak CR Plus Defibrillators - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$58,363 - Multipurpose Special Revenue Fund)
15. Approval of issuance of a purchase order for Electronic Light Displays and Keypads - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$51,930 - Multipurpose Special Revenue Fund)
16. Approval of revision to purchase order 222323 for annual requirements contract for Laboratory Services - Department of Fire and Rescue - Award to: QUEST DIAGNOSTICS (\$25,000 - General Fund)
17. Approval to allocate \$60,000 of "In Lieu of Open Space" revenue and award of Bid No. 04.15341.37-LED, Estelle Neal Park Water Feature, located at 6551 Azure Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADEWEST CONSTRUCTION, INC. (\$138,400 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
18. Approval to allocate \$525,000 of the Capital Improvements Plan Bid Reserve, allocate \$25,000 of funding from the Development Services Enterprise Fund, rejection and award of Bid No. 04.15341.03-LED, Records & Archival materials Storage Facility and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: B&H CONSTRUCTION, INC. (\$3,665,299 - City Facilities Projects Fund) - Ward 4 (Brown)

FIRE & RESCUE - CONSENT

19. Approval of a business impact statement to address the impact of Bill No. 2005-21, relating to the installation of automatic sprinkler systems in existing residential board and care facilities - All Wards

NEIGHBORHOOD SERVICES - CONSENT

20. Approval of a Deferred Loan Agreement expending \$35,000 of Home Investment Partnership Program (HOME) funds for housing rehabilitation activities at 404 Alexander Avenue, Patricia Monroe Turner, owner - Ward 5 (Weekly)
21. Approval of a Department of Justice sponsored Weed and Seed Interlocal Agreement between the City of Las Vegas and the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Reno to allocate \$40,000 of Weed and Seed Funds - Wards 3 and 5 (Reese and Weekly)

PLANNING & DEVELOPMENT - CONSENT

22. Approval of parcels recommended for disposal at the Spring 2006 Bureau of Land Management Public Land Sale - Ward 2 (Wolfson)

PUBLIC WORKS - CONSENT

23. Approval of the First Amendment to Engineering Design Services Agreement between the City of Las Vegas and Louis Berger Group, Inc., to increase contract funding for the Las Vegas Middle Branch Pre-Design (\$61,015 - Clark County Regional Flood Control District [CCRFGD]) - Ward 6 (Mack)
24. Approval of Supplemental No. 7 Interlocal Contract 51J/B871214 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding for Traffic Capacity and Safety Improvements Fifth Program Year (\$738.95 - Regional Transportation Commission of Southern Nevada) - Ward 1 (Tarkanian)

PUBLIC WORKS - CONSENT

25. Approval of Supplemental No. 1 to the Cooperative Agreement 330/B871215 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to reduce bond funding for the Smoke Ranch Road - Jones Boulevard to Buffalo Drive construction project (decrease of \$738.95 - Regional Transportation Commission of Southern Nevada) - Wards 4 and 6 (Brown and Mack)
26. Approval of Interlocal Contract 500 between the Regional Transportation Commission of Southern Nevada (RTC), the City of North Las Vegas, the City of Las Vegas and Clark County for the development, design and deployment of arterial incident and event management systems in the Craig Road and Las Vegas Boulevard corridors (\$680,000 - Regional Transportation Commission of Southern Nevada) - Ward 6 (Mack) and North Las Vegas
27. Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Kimball Hill Homes Nevada, Incorporated, owner (Tee Pee Lane between Farm Road and Donald Nelson Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from JVC Architects on behalf of Ada Cohen, lessee (southwest corner of Ogden Avenue and Eighth Street) - Ward 5 (Weekly)
29. Approval of an Encroachment Request from Bunkers Mortuary on behalf of Carriage Cemetery Services, Incorporated, owner (southeast corner of Lone Mountain Road and Monte Cristo Way) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Michael G. Alexander Living Trust, Michael G. Alexander, Trustee, owner (west of Quadrel Street, North of Craig Road, APN 138-04-603-013) - County (near Ward 4 - Brown)
31. Approval of an Encroachment Request from El Gran Patron, LLC, owner (northwest corner of Coolidge Avenue and Fourth Street) - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from John David Burke Architects on behalf of Becker Equities, owner (southeast corner of Durango Drive and Centennial Parkway) - Ward 6 (Mack)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Robert D. Riggs and Judy Riggs, owners (north of Tropical Parkway, east of Conquistador Street, APN 125-30-202-012) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Gary Wayne Williams and Patricia A. Williams, owners (northwest corner of Tropical Parkway and Jensen Street, APN 125-30-202-014) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Temple Family Trust, Dix Frampton and Sunhee Frampton, Trustees, owners (north of Corbett Street, west of El Capitan Way, APN 125-29-304-006) - County (near Ward 6 - Mack)
36. Approval of an Encroachment Request from Port Of Subs, Incorporated, lessee (southwest corner of Stewart Avenue and Las Vegas Boulevard) - Ward 5 (Weekly)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (southeast corner of Mustang Street and Deer Springs Way, APN 125-23-702-001) - County (near Ward 6 - Mack)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (south of Dorrell Lane, west of Torrey Pines Drive, APNs 125-23-201-002, 125-23-201-005, 125-23-201-012, 125-23-601-002 and 125-23-601-027) - County (near Ward 6 - Mack)
39. Approval of an Agreement between the Commission for the Las Vegas Centennial and the City of Las Vegas concerning placement, ownership and maintenance of historic markers - All Wards

RESOLUTIONS - CONSENT

- 40. R-31-2005 - Approval of a Resolution to support the New Las Vegas Marathon Route
- 41. R-32-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) (\$153,695.05 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
- 42. R-33-2005 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west) (\$58,767.02 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
- 43. R-34-2005 - Approval of Resolution of Intent to Annex Territory Generally Located On the South Side of Centennial Parkway, East of Puli Drive (ANX-5163); Acreage: Approximately 62 acres; Zoned: R-U (County zoning), U (PCD) and U (PF) (City equivalents) - Ward 6 (Mack)

REAL ESTATE COMMITTEE - CONSENT

- 44. Approval of a Lease Agreement between the City of Las Vegas (Lessor) and Affleck Enterprises (Lessee) located at 1951 Stella Lake Drive, Suite 5, commonly known as the Las Vegas Business Center (\$31,536 revenue/36 months - Las Vegas Business Center Operations Fund) - Ward 5 Weekly)
- 45. ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
- 46. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a seventy-two square foot Easement to LVVWD to service a portion of APN 137-12-101-008 located near Gilmore Avenue and Cliff Shadows Parkway - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

- 47. Report and possible action concerning the status of 2005 legislative issues

CITY ATTORNEY - DISCUSSION

- 48. Discussion and possible action on Appeal of Work Card Denial: Anthony Victor O'Malley, 2121 Fremont Street #127, Las Vegas, Nevada 89101
- 49. Discussion and possible action on Appeal of Work Card Denial: Gilbert Aguirre, 3700 Broxburn, Las Vegas, Nevada 89108
- 50. Discussion and possible action on Appeal of Work Card Denial: Antonette Marie Tomas, 212 View Drive, Las Vegas, Nevada 89107
- 51. Discussion and possible action on Appeal of Work Card Denial: Kristal Gayle Henderson, 1500 Stardust Road, L2200, Las Vegas, Nevada 89109
- 52. Discussion and possible action on Appeal of Work Card Denial: Lashonda Marquette Bradford, 4617 Curdsen Way, Las Vegas, Nevada 89110

CITY ATTORNEY - DISCUSSION

- 53. Discussion and possible action on Appeal of Work Card Denial: Corey Alexander Klunk, 6433 Deadwood Road, Las Vegas, Nevada 89108
- 54. Discussion and possible action regarding Complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

- 55. Discussion and possible action regarding Temporary Approval of a new Tavern-limited License subject to the provisions of the fire codes and Health Dept. regulations, Big Nails, LLC, dba Beauty Bar, 517 Fremont Street, Suite 150, Paul Devitt, Mgr, Mmbr, 45%, Frank S. Cicero, Mmbr, 20%, John P. Nixon, Mmbr, 10% - Ward 5 (Weekly)
- 56. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: John A. Gallo, 100%, To: Sanchez and Trujillo, dba Gallo's Famous Pizza Company, 3250 North Tenaya Way, Suite 110, Luis Sanchez and Regla C. Trujillo, 100% jointly as husband and wife - Ward 4 (Brown)
- 57. Discussion and possible action regarding Change of Ownership and Location for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: 226 West Sahara Avenue, Jitendra Patel, 100%, To: An India Oven, Inc., dba India Oven, 2218 Paradise Road, Jitendra Patel, Dir, Pres, Treas, 50%, Jayshree Patel, Dir, Secy, 50% (NOTE: Item to be heard in the afternoon session in conjunction with Item 127 - SUP-5912) - Ward 3 (Reese)
- 58. Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning and fire codes, Yong Wen, dba Good Hands Acupressure and Massage Center, 4300 Meadows Lane, 6512, Yong Wen, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 125 - SUP-5908) - Ward I (Tarkanian)
- 59. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License, subject to the provisions of the fire codes, From: Larry Watson, dba Creative Home Furniture, Larry Watson, 100%, To: Creative Home Furnishings, LLC, dba Creative Home Furnishings, 1120 South Main Street, Larry Watson, Mgr and Ivona S. Watson, Mmbr, 80% jointly as husband and wife, Erik P. Lonnquist, Mmbr, 20% - Ward I (Tarkanian)
- 60. Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, La-Dor, Inc., dba Stateside Lounge, 931 Las Vegas Boulevard North, Doris L. Atchison, Dir, Pres, Treas, 50%, Laura J. Atchison, Dir, Secy, 50% - Ward 5 (Weekly)
- 61. Discussion and possible action regarding a Six Month Review of a Locksmith License, Judith Renea Zaruba, dba L Reo Lock & Key, 8929 Sheep Ranch Court, Judith R. Zaruba, 51%, Robert M. Zaruba, 49% - Ward 6 (Mack)
- 62. Discussion and possible action to rescind the City Council's vote regarding a Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
- 63. Discussion and possible action reconsidering the application of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
- 64. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Cisco's Supper Club, Incorporated, dba Ciscos Mexican Seafood and Cantina, 2100 Fremont Street, Michelle E. Gomez, Dir, Pres, VP, Secy, Treas, 100% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

65. Discussion and possible action regarding Temporary Approval of a new Psychic Arts and Science License, Diane Adams, dba Psychic Experience, 301 Fremont Street, Diane P. Adams, 100% - Ward 1 (Tarkanian)

RESOLUTIONS - DISCUSSION

66. R-35-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Celebrity Las Vegas, LLC, located at 201 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #2 and to Redevelopment Agency Item #3]
67. R-36-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Hogs & Heifers of Las Vegas, Inc., located at 211 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #4 and to Redevelopment Agency Item #5]
68. R-37-2005 - Public hearing and possible action on a resolution authorizing the issuance and sale of economic development revenue bonds (\$9,645,000) for Goodwill Industries of Southern Nevada, Inc.

BOARDS & COMMISSIONS - DISCUSSION

69. SENIOR CITIZEN LAW PROJECT ADVISORY BOARD - Jackie Seip, Term Expiration 4-18-2005
70. ABEYANCE ITEM - PARK & RECREATION ADVISORY COMMISSION - Walter R. Sapling, Term Expiration 1-8-2006 (Deceased)

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

71. Bill No. 2005-12 - Annexation No. ANX-5656 - Property location: On the west side of Al Carrison Street, 50 feet south of McNamee Avenue; Petitioned by: Michael E. Burke; Acreage: 2.08 acres; Zoned: R-A (County zoning), R-A (City equivalent). Sponsored by: Councilman Michael Mack
72. Bill No. 2005-14 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilman Larry Brown

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

73. Bill No. Z-2005-1 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Margo Wheeler, Director of Planning and Development
74. Bill No. Z-2005-2 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Margo Wheeler, Director of Planning and Development

NEW BILLS - DISCUSSION

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

75. Bill No. 2005-17 - Annexation No. ANX-5329 - Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly
76. Bill No. 2005-18 - Updates the City's drought plan ordinance to reflect a change in terminology from "drought emergency" to "drought critical." Sponsored by: Councilman Larry Brown
77. Bill No. 2005-19 - Adopts the International Energy Conservation Code, 2003 Edition, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," as replacements for the Model Energy Code, 1992 Edition, and the Supplemental Document amending that code. Proposed by: Paul Wilkins, Director of Building and Safety
78. Bill No. 2005-20 - Amends the City's Administrative Code to authorize the implementation of a program for contractor verification regarding the proper installation of water heaters and water softeners. Proposed by: Paul K. Wilkins, Director of Building and Safety
79. Bill No. 2005-21 - Amends the City's Fire Code to require the installation of automatic sprinkler systems in existing residential board and care facilities. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
80. Bill No. 2005-22 - Amends the City's Fire Code to update fire protection requirements for certain structures and occupancies. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
81. Bill No. 2005-23 - Levies Assessment for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

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

HEARINGS - DISCUSSION

83. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1176 Hassell Avenue. PROPERTY OWNERS: ESTRADA INVESTORS LLC - Ward 5 (Weekly)
84. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1804 Plantea Court. PROPERTY OWNER: GARY W. WALTERS - Ward 1 (Tarkanian)
85. Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 7075 W. Craig Road. PROPERTY OWNERS: RICHARD A. & BARBARA L. STIMAC - Ward 6 (Mack)
86. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 704 W. Wilson Avenue. PROPERTY OWNER: KARL EDWARD BUTLER - Ward 5 (Weekly)

HEARINGS - DISCUSSION

87. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 371 Maydelle Place. PROPERTY OWNERS: TRUSTEE CLARK COUNTY TREASURER - C/O GOULD ROBERT S. - Ward 3 (Reese)
88. ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)
89. Public hearing on annexation report for the proposed annexation area located on the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west (ANX-3026) – Ward 6 (Mack)
90. Public hearing on annexation report for the proposed annexation area bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north (ANX-5528) – Ward 6 (Mack)
91. Public hearing on local improvement district for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance - FY2006) - (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

PLANNING & DEVELOPMENT

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

PLANNING & DEVELOPMENT - CONSENT

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

92. EOT-6090 - APPLICANT/OWNER: DR HORTON - Request for an Extension Time for an approved Site Development Plan Review (SDR-1395) FOR A PROPOSED 565-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 226.80 acres adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road (APNs 125-04-001-002, 005, through 009 and 011; and 125-05-604-049), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 6 (Mack). Staff recommends APPROVAL
93. EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC - Request for an Extension of Time for an approved Special Use Permit which allowed A TAVERN on a portion of 5.0 acres adjacent to northwest corner of Durango Drive and Deer Springs Way (APN 125-20-201-025) T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

94. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack). Staff recommends DENIAL
95. RQR-6141 - PUBLIC HEARING - APPLICANT: YONO ENTERPRISES - OWNER: RICHARD STURMAN - Required One-Year Review of an approved Review of Condition (ROC-1770) WHICH DELETED CONDITION NO. 2 of an approved Special Use Permit (U-0154-98) PROHIBITING THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE for an existing market at 611 Fremont Street, Suite 20 (APN 139-34-611-019), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL

PLANNING & DEVELOPMENT - DISCUSSION

96. ROC-6073 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: BRUCE A. MORRIS - OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD - Request for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] TO ELIMINATE THE REQUIREMENT FOR A DECORATIVE BLOCK WALL ALONG THE SOUTH PROPERTY LINE for an existing church on 11.22 acres at 2900 North Torrey Pines Drive (APNs 138-14-601-005, 006, 013 and 014), U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under Resolution of Intent to C-V (Civic) and C-V (Civic) Zone, Ward 5 (Weekly). Staff recommends DENIAL

97. ROC-6074 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: THE MONTECITO COMPANIES - OWNER: AZURE SOUTH, INC. - Request for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], WHICH PROHIBITED CERTAIN USES, TO ELIMINATE THE CONDITION ENTIRELY for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive (APN 125-27-222-006), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL

98. ROC-6132 - PUBLIC HEARING - APPLICANT: DWYER ENGINEERING - OWNER: CANYON RIDGE CHRISTIAN CHURCH - Request for a Review of Condition Number 2 of an approved Review of Condition (ROC-3216) TO REMOVE THE REQUIREMENT TO INSTALL HALF STREET IMPROVEMENTS ON THE EAST SIDE OF MAVERICK STREET, SOUTH OF LA MADRE WAY for an existing Church located at 6200 West Lone Mountain Road (APNs 125-35-802-001, 003 and 007), C-V (Civic) Zone, Ward 6 (Mack). Staff recommends DENIAL

99. SDR-5924 - PUBLIC HEARING - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES - Request for Site Development Plan Review FOR A PROPOSED CITY PARK on 5.05 acres adjacent to the northwest corner of El Campo Grande Avenue and Bradley Road (a portion of APN 125-25-302-001), C-V (Civic) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

100. SDR-5943 - PUBLIC HEARING - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 216 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 8.52 acres at 5800 West Lake Mead Boulevard (APN 138-24-215-005), R-4 (High Density Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

101. SDR-6017 - PUBLIC HEARING - APPLICANT: SKY RISE DEVELOPMENT GROUP, INC - OWNER: EDWARD B. FRANKEL FAMILY TRUST - Request for a Site Development Plan Review FOR THE CONVERSION OF A 504-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 24.76 acres at 2200 South Fort Apache Road (APN 163-05-315-045 and 163-05-410-001), R-PD18 (Residential Planned Development - 18 Units per Acre), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

102. SDR-6025 - PUBLIC HEARING - APPLICANT/OWNER: DECATUR CONCORD LLC - Request for a Site Development Plan Review FOR A 4,987 SQUARE-FOOT COMMERCIAL BUILDING AND A WAIVER TO ALLOW A 15-FOOT FRONT SETBACK WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED AND WAIVERS OF FOUNDATION, BUFFER AND PARKING LOT LANDSCAPING STANDARDS on 0.83 acres adjacent to the northeast corner of Decatur Boulevard and Concord Village Drive (APN 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend DENIAL

103. MOD-5581 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE TO: MULTI-FAMILY MEDIUM on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5579 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 136-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

105. VAC-5901 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SEEGMILLER PARTNERS, LLC - Petition to Vacate Public Utility Easements at 205 Hoover Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

106. VAC-5902 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SP SAHARA DEVELOPMENT, LLC - Petition to Vacate a 15 foot wide Public Utility Easement at 200 West Sahara Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

107. VAC-5936 - PUBLIC HEARING - APPLICANT/OWNER: PN II, INC. D/B/A PULTE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located west of Shaumber Road, south of Dorrell Lane, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

108. VAC-5954 - PUBLIC HEARING - OWNER: CARINA CORPORATION - APPLICANT: THE KEITH COMPANIES - Petition to Vacate a Road, Public Utility and Flood Control Easements generally located on Tule Springs Road approximately 1,316 Feet south of Farm Road, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

109. VAC-6015 - PUBLIC HEARING - OWNER/APPLICANT: TOM AND JUDY MILLER - Petition to Vacate a portion of Nemeth Road generally located south of Smoke Ranch Road, approximately 481 feet east of Rainbow Boulevard, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL. [NOTE: The application should read Nemeth Lane]

110. WVR-6035 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTURES LLC - Request for a Waiver of Title 18.12.160 TO ALLOW 209 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Dorrell Lane and Hualapai Way (APN 125-19-201-001 and 003), R-PD3 (Residential Planned Development- 3 Units per Acre), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

111. VAR-5808 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Variance TO ALLOW A 37-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 84 FEET FOR A PROPOSED OFFICE/WAREHOUSE DEVELOPMENT on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

112. SDR-5813 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 38,000 SQUARE-FOOT OFFICE/WAREHOUSE DEVELOPMENT AND FOR A WAIVER OF THE BUILDING PLACEMENT, PERIMETER, AND PARKING LOT LANDSCAPING REQUIREMENTS on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

113. VAR-5694 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Variance TO ALLOW A 24-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 73 FEET on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

114. SUP-5691 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING PARK adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request withdrawn as unnecessary]

115. SDR-5689 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Site Development Plan Review FOR A 6,115 SQUARE-FOOT TAVERN AND A WAIVER OF TRASH ENCLOSURE SEPARATION on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request has been withdrawn]

116. VAR-5952 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Variance to ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT on 4.87 ACRES WHERE 5.00 ACRES IS THE MINIMUM AREA REQUIRED adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

117. ZON-5788 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

118. WVR-5790 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 190 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED IN CONJUNCTION WITH A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

119. SDR-5789 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

120. VAR-6028 - PUBLIC HEARING - APPLICANT: TIM C. AYALA - OWNER: REYES G. PALACIOS - Request for a Variance TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE TEN FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED ROOM ADDITION on 0.50 acres at 729 Clarkway Drive (APN 139-28-301-017), R-E (Residence Estates) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

121. VAR-6030 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Variance TO ALLOW 14 PARKING SPACES WHERE 18 SPACES ARE THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED OFFICE DEVELOPMENT on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

122. SDR-6026 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Site Development Plan Review FOR A 5,362 SQUARE-FOOT OFFICE DEVELOPMENT AND WAIVERS OF THE SETBACK, LANDSCAPE BUFFER STANDARDS AND PARKING LOT LANDSCAPE STANDARDS on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

123. RQR-5925 - PUBLIC HEARING - APPLICANT/OWNER: CHETAK DEVELOPMENT CORPORATION - Required Two Year Review of an Approved Special Use Permit (SUP-1274) FOR A 55 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2236 Paradise Road (APN 162-03-411-011), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

124. RQR-5939 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: LODGE BPOE #1468 - Appeal letter filed by the applicant from the Denial by the Planning Commission of a Required Five Year Review of an approved Special Use Permit (U-0216-90) WHICH ALLOWED A 40 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4100 West Charleston Boulevard (APN 139-31-801-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (4-2 vote) recommends DENIAL. Staff recommends APPROVAL

125. SUP-5908 - PUBLIC HEARING - APPLICANT: YONG WEN - OWNER: GGP IVANHOE II, INC. - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER OF THE REQUIRED 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY AND A SCHOOL at 4300 Meadows Lane (APN 139-31-510-019), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). (NOTE: Item to be heard in conjunction with Morning Session Item 58) The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

126. SUP-5910 - PUBLIC HEARING - APPLICANT: CLASSY CONSIGNMENT, INC. - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER at 4704 West Sahara Avenue, Suite #1 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

127. SUP-5912 - PUBLIC HEARING - APPLICANT: INDIA OVEN, INC. - OWNER: CHETAK DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 2218 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese). (NOTE: Item to be heard in conjunction with Morning Session Item 57) The Planning Commission (4-0-2 vote) and staff recommend APPROVAL

128. SUP-5938 - PUBLIC HEARING - APPLICANT: LIJUN ZHANG - OWNER: RAINBOW EXPRESS VILLAGE, LIMITED PARTNERSHIP - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND WAIVERS OF THE REQUIRED 1,000 FOOT DISTANCE SEPARATION FROM A SIMILAR USE, THE 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY, AND HOURS OF OPERATION OF 8:00 A.M. TO 9:00 P.M. TO ALLOW THE HOURS OF OPERATION OF 10:00 A.M. TO 3:00 A.M. at 1750 South Rainbow Boulevard, Suite #12 (APN 163-02-212-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL

129. SUP-5917 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND FOR A WAIVER OF THE REQUIRED 1,500 FOOT DISTANCE SEPARATION FROM A CHURCH, A SCHOOL AND A CHILD CARE FACILITY adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

130. SDR-5916 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Site Development Plan Review FOR A PROPOSED 5,000 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) on a 1.34 acre portion of a 31.42 site acres adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

131. SUP-5947 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (ON AND OFF-PREMISE SALE OF BEER AND WINE) at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

132. SDR-5946 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Site Development Plan Review FOR A PROPOSED 737 SQUARE FOOT EXPANSION TO AN EXISTING SHOPPING CENTER on 8.28 acres at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

133. SUP-5859 - PUBLIC HEARING - APPLICANT: ANVUI, LLC - OWNER: G.L. DRAGON, LLC - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB at 1050 South Rampart Boulevard (APN 138-32-412-024), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

134. SUP-5998 - PUBLIC HEARING - APPLICANT: PEI WEI - OWNER: MARK L. FINE & ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 10830 West Charleston Boulevard, Suite 110 (APN 137-36-414-002), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

135. SUP-6004 - PUBLIC HEARING - APPLICANT: MULUGETA BOUR - OWNER: NEVADA BROOKS COOK - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) TO ALLOW FULL LIQUOR SALES at 1616 South Las Vegas Boulevard (APN 162-03-210-058), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL

136. SUP-6020 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

137. SDR-6018 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Site Development Plan Review FOR A 14,797 SQUARE-FOOT CHILD CARE CENTER on 2.24 acres adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

138. ZON-5769 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL. [NOTE: Request is to P-R (Professional Office and Parking)]

139. SDR-5770 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Site Development Plan Review FOR A PROPOSED 1,688 SQUARE-FOOT COMMERCIAL USE AND WAIVERS OF COMMERCIAL DEVELOPMENT STANDARDS FOR PERIMETER, FOUNDATION AND PARKING LOT LANDSCAPING; A WAIVER TO ALLOW A 27 FOOT FRONT SETBACK WHERE 20 FEET IS REQUIRED; AND A WAIVER TO ALLOW A 6.2 FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A COMMERCIAL USE on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), R-1 (Single Family Residential) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

140. ZON-5776 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE) on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. [NOTE: Application has been revised to R-PD3 (Residential Planned Development - 3 Units per Acre)] (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)

PLANNING & DEVELOPMENT - DISCUSSION

141. VAR-5846 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 2.16 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED on property adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
142. SDR-5778 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: Proposal as been amended to R-PD3 for 7 units) (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
143. GPA-5762 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request to amend a portion of the Centennial Hills Sector Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
144. ZON-5765 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
145. ZON-5809 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE) on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Request is now for R-PD8)
146. VAR-5810 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Variance TO ALLOW 0.51 ACRES OF OPEN SPACE WHERE 1.09 ACRES IS THE MINIMUM AMOUNT REQUIRED IN CONJUNCTION WITH A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)
147. SDR-5807 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)

SET DATE

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

CITIZENS PARTICIPATION

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

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

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

City of Las Vegas

CITY COUNCIL MEETING
CITY HALL, 400 STEWART AVENUE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 6, 2005
1:00 P.M.

ADDENDUM:

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

- 94A. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION -
Appeal of Director's decision per Title 19.00.070.F to deny the acceptance of the application of a
Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF
GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS,
Ward 6 (Mack). Staff recommends DENIAL

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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-33-2005 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west) (\$58,767.02 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)

Fiscal Impact:

☐	No Impact	Amount:	\$58,767.02
☒	Budget Funds Available	Dept./Division:	Public Works/SID
☐	Augmentation Required	Funding Source:	Capital Projects Fund/Special Assessments

PURPOSE/BACKGROUND:

Construction and installation of streetlights. The District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west.

RECOMMENDATION:

It is recommended that the City Council adopt this Resolution.

BACKUP DOCUMENTATION:

Resolution No. R-33-2005

MOTION:

WEEKLY - APPROVED as recommended - UNANIMOUS

MINUTES:

Under Item 3, COUNCILMAN WEEKLY requested this item be pulled for discussion.

COUNCILMAN WEEKLY requested clarification on this matter, particularly concerning overruling of protests. CHARLIE KAJKOWSKI, City Engineer, explained that this project involves installation of streetlights in the amount of approximately \$60,000. The public hearing allowing those people in protest an opportunity to appear before the Council was already held. The Council has discretion with this Resolution to overrule complaints and objections and confirm the Final Assessment Roll.

COUNCILMAN WEEKLY explicated that he was seeking clarification for those people who do not clearly understand some of the language. Sometimes the Council votes on matters that cause hardship for people who do not have the wherewithal to make the payments, even though these people want the street improvements.

MR. KAJKOWSKI interjected that the installation of streetlights for this SID was postponed 40 years ago, but the residents are asking for them now and have expressed approval.

(9:51 - 9:52/9:53 - 9:55/10:07 - 10:12)

1-1530/1-2227

RESOLUTION NO. R-33-2005

A RESOLUTION CONCERNING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1501 – DOWNTOWN STREET REHABILITATION PHASE III; OVERRULING COMPLAINTS, PROTESTS AND OBJECTIONS MADE TO THE ASSESSMENTS AT THE HEARING OF SAID ASSESSMENT ROLL; VALIDATING AND CONFIRMING THE ASSESSMENT ROLL; PRESCRIBING OTHER DETAILS IN CONNECTION THEREWITH; RATIFYING ALL ACTION TAKEN CONSISTENT WITH THE PROVISIONS HEREOF; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Summary: Assessment Protest Resolution

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark and State of Nevada, pursuant to an ordinance heretofore adopted (hereinafter the "District Ordinance") created Las Vegas, Nevada, Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III (hereinafter the "District") and ordered the acquisition of certain local improvements (hereinafter the "Project") within the District in the City; and

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

WHEREAS, in accordance with NRS 271.360, the City Council heretofore determined and does hereby declare that the net cost of all improvements in the District (including all necessary incidentals which either have been or will be incurred in connection with the District) is \$1,710,600.00, of which \$1,651,832.98 is available from other sources and of which \$58,767.02 is to be assessed upon the benefited lots, tracts and parcels of land in the District, which the City Council has determined will receive special benefits (and corresponding market value increases) from the improvements in the Project; and

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

WHEREAS, the City Council, together with the City Engineer, made out an assessment roll for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed, a description of each lot, tract, or parcel of land to be assessed, the amount of the proposed assessment to be levied thereon; the City Engineer has reported the assessment roll to the City Council and the City Engineer has filed the assessment roll with the City Clerk; and

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

WHEREAS, the City Engineer (with the assistance of the Engineering Integration Division) has, in accordance with the provisions of the law relating thereto, given the requisite legal notice by both mail and publication that complaints, protests and objections to assessments for improvements in the District should be filed with the City Clerk, and that the City Council would hear and consider any and all complaints, protests, or objections on Wednesday, February 16, 2005, at 1:00 p.m., at the Las Vegas City Council Chambers, 400 Stewart Avenue, in Las Vegas, Nevada; and

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

WHEREAS, all complaints, protests and objections, both written and oral, were heard and considered by the City Council on February 16, 2005, and after extensive review and deliberation hereby are found to be without sufficient merit and hereby overruled. However, the City Council has, nevertheless, concluded that it is necessary and equitable that the assessment roll be corrected and revised as follows:

Parcel Number	Ownership	Revised Amount of Final Assessment

and

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

Parcel Number	Ownership	Assessment
139-35-411-013	Cecelia Goodman 1412 Bridger Avenue Las Vegas, NV 89101-5306	\$489.18

Parcel Number	Ownership	Assessment

and

WHEREAS, the City Council has determined, and does hereby again determine, that all of the assessable property in the City, which is specially benefited by the improvements to be acquired in the District, and only property which is so specially benefited, is included on the assessment roll heretofore filed with the City Clerk on January 19, 2005, and

WHEREAS, the City Council has determined, and does hereby determine, that the notice, both mailed and published, for the hearing held on February 16, 2005, on said assessment roll was reasonably calculated to inform each interested person of the proceedings concerning the District, which may directly and adversely affect his or her legally protected rights and interests.

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

Section 1. This Resolution shall be known as and may be cited by the short title "District No. 1501 Assessment Protest Resolution" (herein the "Resolution").

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

Section 3. The City Council hereby validates and confirms the assessment roll for the District, as made out by the City Council, together with the City Engineer, and filed in the records of the office of the City Clerk on January 19, 2005, as hereinabove modified, revised, corrected and made de novo.

Section 4. All actions, proceedings, matters and things heretofore taken, had and done by the City and the officers thereof (not inconsistent with the provisions of this Resolution) concerning Special Improvement District No. 1501 – Downtown Street Rehabilitation Phase III, including, but not limited to, the acquisition of the improvements, and the levy of assessments for that purpose, the determination that the tracts in the District will receive special benefits and market value increases, and the validation and

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

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

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

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

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

Passed and approved on April 6, 2005.



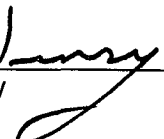
OSCAR B. GOODMAN, Mayor

Attest:



BARBARA JO RONEMUS, City Clerk

Approved as to form:

23 MAR 05 W Z
Date Deputy City Attorney 

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

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

1. The foregoing pages constitute a true, correct, complete and compared copy of a resolution adopted by the City Council of the City (hereinafter the "City Council") at a meeting held on April 6, 2005.

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

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

Those Voting Nay:	NONE

Those Absent:	NONE

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

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

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

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

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

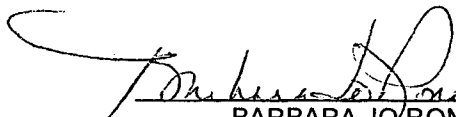
(b) By mailing a copy of the notice to each person, if any, who has requested notice of the meetings of the City Council in the same manner in which notice is required to be mailed to a member of the City Council. Such notice was delivered to the postal service no later than 9:00 a.m. on the third working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

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

6. A copy of such notice so given of the meeting of the City Council on April 6, 2005, is attached to this certificate as Exhibit "A".

IN WITNESS WHEREOF, I have hereunto set my hand on this April 6, 2005.

(SEAL)



BARBARA J. RONEMUS, City Clerk

Exhibit "A"

(Attach Notice of Meeting and Agenda)



CITY COUNCIL AGENDA

COUNCIL CHAMBERS • 400 STEWART AVENUE • PHONE 229-6011

CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>

OSCAR B. GOODMAN, MAYOR (At-Large) • COUNCILMAN GARY REESE, MAYOR PRO TEM (Ward 3)

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

MICHAEL MACK (Ward 6), STEVE WOLFSON (Ward 2), LOIS TARKANIAN (Ward 1)

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

APRIL 6, 2005

Morning Session begins at 9:00 a.m.

Afternoon Session begins at 1:00 p.m.

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

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

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

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

CEREMONIAL MATTERS

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- INVOCATION - AZIZ EDDEBBARH, CHAIRMAN, BEN ASHER INSTITUTE OF ISLAMIC AND SUFI STUDIES
- PLEDGE OF ALLEGIANCE
- RECOGNITION OF THE CITIZEN OF THE MONTH
- RECOGNITION OF THE WINNERS IN THE LAS VEGAS-CLARK COUNTY LIBRARY DISTRICT YOUTH ART CONTEST
- RECOGNITION OF THE CENTENNIAL HIGH SCHOOL GIRLS BASKETBALL AND SOCCER STATE CHAMPIONS
- RECOGNITION OF THE MEADOWS HIGH SCHOOL AA STATE BASKETBALL CHAMPIONS
- RECOGNITION OF LIEUTENANT RYAN SWINDELL
- RECOGNITION OF THE SENIOR OF THE QUARTER
- RECOGNITION OF THE GRAND SUMO TOURNAMENT
- PRESENTATION BY THE TULE SPRINGS PRESERVATION COMMITTEE
- RECOGNITION OF FAIR HOUSING MONTH
- RECOGNITION OF NATIONAL YOUTH SERVICE DAY

BUSINESS ITEMS - MORNING

1. Any items from the morning session that the Council, staff and/or the applicant wish to be stricken or held in abeyance to a future meeting may be brought forward and acted upon at this time
2. Approval of the Final Minutes by reference of the regular City Council Meeting of January 19, 2005 and the Special City Council Meeting of January 27, 2005

CONSENT AGENDA

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

FINANCE & BUSINESS SERVICES - CONSENT

3. Approval of Service and Material Checks/Payroll Checks/Wire Transfers/Other Checks and Investments
4. Approval of a Special Event License for Southern Nevada Blues Association (SNBA), Location: Lorenzi Park, 3333 West Washington Avenue, Date: April 17, 2005, Type: Special Event Beer/Wine, Event: Centennial Blues Festival, Responsible Person in Charge: Chere Jean Perez - Ward 5 (Weekly)
5. Approval of a Special Event License for Kingdom of Aragon, Location: Lorenzi Park, 3333 West Washington Avenue, Date: May 1, 2005, Type: Special Event General, Event: Cinco de Mayo Festival, Responsible Person in Charge: Ruth Heines - Ward 5 (Weekly)
6. Approval of Change of Business Name for a Psychic Art and Science License, Emitra Fehr, dba From: Serenity Hookah Lounge, To: Serenity Hookah Palace, 2000 Las Vegas Boulevard, South, Suite E10, Emitra J. Fehr, 100% - Ward 1 (Tarkanian)
7. Approval of Change of Name for a Class II Secondhand Dealer License, Call Renee Estate Liquidation, LLC, dba From: Call Renee Estate Liquidation, To: Not Just Antiques, 1422 Western Avenue, Renee Poole, Mmbr, Mgr, 100% - Ward 1 (Tarkanian)
8. Approval of the rejection of bid and award of Bid No. 050126-DK, Janitorial Services - Department of Field Operations - Award recommended to: ABM JANITORIAL SERVICES (Estimated annual amount \$882,000 - General Fund)
9. Approval of Modification No. 3 to Contract No. 040120, Master Plan Design for the Northwest Equestrian Park located at Iron Mountain Road and Jones Boulevard - Department of Planning and Development - Award recommended to: GREENWAYS, INC. (\$394,390 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
10. Approval of award of Bid No. 050528-LED, Annual Requirements Contract for Culvert Cleaning - Department of Field Operations - Award recommended to: H2O ENVIRONMENTAL, INC. (\$500,000 - Road and Flood Capital Projects Fund) - Wards 1, 3 and 5 (Tarkanian, Reese and Weekly)
11. Approval of revision of purchase order 216080, for Janitorial Services - Department of Field Operations - Award to: BEST JANITORIAL SERVICES OF NEVADA, INC. (\$140,000 - General Fund)
12. Approval of issuance of a purchase order for a Communicator Community Automatic Notification System - Department of Fire and Rescue - Award recommended to: DIALOGIC COMMUNICATIONS CORPORATION (\$73,850 - Multipurpose Special Revenue Fund)
13. Approval of issuance of a purchase order for Hook & Line (HAL) BombTec Rigging System - Department of Fire and Rescue - Award recommended to: ALLEN-VANGUARD, INC. (\$39,900 - Multipurpose Special Revenue Fund)

FINANCE & BUSINESS SERVICES - CONSENT

14. Approval of issuance of a purchase order for Lifepak CR Plus Defibrillators - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$58,363 - Multipurpose Special Revenue Fund)
15. Approval of issuance of a purchase order for Electronic Light Displays and Keypads - Department of Fire and Rescue - Award recommended to: MEDTRONIC PHYSIO CONTROL CORPORATION (\$51,930 - Multipurpose Special Revenue Fund)
16. Approval of revision to purchase order 222323 for annual requirements contract for Laboratory Services - Department of Fire and Rescue - Award to: QUEST DIAGNOSTICS (\$25,000 - General Fund)
17. Approval to allocate \$60,000 of "In Lieu of Open Space" revenue and award of Bid No. 04.15341.37-LED, Estelle Neal Park Water Feature, located at 6551 Azure Drive and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: TRADEWEST CONSTRUCTION, INC. (\$138,400 - Parks and Leisure Activities Capital Projects Fund) - Ward 6 (Mack)
18. Approval to allocate \$525,000 of the Capital Improvements Plan Bid Reserve, allocate \$25,000 of funding from the Development Services Enterprise Fund, rejection and award of Bid No. 04.15341.03-LED, Records & Archival materials Storage Facility and the construction conflicts and contingency reserve set by Finance and Business Services - Department of Public Works - Award recommended to: B&H CONSTRUCTION, INC. (\$3,665,299 - City Facilities Projects Fund) - Ward 4 (Brown)

FIRE & RESCUE - CONSENT

19. Approval of a business impact statement to address the impact of Bill No. 2005-21, relating to the installation of automatic sprinkler systems in existing residential board and care facilities - All Wards

NEIGHBORHOOD SERVICES - CONSENT

20. Approval of a Deferred Loan Agreement expending \$35,000 of Home Investment Partnership Program (HOME) funds for housing rehabilitation activities at 404 Alexander Avenue, Patricia Monroe Turner, owner - Ward 5 (Weekly)
21. Approval of a Department of Justice sponsored Weed and Seed Interlocal Agreement between the City of Las Vegas and the Board of Regents of the University and Community College System of Nevada, on behalf of the University of Nevada, Reno to allocate \$40,000 of Weed and Seed Funds - Wards 3 and 5 (Reese and Weekly)

PLANNING & DEVELOPMENT - CONSENT

22. Approval of parcels recommended for disposal at the Spring 2006 Bureau of Land Management Public Land Sale - Ward 2 (Wolfson)

PUBLIC WORKS - CONSENT

23. Approval of the First Amendment to Engineering Design Services Agreement between the City of Las Vegas and Louis Berger Group, Inc., to increase contract funding for the Las Vegas Middle Branch Pre-Design (\$61,015 - Clark County Regional Flood Control District [CCRFCD]) - Ward 6 (Mack)
24. Approval of Supplemental No. 7 Interlocal Contract 51J/B871214 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to increase funding for Traffic Capacity and Safety Improvements Fifth Program Year (\$738.95 - Regional Transportation Commission of Southern Nevada) - Ward 1 (Tarkanian)

PUBLIC WORKS - CONSENT

25. Approval of Supplemental No. 1 to the Cooperative Agreement 330/B871215 between the City of Las Vegas, Clark County and the Regional Transportation Commission of Southern Nevada (RTC) to reduce bond funding for the Smoke Ranch Road - Jones Boulevard to Buffalo Drive construction project (decrease of \$738.95 - Regional Transportation Commission of Southern Nevada) - Wards 4 and 6 (Brown and Mack)
26. Approval of Interlocal Contract 500 between the Regional Transportation Commission of Southern Nevada (RTC), the City of North Las Vegas, the City of Las Vegas and Clark County for the development, design and deployment of arterial incident and event management systems in the Craig Road and Las Vegas Boulevard corridors (\$680,000 - Regional Transportation Commission of Southern Nevada) - Ward 6 (Mack) and North Las Vegas
27. Approval of an Encroachment Request from Thomason Consulting Engineers on behalf of Kimball Hill Homes Nevada, Incorporated, owner (Tee Pee Lane between Farm Road and Donald Nelson Avenue) - Ward 6 (Mack)
28. Approval of an Encroachment Request from JVC Architects on behalf of Ada Cohen, lessee (southwest corner of Ogden Avenue and Eighth Street) - Ward 5 (Weekly)
29. Approval of an Encroachment Request from Bunkers Mortuary on behalf of Carriage Cemetery Services, Incorporated, owner (southeast corner of Lone Mountain Road and Monte Cristo Way) - Ward 6 (Mack)
30. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Michael G. Alexander Living Trust, Michael G. Alexander, Trustee, owner (west of Quadrel Street, North of Craig Road, APN 138-04-603-013) - County (near Ward 4 - Brown)
31. Approval of an Encroachment Request from El Gran Patron, LLC, owner (northwest corner of Coolidge Avenue and Fourth Street) - Ward 1 (Tarkanian)
32. Approval of an Encroachment Request from John David Burke Architects on behalf of Becker Equities, owner (southeast corner of Durango Drive and Centennial Parkway) - Ward 6 (Mack)
33. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Robert D. Riggs and Judy Riggs, owners (north of Tropical Parkway, east of Conquistador Street, APN 125-30-202-012) - County (near Ward 6 - Mack)
34. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Gary Wayne Williams and Patricia A. Williams, owners (northwest corner of Tropical Parkway and Jensen Street, APN 125-30-202-014) - County (near Ward 6 - Mack)
35. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Temple Family Trust, Dix Frampton and Sunhee Frampton, Trustees, owners (north of Corbett Street, west of El Capitan Way, APN 125-29-304-006) - County (near Ward 6 - Mack)
36. Approval of an Encroachment Request from Port Of Subs, Incorporated, lessee (southwest corner of Stewart Avenue and Las Vegas Boulevard) - Ward 5 (Weekly)
37. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (southeast corner of Mustang Street and Deer Springs Way, APN 125-23-702-001) - County (near Ward 6 - Mack)
38. Approval of a Sewer Connection and Interlocal Contract with Clark County Water Reclamation District - Alpha Engineering on behalf of D.R. Horton, Incorporated, owner (south of Dorrell Lane, west of Torrey Pines Drive, APNs 125-23-201-002, 125-23-201-005, 125-23-201-012, 125-23-601-002 and 125-23-601-027) - County (near Ward 6 - Mack)
39. Approval of an Agreement between the Commission for the Las Vegas Centennial and the City of Las Vegas concerning placement, ownership and maintenance of historic markers - All Wards

RESOLUTIONS - CONSENT

40. R-31-2005 - Approval of a Resolution to support the New Las Vegas Marathon Route
41. R-32-2005 - Approval of a Resolution Establishing the Interest Rate for Special Improvement District No. 1478 - Vegas Drive (Rancho Drive to I-15) (\$153,695.05 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
42. R-33-2005 - Approval of a Resolution overruling complaints, protests, and objections and confirming the Final Assessment Roll for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west) (\$58,767.02 - Capital Projects Fund/Special Assessments) - Ward 5 (Weekly)
43. R-34-2005 - Approval of Resolution of Intent to Annex Territory Generally Located On the South Side of Centennial Parkway, East of Puli Drive (ANX-5163); Acreage: Approximately 62 acres; Zoned: R-U (County zoning), U (PCD) and U (PF) (City equivalents) - Ward 6 (Mack)

REAL ESTATE COMMITTEE - CONSENT

44. Approval of a Lease Agreement between the City of Las Vegas (Lessor) and Affleck Enterprises (Lessee) located at 1951 Stella Lake Drive, Suite 5, commonly known as the Las Vegas Business Center (\$31,536 revenue/36 months - Las Vegas Business Center Operations Fund) - Ward 5 Weekly)
45. ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)
46. Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a seventy-two square foot Easement to LVVWD to service a portion of APN 137-12-101-008 located near Gilmore Avenue and Cliff Shadows Parkway - Ward 4 (Brown)

DISCUSSION / ACTION ITEMS

ADMINISTRATIVE - DISCUSSION

47. Report and possible action concerning the status of 2005 legislative issues

CITY ATTORNEY - DISCUSSION

48. Discussion and possible action on Appeal of Work Card Denial: Anthony Victor O'Malley, 2121 Fremont Street #127, Las Vegas, Nevada 89101
49. Discussion and possible action on Appeal of Work Card Denial: Gilbert Aguirre, 3700 Broxburn, Las Vegas, Nevada 89108
50. Discussion and possible action on Appeal of Work Card Denial: Antonette Marie Tomas, 212 View Drive, Las Vegas, Nevada 89107
51. Discussion and possible action on Appeal of Work Card Denial: Kristal Gayle Henderson, 1500 Stardust Road, L2200, Las Vegas, Nevada 89109
52. Discussion and possible action on Appeal of Work Card Denial: Lashonda Marquette Bradford, 4617 Curdsen Way, Las Vegas, Nevada 89110

CITY ATTORNEY - DISCUSSION

53. Discussion and possible action on Appeal of Work Card Denial: Corey Alexander Klunk, 6433 Deadwood Road, Las Vegas, Nevada 89108
54. Discussion and possible action regarding Complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

55. Discussion and possible action regarding Temporary Approval of a new Tavern-limited License subject to the provisions of the fire codes and Health Dept. regulations, Big Nails, LLC, dba Beauty Bar, 517 Fremont Street, Suite 150, Paul Devitt, Mgr, Mmbr, 45%, Frank S. Cicero, Mmbr, 20%, John P. Nixon, Mmbr, 10% - Ward 5 (Weekly)
56. Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: John A. Gallo, 100%, To: Sanchez and Trujillo, dba Gallo's Famous Pizza Company, 3250 North Tenaya Way, Suite 110, Luis Sanchez and Regla C. Trujillo, 100% jointly as husband and wife - Ward 4 (Brown)
57. Discussion and possible action regarding Change of Ownership and Location for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: 226 West Sahara Avenue, Jitendra Patel, 100%, To: An India Oven, Inc., dba India Oven, 2218 Paradise Road, Jitendra Patel, Dir, Pres, Treas, 50%, Jayshree Patel, Dir, Secy, 50% (NOTE: Item to be heard in the afternoon session in conjunction with Item 127 - SUP-5912) - Ward 3 (Reese)
58. Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning and fire codes, Yong Wen, dba Good Hands Acupressure and Massage Center, 4300 Meadows Lane, 6512, Yong Wen, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 125 - SUP-5908) - Ward 1 (Tarkanian)
59. Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License, subject to the provisions of the fire codes, From: Larry Watson, dba Creative Home Furniture, Larry Watson, 100%, To: Creative Home Furnishings, LLC, dba Creative Home Furnishings, 1120 South Main Street, Larry Watson, Mgr and Ivona S. Watson, Mmbr, 80% jointly as husband and wife, Erik P. Lonquist, Mmbr, 20% - Ward 1 (Tarkanian)
60. Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, La-Dor, Inc., dba Stateside Lounge, 931 Las Vegas Boulevard North, Doris L. Atchison, Dir, Pres, Treas, 50%, Laura J. Atchison, Dir, Secy, 50% - Ward 5 (Weekly)
61. Discussion and possible action regarding a Six Month Review of a Locksmith License, Judith Renea Zaruba, dba L Reo Lock & Key, 8929 Sheep Ranch Court, Judith R. Zaruba, 51%, Robert M. Zaruba, 49% - Ward 6 (Mack)
62. Discussion and possible action to rescind the City Council's vote regarding a Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
63. Discussion and possible action reconsidering the application of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)
64. ABEYANCE ITEM - Discussion and possible action regarding Temporary Approval of a new Supper Club License subject to the provisions of the planning and fire codes and Health Dept. regulations, Cisco's Supper Club, Incorporated, dba Ciscos Mexican Seafood and Cantina, 2100 Fremont Street, Michelle E. Gomez, Dir, Pres, VP, Secy, Treas, 100% - Ward 3 (Reese)

FINANCE & BUSINESS SERVICES - DISCUSSION

65. Discussion and possible action regarding Temporary Approval of a new Psychic Arts and Science License, Diane Adams, dba Psychic Experience, 301 Fremont Street, Diane P. Adams, 100% - Ward 1 (Tarkanian)

RESOLUTIONS - DISCUSSION

66. R-35-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Celebrity Las Vegas, LLC, located at 201 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #2 and to Redevelopment Agency Item #3]
67. R-36-2005 - Discussion and possible action regarding a Resolution consenting to the undertakings of the City of Las Vegas Redevelopment Agency (RDA) in connection with the Commercial Visual Improvement Program (VIP) Agreement between the Redevelopment Agency and Hogs & Heifers of Las Vegas, Inc., located at 211 North Third Street, to be in compliance with and in furtherance of the goals and objectives of the Redevelopment Agency - Ward 5 (Weekly) [NOTE: This item is related to Redevelopment Agency Item #4 and to Redevelopment Agency Item #5]
68. R-37-2005 - Public hearing and possible action on a resolution authorizing the issuance and sale of economic development revenue bonds (\$9,645,000) for Goodwill Industries of Southern Nevada, Inc.

BOARDS & COMMISSIONS - DISCUSSION

69. SENIOR CITIZEN LAW PROJECT ADVISORY BOARD - Jackie Seip, Term Expiration 4-18-2005
70. ABEYANCE ITEM - PARK & RECREATION ADVISORY COMMISSION - Walter R. Sapling, Term Expiration 1-8-2006 (Deceased)

RECOMMENDING COMMITTEE REPORT - DISCUSSION

BILLS ELIGIBLE FOR ADOPTION AT THIS MEETING

71. Bill No. 2005-12 - Annexation No. ANX-5656 - Property location: On the west side of Al Carrison Street, 50 feet south of McNamee Avenue; Petitioned by: Michael E. Burke; Acreage: 2.08 acres; Zoned: R-A (County zoning), R-A (City equivalent). Sponsored by: Councilman Michael Mack
72. Bill No. 2005-14 - Authorizes the granting of a distance-separation waiver for a tavern to be located within a regional mall. Sponsored by: Councilman Larry Brown

BILLS ELIGIBLE FOR ADOPTION AT A LATER MEETING

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

73. Bill No. Z-2005-1 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (nonresidential). Proposed by: Margo Wheeler, Director of Planning and Development
74. Bill No. Z-2005-2 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land (residential). Proposed by: Margo Wheeler, Director of Planning and Development

NEW BILLS - DISCUSSION

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

75. Bill No. 2005-17 - Annexation No. ANX-5329 - Property location: On the southeast corner of Jones Boulevard and Madre Mesa Drive; Petitioned by: S. F. Investments, LLC; Acreage: 2.42 acres; Zoned: R-E (County zoning), U (R) (City equivalent). Sponsored by: Councilman Lawrence Weekly
76. Bill No. 2005-18 - Updates the City's drought plan ordinance to reflect a change in terminology from "drought emergency" to "drought critical." Sponsored by: Councilman Larry Brown
77. Bill No. 2005-19 - Adopts the International Energy Conservation Code, 2003 Edition, along with the document entitled "2003 Southern Nevada International Energy Conservation Code Amendments," as replacements for the Model Energy Code, 1992 Edition, and the Supplemental Document amending that code. Proposed by: Paul Wilkins, Director of Building and Safety
78. Bill No. 2005-20 - Amends the City's Administrative Code to authorize the implementation of a program for contractor verification regarding the proper installation of water heaters and water softeners. Proposed by: Paul K. Wilkins, Director of Building and Safety
79. Bill No. 2005-21 - Amends the City's Fire Code to require the installation of automatic sprinkler systems in existing residential board and care facilities. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
80. Bill No. 2005-22 - Amends the City's Fire Code to update fire protection requirements for certain structures and occupancies. Proposed by: David L. Washington, Chief, Department of Fire and Rescue
81. Bill No. 2005-23 - Levies Assessment for Special Improvement District No. 1501 - Downtown Street Rehabilitation Phase III (District boundaries are Fremont Street on the north, 15th Street on the east, Charleston Boulevard on the south and 13th Street on the west. Sponsored by: Step Requirement

1:00 P.M. - AFTERNOON SESSION

BUSINESS ITEMS - AFTERNOON

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

HEARINGS - DISCUSSION

83. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 1176 Hassell Avenue. PROPERTY OWNERS: ESTRADA INVESTORS LLC - Ward 5 (Weekly)
84. Public hearing to consider the report of expenses to recover costs for abatement of nuisance/litter located at 1804 Plantea Court. PROPERTY OWNER: GARY W. WALTERS - Ward 1 (Tarkanian)
85. Hearing to consider the appeal regarding the Notice and Order to Abate Dangerous Building located at 7075 W. Craig Road. PROPERTY OWNERS: RICHARD A. & BARBARA L. STIMAC - Ward 6 (Mack)
86. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 704 W. Wilson Avenue. PROPERTY OWNER: KARL EDWARD BUTLER - Ward 5 (Weekly)

HEARINGS - DISCUSSION

87. Public hearing to consider the report of expenses to recover costs for abatement of dangerous building located at 371 Maydelle Place. PROPERTY OWNERS: TRUSTEE CLARK COUNTY TREASURER - C/O GOULD ROBERT S. - Ward 3 (Reese)
88. ABEYANCE ITEM - Hearing to consider the appeal regarding the Nuisance/Litter Abatement Notice and Order to Comply located at 2740 Harris Avenue. PROPERTY OWNER: DOROTHE REEVES - Ward 3 (Reese)
89. Public hearing on annexation report for the proposed annexation area located on the north side of Moccasin Road, between the Buffalo Drive alignment to the east and Spin Ranch Road to the west (ANX-3026) – Ward 6 (Mack)
90. Public hearing on annexation report for the proposed annexation area bounded by Iron Mountain Road to the south, Puli Road to the west, Hualapai Way to the east, and Moccasin Road to the north (ANX-5528) – Ward 6 (Mack)
91. Public hearing on local improvement district for Special Improvement District No. 1485 - Alta Drive (Rancho Drive to approximately 275 feet west of Lacy Lane) (Landscape Maintenance - FY2006) - (\$49,240.38 - Capital Projects Fund - Special Assessments) - Ward 1 (Tarkanian)

PLANNING & DEVELOPMENT

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

PLANNING & DEVELOPMENT - CONSENT

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

92. EOT-6090 - APPLICANT/OWNER: DR HORTON - Request for an Extension Time for an approved Site Development Plan Review (SDR-1395) FOR A PROPOSED 565-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 226.80 acres adjacent to the east and west sides of Durango Drive, between Log Cabin Way and Moccasin Road (APNs 125-04-001-002, 005, through 009 and 011; and 125-05-604-049), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 6 (Mack). Staff recommends APPROVAL
93. EOT-6162 - APPLICANT/OWNER: DEER SPRINGS INVESTMENTS, LLC - Request for an Extension of Time for an approved Special Use Permit which allowed A TAVERN on a portion of 5.0 acres adjacent to northwest corner of Durango Drive and Deer Springs Way (APN 125-20-201-025) T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

94. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION - Appeal of Director's decision per Title 19.00.070.F to deny the application of a Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS, Ward 6 (Mack). Staff recommends DENIAL
95. RQR-6141 - PUBLIC HEARING - APPLICANT: YONO ENTERPRISES - OWNER: RICHARD STURMAN - Required One-Year Review of an approved Review of Condition (ROC-1770) WHICH DELETED CONDITION NO. 2 of an approved Special Use Permit (U-0154-98) PROHIBITING THE SALE OF INDIVIDUAL CONTAINERS OF ANY SIZE BEER, WINE COOLERS OR SCREW CAP WINE for an existing market at 611 Fremont Street, Suite 20 (APN 139-34-611-019), C-2 (General Commercial) Zone, Ward 5 (Weekly). Staff recommends DENIAL

PLANNING & DEVELOPMENT - DISCUSSION

96. ROC-6073 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: BRUCE A. MORRIS - OWNER: CALVARY COMMUNITY ASSEMBLY OF GOD - Request for a Review of Condition Number 1 of an approved Site Development Plan Review [Z-0086-99(1)] TO ELIMINATE THE REQUIREMENT FOR A DECORATIVE BLOCK WALL ALONG THE SOUTH PROPERTY LINE for an existing church on 11.22 acres at 2900 North Torrey Pines Drive (APNs 138-14-601-005, 006, 013 and 014), U (Undeveloped) Zone [PF (Public Facility) General Plan Designation] under Resolution of Intent to C-V (Civic) and C-V (Civic) Zone, Ward 5 (Weekly). Staff recommends DENIAL

97. ROC-6074 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: THE MONTECITO COMPANIES - OWNER: AZURE SOUTH, INC. - Request for a Review of Condition Number 22 of an approved Site Development Plan Review [Z-0076-98(20)], WHICH PROHIBITED CERTAIN USES, TO ELIMINATE THE CONDITION ENTIRELY for an approved commercial development on property located adjacent to the southwest corner of Tenaya Way and Azure Drive (APN 125-27-222-006), T-C (Town Center) Zone, Ward 6 (Mack). Staff recommends DENIAL

98. ROC-6132 - PUBLIC HEARING - APPLICANT: DWYER ENGINEERING - OWNER: CANYON RIDGE CHRISTIAN CHURCH - Request for a Review of Condition Number 2 of an approved Review of Condition (ROC-3216) TO REMOVE THE REQUIREMENT TO INSTALL HALF STREET IMPROVEMENTS ON THE EAST SIDE OF MAVERICK STREET, SOUTH OF LA MADRE WAY for an existing Church located at 6200 West Lone Mountain Road (APNs 125-35-802-001, 003 and 007), C-V (Civic) Zone, Ward 6 (Mack). Staff recommends DENIAL

99. SDR-5924 - PUBLIC HEARING - APPLICANT/OWNER: SCHOOL BOARD OF TRUSTEES - Request for Site Development Plan Review FOR A PROPOSED CITY PARK on 5.05 acres adjacent to the northwest corner of El Campo Grande Avenue and Bradley Road (a portion of APN 125-25-302-001), C-V (Civic) Zone, Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend APPROVAL

100. SDR-5943 - PUBLIC HEARING - APPLICANT: TMC MGT - OWNER: SAN MICHELE GARY LLC - Request for a Site Development Plan Review FOR THE CONVERSION OF A 216 UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 8.52 acres at 5800 West Lake Mead Boulevard (APN 138-24-215-005), R-4 (High Density Residential) Zone, Ward 5 (Weekly). The Planning Commission (6-0 vote) and staff recommend APPROVAL

101. SDR-6017 - PUBLIC HEARING - APPLICANT: SKY RISE DEVELOPMENT GROUP, INC - OWNER: EDWARD B. FRANKEL FAMILY TRUST - Request for a Site Development Plan Review FOR THE CONVERSION OF A 504-UNIT APARTMENT PROJECT TO A CONDOMINIUM DEVELOPMENT on 24.76 acres at 2200 South Fort Apache Road (APN 163-05-315-045 and 163-05-410-001), R-PD18 (Residential Planned Development - 18 Units per Acre), Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (6-0 vote) recommends APPROVAL

102. SDR-6025 - PUBLIC HEARING - APPLICANT/OWNER: DECATUR CONCORD LLC - Request for a Site Development Plan Review FOR A 4,987 SQUARE-FOOT COMMERCIAL BUILDING AND A WAIVER TO ALLOW A 15-FOOT FRONT SETBACK WHERE 20 FEET IS THE MINIMUM SETBACK REQUIRED AND WAIVERS OF FOUNDATION, BUFFER AND PARKING LOT LANDSCAPING STANDARDS on 0.83 acres adjacent to the northeast corner of Decatur Boulevard and Concord Village Drive (APN 139-19-301-007), C-1 (Limited Commercial) Zone, Ward 5 (Weekly). The Planning Commission (5-0 vote) and staff recommend DENIAL

103. MOD-5581 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Major Modification to the Lone Mountain Master Development Plan TO CHANGE LAND USE DESIGNATIONS FROM: NEIGHBORHOOD COMMERCIAL AND PARK/SCHOOL/RECREATION/OPEN SPACE TO: MULTI-FAMILY MEDIUM on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

104. SDR-5579 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: OMEGA DEVELOPMENT - OWNER: LONE MOUNTAIN COMMERCIAL, LLC AND THE CITY OF LAS VEGAS - Request for a Site Development Plan Review FOR A PROPOSED 136-UNIT RESIDENTIAL CONDOMINIUM DEVELOPMENT on 8.74 acres adjacent to the east side of Hualapai Way, north and south of Gilmore Avenue (APN 138-07-201-001 and 002; 138-07-103-006), U (Undeveloped) Zone [PCD (Planned Community Development) and PR-OS (Parks/Recreation/Open Space) General Plan Designations] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). The Planning Commission (4-1 vote) and staff recommend APPROVAL

105. VAC-5901 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SEEGMILLER PARTNERS, LLC - Petition to Vacate Public Utility Easements at 205 Hoover Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

106. VAC-5902 - PUBLIC HEARING - APPLICANT: JHR ASSOCIATES - OWNER: SP SAHARA DEVELOPMENT, LLC - Petition to Vacate a 15 foot wide Public Utility Easement at 200 West Sahara Avenue, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

107. VAC-5936 - PUBLIC HEARING - APPLICANT/OWNER: PN II, INC. D/B/A PULTE HOMES OF NEVADA - Petition to Vacate U.S. Government Patent Easements generally located west of Shaumber Road, south of Dorrell Lane, Ward 6 (Mack). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL

108. VAC-5954 - PUBLIC HEARING - OWNER: CARINA CORPORATION - APPLICANT: THE KEITH COMPANIES - Petition to Vacate a Road, Public Utility and Flood Control Easements generally located on Tule Springs Road approximately 1,316 Feet south of Farm Road, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

109. VAC-6015 - PUBLIC HEARING - OWNER/APPLICANT: TOM AND JUDY MILLER - Petition to Vacate a portion of Nemeth Road generally located south of Smoke Ranch Road, approximately 481 feet east of Rainbow Boulevard, Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL. [NOTE: The application should read Nemeth Lane]

110. WVR-6035 - PUBLIC HEARING - APPLICANT: NEVADA HOMES GROUP - OWNER: DAY STAR VENTURES LLC - Request for a Waiver of Title 18.12.160 TO ALLOW 209 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED FOR A SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 5.35 acres adjacent to the southeast corner of Dorrell Lane and Hualapai Way (APN 125-19-201-001 and 003), R-PD3 (Residential Planned Development- 3 Units per Acre), Ward 6 (Mack). The Planning Commission (7-0 vote) and staff recommend APPROVAL

111. VAR-5808 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Variance TO ALLOW A 37-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM SETBACK OF 84 FEET FOR A PROPOSED OFFICE/WAREHOUSE DEVELOPMENT on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

112. SDR-5813 - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: PERKOWITZ AND RUTH ARCHITECTS - OWNER: RICHMOND AMERICAN HOMES OF NEVADA, INC. - Request for a Site Development Plan Review FOR A PROPOSED 38,000 SQUARE-FOOT OFFICE/WAREHOUSE DEVELOPMENT AND FOR A WAIVER OF THE BUILDING PLACEMENT, PERIMETER, AND PARKING LOT LANDSCAPING REQUIREMENTS on 3.56 acres east of Rancho Drive, approximately 500 feet south of Lone Mountain Road (APN 138-02-102-012), C-2 (General Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

113. VAR-5694 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Variance TO ALLOW A 24-FOOT SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A MINIMUM OF 73 FEET on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

114. SUP-5691 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND A WAIVER OF THE 1,500-FOOT DISTANCE SEPARATION REQUIREMENT FROM AN EXISTING PARK adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request withdrawn as unnecessary]

115. SDR-5689 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, A.I.A., LLC - OWNER: A.L.M. CORP. - Request for a Site Development Plan Review FOR A 6,115 SQUARE-FOOT TAVERN AND A WAIVER OF TRASH ENCLOSURE SEPARATION on 2.55 acres adjacent to the northeast corner of Grand Teton Drive and Durango Drive (APN a portion of 125-09-401-006), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL. [NOTE: Waiver request has been withdrawn]

116. VAR-5952 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Variance to ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT on 4.87 ACRES WHERE 5.00 ACRES IS THE MINIMUM AREA REQUIRED adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

117. ZON-5788 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-PD3 (RESIDENTIAL PLANNED DEVELOPMENT - 3 UNITS PER ACRE) on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

118. WVR-5790 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Waiver of Title 18.12.160 TO ALLOW APPROXIMATELY 190 FEET BETWEEN STREET INTERSECTIONS WHERE 220 FEET IS THE MINIMUM DISTANCE SEPARATION REQUIRED IN CONJUNCTION WITH A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

119. SDR-5789 - PUBLIC HEARING - APPLICANT: GAUGHAN RICHARDSON DEVELOPMENT - OWNER: COX FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED 15-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.87 acres adjacent to the southeast corner of Ann Road and Torrey Pines Drive (APN 125-35-501-001), R-E (Residence Estates) Zone [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre) Zone], Ward 6 (Mack). The Planning Commission (7-0 vote) recommends DENIAL. Staff recommends APPROVAL

120. VAR-6028 - PUBLIC HEARING - APPLICANT: TIM C. AYALA - OWNER: REYES G. PALACIOS - Request for a Variance TO ALLOW A FIVE-FOOT SIDE YARD SETBACK WHERE TEN FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED ROOM ADDITION on 0.50 acres at 729 Clarkway Drive (APN 139-28-301-017), R-E (Residence Estates) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (6-0-1 vote) recommends APPROVAL

121. VAR-6030 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Variance TO ALLOW 14 PARKING SPACES WHERE 18 SPACES ARE THE MINIMUM NUMBER OF SPACES REQUIRED FOR A PROPOSED OFFICE DEVELOPMENT on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

122. SDR-6026 - PUBLIC HEARING - APPLICANT: LLOYD BAKER - OWNER: BAKER LAW OFFICES, P.C. - Request for a Site Development Plan Review FOR A 5,362 SQUARE-FOOT OFFICE DEVELOPMENT AND WAIVERS OF THE SETBACK, LANDSCAPE BUFFER STANDARDS AND PARKING LOT LANDSCAPE STANDARDS on 0.25 acres adjacent to the southwest corner of 8th Street and Clark Avenue (APN 139-34-710-048), R-1 (Single Family Residential) Zone under Resolution of Intent to P-R (Professional Office and Parking) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (7-0 vote) recommends APPROVAL
123. RQR-5925 - PUBLIC HEARING - APPLICANT/OWNER: CHETAK DEVELOPMENT CORPORATION - Required Two Year Review of an Approved Special Use Permit (SUP-1274) FOR A 55 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 2236 Paradise Road (APN 162-03-411-011), C-1 (Limited Commercial) Zone, Ward 3 (Reese). The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
124. RQR-5939 - PUBLIC HEARING - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: LODGE BPOE #1468 - Appeal letter filed by the applicant from the Denial by the Planning Commission of a Required Five Year Review of an approved Special Use Permit (U-0216-90) WHICH ALLOWED A 40 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 4100 West Charleston Boulevard (APN 139-31-801-009), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (4-2 vote) recommends DENIAL. Staff recommends APPROVAL
125. SUP-5908 - PUBLIC HEARING - APPLICANT: YONG WEN - OWNER: GGP IVANHOE II, INC. - Request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND A WAIVER OF THE REQUIRED 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY AND A SCHOOL at 4300 Meadows Lane (APN 139-31-510-019), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). (NOTE: Item to be heard in conjunction with Morning Session Item 58) The Planning Commission (5-0-1 vote) and staff recommend APPROVAL
126. SUP-5910 - PUBLIC HEARING - APPLICANT: CLASSY CONSIGNMENT, INC. - OWNER: SAHARA PAVILION NORTH U.S., INC. - Request for a Special Use Permit FOR A PROPOSED SECONDHAND DEALER at 4704 West Sahara Avenue, Suite #1 (APN 162-06-402-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL
127. SUP-5912 - PUBLIC HEARING - APPLICANT: INDIA OVEN, INC. - OWNER: CHETAK DEVELOPMENT CORPORATION - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 2218 Paradise Road (APN 162-03-411-010), C-1 (Limited Commercial) Zone, Ward 3 (Reese). (NOTE: Item to be heard in conjunction with Morning Session Item 57) The Planning Commission (4-0-2 vote) and staff recommend APPROVAL
128. SUP-5938 - PUBLIC HEARING - APPLICANT: LIJUN ZHANG - OWNER: RAINBOW EXPRESS VILLAGE, LIMITED PARTNERSHIP - Appeal filed by the applicant from the Denial by the Planning Commission of a request for a Special Use Permit FOR A PROPOSED MASSAGE ESTABLISHMENT AND WAIVERS OF THE REQUIRED 1,000 FOOT DISTANCE SEPARATION FROM A SIMILAR USE, THE 400 FOOT DISTANCE SEPARATION FROM RESIDENTIAL PROPERTY, AND HOURS OF OPERATION OF 8:00 A.M. TO 9:00 P.M. TO ALLOW THE HOURS OF OPERATION OF 10:00 A.M. TO 3:00 A.M. at 1750 South Rainbow Boulevard, Suite #12 (APN 163-02-212-001), C-1 (Limited Commercial) Zone, Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend DENIAL
129. SUP-5917 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (TAVERN) AND FOR A WAIVER OF THE REQUIRED 1,500 FOOT DISTANCE SEPARATION FROM A CHURCH, A SCHOOL AND A CHILD CARE FACILITY adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL
130. SDR-5916 - PUBLIC HEARING - APPLICANT: GERALD GARAPICH, AIA, LLC - OWNER: RANCHO AIR CENTER, INC. - Request for a Site Development Plan Review FOR A PROPOSED 5,000 SQUARE FOOT LIQUOR ESTABLISHMENT (TAVERN) on a 1.34 acre portion of a 31.42 site acres adjacent to the west side of Rancho Drive, approximately 250 feet north of Smoke Ranch Road (APN 139-18-410-005), C-M (Commercial/Industrial) Zone, Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (5-0-1 vote) recommends APPROVAL

PLANNING & DEVELOPMENT - DISCUSSION

131. SUP-5947 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (ON AND OFF-PREMISE SALE OF BEER AND WINE) at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

132. SDR-5946 - PUBLIC HEARING - APPLICANT: NORA'S WINE BAR AND OSTERIA, LLC - RAMPART COMMONS, LTD., LLC - Request for a Site Development Plan Review FOR A PROPOSED 737 SQUARE FOOT EXPANSION TO AN EXISTING SHOPPING CENTER on 8.28 acres at 1031 South Rampart Boulevard (APN 138-32-411-003), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0 vote) and staff recommend APPROVAL

133. SUP-5859 - PUBLIC HEARING - APPLICANT: ANVUI, LLC - OWNER: G.L. DRAGON, LLC - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB at 1050 South Rampart Boulevard (APN 138-32-412-024), C-1 (Limited Commercial) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

134. SUP-5998 - PUBLIC HEARING - APPLICANT: PEI WEI - OWNER: MARK L. FINE & ASSOCIATES - Request for a Special Use Permit FOR A PROPOSED RESTAURANT SERVICE BAR at 10830 West Charleston Boulevard, Suite 110 (APN 137-36-414-002), P-C (Planned Community) Zone, Ward 2 (Wolfson). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

135. SUP-6004 - PUBLIC HEARING - APPLICANT: MULUGETA BOUR - OWNER: NEVADA BROOKS COOK - Request for a Special Use Permit FOR A PROPOSED LIQUOR ESTABLISHMENT (OFF-PREMISE CONSUMPTION) TO ALLOW FULL LIQUOR SALES at 1616 South Las Vegas Boulevard (APN 162-03-210-058), C-2 (General Commercial) Zone, Ward 1 (Tarkanian). Staff recommends DENIAL. The Planning Commission (4-1-2 vote) recommends APPROVAL

136. SUP-6020 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Special Use Permit FOR A PROPOSED CHILD CARE CENTER adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

137. SDR-6018 - PUBLIC HEARING - APPLICANT: VIOLET SAHAKYAN - OWNER: ROBERT BOLTEN AND RHONDA BOLTEN - Request for a Site Development Plan Review FOR A 14,797 SQUARE-FOOT CHILD CARE CENTER on 2.24 acres adjacent to the southeast corner of Jones Boulevard and Washburn Road (APN 125-36-301-001), R-E (Residence Estates) Zone, Ward 6 (Mack). The Planning Commission (6-0-1 vote) and staff recommend APPROVAL

138. ZON-5769 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Rezoning FROM: R-1 (SINGLE FAMILY RESIDENTIAL) TO: C-1 (LIMITED COMMERCIAL) on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL. [NOTE: Request is to P-R (Professional Office and Parking)]

139. SDR-5770 - PUBLIC HEARING - APPLICANT/OWNER: GARETH J. SPICER - Request for a Site Development Plan Review FOR A PROPOSED 1,688 SQUARE-FOOT COMMERCIAL USE AND WAIVERS OF COMMERCIAL DEVELOPMENT STANDARDS FOR PERIMETER, FOUNDATION AND PARKING LOT LANDSCAPING; A WAIVER TO ALLOW A 27 FOOT FRONT SETBACK WHERE 20 FEET IS REQUIRED; AND A WAIVER TO ALLOW A 6.2 FOOT SIDE YARD SETBACK WHERE 10 FEET IS REQUIRED FOR A COMMERCIAL USE on 0.15 acres at 708 South Jones Boulevard (APN 138-36-316-007), R-1 (Single Family Residential) Zone [PROPOSED: C-1 (Limited Commercial) Zone], Ward 1 (Tarkanian). The Planning Commission (6-0 vote) and staff recommend APPROVAL

140. ZON-5776 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD4 (RESIDENTIAL PLANNED DEVELOPMENT - 4 UNITS PER ACRE) on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. [NOTE: Application has been revised to R-PD3 (Residential Planned Development - 3 Units per Acre)] (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)

PLANNING & DEVELOPMENT - DISCUSSION

141. VAR-5846 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Variance TO ALLOW AN R-PD (RESIDENTIAL PLANNED DEVELOPMENT) ZONING DISTRICT ON 2.16 ACRES WHERE 5.00 ACRES IS THE MINIMUM REQUIRED on property adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
142. SDR-5778 - PUBLIC HEARING - APPLICANT: S.B.A. DEVELOPMENT, INC. - OWNER: SF INVESTMENTS, LLC - Request for a Site Development Plan Review FOR A PROPOSED NINE LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 2.16 acres adjacent to the southeast corner of Jones Boulevard and Madre Mesa Drive (APN 138-13-301-001), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD4 (Residential Planned Development - 4 units per acre) Zone], Ward 5 (Weekly). Staff recommends DENIAL. The Planning Commission (3-1-2 vote) recommends APPROVAL. (NOTE: Proposal as been amended to R-PD3 for 7 units) (NOTE: This item will be held in abeyance to the 05/04/05 Council meeting)
143. GPA-5762 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request to amend a portion of the Centennial Hills Sector Plan FROM: DR (DESERT RURAL DENSITY RESIDENTIAL) TO: L (LOW DENSITY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
144. ZON-5765 - PUBLIC HEARING - APPLICANT: AMTI SUNBELT, LLP - OWNER: KOBIE CREEK, LLC - Request for a Rezoning FROM: R-E (RESIDENCE ESTATES) TO: R-1 (SINGLE FAMILY RESIDENTIAL) on 5.10 acres adjacent to the northwest corner of Decatur Boulevard and Gowan Road (APN 138-12-601-040), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL
145. ZON-5809 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Rezoning FROM: U (UNDEVELOPED) [R (RURAL DENSITY RESIDENTIAL) GENERAL PLAN DESIGNATION] TO: R-PD10 (RESIDENTIAL PLANNED DEVELOPMENT - 10 UNITS PER ACRE) on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Request is now for R-PD8)
146. VAR-5810 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Variance TO ALLOW 0.51 ACRES OF OPEN SPACE WHERE 1.09 ACRES IS THE MINIMUM AMOUNT REQUIRED IN CONJUNCTION WITH A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)
147. SDR-5807 - NOT TO BE HEARD BEFORE 4:00 P.M. - ABEYANCE ITEM - PUBLIC HEARING - APPLICANT: RICHMOND AMERICAN HOMES - OWNER: REGAL VILLAGE, LLC - Request for a Site Development Plan Review FOR A PROPOSED 66 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 6.86 acres adjacent to the north side of Ann Road, approximately 290 feet west of Rainbow Boulevard (APN 125-27-803-008), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] under Resolution of Intent to N-S (Neighborhood Service) [PROPOSED: R-PD10 (Residential Planned Development - 10 units per acre) Zone], Ward 6 (Mack). Staff recommends DENIAL. The Planning Commission (4-1-1 vote) recommends APPROVAL. (NOTE: Application is for 58 units)

SET DATE

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

CITIZENS PARTICIPATION

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

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

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

City of Las Vegas

CITY COUNCIL MEETING
CITY HALL, 400 STEWART AVENUE
COUNCIL CHAMBERS
WEDNESDAY, APRIL 6, 2005
1:00 P.M.

ADDENDUM:

PLANNING & DEVELOPMENT DEPARTMENT - DISCUSSION

- 94A. DIR-6223 - APPLICANT: TRIPLE FIVE NEVADA DEVELOPMENT CORPORATION -
Appeal of Director's decision per Title 19.00.070.F to deny the acceptance of the application of a
Request to amend the Master Plan of Streets and Highways TO REALIGN A PORTION OF
GRAND MONTECITO PARKWAY BETWEEN DORRELL LANE AND DEER SPRINGS,
Ward 6 (Mack). Staff recommends DENIAL

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

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

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

RESOLUTIONS:

R-34-2005 - Approval of Resolution of Intent to Annex Territory Generally Located On the South Side of Centennial Parkway, East of Puli Drive (ANX-5163); Acreage: Approximately 62 acres; Zoned: R-U (County zoning), U (PCD) and U (PF) (City equivalents) - Ward 6 (Mack)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

This Resolution begins the process for annexing certain real property, sets a date for public hearing, directs notice of the public hearing to be given, and directs the preparation of an annexation report.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Resolution No. R-34-2005

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

There was no related discussion.

(9:51 - 9:52/9:53 - 9:55/10:03 - 10:07)

1-1530/1-2033

**RESOLUTION OF INTENT TO ANNEX TERRITORY
GENERALLY LOCATED ON THE SOUTH SIDE OF CENTENNIAL PARKWAY,
EAST OF PULI DRIVE (ANX-5163)**

WHEREAS, the City Council of the City of Las Vegas, Nevada, deems it appropriate and in the best interests of the public health, safety, welfare, and convenience that certain territory be annexed to the City.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Las Vegas, Nevada, at a regular meeting thereof held on the 6th day of April, 2005, as follows:

1. It is the intention of the City Council to annex to the City the real property described as follows:

Those portions of the West Half (W 1/2) of the West Half (W 1/2) of Section 25, Township 19 South, Range 59 East, M.D.M., in the County of Clark, State of Nevada, described as follows:

PARCEL 1

The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of said Section 25.

PARCEL 2

The West Half (W 1/2) of the West Half (W 1/2) of the Northwest Quarter (NW 1/4) of said Section 25.

PARCEL 3

The Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 25.

2. The City Council intends to meet on May 18, 2005, in the Council Chambers, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, and, at or after the hour of 1:00 p.m. on that day, will conduct a public hearing on the question of the annexation described in this Resolution.

3. The City Clerk is directed to give notice of the public hearing by:

(A) Publication thereof at least three (3) times in a newspaper published in the City of Las Vegas and of general circulation in the area of the described territory. The first publication shall be at least twenty (20) days prior to May 17, 2005, and not less than six (6) days shall intervene between the first publication and the last publication; and

(B) Mailing notice thereof by certified mail, return receipt requested, to each record

owner of real property within the described territory, with the notice to be mailed at the time of the first publication thereof. The notice shall be in substantially the same form as attached hereto as Exhibit "A."

4. The Director of Public Works, and the Director of Planning and Development are directed to prepare and submit to the City Council on April 20, 2005, a report setting forth plans for the extension into the described territory of all major municipal services presently furnished by the City to its residents and citizens. The report shall include without limitation:

(A) An accurate map or plat of the territory proposed to be annexed, prepared under the supervision of a competent surveyor or engineer;

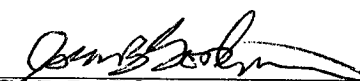
(B) A map or maps of the City and the adjacent territory to show the following information:

- (1) The present and proposed boundaries of the City;
- (2) The present streets and sewer interceptors and outfalls;
- (3) The proposed extension of the present streets and sewer interceptors and outfalls;
- (4) The present and proposed general land use pattern in the territory proposed be annexed.

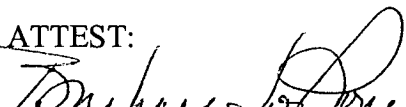
(C) A statement showing that the territory proposed to be annexed is eligible for annexation under NRS 268.570 to 268.608, inclusive.

PASSED, ADOPTED, AND APPROVED this 6th day of April, 2005.

CITY OF LAS VEGAS

BY 
OSCAR B. GOODMAN, Mayor

ATTEST:


BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM

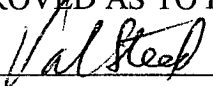
 3-23-05
Date

EXHIBIT "A"

NOTICE OF HEARING ON QUESTION OF ANNEXATION OF TERRITORY (ANNEXATION ANX-5163)

NOTICE IS HEREBY GIVEN to the property owners within the area proposed to be annexed into the City of Las Vegas, Nevada, by Annexation ANX-5163 that:

1. The City Council of the City of Las Vegas, Nevada, has by Resolution duly passed, adopted and approved on the 6th day of April, 2005, declared its intention to annex to the City certain territory generally located on the south side of Centennial Parkway, east of Puli Drive

The territory proposed to be annexed is more particularly described as follows:

Those portions of the West Half (W ½) of the West Half (W ½) of Section 25, Township 19 South, Range 59 East, M.D.M., in the County of Clark, State of Nevada, described as follows:

PARCEL 1

The Northeast Quarter (NE 1/4) of the Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of said Section 25.

PARCEL 2

The West Half (W ½) of the West Half (W ½) of the Northwest Quarter (NW 1/4) of said Section 25.

PARCEL 3

The Northwest Quarter (NW 1/4) of the Northwest Quarter (NW 1/4) of the Southwest Quarter (SW 1/4) of said Section 25.

2. At its meeting of Wednesday, May 18, 2005, during the afternoon session commencing at the hour of 1:00 p.m. in the Council Chambers, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, the City Council will conduct a public hearing on the question of the annexation described in this Notice.

3. A report setting forth the City's plans for the extension into the above-described territory of all major municipal services presently furnished by the City to its residents and citizens will be available for examination by the public in the Office of the City Clerk, City Hall, 400 Stewart Avenue, Las Vegas, Nevada, no later than twenty (20) days prior to the date of the public hearing. The report shall include:

- A. An accurate map or plat of the territory proposed to be annexed, prepared under the supervision of a competent surveyor or engineer;
 - B. A map or maps of the City and the adjacent territory to show the following information:
 - (1) The present and proposed boundaries of the City;
 - (2) The present streets and sewer interceptors and outfalls;
 - (3) The proposed extension of the present streets and sewer interceptors and outfalls; and
 - (4) The present and proposed general land use pattern into the territory proposed to be annexed.
 - C. A statement showing that the territory proposed to be annexed is eligible for annexation under NRS 268.570 to 268.608, inclusive.
4. The names and addresses of all record owners of real property within the above-described territory proposed to be annexed are as follows:

USA
Washington, D.C. 20260

Bridgekeeper, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

Southwest Desert Equities, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1077

Southwest Desert Equities, LLC
3455 Cliff Shadows Pkwy #220
Las Vegas, NV 89129-1062

5. Any record owner of real property within the above-described territory may:
- A. Appear and be heard either in favor of or in protest of the proposed annexation at the public hearing;
 - B. File with the City Clerk a written protest of such annexation at any time within fifteen

(15) days after the conclusion of the public hearing; or

C. Do both.

Unless a majority of the property owners in the territory proposed to be annexed protest the annexation either orally at the public hearing or in writing within fifteen (15) days after the conclusion of such public hearing, the City Council shall have authority to adopt an ordinance extending the corporate limits of the City of Las Vegas to include all or any part of the territory described in this Notice.

By ORDER of the City Council of the City of Las Vegas, Nevada, dated this 6th day of April, 2005.

BARBARA JO RONEMUS, City Clerk

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: NEIGHBORHOOD SERVICES

DIRECTOR: ORLANDO SANCHEZ

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Wolfson and Councilwoman Tarkanian

Approval of a Lease Agreement between the City of Las Vegas (Lessor) and Affleck Enterprises (Lessee) located at 1951 Stella Lake Drive, Suite 5, commonly known as the Las Vegas Business Center (\$31,536 revenue/36 months - Las Vegas Business Center Operations Fund) - Ward 5 Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Affleck Enterprises provides engineering consulting services for developers through computerized design and related technical services. Affleck Enterprises' lease term is for three years with three one-year options for renewal.

RECOMMENDATION:

The 4/5/2005 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

Lease Agreement

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

Under Item 3, **COUNCILMAN WOLFSON** reported that the Real Estate Committee met to review all the Real Estate Items on the Consent Agenda and joined with the recommendation of staff that each item be approved by the City Council.

(9:51 - 9:52/9:53 - 9:55)

1-1530

LEASE AGREEMENT
LAS VEGAS BUSINESS CENTER

THIS LEASE AGREEMENT (hereinafter "Lease") entered into this 6th day of April, 2005, by and between the CITY OF LAS VEGAS, a municipal corporation of the State of Nevada (hereinafter "Lessor"), and Affleck Enterprises, (hereinafter "Lessee").

WITNESSETH:

WHEREAS, Lessor is the owner of the Las Vegas Business Center ("Business Center"), located at 1951 Stella Lake Street in Las Vegas, Nevada; and

WHEREAS, Lessor desires to make space available at the Business Center for commercial, industrial and office operations that will enhance the economic well-being of the community and provide employment opportunities for area residents who are of low to moderate income; and

WHEREAS, Lessor desires to make available to Lessee, by means of this Lease, certain space within the Business Center on the terms and conditions set forth herein; and

WHEREAS, the Business Center was constructed in part with funds from the Economic Development Administration ("EDA") in the form of a grant (#07-01-03025), whose general and special purpose (hereinafter referred to as the purpose of the EDA grant") was to construct a light industrial/office building for multiple tenants in the Las Vegas Special Impact Area; and

WHEREAS, the Business Center was also constructed in part with funds from the U. S. Department of Housing and Urban Development ("HUD") Community Development Block Grant ("CDBG") as a capital improvement project; and

WHEREAS, this Lease is consistent with the purpose of the EDA grant and the CDBG grant.

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

1. LEASE OF PREMISES

Subject to the provisions of this Lease, Lessor hereby leases to Lessee, and Lessee hereby leases from Lessor, certain space within the Business Center commonly known as Suite 5. Each suite (hereinafter the "Premises") consists of approximately 1,200 square feet and its location and dimensions are shown particularly on the copy of the Floor Plan of the Business Center that is attached hereto as Exhibit "A" and incorporated herein by this reference to be occupied by Affleck Enterprises.

2. TERM

Unless earlier terminated in accordance with the provisions of this Lease, the term of this Lease shall be three (3) years. The term shall begin on April 1, 2005 (the "Commencement Date") and shall end on March 31, 2008.

3. NON-RELOCATION

It is understood and agreed that 34% of the funds to reconstruct the Business Center were received by means of a grant from EDA. Sixty-six (66%) of the funds were received from the United States Department of Housing and Urban Development (HUD) Community Development Block Grant (CDBG) program. It is a condition of the EDA grant that the building not be leased

to a company, which has relocated its facility from one commuting area to another. Lessee represents and warrants that it has not relocated its business facility from a location outside the Las Vegas Metropolitan Statistical Area to the Business Center. Lessee agrees to comply with EDA policies concerning nonrelocation by furnishing to Lessor, on a form provided by Lessor, a properly executed "Employer's Certificate of Nonrelocation," the form of which is attached as Exhibit "C" and provided by the City.

This condition does not apply to businesses which:

- (i) relocated to the area prior to the date of the applicant's application for lease;
- (ii) have moved or will move into the area primarily for reasons which have no connection to the lease of the Las Vegas Business Center;
- (iii) will expand employment in the Las Vegas Valley area substantially beyond employment in the area in which the business had originally been located;
- (iv) are relocating from technologically obsolete facilities to be competitive;
- (v) are expanding into the Las Vegas Valley area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old areas; or
- (vi) are determined by EDA to be exempt (13 CFR Section 316.4(b)).

4. JOB CREATION AND RETENTION

Lessee agrees to comply with the following requirements concerning job creation and/or retention:

a) Lessee shall implement an activity designed to create or retain permanent jobs where at least 51 percent of the jobs, computed on a full time equivalent basis, involve the employment of low- and moderate-income persons. To qualify under this paragraph, the activity must meet the following criteria:

- (i) For an activity that creates jobs, the Lessee must document that at least 51 percent of the jobs will be held by, or will be available to, low- and moderate-income persons.
- (ii) For an activity that retains jobs, the Lessee must document that the jobs would actually be lost without the CDBG assistance and that either or both of the following conditions must apply with respect to at least 51 percent of the jobs at the time the CDBG assistance is provided:
 - (A) The job is known to be held by a low- or moderate-income person; or
 - (B) The job can reasonably be expected to turn over within the following two years and that steps will be taken to ensure that it will be filled by, or made available to, a low- to moderate-income person upon turnover.
- (iii) Jobs that are not held or filled by a low- or moderate-income person may be considered to be available to low- and moderate-income persons for these purposes only if:
 - (A) Special skills that can only be acquired with substantial training or work experience or education beyond high school are not a prerequisite to fill such jobs, or the business agrees to hire unqualified persons and provide training; and
 - (B) The Lessee and the assisted business take actions to ensure that low- and moderate-income persons receive first consideration for filling such jobs.

5. RECORDS TO BE MAINTAINED

Each Lessee shall establish and maintain sufficient records to enable the Secretary of the U.S. Department of Housing and Urban Development, or its designee, to determine whether the Lessee has met the requirements of this part. At a minimum, the following records are needed:

- a) Records demonstrating that each activity undertaken meets one of the criteria set forth in 24 CFR § 570.208. (Where information on income by family size is required, the Lessee may substitute evidence establishing that the person assisted qualifies under another program having income qualification criteria at least as restrictive as that used in the definitions of “low- and moderate-income person” and “low- and moderate-income household” (as applicable) at 24 CFR § 570.3, such as Job Training Partnership Act (JTPA) and welfare programs; or the Lessee may substitute evidence that the assisted person is homeless; or the Lessee may substitute a copy of a verifiable certification from the assisted person that his or her family income does not exceed the applicable income limit established in accordance with 24 CFR §570.3, as specified on the Self Certification Form For Family Income, the form of which is attached as Exhibit “F” and provided by the City; or the Lessee may substitute a notice that the assisted person is a referral from a state, county or local employment agency or other entity that agrees to refer individuals it determines to be low- and moderate-income persons based on HUD’s criteria and agrees to maintain documentation supporting these determinations.) Such records shall include the following information:

- (i) For each activity determined to benefit low- and moderate-income persons based on the creation of jobs, the Lessee shall provide the documentation described in either paragraph 5(a)(1)(A) or (B) of this section.

- A. Where the Lessee chooses to document that at least 51 percent of the jobs will be available to low- and moderate-income persons, documentation for each assisted business shall include:

- (1) A copy of a written agreement containing:

- a) A commitment by the business that it will make at least 51 percent of the jobs available to low- and moderate-income persons and will provide training for any of those jobs requiring special skills or education:

- b) A listing by job title of the permanent jobs to be created indicating which jobs will be available to low- and moderate-income persons, which jobs require special skills or education, and which jobs are part-time, if any; and

- c) A description of actions to be taken by the Associate and business to ensure that low- and moderate-income persons receive first consideration for those jobs; and

- (2) A listing by job title of the permanent jobs filled, and which jobs of those were available to low-moderate-income persons, and a description of how first consideration was given to such persons for those jobs. The description shall include what hiring process was used; which low- and moderate-income persons were interviewed for a particular

job; and which low- and moderate-income persons were hired.

- B. Where the Lessee chooses to document that at least 51 percent of the jobs will be held by low- and moderate-income persons, documentation for each assisted business shall include:
 - (1) A copy of a written agreement containing:
 - a) A commitment by the business that at least 51 percent of the jobs, on a full-time equivalent basis, will be held by low- and moderate-income persons; and
 - b) A listing by job title of the permanent jobs to be created, identifying which are part-time, if any.
 - (1) A listing by job title of the permanent jobs filled and which jobs were initially held by low- and moderate-income persons; and
 - (2) For each such low- and moderate-income person hired, the size and annual income of the person's family prior to the person being hired for the job.
- (ii) For each activity determined to benefit low- and moderate-income persons based on the retention of jobs:
 - A. Evidence that in the absence of CDBG assistance, jobs would be lost;
 - B. For each business assisted, a listing by job title of permanent jobs retained, indicating which of those jobs are part time and (where it is known) which are held by low- and moderate-income persons at the time the CDBG assistance is provided. Where applicable, identification of any of the retained jobs (other than those known to be held by low- and moderate-income persons) which are projected to become available to low- and moderate-income persons through job turnover within two years of the time CDBG assistance is provided. Information upon which the job turnover projections were based shall also be included in the record;
 - C. For each retained job claimed to be held by a low- and moderate-income person, information on the size and annual income of the person's family;
 - D. For jobs claimed to be available to low- and moderate-income persons based on job turnover, a description covering the items required for "available to" jobs in paragraph 5(a) of this section; and
 - E. Where jobs were claimed to be available to low- and moderate-income persons through turnover, a listing of each job which has turned over to date, indicating which of those jobs were either taken by, or available to, low- and moderate-income persons. For jobs made available, a description of how first consideration was given to such persons for those jobs shall also be included in the record.
- (i) For purposes of documenting, pursuant to section 5(a)(i)(B), 5(a)(i)(B)(3), 5(a)(ii)(C), or 5(a)(ii)(E), the person for whom a job was either filled by or made available to a low- or moderate-income person based upon the census tract where the person resides

or in which the business is located, the Lessee, in lieu of maintaining records showing the person's family size and income, may substitute records showing either the person's address at the time the determination of income status was made or the address of the business providing the job, as applicable, the census tract in which that address was located, the percent of persons residing in that tract who either are in poverty or who are low- and moderate-income, as applicable, the data source used for determining the percentage, and a description of the pervasive poverty and general distress in the census tract in sufficient detail to demonstrate how the census tract met the criteria in 24 CFR § 570.208(a)(4)(v), as applicable.

6. CONDITION OF PREMISES

The Premises are leased to Lessee on an "as-is" basis, except that Lessor warrants that the building complies with applicable building-related codes. Lessor makes no other warranty concerning the Premises and shall have no obligation to construct any improvements other than those that presently exist. However, Lessee shall be entitled to any warranties from third-party suppliers, manufacturers or contractors that may be in force and that run in favor of the Lessor of the Business Center.

7. OPTION TO RENEW

Lessor agrees that Lessee may renew this Lease for an additional period of three (3) years, exercised in one (1) year options, in accordance with the terms and conditions contained in this Lease, but subject to the following conditions:

- A. In order to exercise the options, Lessee must first provide Lessor at least 120 days prior written notice of its intent to renew;
- B. The minimum monthly rent may include up to five (5) percent increase or the Consumer Price Index for the previous year, whichever is less, but in no event shall any annual increase exceed \$.10 per square foot. The lease renewal shall be renegotiated within the 120-day period immediately preceding the end of the applicable Lease term. The parties may propose the renegotiation of other terms and conditions for the renewal period; and
- C. Lessor shall be under no obligation to honor the option if Lessee is in default of any covenant, obligation or condition of this Lease.

8. MINIMUM RENT

Lessee agrees to pay Lessor at such place as Lessor may designate, without prior demand therefore and without any deductions or setoff whatsoever, and as minimum monthly rent, the sum of Eight Hundred Forty Dollars and No/Hundredths (\$840.00) in advance, calculated at Eighty Cents (\$.80) per square foot for the 400 square foot office area and Sixty-five Cents (\$.65) per square foot for the flex-space in the 800 square foot warehouse area, on the first day of each calendar month during the first year of the Lease. Lessee agrees to pay the sum of Eight Hundred Seventy Six Dollars and No/Hundredths (\$876.00), calculated at Eighty-three Cents (\$.83) per square foot for the 400 square foot office area and Sixty-eight Cents (\$.68) per square foot for the flex-space in the 800 square foot warehouse area, on the first day of each calendar month during the second year of the Lease. Lessee agrees to pay the sum of Nine Hundred Twelve Dollars and No/Hundredths (\$912.00), calculated at Eighty-six Cents (\$.86) per square foot for the 400 square foot office area and Seventy-one Cents (\$.71) per square foot for the flex-space in the 800 square foot warehouse area, on the first day of each calendar month during the third year of the Lease, thus producing \$31,536 in program income over the initial three-year period.

Lessee agrees to pay Lessor, on April 1, 2005, the first full month's rent and, if the Commencement Date occurs on a day other than the first day of the month, additional rent for the

initial fractional month prorated on a per diem basis. Rental payments made by Lessee to Lessor may be by check or draft and are subject to collection. If payment of any rent by check or draft is dishonored upon presentation for payment, Lessee shall pay a Twenty-Five and No/Hundredths (\$25.00) return check charge, which shall be payable to Lessor, as additional rent, together with Lessee's next monthly rental payment. If the area contained within the Premises is increased or decreased by agreement during the term of this Lease, the minimum shall be adjusted based upon the agreed rate per square foot in the relevant year. Such adjustment shall not be effective until the Lessor has provided Lessee at least thirty (30) days written notice thereof.

9. RENT DEFINED

The terms "rent" and "rental" as used in this Lease means the minimum rent as described in Section 8, any rental adjustment to reflect increases or decreases in the area of the Premises, any additional rents, any amounts to be reimbursed by Lessee and any and all other sums, no matter how designated, that are required to be paid by Lessee under this Lease.

10. LATE CHARGES

In the event Lessee is delinquent in the payment of rent for a period in excess of ten (10) days, after the tenth day, there shall be added to the rent a late charge of Twenty-Five Dollars and No/Hundredths (\$25.00) for the ten days, plus Five Dollars and No/Hundredths (\$5.00) for each additional day.

11. SECURITY DEPOSIT

On or before the Commencement Date, Lessee agrees to deposit with Lessor, in addition to the sum specified in Section 8, the sum of Eight Hundred Forty Dollars and No/Hundredths (\$840.00) as a security deposit for the performance by Lessee of all the covenants, terms and conditions that it is required to perform hereunder.

After the Commencement Date, if Lessee fails to pay rent or perform any other obligation, covenant, term or condition that it is required to perform under this Lease, Lessor may use, apply or retain all or any part of the security deposit for the payment of rent or other amount in default, or for the payment of any other amount that Lessor may spend or become obligated to spend to cure Lessee's default. If any portion of the security deposit is so used or applied, Lessee shall deposit with Lessor, within fifteen (15) days after receipt of written demand therefore along with an invoice or other proof of cost to cure, the amount necessary to restore the security deposit to its original amount. The failure on Lessee's part to do so shall constitute a material breach. Lessor shall be entitled to commingle the security deposit with its own funds and Lessee shall not be entitled to interest on the security deposit. If Lessee faithfully performs its obligations under this Lease and returns the Premises to Lessor in the same condition they were in at the commencement of this Lease, ordinary wear and tear excepted, Lessor shall return the security deposit (or such portion thereof as remains) to Lessee within fifteen (15) days.

12. KEY DEPOSIT

Lessee is required to deposit with Lessor a Key Deposit in the amount of Twenty-Five Dollars and No/Hundredths (\$25) in advance of Commencement Date for each key requested. Keys are the property of the City of Las Vegas and should not be duplicated. Key Deposit will be returned to Lessee upon termination of tenancy for keys returned. Deposit will not be returned to Lessee for keys not returned upon surrendering premises.

13. USE OF PREMISES

Lessee agrees to use the Premises solely for the purpose of providing civil and structural engineering consulting services for developers through computerized design and related technical services, including preparation of field and engineering studies, project planning, and development. Except as expressly consented to in writing by Lessor, Lessee shall not use or

permit the Premises to be used for any purpose, and shall not operate under any name, other than those which are set forth in this Section 13. In addition, Lessee agrees not to use the Premises or permit its use for any purpose that is inconsistent with the purpose of the EDA and CDBG grants.

14. LAWS, WASTE, NUISANCE

Lessee covenants that it:

- A. Will not use or suffer or permit any persons or persons to use the Premises or any part thereof for conducting thereon any activity not authorized in this Lease;
- B. Will comply with all laws, ordinances, regulations and requirements, now in force or which hereafter may be in force, of any lawful governmental body or authority having jurisdiction over the Premises;
- C. Will keep the Premises and every part thereof in a clean, neat and orderly condition, and will in all respects and at all times fully comply with all health and police regulations; and
- D. Will not suffer, permit or commit any nuisance or waste.

15. CHANGES TO AND OPERATION OF BUSINESS CENTER

Lessor reserves the right at all times to exercise reasonable control over, and from time to time to make changes, alterations or additions to, the Business Center. Lessor shall endeavor to do so with a minimum of disruption to Lessee's rights under this Lease. This Section does not diminish Lessee's right to seek any remedy available at law or in equity for injury or damage that Lessee may suffer because of Lessor's alteration of the interior of the Premises.

16. MAINTENANCE OBLIGATIONS

Lessee, at its sole cost and expense, shall at all times keep the Premises, including exterior entrances, all glass and window moldings, sidewalks (whether included in the description of the Premises or adjoining the same), partitions, doors, fixtures, equipment and appurtenances thereof, including lighting, heating, plumbing pipes and fixtures, sewage facilities, electrical wiring, conduits and motors and any air conditioning (HVAC) system, all in good working order, and shall perform periodic interior painting as reasonably determined necessary by Lessor.

If Lessee refuses or neglects to perform maintenance or repair as required hereunder to the reasonable satisfaction of Lessor as soon as reasonably possible after written demand, Lessor may make such repairs. Upon completion of any such repairs, Lessee shall pay Lessor's cost for making such repairs within fifteen (15) days after presentation of a bill therefore. Failure of Lessee to do so shall constitute a default by Lessee hereunder.

Lessor shall maintain the structural components of the Business Center. The structural components of the Business Center shall consist of the following: the foundations, bearing and exterior walls, the roof; the electrical, plumbing and sewage systems lying outside the Premises; gutters and downspouts and other structural improvements made by Lessor to the building in which the Premises are located. If Lessor is required to make structural repairs by reason of Lessee's negligent act or omission, Lessee shall pay Lessor's cost for making such repairs within fifteen (15) days after presentation of a bill therefore. Failure of Lessee to do so shall constitute a default by Lessee hereunder. Lessor's obligation of repair as provided for herein is expressly conditioned upon Lessor's receipt of written notice, given in the manner set forth in Section 44, of the need for such repair. Lessor shall have no liability to Lessee based upon Lessor's failure to repair in the absence of the notice hereby required to be given.

17. ALTERATIONS

Lessee shall not make or cause to be made to the Premises any alterations, additions or improvements, or install or cause to be installed any trade fixtures, exterior signs, floor coverings, interior or exterior lighting, plumbing fixtures, or shades or awnings, or make any other changes, without first obtaining Lessor's written approval. Lessee shall present to the Lessor plans and specifications for such work at the time approval is sought. In the event Lessor consents to the making of any alterations, additions or improvements to the Premises by Lessee, the same shall be made by Lessee at Lessee's sole cost and expense. All such work with respect to any alterations, additions and changes shall be done in a good and workmanlike manner and diligently prosecuted to completion such that, except as absolutely necessary during the course of such work, the Premises shall at all times be a complete operating unit. Any such alterations, additions or changes shall be performed and done strictly in accordance with all laws, regulations and ordinances relating thereto. In performing the work of any such alterations, additions or changes, Lessee shall have the same performed in such a manner as not to obstruct access to any portion of the Premises or the Business Center. Any alterations, additions or improvements to the Premises including wall covering, paneling and built-in cabinet work, but excepting movable furniture and trade fixtures, shall at once become a part of the realty and shall be surrendered with the Premises and to become the property of Lessor unless Lessor otherwise elects at the end of the term hereof.

Lessee shall obtain any and all federal, state and local permits and licenses required to conduct business. Lessee further agrees to abide by all applicable federal, state, and local codes, regulations, statutes, ordinances, and laws. The City makes neither representation nor commitment concerning approval of development-related permits for the Business.

18. UTILITIES

Lessee shall be solely responsible for and shall promptly pay all charges for use or consumption in or upon the Premises for heat, gas, electricity or other utility services, including telephone repair and monthly telephone bills. Lessor shall pay for and be responsible for the supply of water, sewer, and trash removal to the Premises and for utilities supplied to common areas. Lessor shall not be liable in the event of any interruption in the supply of any utility services to the Premises or Business Center except and unless said interruption is due Lessor's negligence. Lessee agrees that it will not install any equipment which will exceed or overload the capacity of any utility facilities and that if any equipment installed by Lessee shall require additional utility facilities, the same shall be installed at Lessee's expense in accordance with plans and specifications previously approved in writing by Lessor.

19. USE OF PARKING AND OTHER AREAS

In connection with its use of the Premises pursuant to this Lease, Lessee is entitled to reasonable use of the parking lot for the Business Center under a revocable license. All facilities in or about the Business Center shall be subject to the exclusive control and management of Lessor. Lessor shall have the right to construct, maintain and operate lighting and other facilities on all said areas and improvements; to police the same; to change the area, level, location and arrangements of the parking area and other common facilities; to restrict parking by lessees, their officers, agents, and employees; to close all or any portion of said areas or facilities to such extent as may be legally sufficient to prevent a dedication thereof or the accrual of any right to any person or the public therein; and to close temporarily all or any portion of the parking areas or facilities to discourage non-customer parking. Lessor shall operate and maintain the parking area in such manner as Lessor in its discretion shall determine. Lessor shall have full right and authority to employ and discharge all its personnel with respect thereto, and shall have the right,

through reasonable rules, regulations and /or restrictive covenants promulgated by it from time to time, to control use and operation of the parking area in order that the same may occur in a proper and orderly fashion. No such rules, regulations or restrictive covenants may be enforced against Lessee unless notice thereof is first provided to Lessee.

20. TAXES

Subject to applicable exemptions from tax, Lessee shall be solely responsible for and shall pay before delinquency any and all taxes of any nature that may be levied, assessed or imposed upon the possession or use of the Premises or buildings, structures, improvements, personal property and other taxable interests located in or upon the Premises.

21. RESPONSIBILITY AND LIABILITY

Lessee will be financially responsible to Lessor for liability or claims for damages or injury resulting from negligent or intentional acts or omissions by Lessee and its employees in connection with an occurrence upon the Premises during the term of this Lease, and Lessee will resist and defend at its own expense any actions or proceeding brought against Lessor by reason of such claims.

22. INSURANCE

Lessee agrees to procure and maintain, at its sole cost and expense and during the term of this Lease and any renewal period thereof, the following:

- A. Fire insurance and extended coverage insurance to cover the replacement cost of Lessee's improvements, trade fixtures, furnishings, equipment and all other personal property;
- B. Workmen's compensation coverage as required by law, whether by self-insurance or otherwise.
- C. General liability and property damage coverage with respect to the Premises with combined single limits of not less than \$1,000,000 per person and per occurrence for bodily injury and a limit of not less than \$1,000,000 per accident or occurrence for property damage. The liability coverage may be provided through self-insurance.

Lessee agrees that Lessor shall be an additional named insured with respect to the property damage coverage described in subsection C of this Section 22. Lessee further agrees to deliver to Lessor evidence of the coverages required herein no later than 30 days after the Commencement Date. The policy or policies that provide property damage coverage shall contain a provision that the insurer will not cancel or reduce the required coverage without first providing Lessor at least 30 days' written notice.

23. ACCESS TO PREMISES

Lessor shall have the right to place, maintain and repair all utility equipment of any kind in, upon and under the Premises as may be necessary for the servicing of the Premises and other portions of the Business Center. Lessor shall also have the right to enter the Premises upon reasonable notice to inspect or to exhibit the same to prospective purchasers, and lessees, and to make such repairs, additions, alterations or improvements as Lessor may deem desirable. During the four (4) months prior to the expiration of this Lease or of any renewal term, Lessor may place upon the Premises signs indicating the availability of the Premises for lease or sale, which Lessee shall permit to remain thereon.

Lessor may enter the Premises at any time, without notice, in the event of an actual or believed emergency. Lessor shall at all times have and retain a key with which to unlock all of the doors of the Premises, excluding Lessee's vaults and safes, and Lessor shall have the right to use any and all means which Lessor may deem proper to open said doors in an emergency in

order to obtain entry to the Premises. Any entry to the Premises by any of said means, or otherwise, shall not under any circumstances be construed or deemed to be a forcible or unlawful entry into, or a detainer of the Premises, or an eviction of Lessee from the Leased Premises or any portion thereof.

24. SURRENDER OF PREMISES

Upon expiration or other authorized termination of this Lease, Lessee shall surrender the Premises in the same condition as they were in at the commencement of this Lease, except for additions, alterations or changes specifically authorized by Lessor and reasonable wear and tear, and shall deliver all keys to Lessor. Before surrendering the Premises, Lessee shall remove all of its personal property and trade fixtures and such alterations or additions to the Premises made by Lessee as may be specified for removal by Lessor, and shall repair any damage caused by such property or the removal thereof.

25. HOLDING OVER

Any holding over after the expiration of the term hereof or of any renewal term shall be construed to be a tenancy from month to month at a negotiated rate and shall otherwise be on terms herein specified so far as possible.

26. SALE OF BUSINESS CENTER

Lessor reserves the right at any time to sell, convey or otherwise transfer its interest in the Business Center or any portion thereof. In the event of a sale, conveyance or transfer of its interest (other than a transfer for purposes of creating a security interest), Lessor must include, as part of the documents transferring its interest, a provision obligating its successor to honor Lessor's obligations under this Lease.

27. EMINENT DOMAIN

In case the whole of the Premises, or such part thereof as shall substantially interfere with Lessee's use and occupancy thereof, shall be taken by any lawful power or authority by exercise of the right of eminent domain, or sold to prevent such taking, either Party may terminate this Lease effective as of the date possession is required to be surrendered to said authority. Lessee shall not because of such taking assert any claim against Lessor or the taking authority for any compensation because of such taking, and Lessor shall be entitled to receive the entire amount of any award without deduction for any estate or interest of Lessee. In the event the amount of property or the type of estate taken shall not substantially interfere with the conduct of Lessee's business, Lessor shall be entitled to the entire amount of the award without deduction for any estate or interest of Lessee. In such event, Lessor shall promptly proceed to restore the Premises to substantially their condition prior to such partial taking, and a proportionate allowance shall be made to Lessee for the rent corresponding to the time during which, and to the part of the Premises of which, Lessee is so deprived on account of such taking and restoration. Nothing contained in this Section 27 shall be deemed to give Lessor any interest in, or prevent Lessee from seeking any award against the taking authority for, the taking of personal property and fixtures belonging to Lessee or for relocation expenses recoverable against the taking authority.

28. DAMAGE OR DESTRUCTION

- A. Lessee shall give prompt notice to Lessor in case of fire or accidents in or near the Premises or in the common areas.
- B. If the Premises are partially damaged by fire or other casualty, Lessor shall repair such damage at its cost, subject to Lessor's option contained in subsection C of this Section, and rent shall be abated according to the part of the Premises which remains unusable by Lessee until such repairs are completed.

- C. If the Business Center or common areas are substantially or totally destroyed, or if the Premises are damaged so extensively that they cannot, in Lessor's opinion, be repaired within sixty (60) days after commencement of such repairs, or if Lessor shall decide to rebuild the Business Center or common areas so that they will be substantially different structurally or architecturally, then either party, at its option and within thirty (30) days after such damage or destruction, may give the other party written notice thereof and this Lease shall thereupon be canceled effective as of the date of the occurrence of such damage or destruction. If the Lease is not canceled and Lessor elects to repair and rebuild, this Lease shall remain in effect and rent shall be abated in proportion to the part of the Premises which are unusable by Lessee.
- D. If any damage referred to in this Section 28 is due in whole or in part to the act, neglect, fault or omission of Lessee, there shall be no abatement of rent.

29. LIENS AND ENCUMBRANCES

Lessee agrees to keep the Premises and its interest therein free from liens and encumbrances. If any lien or other encumbrance is filed against the Premises or any part thereof by reason of Lessee's acts or omissions or because of a claim against Lessee, Lessee shall cause the same to be canceled and discharged of record by bond or otherwise within ten (10) days after notice by Lessor. The failure of Lessee to obtain a cancellation or discharge of record by bond or otherwise as provided herein within the time limit hereby established shall constitute a default of the terms of this Lease.

30. ASSIGNMENT AND SUBLETTING

Lessee shall not transfer, assign, delegate, mortgage or hypothecate this Lease, in whole or in part, or permit the use of the Premises by any person or persons other than Lessee, or sublet the Premises, or any part thereof, without the prior written consent of Lessor in each instance. In accordance with 13 C.F.R. Part 314, Lessee also agrees not to transfer, assign, delegate, mortgage or hypothecate this Lease, in whole or in part, or sublet the Premises, in whole or in part, for any purpose, or with any effect, that is inconsistent with the purpose of the EDA and CDBG grants.

Any assignment or subletting without Lessor's consent shall be voidable by Lessor and shall constitute a default hereunder which, at the option of Lessor, shall result in the termination of this Lease or the exercise of Lessor's other remedies hereunder, or both. Consent to any assignment or subletting shall not operate as a waiver of the necessity for consent to any subsequent assignment or subletting. The terms of any such consent shall be binding upon any persons holding by, under or through Lessee.

31. DEFAULT BY LESSOR

In the event Lessor fails to fulfill any obligation under this Lease, Lessee shall, before exercising any right or remedy available to it, give Lessor written notice of the claimed breach, default or noncompliance, which Lessor shall have the right to cure for the thirty (30) days following the giving of the notice. Subject to the provisions of Section 28, if Lessor fails or refuses to make repairs or provide services, which are required hereunder within thirty (30) days after receiving written notice from Lessee of the need therefore, Lessee may exercise any right or remedy available to it under Nevada law.

32. DEFAULT BY LESSEE

- A. Upon the occurrence of any of the following events, Lessor shall have the remedies set forth in subsection B.

- 1) Lessee's failure to pay any rental or any other sum due hereunder within thirty (30) days after the same shall be due.

- 2) Lessee's failure to perform any other term, condition, or covenant to be performed by it pursuant to this Lease within thirty (30) days after written notice of such default shall have been given to Lessee by Lessor.
- 3) The falsification by Lessee or its agents of any document required to be furnished to Lessor hereunder.

B. Upon the occurrence of any of the events set forth in subsection A, Lessor shall have the option to take any or all of the following actions, without further notice or demand of any kind to Lessee or any other person:

- 1) Terminate this Lease by written notice to Lessee. In the event of such termination, Lessee agrees to immediately surrender possession of the Premises.
- 2) Seek damages and any other remedy available under Nevada law.

33. GOVERNING LAW

This Lease shall be governed by and interpreted according to the laws of the State of Nevada.

34. NO PARTNERSHIP

Lessor does not by this Lease, in any way or for any purpose, become a partner or joint venturer of Lessee in the conduct of its business or otherwise.

35. FORCE MAJEURE

Each of the parties shall be excused for the period of any delay in the performance of any obligation hereunder when prevented from doing so by cause or causes beyond that party's control, including labor disputes, civil commotion, war, governmental regulations or controls, fire or other casualty, inability to obtain any material or services, or acts of God.

36. NO WAIVER

Failure of Lessor to insist upon the strict performance of any provision or to exercise any option hereunder shall not be deemed a waiver of its right to do so in the future. No provision of this Lease shall be deemed to have been waived by Lessor unless such waiver is in writing.

37. PARTIAL INVALIDITY

If any provision of this Lease or the application thereof to any person or circumstances shall to any extent be invalid, the remainder of this Lease or the application of such provision to persons or circumstances other than those as to which it is held invalid shall not be affected thereby and each provision of this Lease shall be valid and enforceable to the fullest extent permitted by Law.

38. BROKER'S COMMISSIONS

Lessee represents and warrants that there are no claims against it for brokerage commissions or finder's fees in connection with this Lease. If any such instances do occur, brokerage commissions or finder's fees will be paid entirely by the Lessee.

39. PROVISIONS BINDING

Except as otherwise provided, all provisions herein shall be binding upon and shall inure to the benefit of the parties, their legal representatives, successors and assigns. In the event of any sale or assignment (except for purpose of security or collateral) by Lessor of the Business Center, the Premises or this Lease, Lessor shall, from and after the effective date thereof (irrespective of when such sale or assignment occurs), be entirely relieved of all of its obligations which shall, as of the time of such sale or assignment or on the effective date, whichever is later, automatically pass to Lessor's successor in interest. The preceding sentence applies only if

Lessor's successor-in-interest is required by the transfer documents to honor Lessor's obligations under this Lease.

40. DRUG-FREE WORKPLACE

As a Lessee of a HOME-funded facility, and in connection with public services offered, Affleck Enterprises agree that it shall comply with the provisions of the Drug-Free Workplace Act of 1988, 45 CFR Part 76, Subpart F, which requires that Affleck Enterprises shall maintain a facility free from the illegal use, possession, or distribution of drugs or alcohol by its beneficiaries (Exhibit D).

41. NON-DISCRIMINATION

Lessor and Lessee each assures that the Premises are not segregated with respect to race, color, religion or national origin, and each agrees that it will not segregate or discriminate on such grounds with respect to public utilization of or access to the Premises. Lessee agrees to comply with EDA policies concerning nondiscrimination and civil rights by furnishing to Lessor, for transmittal to EDA, a properly executed "Assurance of Compliance with Civil Rights and Other Legal Requirements" form, Exhibit E, and such other civil rights materials as EDA may require in order to analyze Lessee's civil rights posture and practices. Lessor agrees to provide Lessee with any forms that Lessee may be required to furnish hereunder.

42. ENTIRE AGREEMENT

This Lease, including any exhibits and addenda attached hereto, set forth the entire agreement between the parties. All such exhibits and addenda mentioned in this Lease are incorporated herein by reference. Any prior conversations or writings concerning the lease of the Premises are merged herein and extinguished. No amendment to this Lease shall be binding upon Lessor or Lessee unless reduced to writing and executed by the Parties and, in the case of the Lessee, executed with the same formality as attended Lessee's execution of this Lease.

43. SUBMISSION OF THIS LEASE

Submission of this Lease for examination by Lessee does not constitute an option for the Premises and becomes effective as a lease only upon execution and delivery thereof by Lessor to Lessee. If any provision contained in an amendment or addendum is inconsistent with a provision in the body of this Lease, the provision contained in said amendment or addendum shall control. The captions and section numbers appearing herein are inserted only as a matter of convenience and are not intended to define, limit, construe or describe the scope or intent of any section or paragraph.

44. AUTHORITY OF SIGNATORIES

Each signatory to this Lease represents that he or she is duly authorized to execute and deliver the same on behalf of the entity for which he or she is signing and that this Lease is binding upon said entity in accordance with its terms.

45. NOTICES

Any notice, demand, request, or other instrument which may be or is required to be given under this Lease shall be delivered in person or sent by United States certified or registered mail, postage prepaid, and shall be sent to the following address:

If to the Lessor: Orlando Sanchez, Director
City of Las Vegas
Neighborhood Services Department
400 Stewart Avenue
Las Vegas, Nevada 89101

If to the Lessee: Lynn H. Affleck, President
Affleck Enterprises
4987 Idaho Avenue
Las Vegas, NV 89104

Either party may designate a different address by giving written notice to the other Party.

46. APPROVAL OR CONSENT BY LESSOR

Whenever the approval or consent of Lessor is required by this Lease, such approval or consent shall not be unreasonably withheld.

47. DISCLOSURE OF PRINCIPALS

Lessee represents and warrants that there are no principals or owners of Lessee's company, except as disclosed in Exhibit B. Certification Regarding Disclosure of Principals, as signed and attached hereto.

48. CANCELLATION OF LEASE

It is understood, acknowledged and agreed by Lessor and Lessee that Lessee may request Lessor to waive this Lease Agreement in the case of financial insolvency. If the Lessee provides a minimum of 30 days written notice, such approval or consent by Lessor will not be unreasonably withheld.

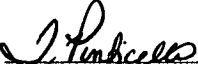
IN WITNESS WHEREOF, the Parties hereto have executed this Lease on the date first set forth above.

CITY OF LAS VEGAS

By 
OSCAR B. GOODMAN, Mayor
"LESSOR"

ATTEST:

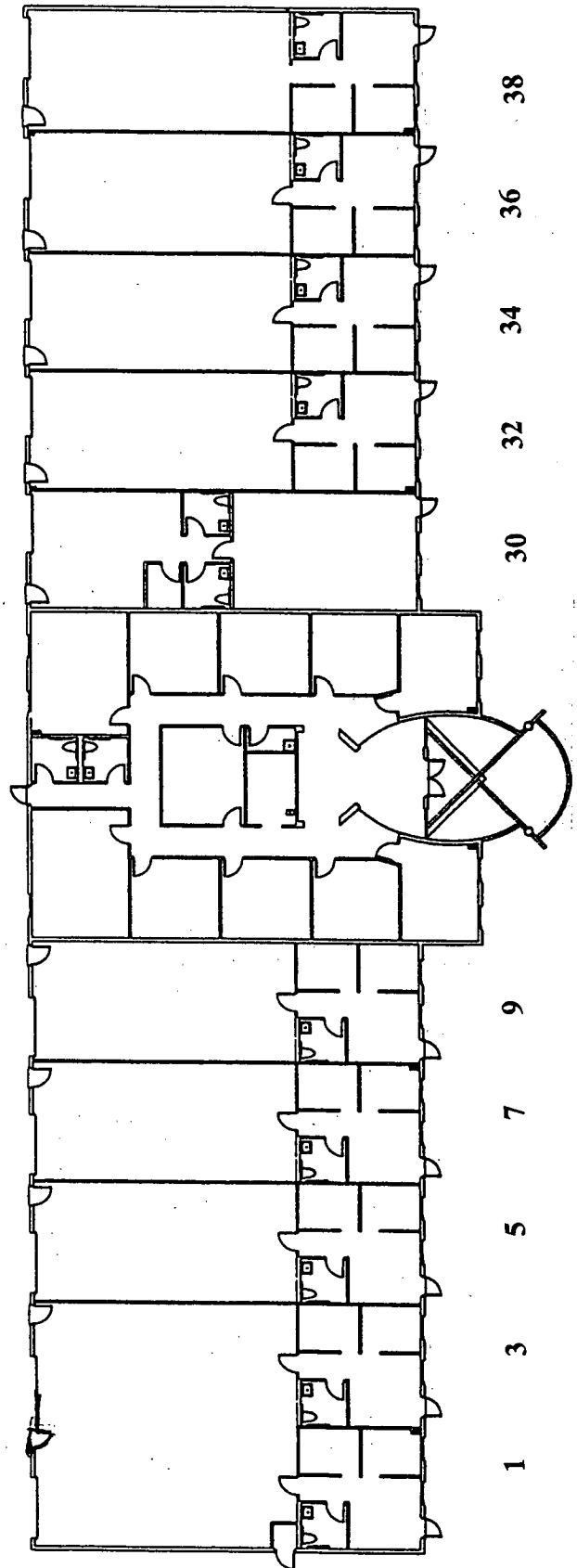
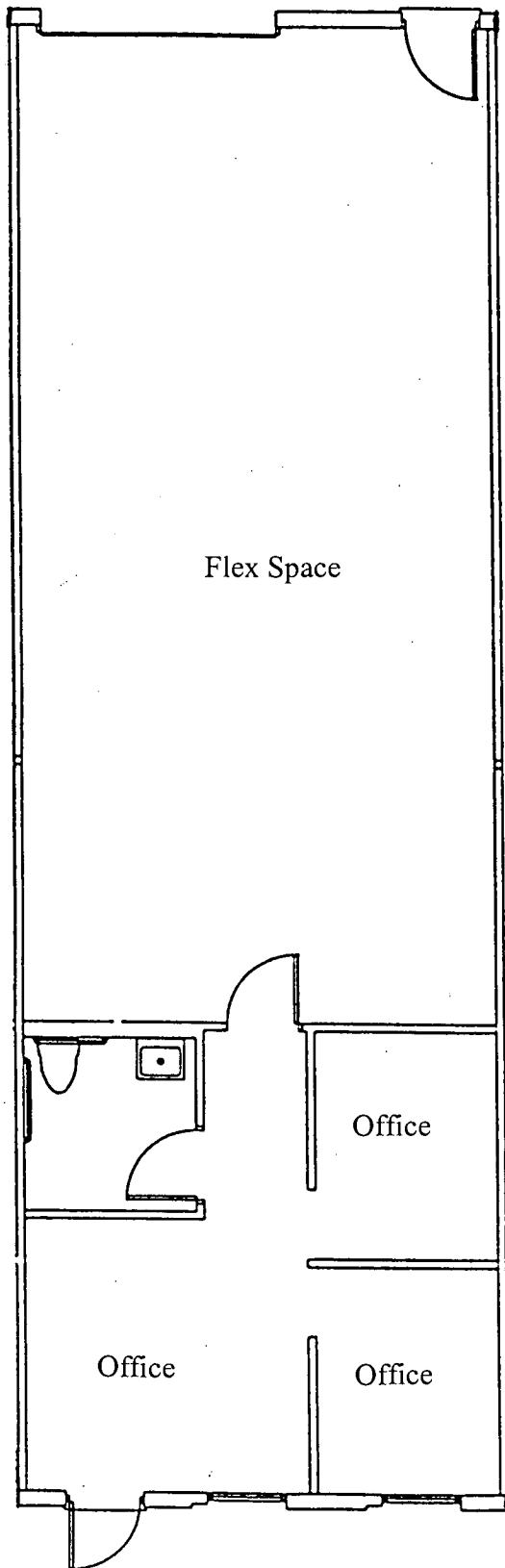
BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM 
2/25/05

AFFLECK ENTERPRISES

By 
LYNN H. AFFLECK, President
"LESSEE"

Exhibit "A"
Las Vegas Business Center, Floor Plan



14 - 26

Exhibit B

Certification Regarding Disclosure of Principals

The principals and partners of Affleck Enterprises and all persons and entities holding more than a 1% interest in Affleck Enterprises or any principal of Affleck Enterprises are the following:

	FULL NAME	BUSINESS ADDRESS	PHONE
1.	<u>Lynn H. Affleck</u>	<u>4987 Idaho Avenue LV, NV 89104</u>	<u>431-4827</u>
2.	<u></u>	<u></u>	<u></u>
3.	<u></u>	<u></u>	<u></u>
4.	<u></u>	<u></u>	<u></u>
5.	<u></u>	<u></u>	<u></u>
6.	<u></u>	<u></u>	<u></u>
7.	<u></u>	<u></u>	<u></u>
8.	<u></u>	<u></u>	<u></u>
9.	<u></u>	<u></u>	<u></u>
10.	<u></u>	<u></u>	<u></u>

I certify that the information set forth above is true and correct.

Affleck Enterprises



Lynn H. Affleck, President
3/01/05

Date

ATTEST:



Leonard Dixon, Staff
Neighborhood Services Department

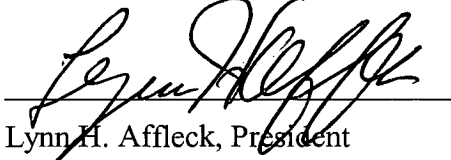
Exhibit C
Employer's Certificate of Nonrelocation

I certify that I have not relocated my business from one commuting area to another. I have not relocated my business from a location outside the Las Vegas Metropolitan Statistical Area ("Area") to the Business Center. I agree to comply with EDA policies concerning nonrelocation by furnishing to City, on this Exhibit C, the "Employer's Certificate of Nonrelocation".

Approved EDA Exemptions from the Nonrelocation:

- (i) relocated to the Area prior to the date of the applicant's application for Lease;
- (ii) moved or will move into the Area primarily for reasons which have no connection to the Lease of the Las Vegas Business Center;
- (iii) expand employment in Area substantially beyond employment in the area in which the business had originally been located;
- (iv) relocating from technologically obsolete facilities to be competitive;
- (v) expanding into the Area by adding a branch, affiliate, or subsidiary while maintaining employment levels in the old areas; or
- (vi) determined by EDA to be exempt (13 CFR Section 316.4(b)).

Affleck Enterprises



Lynn H. Affleck, President

Date 3/01/05

Exhibit D
Certification Regarding Drug-Free Requirements
City of Las Vegas
Certification

Lessee certifies that it will provide a drug-free workplace by:

1. Notifying employees that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance is prohibited in the Premises and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing a drug-free awareness program to inform employees about:
 - a. the dangers of drug abuse in the workplace;
 - b. the Lessee's policy of maintaining a drug-free workplace;
 - c. any available drug counseling, rehabilitation, and employee assistance programs; and
 - d. the penalties that may be imposed upon employees for drug violations occurring in the workplace.
3. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will:
 - a. abide by the terms of the statement; and
 - b. notify the employer of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction;
4. Notifying the City within ten days after receiving notice under subparagraph 3b from an employee or otherwise receiving actual notice of such conviction;
5. Taking one of the following actions, within 30 days of receiving notice under subparagraph 3b with respect to any employee who is so convicted:
 - a. taking appropriate personnel action against such an employee, up to and including termination; or
 - b. requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state, or local health, law enforcement, or other appropriate agency;
6. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5, and 6.

Affleck Enterprises

A handwritten signature in black ink, appearing to read "Lynn H. Affleck", written over a horizontal line.

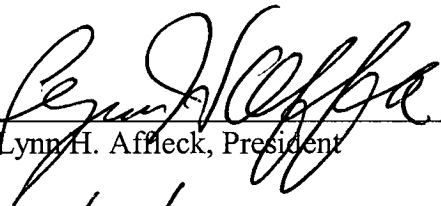
Lynn H. Affleck, President

Exhibit E
Certificate of Non-Discrimination

Affleck Enterprises assures that the Premises are not segregated with respect to race, color, religion, or national origin, and that Affleck Enterprises will not segregate or discriminate on such grounds with respect to public utilization of or access to the Premises. Affleck Enterprises further agrees to comply with EDA policies concerning nondiscrimination and civil rights by furnishing to the City, for transmittal to the EDA, a properly executed "Assurance of Compliance with Civil Rights and Other Legal Requirements" form and such other civil rights materials as EDA may require in order to analyze Affleck Enterprises' civil rights posture and practices.

I certify that the information set forth above is true and correct.

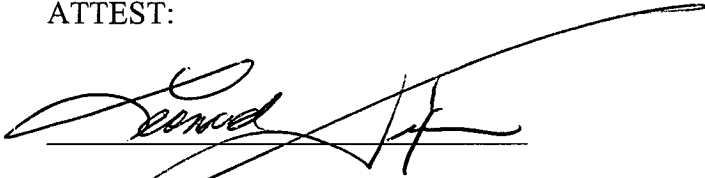
Affleck Enterprises



Lynn H. Affleck, President

3/01/05
Date

ATTEST:



Leonard Dixon, Staff
Neighborhood Services Department

Leonard Dixon, Staff
Neighborhood Services Department

Exhibit F
SELF-CERTIFICATION FORM FOR FAMILY INCOME

Date: _____

City / County: _____

Community Development Block Grant request for fiscal year _____

The information you provide regarding your family income will be part of your request for state subsidy funds which will assist the economic development of _____.
The information will be confidential, but may require verification.

Please indicate by circling the number that represents the number of persons in your family as well as the approximate income. Please indicate whether your income is over or below the amounts noted below by the number of persons in your family. If your stay is seasonal and your permanent home is at a different place, use the number of family members who reside at the permanent residence.

FAMILY SIZE	INCOME	ABOVE	UNDER
1	<u>\$31,650</u>	_____	_____
2	<u>\$36,150</u>	_____	_____
3	<u>\$40,700</u>	_____	_____
4	<u>\$45,200</u>	_____	_____
5	<u>\$48,800</u>	_____	_____
6	<u>\$52,450</u>	_____	_____
7	<u>\$56,050</u>	_____	_____
8	<u>\$59,650</u>	_____	_____

How many hours do you work each month? _____

Gender of head of household: _____ Male _____ Female

Nationality and age of head of household: _____ Over 62 years of age

_____ White _____ Black _____ Hispanic _____ Asian

_____ Alaska Native _____ Pacific Islander _____ American Indian

Income Verification

I certify that this income information is correct and I understand that the information I have provided on my family income is subject to verification by authorized representatives of the City / County of _____ and the United States Department of Housing and Urban Development.

Signature: _____

Date: _____

Name: _____ Home Address: _____

(Printed Name)

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS**DIRECTOR: RICHARD GOECKE**☒ **CONSENT** ☐ **DISCUSSION****SUBJECT:**

REPORT FROM REAL ESTATE COMMITTEE - Councilman Wolfson and Councilwoman Tarkanian

ABEYANCE ITEM - Approval of an Agreement for the Purchase and Sale of Real Property whereby the City of Las Vegas (City) sells approximately 4.84 acres of land located in the vicinity of Owens Avenue and Main Street known as APN 139-27-502-015 to HELP Las Vegas Housing Corporation II, for the development and construction of affordable housing for low-income individuals (\$10 revenue - General Fund) - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

On 4/7/04 City Council approved an Option Agreement for Parcel 1 with HELP Las Vegas Housing Corp. II, as the developer to purchase approximately 4.84 acres of City of Las Vegas land located in the vicinity of Main Street and Owens Avenue for the development and construction of affordable housing for low-income individuals. The Department of Neighborhood Services was mailed a letter dated 12/13/04 from HELP requesting that the Option Agreement be exercised. By this Purchase and Sale Agreement, HELP Las Vegas Housing Corp. II, is now exercising the Option to Purchase.

RECOMMENDATION:

The 4/5/2005 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

1. Agreement for the Purchase and Sale of Real Property
2. Letter dated 12/13/04

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

Under Item 3, **COUNCILMAN WOLFSON** reported that the Real Estate Committee met to review all the Real Estate Items on the Consent Agenda and joined with the recommendation of staff that each item be approved by the City Council.

(9:51 - 9:52/9:53 - 9:55)

1-1530

AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY

THIS AGREEMENT FOR THE PURCHASE AND SALE OF REAL PROPERTY is made and entered into this 6th day of April, 2005, by and between City of Las Vegas a municipal corporation of the State of Nevada ("Seller") and HELP Las Vegas Housing Corporation II, a Nevada non-profit corporation authorized to do business in the State of Nevada, (hereinafter referred to as "Buyer"), with reference to the following facts:

A. Seller is the owner of a parcel of land consisting of approximately 4.84 acres, located south of Owens Avenue and Main Street. A Site Plan of the Property depicting the site is attached hereto as Exhibit "A" and further described as Assessor's Parcel Number 139-27-502-015 and legally described on Exhibit "B" ("Property").

B. Buyer now desires to purchase from Seller and Seller desires to sell to Buyer the Property to develop for use into multi-family housing and a parking lot to serve the residents.

NOW, THEREFORE, in consideration of the mutual covenants, premises and agreements contained herein, the parties hereto do hereby agree as follows:

1. Purchase and Sale. Buyer shall purchase all of Seller's right, title and interest in and to the Property from Seller in its "AS IS" condition.

A. The purchase price (herein "Purchase Price") to be paid for the Property shall be TEN DOLLARS (\$10). The Purchase Price should be paid as follows: Upon the Close of Escrow (hereinafter defined), Buyer shall deposit into escrow the balance of the Purchase Price, TEN DOLLARS (\$10).

2. Specific Use. The Property shall be conveyed for the following limited use and purpose only: Affordable housing or for a purpose related to affordable housing. The term "affordable housing" shall refer to the regulations in the U.S. Housing and Community Development Home Investment Partnerships Program in 24 CFR Part 92, as amended, which govern the qualifications of affordable housing. If the Property shall cease to be used for such use and purpose, Seller shall provide written notice of same to Buyer and unless Buyer commences to use the Property for affordable housing within 60 days of such notice, the Seller may cause the Property to revert to the Seller on ten days written notice to Buyer. This is a condition subsequent which shall bind each and every subsequent owner of the Property or any portion thereof as a covenant running with the land.

3. Escrow. The purchase and sale provided for herein shall be consummated through an escrow to be opened with First American Title Insurance Company, within five (5) business days after the execution and delivery of this Agreement. The escrow shall be deemed open when Buyer and Seller have executed and deposited signed

purchase contract with the Escrow Agent. Said escrow shall be upon the usual form of instructions of the Escrow Agent for transactions of the type provided for herein, except that said instructions shall incorporate all terms and provisions of this Agreement, and in addition shall provide the following:

A. To close escrow within fifteen (15) days from the expiration of the Contingency Period ("Close of Escrow"). Upon the opening of escrow, the Escrow Agent shall set a specific date for the expiration of the Contingency Period. If the expiration date of the Contingency Period or the anticipated Close of Escrow date falls on a holiday or weekend, the date for the Closing of Escrow shall be set on the next succeeding working day.

B. Buyer shall pay any Documentary Transfer Tax, and the cost of the CLTA title insurance policy and all endorsements thereto and any other fees, real property taxes, special assessments and all costs associated with this transaction;

C. Seller shall deliver to the Escrow Agent no later than five (5) business days before the Close of Escrow a duly executed and notarized Grant, Bargain and Sale Deed, the form of which is attached hereto as Exhibit "C," conveying the Property to the Buyer ("Deed"). The Deed shall be accepted and executed by the Buyer and Buyer's signature shall be notarized no later than two (2) business days before the Close of Escrow.

D. On the date of the Close of Escrow and subject to the submittal of the Purchase Price and related escrow costs by Buyer and submittal of the duly executed Deed, Escrow Agent shall record the Deed and related documents with the Office of the County Recorder, Clark County, Nevada.

E. In the event of any conflict between the terms of this Agreement and the terms of the escrow, the terms of this Agreement shall prevail except where the escrow instructions specifically provide otherwise.

4. Contingencies. The purchase of the Property is contingent upon:

A. A thirty (30) day Contingency Period as described herein. The Contingency Period shall commence on the day following the opening of escrow. Escrow shall be deemed opened for purposes hereof when escrow agent receives an original of this Agreement signed by both Buyer and Seller, and Buyer's Deposit. Escrow agent shall notify both Buyer and Seller in writing of the date escrow is opened, the day the Contingency Period expires, and the day escrow is to close. Seller hereby grants Buyer the right to enter on the Property to conduct such tests and investigations, as Buyer deems appropriate. Buyer agrees to indemnify and hold Seller harmless from any actual damage including any legal fees as a result of Buyer's tests and investigations during the Contingency Period on the Property or to any neighboring properties or structures. Buyer further agrees to indemnify and hold Seller harmless from any injury to

persons or actual damage including any legal fees to the personal property of others, which results from the Buyer's tests and investigations during the Contingency Period.

B. The above contingency in Paragraph 4 (a) is solely for the Buyer's benefit. Buyer may elect to waive the Contingency Period and close escrow sooner by notifying escrow holder in writing. Should Buyer so elect to terminate this Agreement, then prior to the expiration of the Contingency Period Buyer shall so notify Seller and escrow holder in writing (via U.S. mail, hand-delivery or by fax). In the event Buyer terminates this Agreement for any reason during the Contingency Period, any deposits made by Buyer, plus any interest earned, shall be immediately returned to Buyer, less any escrow costs incurred and Buyer shall have no further obligations under this Agreement. Buyer shall be solely responsible for all costs involved in satisfying the above stated contingencies.

5. Broker Commissions/Disclosure. Buyer represents and warrants that he has not retained or dealt with any broker with respect to this Agreement.

6. Notices. Any and all notices, demands, or other communications required or desire to be given hereunder shall be in writing and shall be validly given or made to another party if served either personally or if deposited in the United States mail certified or registered, postage prepaid, return receipt requested. If such notice, demand or other communication be serviced personally or by facsimile transmission, service shall be conclusively deemed made at the time of such personal service or transmission. If such notice, demand or other communication be given by mail, such shall be conclusively deemed given forty-eight (48) hours after the deposit thereof in the United States mail addressed to the party to whom such notice, demand or other communication is to be given as hereinafter set forth.

To Seller: City of Las Vegas
Public Works/Real Estate
Attn: Manager
400 Stewart Avenue, 4th Floor
Las Vegas, NV 89101
(702) 229-1020 phone
(702) 384-0527 fax

Copy To: City of Las Vegas
City Attorney's Office
400 Stewart Avenue, 9th Floor
Las Vegas, Nevada 89101

To Buyer: HELP Las Vegas Housing Corporation II
Attn: Craig Galati, President
C/o Lucchesi Galati
500 Pilot Road
Las Vegas, NV 89119
(702) 263-7111 phone

Copy To: Eric Seltzer
Gilbride, Tusa, Last & Spellane LLC
708 Third Avenue, 26th Floor
New York, NY 10017

Any party hereto may change his address for the purpose of receiving notices, demands and other communications as herein provided by written notice given in the manner aforesaid to the other party or parties hereto. After opening of escrow a copy of all notices, demands and other communications shall be given to the escrow office.

7. Applicable Laws and Severability. This Agreement shall, in all respects, be governed by the laws of the State of Nevada applicable to agreements executed and to be wholly performed with the State of Nevada. Nothing contained herein shall be construed so as to require the commission of any act contrary to law, and wherever there is any conflict between any provision contained herein and any present or future statute, law, ordinance or regulation contrary to which the parties have no legal right to contract, the latter shall prevail but the provision of this Agreement which is affected shall be curtailed and limited only to the extent necessary to bring it within the requirements of the law.

8. Entire Agreement. The foregoing represents the entire Agreement between the parties and no verbal statements made by any party are a part hereof unless incorporated in writing. In the event either party shall prevail in any legal action commenced to enforce this Agreement, he shall be entitled to all costs incurred in such action including attorney's fees, costs and expenses as may be fixed by the Court.

9. Modifications or Amendments. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

Upon approval of this initial contract by the City Council and after it has been fully executed by signature of all parties, staff of the Real Estate & Asset Management Division shall have the authority to complete and execute any additional documents necessary for the completion of the intent of this contractual obligation during the original term of this agreement. As an example, this may include amendments, changes of address, changes of suites, change of warehouse space, escrow document signature authority, adjustments to monetary revenue or expenditure not to exceed ten thousand (\$10,000) dollars, filing and recording of appropriate documents with the County Records Office or the County Tax Assessors Office, and recordings and filing with the City Clerk's Office. No amendment, change or modification of this Agreement shall be valid unless in writing and signed by all parties hereto.

10. Successors or Assigns. All of the terms and provisions contained herein shall inure to the benefit of and shall be binding upon the parties hereto and their respective heirs, personal representatives, successors and assigns.

11. Time of the Essence. Time is of the essence of this Agreement and all terms, provisions, covenants and conditions hereof.

12. Disclosure of Principals. Pursuant to Resolution R-105-99 adopted by the City of Las Vegas City Council effective October 1, 1999, Buyer warrants that it has disclosed on the form attached as Exhibit "D", all principals and partners of HELP Las Vegas Housing Corporation II, as well as all persons and entities holding more than a one percent (1%) interest in HELP Las Vegas Housing Corporation II, or any principal of HELP Las Vegas Housing Corporation II. Throughout the term hereof, HELP Las Vegas Housing Corporation II, shall notify Seller in writing of any material change in the above disclosure within 15 days of any such change.

IN WITNESS WHEREOF, the parties hereto have executed this Assignment as of the date first above written.

ATTEST:

"Seller"

CITY OF LAS VEGAS


BARBARA JO RONEMUS, CITY CLERK

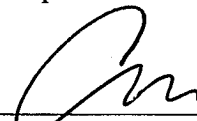
By 
OSCAR B. GOODMAN, MAYOR

APPROVED AS TO FORM:

 3/17/05
DEPUTY CITY ATTORNEY/DATE

"Buyer"

HELP Las Vegas Housing
Corporation II


Craig Galati, President

ACKNOWLEDGMENT

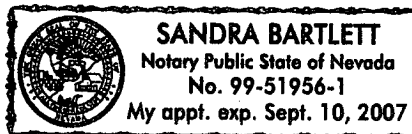
STATE OF NEVADA

)

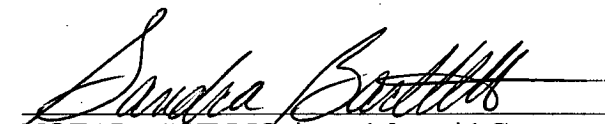
)ss.

COUNTY OF CLARK

)



On this 16 day of March, 2005, personally appeared before me, the undersigned a Notary Public in and for the County of Clark, State of Nevada, Craig Galati, President of HELP Las Vegas Housing Corporation II, who acknowledged that he/she executed the above instrument.



NOTARY PUBLIC, in and for said County and State

ACKNOWLEDGMENT

STATE OF NEVADA

)

)ss.

COUNTY OF CLARK

)

On this _____ day of _____, 2005, personally appeared before me, the undersigned a Notary Public in and for the County of Clark, State of Nevada, OSCAR B. GOODMAN, as Mayor of the City of Las Vegas, who acknowledged that he executed the above instrument.

NOTARY PUBLIC, in and for said County and State

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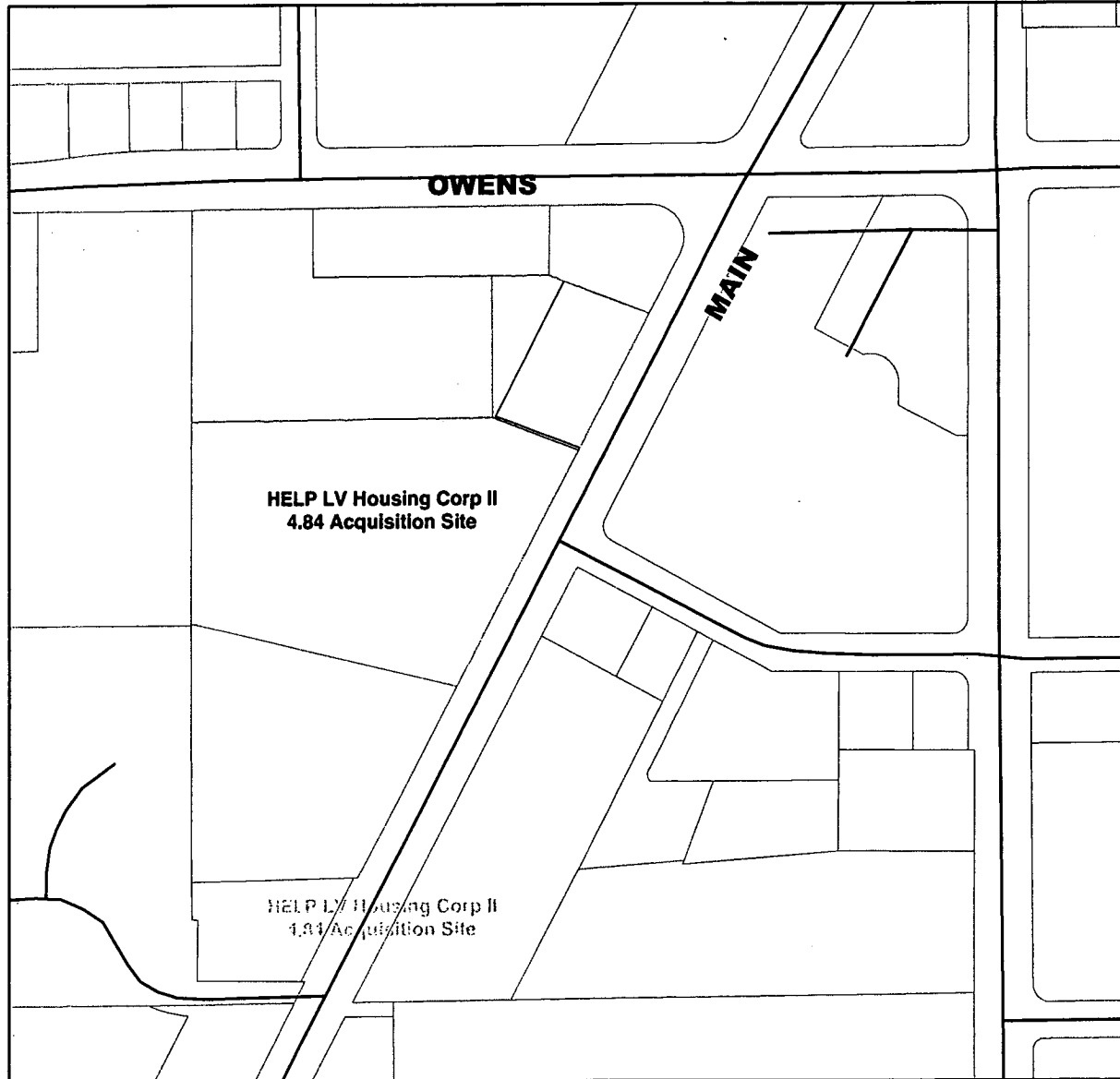
THE UNDERSIGNED Escrow Agent acknowledges receipt of this Agreement and agrees to act in accordance therewith.

DATED THIS ____ DAY OF _____, 2005.

By: _____

Title: _____

Exhibit "A"



Site Map

Legend

- Street Centerline
- Parcels
- scl_majors
- City of Las Vegas

Real Estate & Asset Mgmnt



1/31/05

EXHIBIT "B"

LEGAL DESCRIPTION

That portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, Township 20 South, Range 61 East M.D.M. described as follows:

Lot One (1) of that certain Parcel Map on file in File 107 of Parcel Maps, Page 96, in the Office of the County Recorder of Clark County, Nevada.

EXHIBIT "C"
Form of Grant, Bargain and Sale Deed

APN: 139-27-502-015
Recording Requested by:

City of Las Vegas, Nevada

After Recordation, mail to:

HELP Las Vegas Housing Corporation II
Attn: Craig Galati, President
c/o Lucchesi Galati
500 Pilot Road
Las Vegas, Nevada 89119

GRANT, BARGAIN AND SALE DEED

For valuable consideration, the receipt of which is hereby acknowledged, the City of Las Vegas, a Nevada municipal corporation of the State of Nevada (herein the "Grantor"), hereby grants, bargains and sells to HELP Las Vegas Housing Corporation II, a Nevada nonprofit corporation (herein the "Grantee"), all of its right, title and interest in the real property (the "Property") legally described in the document attached hereto as Exhibit A and incorporated herein by this reference.

1. The Property is conveyed pursuant to a Purchase and Sale Agreement of the Real Property entered into by and between the Grantor and Grantee and dated March 2, 2005 ("Agreement"). The conveyance herein is subject to the terms, covenants and conditions set forth in the Agreement.

2. The Property conveyed is subject to all liens, encumbrances, easements, covenants, conditions and restrictions of record as of the close of escrow.

3. The Property is conveyed subject to the limited use and purpose of affordable housing or for a purpose related to affordable housing. The term "affordable housing" shall be as defined in the U.S. Housing and Urban Development Home Investment Partnerships Program at 24 CFR Part 92, as amended. If the Property shall cease to be used for such use and purpose, Grantor shall provide written notice of same to Grantee and unless the Grantee commences to use the Property for affordable housing within sixty (60) days of such notice, the Grantor may cause Property to revert to the Grantor on ten (10) days written notice to Grantee. This condition

shall bind each and every subsequent owner of the Property or any portion thereof as a covenant running with the land.

4. The Property is conveyed subject to all matters which would be revealed or disclosed by a physical inspection of the Property.

5. The Property is conveyed subject to a lien not yet delinquent for taxes for real property and personal property, and any general or special assessments against the Property.

6. The Property is conveyed subject to zoning ordinances and regulations and other laws, ordinances, notices, orders and governmental regulations and restrictions affecting the use, occupancy or enjoyment of Property, and amendments and additions thereto, now or hereafter in force and effect.

IN WITNESS WHEREOF, the Grantor and Grantee have caused this instrument to be executed this _____ day of _____, 2005.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

“Grantor”

ATTEST:

BARBARA JO RONEMUS, City Clerk

APPROVED AS TO FORM:

Date

ACCEPTANCE

The provisions of this Grant, Bargain and Sale Deed are hereby approved and accepted.

HELP Las Vegas Housing Corporation II

By: _____

Its: _____

“Grantee”

ACKNOWLEDGMENTS

State of Nevada)
)ss.
County of Clark)

On this ____ day of _____, 2005, personally appeared before me, a Notary Public in and for said County and State, Oscar B. Goodman, known to me to be the Mayor of the City of Las Vegas, that he executed the foregoing instrument, and upon oath, did depose and say that he is the Mayor of the City of Las Vegas as above designated; and that he executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

NOTARY PUBLIC in and for said County
and State

State of Nevada)
)ss.
County of Clark)

On this ____ day of _____, 2005, personally appeared before me, a Notary Public in and for said County and State, _____, known to me to be the _____ of _____, and ____ he acknowledged to me that ____ he executed the same for and on behalf of _____ and that said _____ executed the said instrument freely and voluntarily and for the uses and purposes therein mentioned.

WITNESS my hand and official seal.

NOTARY PUBLIC in and for said County
and State

EXHIBIT A
LEGAL DESCRIPTION

That portion of the Northeast Quarter (NE $\frac{1}{4}$) of the Northeast Quarter (NE $\frac{1}{4}$) of Section 27, Township 20 South, Range 61 East M.D.M. described as follows:

Lot One (1) of that certain Parcel Map on file in File 107 of Parcel Maps, Page 96, in the Office of the County Recorder of Clark County, Nevada.

EXHIBIT D
CERTIFICATE - DISCLOSURE OF OWNERSHIP/PRINCIPALS
(CONTINUED)

Block 1 Contracting Entity (Name) Name HELP Las Vegas Housing Corportaion II Address c/o Lucchesi/Galati 500 Pilot Road Suite A Las vegas, NV 89119 EIN or Social Security: 01-0803813	Block 2 Description Subject Matter of Contract/Agreement HELP@Owens Land Transfer 1559 N. Main Steeet

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

Block 4 Disclosure of Ownership and Principals			
In the space below, the Contracting Entity must disclose all principals (including partners) of the Contracting Entity, as well as persons or entities holding more than one-percent (1%) ownership interest in the Contracting Entity.			
	FULL NAME/TITLE	BUSINESS ADDRESS	BUSINESS PHONE
1.	Craig Galati, President	Lucchesi Galati - 500 Pilot Road Las Vegas NV 89119	702 263 7111
2.	Vacant, Vice President		
3.	Vacant, Secretary		
4.	Joseph Gallo, Treasurer	HELP USA - 5 Hanover Square New York, NY 10004	212 400-7000
5.	Thomas Mauro, Director	HELP USA - 5 Hanover Square New York, NY 10004	212 400-7000
6.	Joseph Gallo, Director	HELP USA - 5 Hanover Square New York, NY 10004	212 400-7000
7.	Vacant, Director		
8.			
9.			
10.			

Exhibit "D"

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

Block 5: Disclosure of Ownership and Principals - Alternate

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

Name of Attached Document
Date of Attached Document

CERTIFICATE DISCLOSURE OF OWNERSHIP PRINCIPALS
1/18/05 Number of Pages: 3

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

CS

Name

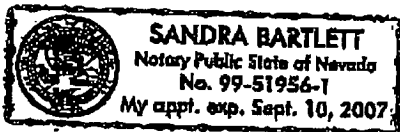
CRAIG S. GALATI

1/18/05

Date

Subscribed and sworn to before me this 18
day of

January 2004-2005
Sandra Bartlett
Notary Public



HELP LAS VEGAS HOUSING CORPORATION II

December 13, 2004

Mr. Orlando Sanchez, Director
Neighborhood Services Department
City of Las Vegas
400 E. Stewart Avenue - 8th Floor
Las Vegas, NV 89101

Re: HELP@Owens - Option to Purchase

Dear Mr. Sanchez:

On behalf of HELP Las Vegas Housing Corporation II, the project Sponsor, I am writing to formally notify the City of its intention to exercise the Option Agreement dated April, 7, 2004. I have been advised that we will be contacted by the City as to next steps in the transfer of this property for the development of much needed affordable housing primarily for veterans.

Thank you for your continued consideration.

Sincerely,



Craig Galati
President

12.27.04

Jill preparing draft contract

Copy To: Faye Johnson
Earlie King
Tom Hameline
Karen L. Krautheim

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: PUBLIC WORKS

DIRECTOR: RICHARD GOECKE

☒ **CONSENT** ☐ **DISCUSSION**

SUBJECT:

REPORT FROM REAL ESTATE COMMITTEE - Councilman Wolfson and Councilwoman Tarkanian

Approval of an Easement and Rights-of-Way between the City of Las Vegas (City) and the Las Vegas Valley Water District (LVVWD) for a seventy-two square foot Easement to LVVWD to service a portion of APN 137-12-101-008 located near Gilmore Avenue and Cliff Shadows Parkway - Ward 4 (Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

In order to have water service within Cliff Shadows Parkway, the City is required to grant an Easement and Rights-of-Way to LVVWD to install an Air Vac Assembly and a Fire Hydrant. Installation will consist of two (2) portions of land measuring six feet by six feet to be located at the back of the sidewalk.

RECOMMENDATION:

The 4/5/2005 Real Estate Committee and staff recommend approval

BACKUP DOCUMENTATION:

1. Easements and Right-of-Way
2. Site map

MOTION:

REESE - APPROVED Items 3, 6-14, 16, 17, 19, 20, 22-40, and 43-46 as recommended - **UNANIMOUS** with **BROWN** not voting and **MACK** abstaining on Item 45 because it involves property, which is in proximity to property owned by his parents **RON** and **JUDY**, that, if sold and developed, could impact his parents' property

Items 4, 5, 18, 21, 41 & 42: APPROVED under separate actions (see individual items)

Item 15: STRICKEN under separate action (see individual item)

MINUTES:

Under Item 3, **COUNCILMAN WOLFSON** reported that the Real Estate Committee met to review all the Real Estate Items on the Consent Agenda and joined with the recommendation of staff that each item be approved by the City Council.

(9:51 - 9:52/9:53 - 9:55)

1-1530

A.P.N. 137-12-101-008

EASEMENTS AND RIGHTS-OF-WAY

ABOVE SPACE FOR RECORDER'S USE ONLY

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

The City of Las Vegas

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

W I T N E S S E T H:

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

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

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

1. No buildings, structures, fences or trees shall be placed upon, over or under said parcel of land, now or hereafter, except that said parcel may be improved and used for street, road or driveway purposes and for other utilities, insofar as such use does not interfere with its use by the **GRANTEE** for the purposes for which it is granted;
2. The **GRANTEE** shall not be liable for any damage to any of the **GRANTOR'S** improvements placed upon said parcel due to the **GRANTEE'S** necessary operations using reasonable care; and
3. Should any of the **GRANTEE'S** facilities within said easement be required to be relocated or repaired as a result of changes in grade or other construction within the easement, the **GRANTOR(S)**, or its successors and assigns shall bear the full cost of such relocation or repair, unless the changes in grade or other construction were done by third parties with the written consent of the **GRANTEE**.

Page _____ of _____

A.P.N. 137-12-101-008
GRANTOR:

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

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

APPROVED AS TO FORM:

Harmon R. Greer 3/16/05
Date

STATE of _____)
) ss.
COUNTY of _____)

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

WITNESS my hand and official seal.

Notary Public

Notary Stamp/Seal Above

FOR LVVWD USE ONLY

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

A.P.N. 137-12-101-008
GRANTOR:

EXHIBIT "A"

SEE ATTACHED LEGALS AND EXHIBITS

Carter-Burgess

6655 Bermuda Road
Las Vegas, Nevada 89119-3605

APN: 137-12-101-008

GRANTOR: USA AND CITY OF LAS VEGAS LEASE

**LEGAL DESCRIPTION
FOR
LAS VEGAS VALLEY WATER DISTRICT EASEMENT**

LYING WITHIN THE WEST HALF (W 1/2) THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 87°50'54" WEST, A DISTANCE OF 347.75 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF (W 1/2); THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID WEST HALF (W 1/2), NORTH 00°46'11" WEST, A DISTANCE OF 275.05 FEET; THENCE SOUTH 89°13'49" WEST, A DISTANCE OF 107.41 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 29°22'03" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 60°28'57" WEST, A DISTANCE OF 6.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1,140.00 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 60°28'57" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 5.97 FEET, THROUGH A CENTRAL ANGLE OF 00°18'00"; THENCE SOUTH 60°46'57" EAST, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 36 SQUARE FEET.

ATTACHED HERETO IS AN EXHIBIT LABELED "EXHIBIT B" AND BY THIS REFERENCE MADE A PART THEREOF.

BASIS OF BEARINGS

NORTH 01°09'30" WEST, BEING THE BEARING OF THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN IN FILE 120, PAGE 83 OF SURVEYS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA.

THE ABOVE LEGAL DESCRIPTION

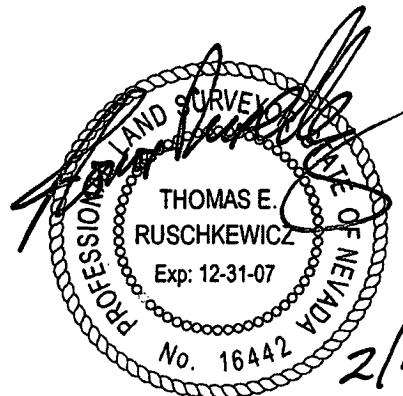
WAS PREPARED BY: D PARTEN

CHECKED BY:

THOMAS RUSCHKEWICZ, P.L.S.

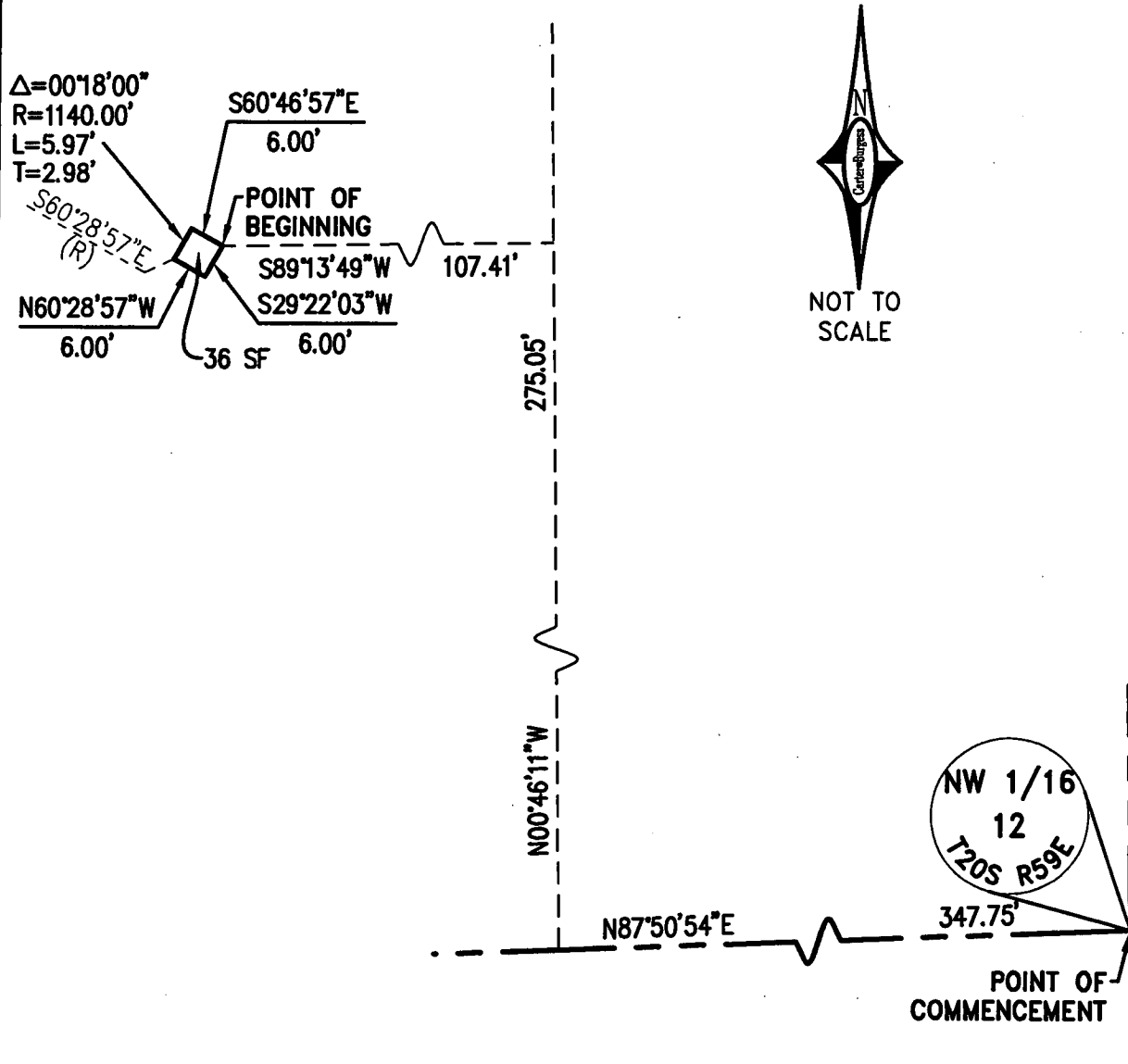
Carter-Burgess

6655 BERMUDA ROAD
LAS VEGAS, NEVADA 89119-3605



APN 137-12-101-008
GRANTOR: USA AND CITY OF LAS VEGAS LEASE

EXHIBIT B



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LAS VEGAS VALLEY
WATER DISTRICT EASEMENT

JOB NO: 241060
DATE: 02.15.2005
DRAWN BY: dp
CHECKED BY: TR

Carter Burgess
6655 Bermuda Road
Las Vegas, Nevada 89119
(702) 938-5400

CarterBurgess

6655 Bermuda Road
Las Vegas, Nevada 89119-3605

APN: 137-12-101-008

GRANTOR: USA AND CITY OF LAS VEGAS LEASE

**LEGAL DESCRIPTION
FOR
LAS VEGAS VALLEY WATER DISTRICT EASEMENT**

LYING WITHIN THE WEST HALF (W 1/2) THE SOUTHEAST QUARTER (SE 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SOUTHEAST QUARTER (SE 1/4); THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 87°50'54" WEST, A DISTANCE OF 347.75 FEET TO THE SOUTHEAST CORNER OF SAID WEST HALF (W 1/2); THENCE DEPARTING SAID SOUTH LINE AND ALONG THE EAST LINE OF SAID WEST HALF (W 1/2), NORTH 00°46'11" WEST, A DISTANCE OF 377.68 FEET; THENCE DEPARTING SAID EAST LINE, SOUTH 89°13'49" WEST, A DISTANCE OF 54.88 FEET TO THE **POINT OF BEGINNING**; THENCE SOUTH 23°36'04" WEST, A DISTANCE OF 6.00 FEET; THENCE NORTH 66°14'56" WEST, A DISTANCE OF 6.00 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHWEST HAVING A RADIUS OF 1,140.00 FEET, FROM WHICH A RADIAL LINE BEARS NORTH 66°14'56" WEST; THENCE NORTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 5.97 FEET, THROUGH A CENTRAL ANGLE OF 00°18'00"; THENCE SOUTH 66°32'56" EAST, A DISTANCE OF 6.00 FEET TO THE **POINT OF BEGINNING**.

CONTAINING AN AREA OF 36 SQUARE FEET.

ATTACHED HERETO IS AN EXHIBIT LABELED "EXHIBIT B" AND BY THIS REFERENCE MADE A PART THEREOF.

BASIS OF BEARINGS

NORTH 01°09'30" WEST, BEING THE BEARING OF THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 12, TOWNSHIP 20 SOUTH, RANGE 59 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS SHOWN IN FILE 120, PAGE 83 OF SURVEYS IN THE CLARK COUNTY RECORDERS OFFICE, CLARK COUNTY, NEVADA.

THE ABOVE LEGAL DESCRIPTION

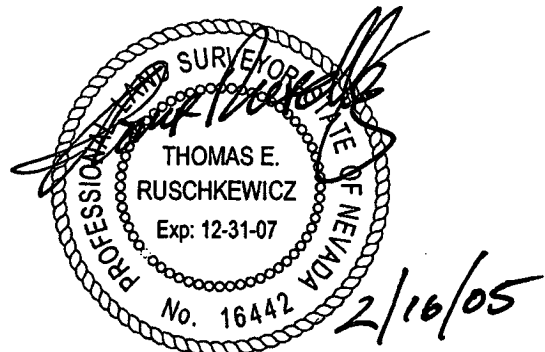
WAS PREPARED BY: D PARTEN

CHECKED BY:

THOMAS RUSCHKEWICZ, P.L.S.

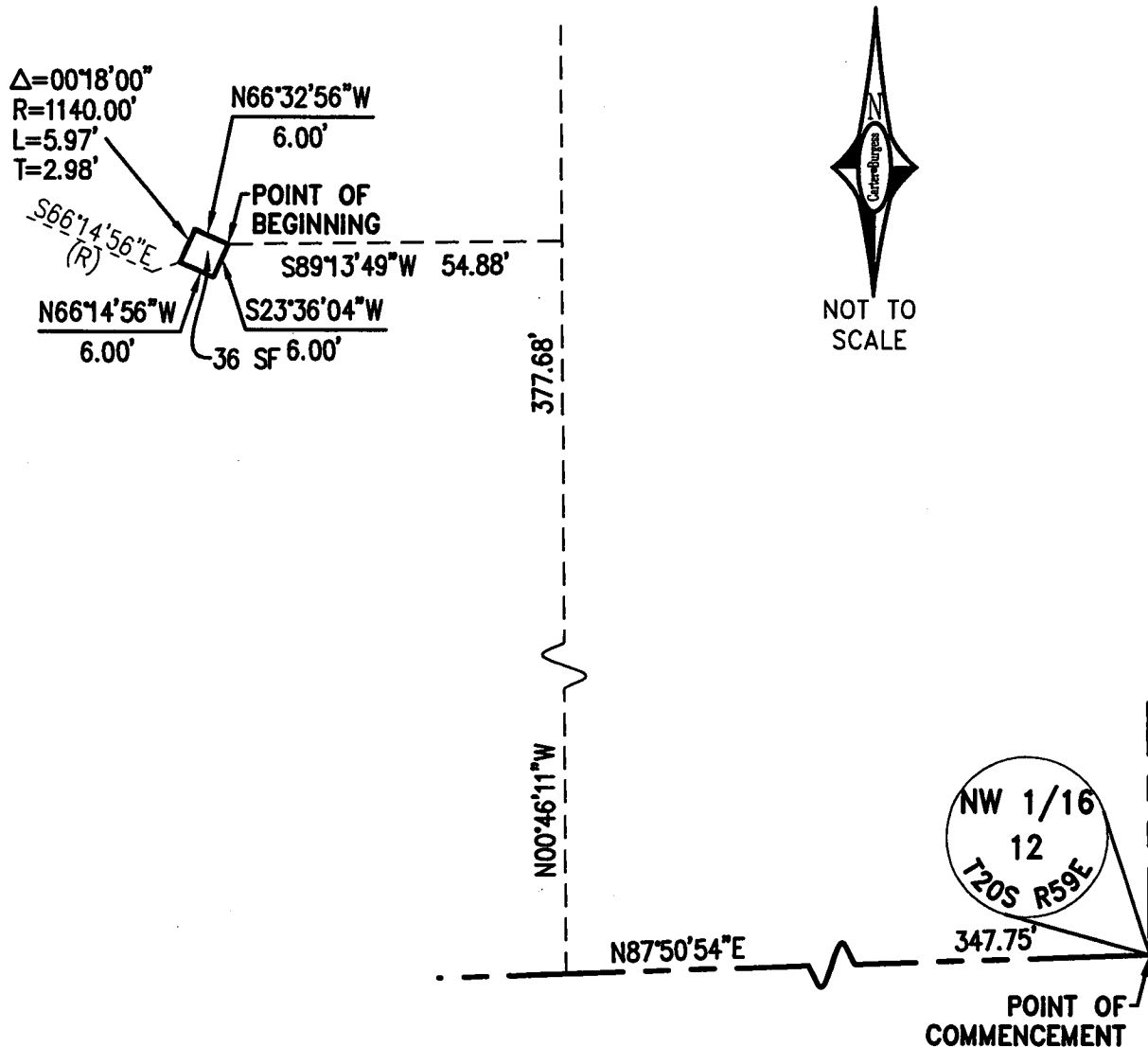
CarterBurgess

6655 BERMUDA ROAD
LAS VEGAS, NEVADA 89119-3605



APN 137-12-101-008
GRANTOR: USA AND CITY OF LAS VEGAS LEASE

EXHIBIT B



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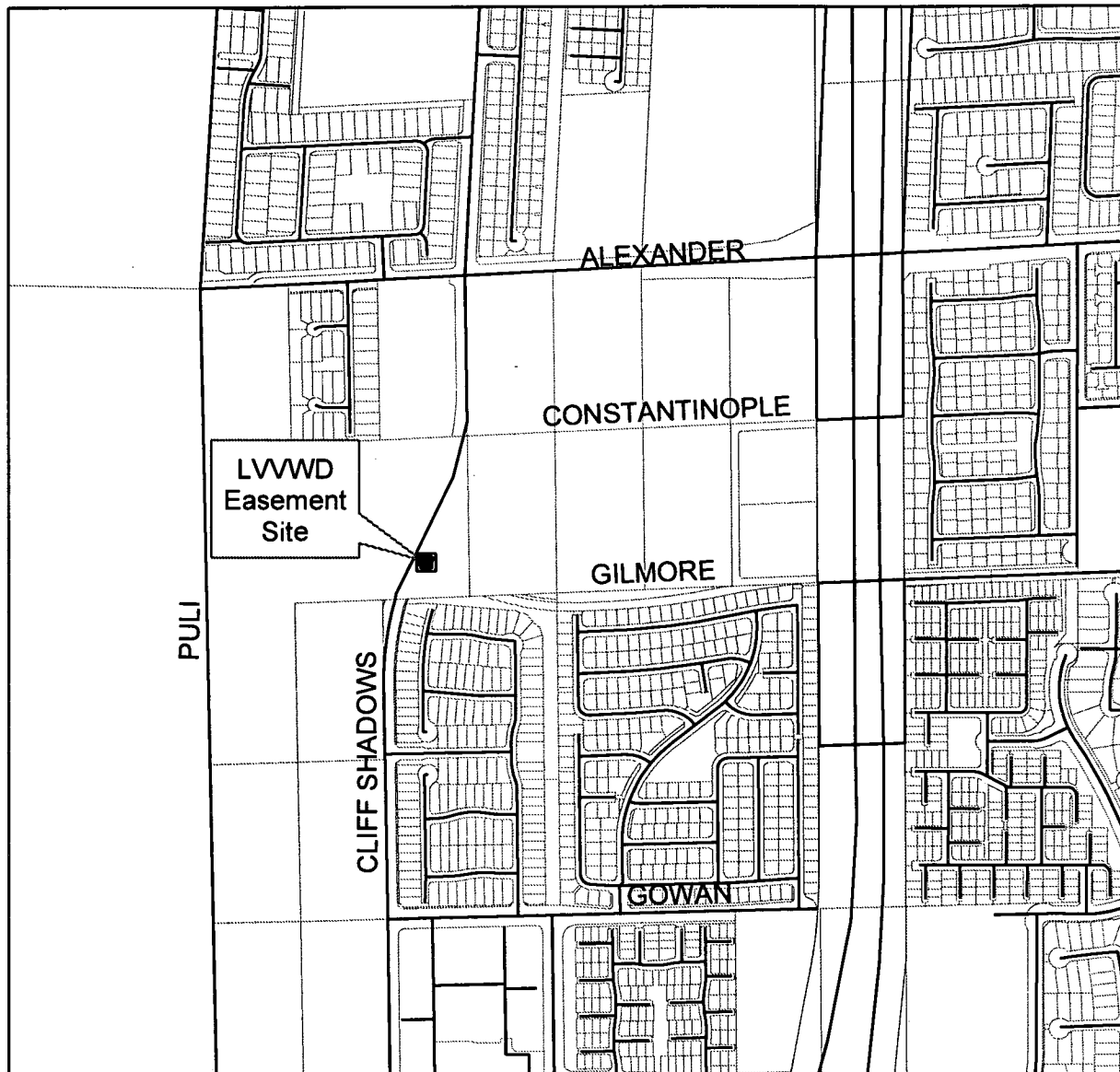
**LAS VEGAS VALLEY
WATER DISTRICT EASEMENT**

JOB NO: 241060
DATE: 02.15.2005
DRAWN BY: dp
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Carter-Burgess
6655 Bermuda Road
Las Vegas, Nevada 89119
(702) 938-5400

**General Location Description –
See attached Legal and Exhibit for exact location**

<u>Township</u>	<u>Range</u>	<u>Section</u>	<u>General Description</u>	<u>Length x Width (ft)</u>	<u>Area (sf)</u>	<u>Acreage</u>
20S	59E	12	W1/2 of SW1/4 of NW1/4 of NW 1/4	2 – 6' X 6' SQUARES	72 sq ft	.01



Site Map

Legend

-  Beltway
-  Street Centerline
-  Parcels
-  scl_majors

Real Estate & Asset Mgmt



3/21/05

Plan of Development

Las Vegas Valley Water District

- (A) **Type of system or facility / background (purpose and need):** We will be installing 1-Air Vac Assembly, 1-Fire Hydrant, 1-Gate Valves, pipes and elbow fittings. The facilities service the transmission main.
- (B) **Related Structures:** Outside of BLM parcel is The City of Las Vegas ROW, curb, gutter and sidewalk. Nothing is constructed in this BLM area at this time. The City has reserved this area for a future park site. R&PP N-75747 (see attached exhibits)
- (C) **Project description / physical specifications:** This project location is in Section 12 Township 20 South, Range 59 East, M.D.M., Clark County, Nevada. The proposed facilities will encompass approximately 72 square feet for an area of .01+/- acres.

Total amount of previous disturbance: NA - none

Total amount of new disturbance: 72 square feet total – two 6' by 6' squares located at back of sidewalk.

Time of year construction will begin: We could start as early as March of 2005, as soon as the Easement is approved we are ready to proceed.

Duration of construction: The entire process will take 3 weeks.

Sequence of events: The work force will include an estimated 5 to 20 people, including survey crews, inspectors, contractors, laborers and equipment operators. However, it is not likely all 20 people will be on the site at one time. Vehicles on site during construction will include trucks, possible heavy equipment loaders and dump trucks.

- (D) **Term of years needed:** The Air Vac Assembly, Fire Hydrant, 6" Gate Valves, pipes and elbow fittings will all be permanent features.

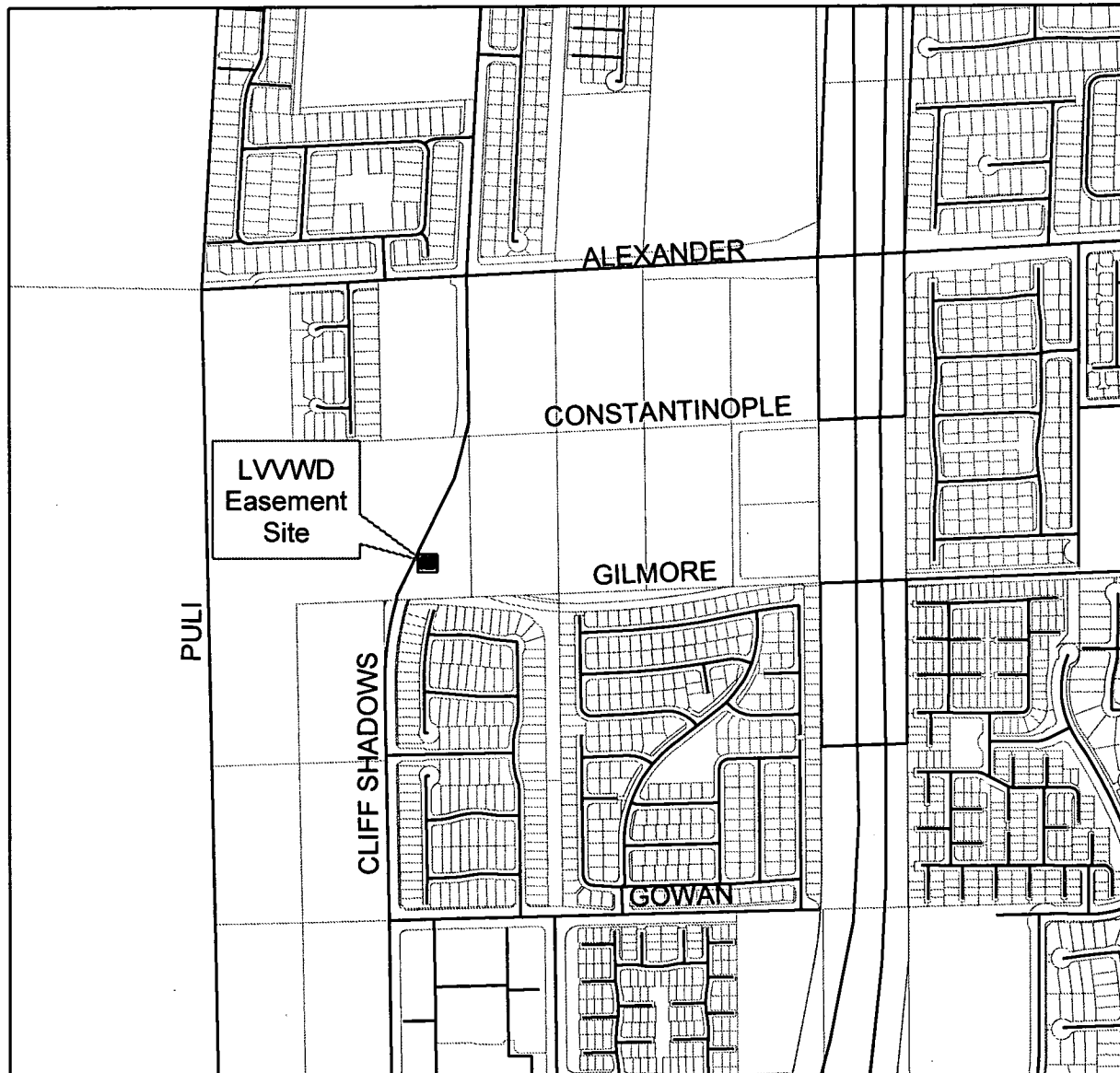
- (E) **Time of year of use:** The use of the installed Gate Valves, Fire Hydrant and Air Vac Assembly is year-round.
- (F) **Volume or amount of product to be transported:** There will be minimal volumes of grading, fill and material to install the Fire Hydrant, Gate Valves and Air Vac Assembly.
- (G) **How long will construction take:** 3 weeks
- (H) **Will temporary work areas be needed:** No, if required would be processed as a separate application, processed concurrent.

Construction: The construction will consist of digging trench/hole, installing pipe, elbow, fire hydrant, gate valves, and Air Vac Assembly and back filling the trench.

All work will be done within the Easement area applied for.

Maintenance and Operation: The Las Vegas Valley Water District will maintain the facilities as required.

- (I) **Benefit of the facilities to the Future Park site and the area:** The Air Vac Assembly will allow for maintained of the transmission main with in Cliff Shadows Parkway. The transmission main in Cliff Shadows Parkway will provide water service to this site.. The Fire Hydrant provides an immediate source of fire protection for the park site. Therefore, both items are significantly beneficial to the park.



Site Map

Legend

-  Beltway
-  Street Centerline
-  Parcels
-  scl_majors

Real Estate & Asset Mgmnt



3/21/05

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: ADMINISTRATIVE

DIRECTOR: ELIZABETH FRETWELL

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

ADMINISTRATIVE:

Report and possible action concerning the status of 2005 legislative issues

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Staff will report on pending legislation of the 2005 Nevada State Legislature.

RECOMMENDATION:

It is recommended that the City Council accept the report and direct staff, if necessary.

BACKUP DOCUMENTATION:

Submitted at meeting: copy of written comments of Tom McGowan

MOTION:

REESE - Motion incorporating all comments made (see Verbatim Transcript) - UNANIMOUS with BROWN not voting

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor

BETSY FRETWELL, Deputy City Manager

GARY REESE, Councilman

LOIS TARKANIAN, Councilwoman

(10:12 - 10:36)

1-2410

TM / Las Cst. MTE: 191 WED. 6 April '05 (Cst. Cit. Mrg 0/6)

Pub. Comment

Agenda Item 40

Question/Answer: Do you allow Public Comment on this Item? ~
(If 'yes', proceed. If 'no', submit written text.)

Answer: ☐ 'yes'; ☐ 'no'

Tom McGowan, Las Vegas Resident.

.. < (30") > ..

The Nevada Legislature enacted a Property Tax Reform Bill that allows the affected owner/occupants of 'upscale' residential condominiums to claim 'severe hardship exemption' status, notwithstanding their higher income level. That shifts the burden of property taxation onto the owners, but non-occupants, of residential and commercial properties city-wide. ~ What has the Mayor and the City Council done to ensure a fair and equitable level playing field for all property taxpayers and lease/real tenants in the City of Las Vegas? ~ And if: 'no thanks', what not? ~

Thank you.

55. Tom McGowan, Las Vegas Resident.

.. < (20") > ..

What kind of entertainment will be presented at the Beauty Bar Tavern located in the Downtown Entertainment Overlay District? ~ What will be the hours and the days and nights of entertainment operations? And, if: 'no thanks', what not?

Thank you.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

Item 47 – Report and possible action concerning the status of 2005 legislative issues

Appearance List:

OSCAR GOODMAN, Mayor

BETSY FRETWELL, Deputy City Manager

GARY REESE, Councilman

LOIS TARKANIAN, Councilwoman

(10:12 – 10:36)

1-2410

24 minutes

Typed by: Angela Crolli

Proofed by: Stacey Campbell

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

15 **MAYOR GOODMAN**

16 All right. We're on 47, which is a report and possible action concerning the status of two
17 thousand and five legislative issues. Ms. Fretwell?

18

19 **BETSY FRETWELL**

20 Good morning Mayor and members of the Council. Just to give you a quick update, we're
21 quickly approaching the first committee passage deadline, which is the 15th of April, which
22 means a lot of things are happening fast and furiously at the Legislature after a pretty slow start.

23 Right now there are about a thousand fifty bills that have been introduced. We're monitoring
24 over half of those. So, that's a pretty heavy workload for our lobbying team and for our internal
25 review team to try and get oppositions established, and communicate effectively with the
26 legislators.

27 I have a few measures that I'd like to go over that I've – covered in the past, just to give you an
28 update on them. Obviously, you've probably already heard about the property tax resolution,
29 AB489, which caps owner occupied housing assessed value at three percent growth per year.
30 That includes condominiums and duplexes, but excludes timeshares, vacation homes and second
31 homes. Commercial properties were capped at 10% or a ten-year rolling average whichever is
32 less. Additional breaks are available for small business declaring obsolescence and for low-rent
33 apartment complexes.

34 On the homeland security issue, we have a bill that we requested that had its first hearing. The
35 testimony went well. There was a lot of supportive testimony. There is a need to do some –
36 clean up language, a little bit of a technical amendment. We're working on that and we're
37 hopeful that that bill will have a vote before the committee deadline occurs.

38 Very similar situation for our bill regarding our Leisure Services clientele and their personal
39 information. We've turned in our amendment, as requested by the trial lawyers, to try and
40 accommodate their concerns, and we're hopeful that that one will have positive action in the next
41 ten days.

42 There's also been a bill under discussion regarding sidewalks and the requirement for the
43 development of sidewalks within a mile of any school building. In its original – format the City
44 has been opposed to it because it would make us have to do the land acquisitions to build
45 sidewalks on behalf of the schools for lands that we may not even have any right to. Plus,

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

46 oftentimes with the development after the fact, that infrastructure would have to be ripped up by
47 the developer. So, it might only be a temporary improvement. So, that's something we've been
48 keeping an eye on. We're trying to get that, maybe, referred to the Southern Nevada Regional
49 Planning Coalition for resolution. It's obviously a planning issue between us and the school
50 district and we think that's something that can be adequately addressed at home. So, that's a
51 resolution we're – hoping for with regard to that bill.

52 Another issue that's been a concern to the general contractors is an issue of hauling routes; heavy
53 equipment that moves from North Las Vegas through Henderson cuts through the City and
54 through unincorporated Clark County. Up to now, every local jurisdiction that that equipment
55 moves through would, has been requiring a permit. That's been somewhat onerous on the
56 industry. We've reached a resolution with the industry and with the legislators that what we
57 would recommend is that the –heavy equipment hauler would be permitted in the originating city
58 and that there would be an ability to do an express permit. So, we're working toward that end
59 and it seems a resolution everyone can live with. The bill in its original form would have had the
60 Department of Transportation for the State providing those permits, and I don't think anyone was
61 happy with that, including the State.

62 One of the bills that we've had our eye on and a concern about is SB277, which is related to our
63 franchise fees. As you know, we rely very heavily on franchise fees. About ten percent of our
64 general operating revenues come from franchise fees. There's a bill that would eliminate those
65 franchise fees. So, we're very concerned about it. That bill has been postponed for its hearing
66 twice now. We're, we've heard that it will be heard on Friday. So, we'll keep you apprised of
67 the progress on that bill and – we're hopeful that we'll be able to retain those – revenue sources.
68 We had our first hearing yesterday on the Centennial License plates to create an extension. I
69 know Councilman Weekly was up there and possibly heard some of the testimony. We were
70 trying to get Bob Stodhall, who's very engaged in our Historic Preservation Committee to
71 participate. He was unable to, so we'll try and get him to help us, if we're successful on the
72 Senate side, to possibly help us on the Assembly side. But Senator Coffin and Bob Hostrosky
73 testified. It was very good; positive testimony and a good hearing. So, we're hopeful that that
74 one will pass as well as on next two weeks.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

75 Busy day yesterday. Mayor Goodman also testified on behalf of the City as it relates to our
76 support for AB418, which is the more cop, sales tax bill. It's enabling legislation. The Sheriff
77 and many other officials testified yesterday in support of the measure.

78 There's been another discussion, and you've probably read about this in the paper, regarding the
79 disposal of public property. There's been a lot of testimony about what the process should be.
80 Should everything go to auction? Should there be an ability for intergovernmental transfers, not
81 unlike what we did for the fingerprint building downtown, what the County and other situations
82 that maybe an auction isn't the best solution. So, we're trying to work those out. The sponsor,
83 Assemblyman Sibley seems willing to work with us on that and we're hoping that we'll be able
84 to work some amendments in there that make that bill a little easier to administer.

85 There's also a bill that's an ethics bill, but does a lot of clean up language. It – redefines public
86 officer. So, it'll probably cover more people. We're waiting to hear from the City Attorney's
87 Office about their exact interpretation of who would – fall under that definition. We're –
88 working on that end. And it also would increase from one year to three years the amount of time
89 for an ethics case to be filed. Right now, if something happens within a year, you have to file the
90 ethics complaint within a year. That would extend that to three years. But also would allow the
91 legi, give more authority to the executive director and it would allow them to use outside counsel
92 if they chose to. So, I just wanted to make you aware of that bill. It's AB538. I'd be happy to
93 provide that to any of you if you're – interested in that or wish to give us some direction on that.

94 Another building, another bill that was heard this week is related to green buildings. As you
95 know, we have a several LEED certified buildings that are being constructed here in the City of
96 Las Vegas, some in our downtown area. There's a – discussion on that. We're working with the
97 sponsor of that bill to try and work out a few amendments that would make something like that
98 more, a little easier for us to administer. So, we're working with Chris Giunchigliani on that, on
99 an amendment.

100 On the purchasing front, AB251, would give a five percent preference for disadvantaged
101 business enterprises on our goods and services Public Works, A and E contracts. That was heard
102 this – week. We're not sure where that's going. We are very concerned about the process that's
103 outlined in the bill for – administration, and we – don't think it'll be possible to actual to live up
104 to the way that legislation is drafted. So, I'm not sure where that's going, but we're – gonna
105 have to try and clean that up to make it workable.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

106 SB363 is related to single-family residences, and it would basically make, basically, trailers meet
107 the criteria as a single-family detached residence. That's had a, I've lobbying the legislature for
108 well over ten years now and every year this comes up and every year it has major problems
109 because of the – housing stock considerations. This is something that we'll probably continue to
110 be discussed over time as we deal with affordable housing issues. But right now that's
111 something that's come up for discussion again and I wanted to make you aware of that.

112 Also in the mobile home park area of discussions is a bill to create a tax break for seniors, that
113 need – a little bit of a – break in their rent. That's under discussion. Now, no action has been
114 taken on that, but we're monitoring that bill.

115 And maybe more pertinent to us there's a bill AB430, excuse me, 343, that would tighten up
116 inspections and requirements that the Division of Housing has to do on mobile home parks, not
117 unlike the Sky Vue Mobile Home Park, where we had a huge intervention last year. So, we're
118 supporting that and monitoring that – legislation as well.

119 We're still having some trouble with the design professionals bill, which is something I
120 mentioned to you a couple of briefings ago, regarding who covers litigation costs associated with
121 design professionals who have a contract with the City. Right now, we've been opposed to it.
122 We presented some potential sponsor, some bills to this, excuse me, amendments to the sponsor,
123 and they don't like those amendments. So, we're kind of in an opposite, opposition position
124 right now and probably will have to stay in that spot.

125 I mentioned to you at my last briefing that there was a consolidation bill. There's since been a
126 hearing on that matter. There were several amendments that were presented, much opposition in
127 the testimony, although there were some Assembly representatives who voiced a modicum of
128 support for the measure. We're not sure where that's going. No action was taken and we'll just
129 have to take a wait and see look at that bill.

130 AB191 is related to electioneering. It's one that would reduce district requirement. Our Clerk's
131 Office had a very serious concern about our ability to manage that shorter distance requirement
132 on electioneering around polls. We've been opposed to that measure as a result.

133 AB298 –

134

135 **COUNCILMAN REESE**

136 I'd like to (inaudible)

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – Item 47

137 **MAYOR GOODMAN**

138 Yes, excuse me, Ms. Fretwell.

139

140 **BETSY FRETWELL**

141 Yes.

142

143 **COUNCILMAN REESE**

144 Betsy.

145

146 **BETSY FRETWELL**

147 Yes, Sir.

148

149 **COUNCILMAN REESE**

150 Who intro, who introduced that bill and why?

151

152 **BETSY FRETWELL**

153 Let me look.

154

155 **COUNCILMAN REESE**

156 I mean to me, it ought to go the other way. Rather than going less it ought to go more.

157

158 **BETSY FRETWELL**

159 There's a whole handful of bill sponsors. Primarily, well, a whole lot of both parties. So, I'm
160 not sure, but I can certainly check into that for you, Councilman and brief you again on that.

161

162 **COUNCILMAN REESE**

163 I would just, I just – would like to find out why they wanted to do something like that. I mean,
164 to me, it ought to be 300 feet.

**CITY COUNCIL MEETING OF
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VERBATIM TRANSCRIPT – Item 47

165 **BETSY FRETWELL**

166 Okay. We'll check into that and I'll double back with you. I also mentioned to you the – bill
167 that Assemblywoman Koivisto has introduced, which would convert all of your offices to
168 partisan offices. We took a position in opposition to that. It seems in discussions with many of
169 you that there were, that there's a lot of value to non, to being non-partisan at this level, and
170 there's a lot of cooperation as a result, and that's what we testified to.

171 There's also SB252, which would revise our Municipal dates, which would put us in line in the
172 November elections on even years versus the spring elections in odd years. We and the County
173 were the only ones that testified on that. It would reduce our election costs, generally. So, that's
174 another bill that I thought I would bring up for your attention.

175 There's an annexation bill, AB487. It's been sponsored by the City of Henderson. There's a –
176 little provision in NRS that says if there's a non-opposition letter from the public body that
177 manages the land or in which territory the land falls. And we typically in annexation have to go
178 and ask the BLM for approval, basically, a non-opposition letter. This would remove that
179 criteria. It would also allow Boulder City to de-annex some areas that – they're not managing
180 right now. They're in their boundaries, but maybe they don't feel that that's something that they
181 need to continue to have in their boundaries. It's very specific de-annexation language, so we're
182 comfortable with that. And this would streamline our ability to annex future lands and so that's
183 something that we've been supporting up to this point. It also cleans up some stuff between
184 short and long form annexations. So, all in all it's a pretty good bill that would create a little
185 more flexibility for the City Council.

186 Our bill to do the clean-up language on the performing art center is in. It's AB456. We're trying
187 to make sure that that bill passes. That obviously creates some of the flexibility and the bonding
188 that we need to make a performing art center a reality. So, we're all pushing for that.

189 There's also a collective bargaining bill, AB483, which revises the timing. It really restricts the
190 amount of time that we can spend in collective bargaining, which may be good for both sides to
191 speed things up. So, that's one that we're keeping – an eye on. There's some things in there that
192 we probably need to try and get cleaned up that we'll continue to work with the sponsor on. But
193 it's something that we're keeping a real close eye on.

194 One bill that we have a concern about and we're working with the – spo, with the – sponsor on is
195 a gaming bill. It's AB390. It's actually got a hearing today, and what it does is it changes the
Page 7 of 16

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

196 restrictions. Right now we have a distance requirement in State law on new gaming
197 establishments. We're trying to run a map right now that shows where new gaming
198 establishments may go in the City of Las Vegas if this bill were to pass. We're trying to get that
199 interpretation done before the hearing this afternoon. But right now we have some concerns
200 about that bill because it would limit your ability to make land use decisions regarding those
201 kinds of uses if they're in a proximity of a residence and other kind of protected uses, like
202 religious institutions, schools, etcetera. So, we're keeping a really close eye on that.

203 Let's see, there's, as you can see there's a whole lot of stuff that's happening there. And I think,
204 really, that's about it for my report today. I'd be happy to answer any questions that you might
205 have. As I mentioned, things are happening fast and furiously and we're just trying to stay on
206 our toes.

207 Just one little comment of note, Councilman Weekly went up yesterday to pitch the EVOLVE
208 program. I heard that the meetings were very successful. Unfortunately, I was unable to join
209 him, but I heard he did a great job, and he helped the Democrats in the basketball game last
210 night, although they didn't come up on top. I'm sorry to say. So, anyway, I don't know,
211 Councilman Weekly may have some things to add to my report from what he heard yesterday in
212 the halls. And I'd be happy to an, to try and answer any questions that you have.

213

214 **MAYOR GOODMAN**

215 Very good. Thank you. Are there any questions or comments at this time? I have a couple. I
216 don't understand the exclusion in the real property tax concerning timeshares. Well, why aren't
217 timeshares included?

218

219 **BETSY FRETWELL**

220 Mayor, I know that a lot of that was discussed in those conference committees, and I – don't
221 know what the answer is, except that, it seems like if it's an investment property or a vacation
222 kind of propertie, those properties were excluded from the cap.

223

224 **MAYOR GOODMAN**

225 I don't understand that myself.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

226 **COUNCILMAN REESE**

227 Yeah.

228

229 **COUNCILWOMAN TARKANIAN**

230 Mr. Mayor?

231

232 **MAYOR GOODMAN**

233 Yes?

234

235 **COUNCILWOMAN TARKANIAN**

236 Who, could we ask who sponsored that bill? That bill was sponsored in the past by someone
237 who had a lot of friends in that business. Just want to tell you that.

238

239 **BETSY FRETWELL**

240 Yeah, AB4, the – tax bill or –

241

242 **COUNCILWOMAN TARKANIAN**

243 It was – the previous years where this tax break for that particular item was sponsored by
244 someone who had many friends in that area, a Senator who had friends –

245

246 **BETSY FRETWELL**

247 I'm not –

248

249 **COUNCILWOMAN TARKANIAN**

250 – who had worked in the business –

251

252 **BETSY FRETWELL**

253 Right.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

254 **COUNCILWOMAN TARKANIAN**

255 – and who then had friends still remaining in the business, and I'm just wondering it might be a
256 follow through of that. That's all I'm adding.

257

258 **BETSY FRETWELL**

259 I – don't, actually, Councilwoman, I don't know. I can look back at some legislative history on
260 the timeshare industry. But – they would be excluded, so –

261

262 **COUNCILWOMAN TARKANIAN**

263 I just want to say that what happened is, this – item at one time was snuck into a bill and it made
264 Dina Titus very upset because it was added to a bill where it shouldn't have been added and it
265 was added, and those were the things she brought up in the newspaper at the time.

266

267 **MAYOR GOODMAN**

268 Well, I – think the reason I'm concerned about it, Councilwoman, is that there appear to be more
269 and more timeshare products that are coming into our community, not necessarily in the City of
270 Las Vegas, although there have been discussions that some of the downtown resorts are going to
271 have at least a timeshare component to them. And I personally would not understand what the
272 rationale would be to exclude them from property tax.

273

274 **COUNCILWOMAN TARKANIAN**

275 And –

276

277 **MAYOR GOODMAN**

278 And I really would like to be briefed on that and perhaps, we should take a position on that.

279

280 **BETSY FRETWELL**

281 I'll be happy to –

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

282 **MAYOR GOODMAN**

283 We're – looking for all sources of money, and to just take a big chunk, and I think it could be a
284 big chunk, out of the potential pie, that doesn't make any sense to me.

285

286 **BETSY FRETWELL**

287 Well, they would be excluded from the cap. So, maybe I'm not, maybe you and I should talk
288 after the fact, but –

289

290 **MAYOR GOODMAN**

291 Good. I think so. Okay. Okay.

292

293 **BETSY FRETWELL**

294 They would be excluded. So –

295

296 **MAYOR GOODMAN**

297 Oh, in other words –

298

299 **BETSY FRETWELL**

300 – they would be continuing to contribute at their rate of growth –

301

302 **MAYOR GOODMAN**

303 Okay.

304

305 **BETSY FRETWELL**

306 Not at an –

307

308 **MAYOR GOODMAN**

309 Okay.

310

311 **BETSY FRETWELL**

312 – an artificially lower rate.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

313 **MAYOR GOODMAN**

314 Fine. That – that’s perfectly acceptable to me.

315

316 **BETSY FRETWELL**

317 Maybe I wasn’t very clear. All right.

318

319 **MAYOR GOODMAN**

320 Okay. It’s just the opposite.

321

322 **BETSY FRETWELL**

323 Right.

324

325 **MAYOR GOODMAN**

326 I got that now. Okay, I did misunderstand.

327

328 **BETSY FRETWELL**

329 Okay.

330

331 **MAYOR GOODMAN**

332 That’s – fine with me. All right. How about the, is there any discussion about taxing the Internet
333 sales?

334

335 **BETSY FRETWELL**

336 Last session, Mayor, there was a bill called the Internet streamline sales tax bill that was passed.

337 I don’t think there’s another bill under consideration. There’s a federal threshold of number of

338 states that had to act on Internet sales. We’ve met that. In fact, this is something we’re

339 monitoring with our federal lobbyist and the National League of Cities, as well as the Governors

340 Association to see how that may be imposed. May be more than you wanted to know, but in the

341 last few years we’ve done some research to try and identify how much of our sales tax base is

342 eroded through Internet sales tax, because of the Nexus concern.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

343 **MAYOR GOODMAN**

344 Right, what has that shown?

345

346 **BETSY FRETWELL**

347 We really don't have a whole lot that's eroded in our base because of the way our sales and use
348 tax is structured. A lot of things that people buy over the Internet, for instance, may not be
349 subject to that tax anyway.

350

351 **MAYOR GOODMAN**

352 Okay.

353

354 **BETSY FRETWELL**

355 So, I – think that we're not as at risk as many other jurisdictions are. And you may know that a
356 lot of locally imposed sales tax issues are – locally imposed across the country, not so much
357 here. We have a few very specific ones for roads, transportation and now possibly public safety.

358

359 **MAYOR GOODMAN**

360 Okay. And another item of concern is what – happened to the consolidation bill?

361

362 **BETSY FRETWELL**

363 The consolidation bill was heard. As I mentioned, there was a modicum of support among the
364 Assembly members. There was a lot of test, testimony against. One issue was that it seemed to
365 include all the rural areas. There were several amendments that were presented during the
366 testimony that we didn't have an opportunity to see before hand. And there was also concern
367 from the County regarding the fact that not everybody wants to live in the City. And two, that –

368

369 **MAYOR GOODMAN**

370 That's – amazing.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

371 **BETSY FRETWELL**

372 – there's no provision for public input in this process. So, that's what, we're not sure where that
373 one's going to go. It'll be interesting to see if there's any additional action on that bill before the
374 committee deadline.

375

376 **MAYOR GOODMAN**

377 Okay. And the one last item is, does the Council have any input that you would like to give Ms.
378 Fretwell, as far as the election bill and the change of having our own independent elections or
379 being bunched in with the more, the State wide elections and the national elections. Does
380 anybody have any –

381

382 **COUNCILMAN REESE**

383 I just like put –

384

385 **MAYOR GOODMAN**

386 Yes.

387

388

389 **COUNCILMAN REESE**

390 – a couple of comments. I've always felt like that what we have today is fine. I know that it cost
391 a little bit of money to have an election like this. But again though, it is our election. We don't
392 have to share it with anybody else, other than the other municipalities. And I've – always felt
393 very comfortable with us not being on the same ballot. I think that if we went on the ballot with
394 the partisan races in the fall, we'd probably be last on the list. And by the time a voter goes in
395 the booth and looks at all these list of voters and propositions like this, that they're going to get
396 tired and don't even want to vote in our – race. So, I think it's fine the way it is.

397

398 **MAYOR GOODMAN**

399 Right. Now, I think it's important, Ms. Fretwell, that you go up and down the hall and try to get
400 some sense as to where we stand. I – tend to agree with the Mayor Pro Tem on this. I sort of

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

401 like the fact, even tough it may be a little more expensive to have an election that focuses upon
402 the City.

403

404 **COUNCILMAN REESE**

405 And – again, Your Honor, I don't think it's the City's fault in any way that we only have seven
406 or eight or ten percent of the people who go out there and vote. There's a lot of apathy out there
407 right now. And I don't know what we can do. You know, I talk to people everyday in the shop.
408 I don't know why people don't vote. And, even – if it's just one vote, like I got to vote for the
409 judge, is all I got to vote for yesterday. And it was very important to me. I was the first one
410 again and my – wife went later to vote and I'd been the one that voted. And so, you know, you
411 live in an area which people want to complain, they want help and so on and so forth, they need
412 to get involved, they need to vote.

413 And, I think that it's, I think that our City Clerk did everything possible that she could do to
414 make sure that people did get out and vote. I think the people running the races and stuff did a
415 good job campaigning. I don't why people don't vote. It's been that way for, I've been an
416 elected, I went through three elections and it's been that way every – year I vote, that I've run.
417 And so, I don't know if they change what the benefit would be. We just need to get the voters
418 out.

419

420 **MAYOR GOODMAN**

421 All right. Thank you. Any other comments or questions? All right. Thank you. Is there a
422 motion to accept the report?

423

424 **COUNCILMAN REESE**

425 Yes. **I would like to just incorporate all the – into the motion those things that have been**
426 **said**, and thank Betsy for, again, for a great job –

427

428 **BETSY FRETWELL**

429 Thank you.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 47

430 **COUNCILMAN REESE**

431 – and keep up the good work.

432

433 **BETSY FRETWELL**

434 Thank you.

435

436 **MAYOR GOODMAN**

437 Thank you. Let's vote, please. Post. Motion carries. **(Motion carried unanimously with**

438 **BROWN not voting)**

439 **(END OF DISCUSSION)**

440 /ac;sc

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Anthony Victor O'Malley, 2121 Fremont Street #127, Las Vegas, Nevada 89101

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no related discussion.

(9:48 - 9:50)

1-1436

RECEIVED
CITY CLERK

2005 MAR -7 A 11: 26

February 23, 2005

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

To Whom It May Concern:

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

Sincerely,

Anthony Victor O'Malley
Anthony Victor O'Malley
2121 Fremont Street #127
Las Vegas, NV 89101



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
VRENCE WEEKLY
MICHAEL MACK

STEVE WOLFSON
LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

March 7, 2005

Anthony Victor O'Malley
2121 Fremont Street #127
Las Vegas, NV 89101

Re: **WORK CARD APPEAL**

Dear Mr. O'Malley:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Ydoleena Yturralde".

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/pc

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

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

VOICE 702.229.6011
TTY 702.386.9108

www.lasvegasnevada.gov
18112-001-1-05
CLV 7009



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Gilbert Aguirre, 3700 Broxburn, Las Vegas, Nevada 89108

Fiscal Impact:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal and City Clerk Notification Letter to Appellant
2. Submitted at meeting - 3/24/2005 citation and supporting photographs from Detective Rodd
3. Submitted at meeting - Support letter from the proposed employer Rosalo Lenox, Manager of Larry's Villa by appellant

MOTION:

REESE - APPROVED the appeal, thereby granting a site-specific work card with a six-month (10/5/2005) review - motion carried with TARKANIAN voting NO

MINUTES:

The appellant was present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), referred the Council to the confidential report for details of the appellant's criminal history, which resulted in the denial of the work card. During the course of the investigation for the appeal, he attempted to contact MR. AGUIRRE at his home with the number listed on the referral sheet. The number given is to MR. AGUIRRE'S brother's home, and his brother answered the phone indicating that MR. AGUIRRE was at work at Larry's Villa, where he works as a security guard. This caused concern for Metro, because MR. AGUIRRE'S work place is the location for which he is seeking a work card, and he was working there prior to receiving approval from the Council. DETECTIVE RODD disseminated photographs to the Council members as proof that MR. AGUIRRE was working as a security guard.

MAYOR GOODMAN gave MR. AGUIRRE the option to go forward or hold this matter, pending his obtainment of an attorney. MR. AGUIRRE opted to go forward and countered that he was working as security outside, not inside where there is alcohol and gaming.

DETECTIVE RODD insisted that, when the investigating officer visited Larry's Villa, the bartender on duty indicated that MR. AGUIRRE was somewhere inside the establishment. When the officers were outside of the establishment, MR. AGUIRRE walked out from inside the business wearing a security shirt.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

MAYOR GOODMAN asked DETECTIVE RODD if he could ascertain with the employer that the position of outdoor security guard exists. DETECTIVE RODD replied that the employer did indicate in a letter that MR. AGUIRRE would be working in the parking lot as well as in Larry's Villa.

COUNCILMAN WOLFSON thanked DETECTIVE RODD for the additional work card information he provided, and then asked him if MR. AGUIRRE is still on probation. MR. AGUIRRE interjected that he has been on state probation for eight months, has had no problems, is attending a counseling class, and is not required to undergo drug testing.

COUNCILWOMAN TARKANIAN advised MR. AGUIRRE that he should follow the rules of society.

After seeing the letter MR. AGUIRRE submitted from the owner of Larry's Villa supporting his employment despite his history, COUNCILMAN REESE opted to issue a work card.

(10:36 - 10:43)

2-93

RECEIVED
CITY CLERK

2005 MAR 10 P 3:00

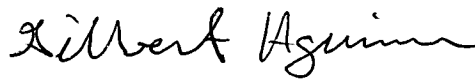
March 10, 2005

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

To Whom It May Concern:

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

Sincerely,

A handwritten signature in cursive script, appearing to read "Gilbert Aguirre".

Gilbert Aguirre
3700 Broxburn
Las Vegas, NV 89108



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
NET MONCRIEF
JEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

March 10, 2005

Gilbert Aguirre
3700 Broxburn
Las Vegas, NV 89108

Re: **WORK CARD APPEAL**

Dear Mr. Aguirre,

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ydoleena Yturralde".

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/gr

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

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

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

☒ In the Municipal Court of
☐ In the Justice Court of Clark County
Court Case #

State of Nevada

CLARK COUNTY

Las Vegas Metropolitan Police Department

TRAFFIC/MISDEMEANOR CITATION/COMPLAINT

☒ Adult ☐ Juvenile

☐ Traffic ☐ Accident
☒ Non-Traffic ☐ Warning
☐ Parking ☐ Meter #

☐ School Zone ☐ Hazmat
☐ Construction Zone ☐ S.T.E.P.

☐ Urban ☐ Rural

Travel Direction: ☐ N ☐ S ☐ E ☐ W Beat/ Area: Mile Marker:

At Location: 2401 W. BONANZA LV, NV LARRY'S VILLA

Violation Date: 03-24-05 Time: 1015 Issue Date: 03-24-05 Time: 1015

Day Code: ☐ 1 ☐ 2 ☐ 3 ☐ 4 ☒ 5 ☐ 6 ☐ 7

Defendant Type: ☐ Driver ☐ Passenger ☐ Pedestrian

Other Explain: SECURITY

Had Been Drinking: ☐ Yes ☒ No ☐ Unknown

Test Type: ☐ PBT ☐ Blood ☐ Breath ☐ UA

☐ Drugs Suspected Results: %

THE UNDERSIGNED CERTIFIES AND SAYS THAT IN THE STATE OF NEVADA

NAME (Last, First, Middle): AGUIRRE, GILBERT Social Security #: 604-07-8401

Address: ☐ Physical ☐ Mailing 3700 BROX BURN City: LV State: NV Zip: 89108 Ctry:

DOB: 12-27-79 Race: H Sex: M Height: 5-9 Weight: 190 Hair: BLK Eyes: BRO

OLN / ID: 1400837684 ☐ CDL State: NV Class: E Expiration: 12-27-06 Restrictions: Endorsements:

Vehicle has current proof of insurance? ☐ Yes ☐ No Expiration Date of Insurance Card:

DID OPERATE THE FOLLOWING VEHICLE/MOTOR VEHICLE AT THE ABOVE LISTED LOCATION:

Commercial Vehicle ☐ US DOT #: VIN #:

Vehicle License: Lic. State: Expiration: Year: Make: Model: Type: Color:

Reg. Owner: ☐ Same Address:

DID THEN AND THERE COMMIT THE FOLLOWING OFFENSE(S):

☒ WORK CARD-SECURITY GUARD ☐ NRS ☐ CFR ☐ County Code ☐ Municipal Code

Pointed Speed: Actual Speed: Cited Speed: NRS/County/City # 648.060

To Wit: DID WORK IN THE CAPACITY OF A SECURITY

GUARD AT LARRY'S VILLA. THIS DESPITE THE FACT

THAT HIS "C" EXPIRED 12/27/03, "DOWN" HEARING PAIN.

NO BAIL: ☐ Bail Amount: Admin Assessment: Facility Assessment: Total: COURT

☒ NO ALCOHOL AWARENESS COURSE ☐ NRS ☐ CFR ☐ County Code ☒ Municipal Court

To Wit: DID WORK IN THE CAPACITY NRS/County/City # 6.50.520

OF A SECURITY GUARD AT LARRY'S VILLA WITHOUT HAVING

COMPLETED AN ALCOHOL AWARENESS COURSE AS REQUIRED.

NO BAIL: ☐ Bail Amount: Admin Assessment: Facility Assessment: Total: COURT

I certify (or declare) that I have reasonable grounds/probable cause to believe and do believe that above named person committed the above offense(s) contrary to law.

Officer/Complainant's PRINTED Name: J. R. R. D. Officer/Complainant's Signature: J. R. R. D. P#: 3671 Bureau: HSB

Las Vegas Municipal Court 400 Stewart St. Las Vegas, NV 89101 356	Las Vegas Justice Court 200 S. Third St. Las Vegas, NV 89155-2511 855-4435 1-877-455-1289	Juvenile Justice Services 601 N. Pecos Rd. Las Vegas, NV 89101 455-5380	Goodsprings Justice Court Box 19155 Jean, NV 89019 874-1405	Henderson Justice Court 243 Water St. Henderson, NV 89015 455-7980	Henderson Municipal Court 243 Water St. Henderson, NV 89015 565-2075	North Las Vegas Justice Court 2428 Martin Luther King Blvd., North Las Vegas, NV 89032 455-7801

Justice Court: Phone:

You are hereby ordered to appear on 21 day of APRIL year 05 at 1:00 a.m. OR ☐ Regular Business Hours

WITHOUT ADMITTING HAVING COMMITTED THE ABOVE OFFENSE(S), I HEREBY PROMISE TO RESPOND AS DIRECTED ON THIS NOTICE AND WAIVE MY RIGHT TO BE TAKEN IMMEDIATELY BEFORE A MAGISTRATE (NRS 484.799 AND NRS 484.803).

Defendant's Signature: J. R. R. D. ☐ Interpreter Needed? ☐ Court Mandatory Violation Code:

Failure to comply with this complaint or future dates relating to this complaint will constitute a separate offense.

Submitted at City Council

Date 4/6/05 Item #49

ARREST REPORT/NOTES FOR TESTIFYING IN COURT

On all misdemeanor offenses, other than traffic and misdemeanor citations issued on citizer arrests, an arrest report must be hand printed in the spaces provided for below. This report must contain a sufficient amount of information to establish the corpus delicti, and physical evidence, witnesses, and any specific acts of defendant which increased the seriousness of the offense.

THE INDIVIDUAL CITED HAD APPLIED TO WORK AS A SECURITY GUARD AT LARRY VILLA. HE WAS FOUND AT THIS BUSINESS WORKING ON 3/24/05 @ 10:00 HOURS. THE SUBJECTS WORK CARD (NON-SECURITY) WAS EXPIRED BY TWO YEARS AND THE SUBJECT HAD RECENTLY BEEN DENIED A NEW WORK CARD TO BE EMPLOYED AS A SECURITY GUARD. DESPITE THESE FACTS, THE SUBJECTS EMPLOYER, REN LENOX OF LARRY'S VILLA, HIRING AGUIRRE APPROX. 1 MONTH PRIOR TO THE PERSONAL APPEAL HEARING FOR THE WORK CARD. APPROX. A GUILTY WAS IDENTIFIED AS THE SECURITY GUARD BY FOLLOW EMPLOYEES (Lori-BARTON) AND BY THE "LARRY'S VILLA SECURITY" SHIRT HE WAS WEARING WHEN CONTACTED.

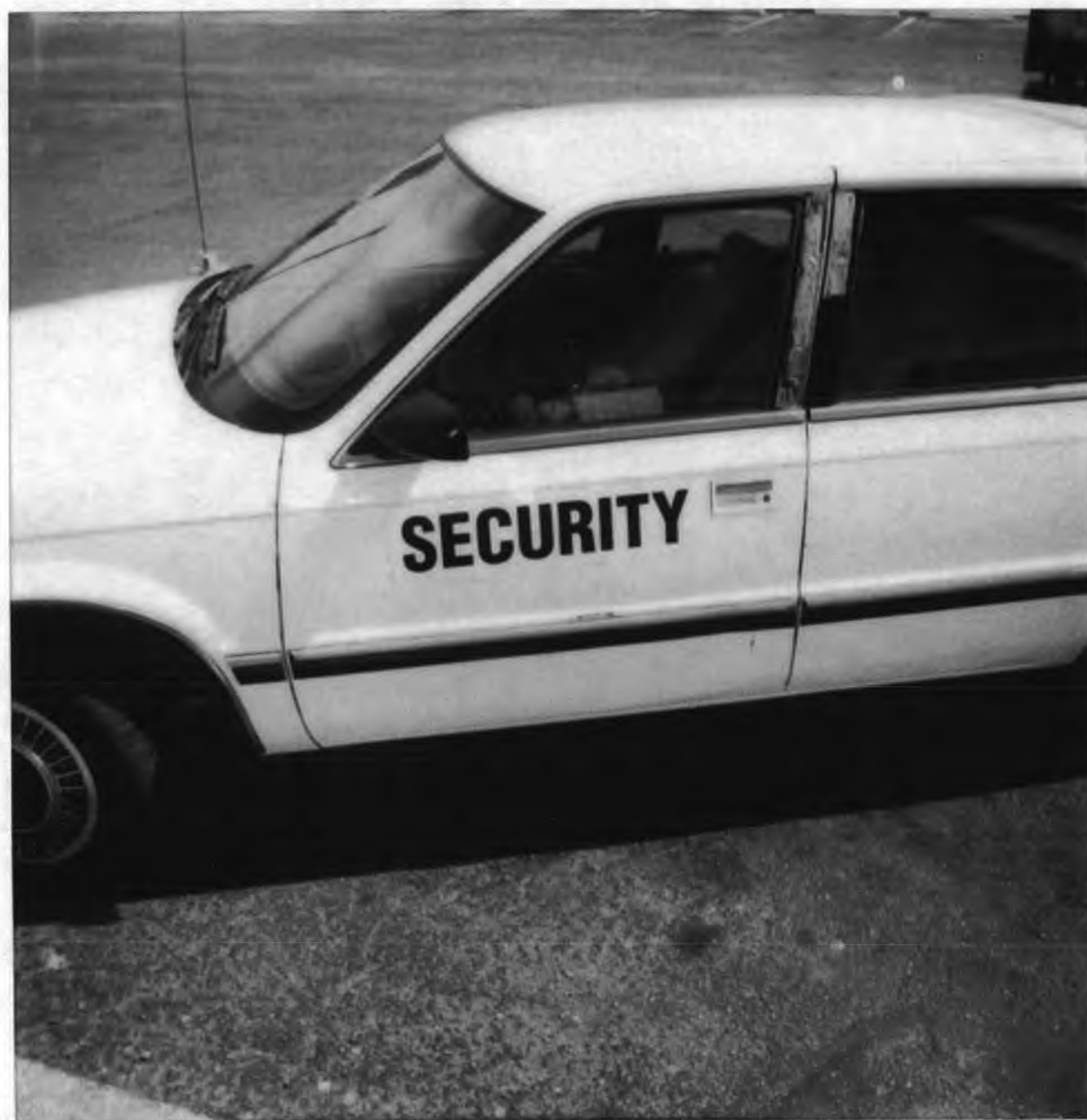
EVIDENCE: ☐ Yes ☒ No LOCATION:
 WITNESSES: (include Addresses and phone numbers)

JUVENILES ☐ Yes ☐ No Parent/Guardian Name Address
 PARENTS NOTIFIED ☐ Yes ☐ No
 (REV. 7-03)



Submitted at City Council

Date 4/6/05 Item #49







LARRY'S
VILLA

TOPLESS

2401 W. Bonanza Rd.
Las Vegas, NV 89106
(702) 647-2713

MARCH 3, 2005

TO WHOM IT MAY CONCERN

THIS LETTER IS TO CONFIRM GILBERT AGUIAR'S Employment
HERE AT RANCHO CIRCLE SHOPPING CENTER. HIS JOB DESCRIPTION HERE
IS UNARMED SECURITY IN THE PARKING LOT, AND ALSO SECURITY AS NEEDED
INSIDE LARRY'S VILLA. HIS NORMAL WORK HOURS ARE 7 AM TO 2 PM
SEVEN DAYS A WEEK, AVERAGING 49 HOURS PER WEEK.

AS A VALUED EMPLOYEE, PLEASE CONSIDER HIS APPLICATION FOR
A NON EARNING SECURITY CARD WITH PRAISE.

FOR ADDITIONAL INFORMATION OR QUESTIONS. PLEASE FEEL FREE TO
CALL ME AT 647 2713.

Thank You

Ronald Leno
RONALD LENO
MANAGER

Submitted at City Council

Date 4/6/05 Item #49

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY**DIRECTOR: BRADFORD R. JERBIC**☐ **CONSENT** ☒ **DISCUSSION****SUBJECT:**

Discussion and possible action on Appeal of Work Card Denial: Antonette Marie Tomas, 212 View Drive, Las Vegas, Nevada 89107

Fiscal Impact:

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

PURPOSE/BACKGROUND:**RECOMMENDATION:****BACKUP DOCUMENTATION:**

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

REESE - APPROVED the appeal, thereby granting a site-specific work card with a six-month (10/5/2005) review - UNANIMOUS

MINUTES:

The appellant was present.

STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), referred to the confidential report for the specifics of the charges against MS. TOMAS and her role in the listed incident. There was a warrant served at a location where she was found engaged in some of the referenced activity, for which she negotiated a plea in federal court and received a sentence of 48-months probation. Ostensibly, her probation was reduced because she attended a "boot camp" after she violated her probation.

MAYOR GOODMAN asked for details surrounding the offense that took place on June 17, 1999. DETECTIVE RODD stated that it was an incident involving possession of a small packet of methamphetamine and a small packet of marijuana for personal use. MAYOR GOODMAN then verified with DETECTIVE RODD that an employment letter of support was submitted to Metro for MS. TOMAS. MS. TOMAS also offered a letter from her previous employer but did not submit it. She explained that she has made mistakes and has bettered herself. She has been out of trouble for almost three years. She loves children and has two of her own.

COUNCILWOMAN TARKANIAN confirmed with DETECTIVE RODD that MS. TOMAS has not been in trouble since 1999. She also expressed concern about MS. TOMAS' previous incident with credit cards, because a couple of her friends have been victims of credit card theft. She wished MS. TOMAS luck. To MS. TOMAS' credit, COUNCILMAN WOLFSON noted that the federal probation office does a much better job of supervising people and coming down on parolees for violations.

CITY COUNCIL MEETING OF: APRIL 6, 2005**MINUTES - Continued:**

CHARLENE MORRISON, MS. TOMAS' potential employer, indicated that she is aware of the federal charges against MS. TOMAS and that she was employed for two years at Tottle Town, from where she received a very positive letter of reference detailing her work performance. She indicated that MS. TOMAS worked for her for two days, with a North Las Vegas work card, before seeking her Metro work card, at which time she was denied. Upon that, she immediately notified licensing to inform them that MS. TOMAS was no longer under her employment. MS. MORRISON felt strongly that everyone deserves a second opportunity, especially MS. TOMAS because she has proven herself for the last six years.

(10:43 - 10:58)

2-535

RECEIVED
CITY CLERK

2005 MAR 10 P 2: 06

March 10, 2005

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

To Whom It May Concern:

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

Sincerely, *Antonette Tomas*

Antonette Marie Tomas
212 View Drive
Las Vegas, NV 89107



March 10, 2005

Antonette Marie Tomas
212 View Drive
Las Vegas, NV 89107

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
NET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

Re: **WORK CARD APPEAL**

Dear Ms. Tomas,

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,

A handwritten signature in cursive script that reads "Stacey Campbell".

Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/pc

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

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

VOICE 702.229.6011

TDD 702.386.9108

www.lasvegasnevada.gov

18112-001-6/04

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Kristal Gayle Henderson, 1500 Stardust Road, L2200, Las Vegas, Nevada 89109

Fiscal Impact:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

Appellant Letter of Appeal and City Clerk Notification Letter to Appellant

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no related discussion.

(9:48 - 9:50)

1-1436

RECEIVED
CITY CLERK
2005 MAR 17 P 1:30

March 17, 2005

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

To Whom It May Concern:

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

Sincerely,


Kristal Gayle Henderson
1500 Stardust Road, L2200
Las Vegas, NV 89109



LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
WRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

March 17, 2005

Kristal Gayle Henderson
1500 Stardust Road, L2200
Las Vegas, NV 89109

Re: **WORK CARD APPEAL**

Dear Ms. Henderson,

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,


Stacey Campbell
Deputy City Clerk II for
Barbara Jo Ronemus, City Clerk

/gr

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

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

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TDD 702.386.9108

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



AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Lashonda Marquette Bradford, 4617 Curdsen Way, Las Vegas, Nevada 89110

Fiscal Impact:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal and City Clerk Notification Letter to Appellant
2. Submitted after final agenda - Support letter from proposed employer, Mary Lewis, Program Manager for Nevada Business Services

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no related discussion.

(9:48 - 9:50)

1-1436

RECEIVED
CITY CLERK

2005 MAR 21 P 12: 23

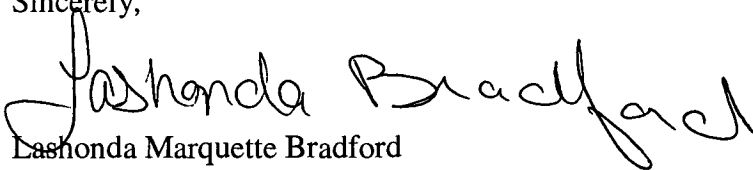
March 21, 2005

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

To Whom It May Concern:

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

Sincerely,

A handwritten signature in black ink that reads "Lashonda Bradford". The signature is written in a cursive, flowing style. The first name "Lashonda" is written in a larger, more prominent script, and the last name "Bradford" follows it in a similar but slightly smaller script. The signature is positioned above the printed name and address.

Lashonda Marquette Bradford
4617 Curdsen Way
Las Vegas, NV 89110



March 21, 2005

Lashonda Marquette Bradford
4617 Curdsen Way
Las Vegas, NV 89110

Re: **WORK CARD APPEAL**

Dear Ms. Bradford:

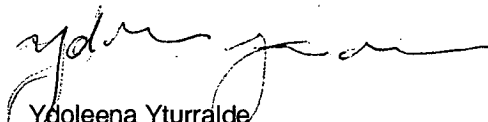
I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,


Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/pc

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

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN

WILLIAM WEEKLY

MICHAEL MACK

STEVE WOLFSON

LOIS TARKANIAN

DOUGLAS A. SELBY
CITY MANAGER

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

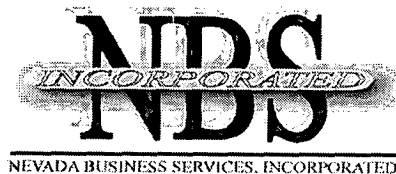
VOICE 702.229.6011

TTY 702.386.9108

www.lasvegasnevada.gov

18112-001-1-05
CLV 7009





CITY CLERK

2005 APR -4 A 11:13

March 30, 2005

Ydoleena Yturralde
Deputy City Clerk for
Barbara Jo Ronemus, City Clerk
400 E. Stewart
Las Vegas, NV 89101

Dear Ms. Yturralde:

My name is Mary Lewis. I am the Program Manager for the Adult and Dislocated Program at Nevada Business Services, Inc.

LaShonda Marquette Bradford, SS # 530-94-4107, came to our office seeking employment and training services on March 17, 2005. Ms. Bradford has been very candid with me about her felony background and interest.

I have been sending her out for employment to several employers. She is now employed through one of those referrals. She is working full time as a production worker with a food service company.

She has constantly kept me informed as to her daily schedule. Her current job does not require a work card. Her first interest was in daycare. She was referred for employment but was denied the work card.

If I can be of any further assistance, please don't hesitate to contact me at your earliest convenience at (702) 638-8740, 8:00 am to 5:00 pm, Monday through Friday.

Sincerely,

Mary Lewis

Mary Lewis
Program Manager

Submitted after final agenda

Date 4/4/05 Item #52

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action on Appeal of Work Card Denial: Corey Alexander Klunk, 6433 Deadwood Road, Las Vegas, Nevada 89108

Fiscal Impact:

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

PURPOSE/BACKGROUND:

RECOMMENDATION:

BACKUP DOCUMENTATION:

1. Appellant Letter of Appeal and City Clerk Notification Letter to Appellant
2. Support letter from the proposed employer United Brothers Enterprise

MOTION:

REESE - Motion to bring forward and STRIKE Items 15, 48, 51, and 53 and Hold in ABEYANCE Items 52 and 72 to 4/20/2005 - UNANIMOUS with BROWN and MACK not voting

MINUTES:

There was no related discussion.
(9:48 - 9:50)
1-1436

RECEIVED
CITY CLERK

2005 MAR 25 A 10: 53

March 25, 2005

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

To Whom It May Concern:

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

Sincerely,

Corey Alexander Klunk
6433 Deadwood Road
Las Vegas, NV 89108





March 25, 2005

Corey Alexander Klunk
6433 Deadwood Road
Las Vegas, NV 89108

Re: **WORK CARD APPEAL**

Dear Mr. Klunk:

I am in receipt of your formal appeal to the City Council regarding the denial of a work card. This matter will be heard by the City Council at their regularly scheduled meeting of **April 6, 2005**.

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "Ydoleena Yturralde".

Ydoleena Yturralde
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

/gr

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

LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY

MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

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

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

United Brothers Enterprises
2320 E. Fremont St.
Las Vegas, NV. 89101
Phone (702) 387-0387
Fax (702) 651-0636

RECEIVED
CITY CLERK

2005 MAR 25 A 10: 57

March 9, 2005

RE: COREY KLUNK

To Whom It May Concern:

This letter is to certify that United Brothers Enterprises is offering a job to Corey Klunk. United Brothers is able to hire him full time, earning \$6.25 per hour, starting March 14, 2005. In order to employ Mr. Klunk we require Sheriff Card.

We are aware that Mr. Klunk is attending probation, due to his past behavior.

If you have any questions or need additional information, please feel free to call Rosa Gonzalez at 387-0387.

Sincerely,


Paul Bhatti
Owner

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ CONSENT ☒ DISCUSSION

SUBJECT:

Discussion and possible action regarding Complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 - Ward 3 (Reese)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Edgar and Elsie Wrenn d/b/a Del Mar Resort Motel were issued Motel License No. M08-00091-5-0002202 in 1971. Elsie Wrenn died in 1992. Del Mar Resort Motel operates in a manner to facilitate the continuing criminal enterprise of prostitution. Numerous prostitutes and their customers have admitted to Metropolitan Police officers that they have gone to the motel for the purpose of engaging in acts of prostitution. Prostitutes have told police officers that the motel is known among their peers as a business that is friendly to prostitution. Officers posing as prostitutes conducted undercover operations at the Del Mar Resort Motel. They told desk clerks that they were there for purposes of engaging in an act of prostitution. Desk clerks facilitated their declared criminal enterprise. Officers executing a search warrant at the motel found items provided by the desk clerks to facilitate the continuing criminal enterprise of prostitution.

RECOMMENDATION:

That the City Council issue the Complaint for Disciplinary Action and set a date and time certain for hearing no later than 60 days from the date of approval of the Complaint.

BACKUP DOCUMENTATION:

1. Proposed Complaint for Disciplinary Action
2. Submitted at meeting - 3/17/2005 letter notice to Mr. Wrenn from William Henry, Deputy City Attorney; Affidavit of Service of letter notice; and copy of death certificate for Elsie Wrenn, deceased co-owner of the property

MOTION:

REESE - APPROVED issuance of the Complaint for Disciplinary Action and set a hearing for 5/4/2005 - UNANIMOUS

MINUTES:

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

APPEARANCES:

OSCAR GOODMAN, Mayor
JOHN REDLEIN, Assistant City Attorney
GARY REESE, Councilman
GREGORY MILLS, Attorney representing the applicants
BARBARA JO (RONI) RONEMUS, City Clerk

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

STEVE WOLFSON, Councilman

LOIS TARKANIAN, Councilwoman

(10:58 - 11:07)

2-791

1
2
3
4 BEFORE THE CITY COUNCIL
5 OF THE CITY OF LAS VEGAS, NEVADA

6 * * *

7 IN THE MATTER OF:

8 DEPARTMENT OF FINANCE AND
9 BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

10 Petitioner,

11 vs.

12 EDGAR WRENN and ELSIE WRENN
13 d/b/a DEL MAR RESORT MOTEL,

14 Respondents.

**COMPLAINT FOR
DISCIPLINARY ACTION**

15
16 The DEPARTMENT OF FINANCE AND BUSINESS SERVICES, on behalf of the
17 CITY OF LAS VEGAS, NEVADA (Department), Petitioner, brings this Complaint for
18 Disciplinary Action against EDGAR WRENN and ELSIE WRENN d/b/a DEL MAR
19 RESORT MOTEL, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada,
20 Respondents, and states:

21 Respondents EDGAR WRENN and ELSIE WRENN¹ hold Motel License No. M08-
22 00091-5-0002202.

23 **SUMMARY OF ALLEGATIONS**

24 Between at least September 26, 2004, and January 22, 2005, the DEL MAR RESORT
25 MOTEL was operated in a manner to facilitate the continuing criminal enterprise of
26 prostitution. Las Vegas Metropolitan Police officers interviewed multiple prostitutes and their

27
28 ¹ On March 18, 2005, EDGAR WRENN told Leonard D. Wilson, of the Las Vegas City
Attorney's Office, that ELSIE WRENN had died. A Certificate of Death for ELSIE WRENN,
issued in 1992, is lodged at the State of Nevada Department of Human Resources, Division of
Health, Section of Vital Statistics.

1 customers exiting the DEL MAR RESORT MOTEL. Prostitutes and customers admitted to
2 police officers that they had gone to the motel for the purpose of engaging in acts of
3 prostitution, and had engaged in those acts at the motel. Prostitutes told police officers that
4 the motel was known among their peers as a business that was friendly to prostitution.
5 Officers conducted undercover operations at the DEL MAR RESORT MOTEL posing as
6 prostitutes, and their announced purpose of engaging in a criminal act was facilitated by the
7 desk clerk. On one occasion, the desk clerk offered a Las Vegas Metropolitan Police officer,
8 operating in an undercover capacity as a prostitute, condoms after she had told him that she
9 was at the DEL MAR RESORT MOTEL for purposes of committing an act of prostitution.
10 Officers executed a search a warrant at the motel, and seized, among other things, several
11 large boxes of condoms, including one that was partially full.

12 PROSTITUTION

13 Las Vegas Municipal Code (LVMC) § 10.36.020(D), (E) and (F) provide:

14 It is **unlawful** for anyone:

15

16 (D) To knowingly receive, offer or agree to receive
17 **another into any place or building for the purpose of**
18 **performing an act of prostitution**, or to knowingly permit
another to remain there for such purpose; or

18 (E) To direct another to any place for the purpose of
19 committing an act of prostitution; or

20 (F) To knowingly in any way aid, abet or participate in an
21 act of prostitution. [Emphasis added.]

22 NRS 201.390(1) provides:

23 **It is unlawful for any owner** or agent of any owner or
24 any other person **to keep, let or rent** for any length of time, or at
25 all, **any house** fronting on the principal business street or
26 thoroughfare of any of the towns of this state, **for the purpose of**
prostitution or to make or use any entrance or exit way to any
house of prostitution from the principal business street or
thoroughfare of any of the towns of this state. [Emphasis added.]

27

28

1 LVMC § 6.02.330(H) provides:

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

5

6 **The actual business activity constitutes a public or**
7 **private nuisance, or has been or is being conducted in an**
8 **unlawful, illegal or impermissible manner. [Emphasis added.]**

9 **On September 26, 2004, Officers D. Rodrigues and C. Russell, of the Las Vegas**
10 **Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They**
11 **interviewed people going in and out of the motel. Sharika Slayton admitted to being a**
12 **prostitute, and told the officers that she normally takes her customers to the DEL MAR**
13 **RESORT MOTEL because the desk clerk does not require identification.**

14 Brittney Mahoon was interviewed, and admitted being a **prostitute**. She told officers
15 that she had met a man, agreed to an act of prostitution, and had just taken him to the DEL
16 MAR RESORT MOTEL where they had engaged in an act of **prostitution**.

17 **On October 2, 2004, Officers C. Russell and D. Parker, of the Las Vegas**
18 **Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL, and**
19 **interviewed people coming and going from there. Carla Lopez admitted to being a prostitute,**
20 **and told the officers that she had just engaged in an act of prostitution at the DEL MAR**
21 **RESORT MOTEL. She stated that she went there because "it's cheap and only costs \$35 for**
22 **two hours." Shatava Price admitted to being a prostitute, and told the officers that she had**
23 **just engaged in an act of prostitution at the DEL MAR RESORT MOTEL, along with Carla**
24 **Lopez. Rick Seay stated that he was propositioned by Carla Lopez and Shatava Price to**
25 **engage in an act of prostitution, agreed, and went to the DEL MAR RESORT MOTEL with**
26 **them, where he engaged in acts of prostitution with both women.**

27 Stephanie Cacciatore and Anthony Riggins were observed entering and exiting the DEL
28 MAR RESORT MOTEL. Stephanie Cacciatore was interviewed, and admitted being a
prostitute. She stated that she met Anthony Riggins at a gaming resort hotel on Las Vegas
Boulevard South and propositioned him to engage in an act of prostitution. He agreed, and

1 they took a cab to the DEL MAR RESORT MOTEL. They hired a room, and Stephanie
2 Cacciatore was **given condoms by the night manager/desk clerk**. Thereafter, she engaged in
3 an act of **prostitution**. Anthony Riggins was interviewed and admitted that he had engaged in
4 an act of **prostitution** with Stephanie Cacciatore at the DEL MAR RESORT MOTEL.

5 **On October 3, 2004**, Officers C. Russell and D. Rodrigues, of the Las Vegas
6 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. Bayron Perez
7 and John Martindale were observed entering and exiting the motel. They were interviewed.
8 Bayron Perez stated that he was a transvestite and admitted to being a **prostitute**. He stated
9 that he was solicited by John Martindale to commit an act of **prostitution**. They went to the
10 DEL MAR RESORT MOTEL, and committed an act of **prostitution**. John Martindale was
11 interviewed and stated that he had engaged in an act of **prostitution** with Bayron Perez.

12 Anaska Anderson and Patrick Wilkinson were seen entering and exiting the DEL MAR
13 RESORT MOTEL. Anaska Anderson admitted to being a **prostitute**, and stated that she had
14 engaged in an act of **prostitution** with Patrick Wilkinson at the motel. Patrick Wilkinson
15 admitted to soliciting an act of prostitution from Anaska Anderson, and stated that they had
16 engaged in **prostitution** at the motel.

17 Joshua Swift and Robyne Voat were observed entering and exiting the DEL MAR
18 RESORT MOTEL. They were interviewed. Robyne Voat stated that she was solicited to
19 commit an act of prostitution by Joshua Swift at a gaming resort hotel on Las Vegas Boulevard
20 South. They drove to the DEL MAR RESORT MOTEL in a taxicab and engaged in
21 **prostitution**. She stated that she went there because the DEL MAR RESORT MOTEL
22 usually has vacancies and the rooms are "cheap." Joshua Swift was interviewed and admitted
23 to engaging in an act of **prostitution** with Robyne Voat at the DEL MAR RESORT MOTEL.

24 **On October 9, 2004**, Officers D. Parker and C. Russell, of the Las Vegas
25 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
26 observed Jose Gallcia and Eva Eldridge enter and exit the DEL MAR RESORT MOTEL. Eva
27 Eldridge, while being interviewed, admitted to being a **prostitute**, and stated that she had

28

1 engaged in an act of **prostitution** with Jose Gallcia, one of her **regular customers**, at the DEL
2 MAR RESORT MOTEL. She further stated that they went there because **the motel offered**
3 **hourly rates**. Jose Gallcia, through a Spanish interpreter, admitted to engaging in an act of
4 **prostitution** with Eva Eldridge.

5 **On October 16, 2004**, Officers D. Parker and C. Russell, of the Las Vegas
6 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
7 observed Suketa Upchurch and Krista Smith enter the DEL MAR RESORT MOTEL with an
8 adult male, and thereafter exit the motel. Suketa Upchurch, while being interviewed, admitted
9 to being a **prostitute**. She stated that she and Ms. Smith had gone to the DEL MAR RESORT
10 MOTEL for purposes in engaging in an act of **prostitution** with the adult male, and had done
11 so. Krista Smith, while being interviewed, admitted to being a **prostitute**. She stated that she
12 went to the DEL MAR RESORT MOTEL with Suketa Upchurch, and the adult male for
13 purposes of committing an act of **prostitution**, and had done so. She further stated that **she**
14 **went to the DEL MAR RESORT MOTEL because it is cheap and the other prostitutes tell**
15 **each other to go there.**

16 Officers observed Michelle Murray and Brandi Sparks enter the DEL MAR RESORT
17 MOTEL with an adult male. Thereafter they exited. Michelle Murray, while being
18 interviewed, admitted that she was a **prostitute**. She stated that she had gone to the DEL
19 MAR RESORT MOTEL with Brandi Sparks for purposes in engaging in an act of
20 **prostitution**, and had done so. Brandi Sparks admitted, while being interviewed, that she was
21 a **prostitute**, and had engaged in an act of **prostitution** with Michelle Murray and the adult
22 male at the DEL MAR RESORT MOTEL. She further stated that they originally solicited the
23 adult male at a gaming resort hotel on Las Vegas Boulevard South.

24 **On November 11, 2004**, Officers C. Russell and D. Parker, of the Las Vegas
25 Metropolitan Police Department, surveilled the DEL MAR RESORT MOTEL. They
26 observed Erin Reid and Brian Tyson exit the motel. Based on their training and experience as
27 police officers, they formed the opinion that an act of prostitution might have just been
28 completed. Brian Tyson, during the course of being interviewed, told the officers that he had

1 engaged a taxicab at a gaming resort hotel on Las Vegas Boulevard South. The cab driver
2 took him to a location, and introduced him to Erin Reid, a **prostitute**. Brian Tyson and Erin
3 Reid agreed to engage in an act of **prostitution** and went to the DEL MAR RESORT
4 MOTEL. There, they engaged in an act of prostitution. Erin Reid told the officers that she
5 was a **prostitute** who worked "at the bigger hotels on the strip." **She stated that a cab**
6 **driver had taken Brian Tyson to her apartment.** She then took Brian Tyson to the DEL
7 MAR RESORT MOTEL, where they engaged in an act of prostitution. She told officers that
8 **she engaged in acts of prostitution at the DEL MAR RESORT MOTEL up to five times a**
9 **week.**

10 Officers C. Russell and D. Parker, of the Las Vegas Metropolitan Police Department,
11 observed Gaylord Vogler and Kirstyn Engstrom enter and exit the DEL MAR RESORT
12 MOTEL. Gaylord Vogler, while being interviewed, admitted that he had engaged in an act of
13 **prostitution** with Kirstyn Engstrom.

14 INITIAL UNDERCOVER OPERATIONS

15 On October 23, 2004, Officer D. Walton, of the Las Vegas Metropolitan Police
16 Department, operating in an undercover capacity posing as a prostitute, went to the DEL
17 MAR RESORT MOTEL. She engaged the **desk clerk, Mike**, in conversation. He told her
18 that the room was \$35 plus a \$5 key deposit. **She told him that she had a "trick" outside,**
19 **only intended to engage in an act of fellatio with the "trick,"** and would only use the room
20 for 15 to 20 minutes. She asked if she could get a discount on the room. Mike refused.
21 Officer Walton went to the room with Detective Dingman, acting in an undercover capacity as
22 her "trick." Twenty minutes later she gave Mike the room key back. She asked Mike if she
23 had her tricks coming in and out of the DEL MAR RESORT MOTEL, would she have to wait
24 a long time. Mike replied

25 Whoa, whoa, whoa. Watch what you say when you say
26 tricks. Ya know, I'm a good guy, I'm a good guy. You have to
27 be discreet around here. Ya know, be discreet with what ya
28 sayin', I don't, ya know, need, I don't really wanna know what's
going on in those rooms.

Officer Walton inquired of **Mike** whether or not the rooms were safe. He **replied**

1 Well I don't know. I mean if you pick up a pervert and
2 bring him back here, I don't know if he cuts ya up or murders
3 you in the room, I have no control of that but for the most part,
4 we have no trouble here. . . . When you come here, **don't tell the
people behind the counter that 'cha got tricks on your dates,
just come in, get your room, be very discreet and go there.**
[Emphasis added.]

5 **Mike asked Officer Walton if she had a pimp.** She replied, "No I don't." He
6 asked, "You don't have a pimp at all?" She replied, "No." He said, "Did you come out here
7 with another girl?" She said, "No, I'm by myself." Mike asked Officer Walton if she was
8 alone. She stated that she was. He said, "Well be careful while you're out there."

9 **On November 13, 2004, Officer D. Walton, operating in an undercover capacity**
10 **posing as a prostitute, along with Officer N. Mancillas, went to the DEL MAR RESORT**
11 **MOTEL. Mike, the desk clerk, recognized Officer Walton, and greeted her. She told him**
12 **that she, along with Officer Mancillas, had come from a local exotic dance club and were**
13 **waiting for their "date," who was a regular. Officer Walton stated that she and Officer**
14 **Mancillas had made a lot of money recently engaging in acts of prostitution. Mike showed**
15 **them six Las Vegas Metropolitan Police Department business cards, urged them to be careful,**
16 **and stated, "Vice is here a lot." He told that if Vice cops were at the DEL MAR RESORT**
17 **MOTEL he would signal them to leave. The signal would be when he stated "You can get a**
18 **room at the other motels." Officer Pennington, of the Las Vegas Metropolitan Police**
19 **Department operating in an undercover capacity as the "date" of Officers Walton and**
20 **Mancillas, arrived in a cab. Mike asked Officers Mancillas and Walton if they were ready.**
21 **Officer Walton said yes. Mike gave Officer Walton a black and gold box containing three**
22 **lubricated latex condoms. Thereafter, the three officers went to a room, and left an hour**
23 **later.**

24 SEARCH WARRANT

25 **On November 13, 2004, Officers C. Russell and D. Parker, along with other officers**
26 **of the Las Vegas Metropolitan Police Department, executed a search warrant at the DEL MAR**
27 **RESORT MOTEL. Among the items seized were several large boxes of condoms, one that**
28 **was partially full.**

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LVMC § 6.46.140 provides:

Persons operating a hotel, motel, roominghouse or other establishment wherein rooms or other temporary accommodations are rented on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, shall provided [sic], keep and maintain a public register and shall require every person who rents or occupies a room or other temporary accommodation in such hotel, motel, roominghouse or establishment to write in such register his or her name and place of residence. Such registration shall be made on a page of the register properly dated with reference to the day of the year, month and week and the time of day the person rents or arranges to occupy a room or temporary accommodation shall also be therein entered. Such register shall be permanently and firmly bound and shall not be of a loose-leaf nature. [Emphasis added.]

On January 22, 2005, Officer L. Cody, of the Las Vegas Metropolitan Police Department, operating in an undercover capacity posing as a prostitute, went to the DEL MAR RESORT MOTEL with another Las Vegas Metropolitan Police officer, who was operating in an undercover capacity posing as her “trick.” She told the **desk clerk, David Long**, that she was a **prostitute** and wished to rent a room for less than an hour to **engage in an act of prostitution**. She described various sex acts that she intended to perform on her “trick.” Officer Cody was allowed by David Long to rent the room using the assumed name “Tina W” with no last name, or address given. Thereafter, Officers J. Kuzmak and E. Fricker, of the Las Vegas Metropolitan Police Department, examined the **motel register**, and determined that several other people in addition to Officer Cody had rented rooms that evening and **failed to provide either full names or addresses**. Officer Kuzmak formed the opinion that this was in violation of LVMC § 6.46.140, and expressed his opinion to David Long that he had violated the law. David Long told Officer Kuzmak that he had been **employed as a desk clerk** at the DEL MAR RESORT MOTEL “**about five months**” and was aware of the requirement to obtain the name and address of everyone renting a room.

THE LAW

Las Vegas Municipal Code (LVMC) § 10.36.020(D), (E) and (F) provide:

It is unlawful for anyone:

.....
(D) To knowingly receive, offer or agree to receive another into any place or building for the purpose of performing an act of prostitution, or to knowingly permit another to remain there for such purpose; or

(E) To direct another to any place for the purpose of committing an act of prostitution; or

(F) To knowingly in any way aid, abet or participate in an act of prostitution. [Emphasis added.]

NRS 201.390(1) provides:

It is unlawful for any owner or agent of any owner or any other person to keep, let or rent for any length of time, or at all, any house fronting on the principal business street or thoroughfare of any of the towns of this state, for the purpose of prostitution or to make or use any entrance or exit way to any house of prostitution from the principal business street or thoroughfare of any of the towns of this state. [Emphasis added.]

LVMC § 6.46.140 provides:

Persons operating a hotel, motel, roominghouse or other establishment wherein rooms or other temporary accommodations are rented on a daily basis or for a period of thirty days or less, with or without meals included in the rental rate, shall provided [sic], keep and maintain a public register and shall require every person who rents or occupies a room or other temporary accommodation in such hotel, motel, roominghouse or establishment to write in such register his or her name and place of residence. Such registration shall be made on a page of the register properly dated with reference to the day of the year, month and week and the time of day the person rents or arranges to occupy a room or temporary accommodation shall also be therein entered. Such register shall be permanently and firmly bound and shall not be of a loose-leaf nature. [Emphasis added.]

LVMC § 6.02.330(H) provides:

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

.....
The actual business activity constitutes a public or private nuisance, or has been or is being conducted in an unlawful, illegal or impermissible manner. [Emphasis added.]

1 LVMC § 6.02.350 provides:

2 **A licensee under this Chapter shall be subject to**
3 **disciplinary action not only for acts or omissions done by such**
4 **licensee but also for acts and omissions done by the principals,**
5 **managers, agents, representatives, servants or employees of such**
6 **licensee. [Emphasis added.]**

7 LVMC § 6.88.090 provides:

8 (A) **The hearing need not be conducted according to**
9 **technical rules relating to evidence and witnesses.** Any relevant
10 evidence may be admitted.

11 (B) The respondent shall have the right to call and
12 examine witnesses on his own behalf, cross-examine opposing
13 witnesses, introduce exhibits and evidence relevant to the issues
14 of the case, and offer rebuttal evidence.

15 (C) The respondent may be called and examined by the
16 City.

17 (D) The Clerk shall have the power to issue subpoenas for
18 witnesses to appear to give testimony. [Emphasis added.]

19 LVMC § 6.02.360 provides:

20 Upon a showing of good cause and in the discretion of the
21 City Council, **disciplinary action against a holder may take the**
22 **form of** cancellation, revocation, refusal to renew, suspension,
23 **imposition of conditions or restrictions or civil fine in an amount**
24 **not to exceed one thousand dollars for each day that the**
25 **violation which forms the subject matter of the complaint that**
26 **recommends such disciplinary action is demonstrated to have**
27 **been in existence, or any combination of such actions, as the**
28 **particular situation may require. The Council may also impose**
against the licensee the actual costs incurred, and a reasonable
amount for attorney's fees, resulting from the imposition of
disciplinary action. The disciplinary actions available in this
Section shall be in addition to, and not exclusive of, any other
civil or criminal remedy which otherwise might be available.²
[Emphasis added.]

29 ALLEGATION

30 It is alleged that between at least September 26, 2004, and January 22, 2005, EDGAR
31 WRENN and ELSIE WRENN d/b/a DEL MAR RESORT MOTEL operated a business which
32 constituted a public nuisance, and has been conducted in an unlawful, illegal and impermissi-
33 ble manner, to wit: renting rooms for purposes of prostitution, and knowingly receiving

34 ² A fine of \$118,000 can be imposed in this matter.

1 prostitutes and their customers into the DEL MAR RESORT MOTEL for purposes of
2 performing acts of prostitution, all of which is in violation of the Las Vegas Municipal Code
3 and Nevada Revised Statutes.

4 WHEREFORE, the Petitioner respectfully requests the City Council to:

5 A. Approve the Complaint for Disciplinary Action and order a disciplinary hearing
6 at which the Respondents shall appear and show cause why the license that is the subject of
7 this Complaint should not be suspended or revoked, or other disciplinary action taken; or

8 B. Grant such other and further relief as the Council deems appropriate.

9 DATED this 25th day of March, 2005.

10 RESPECTFULLY SUBMITTED:

11
12 By:


13 MARK R. VINCENT, Director
Finance and Business Services

14 BRADFORD R. JERBIC
15 City Attorney

16 By:


17 WILLIAM P. HENRY
Senior Litigation Counsel
Nevada Bar No. 101
18 400 Stewart Avenue, Ninth Floor
Las Vegas, NV 89101
19 Attorneys for CITY OF LAS VEGAS
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CITY OF LAS VEGAS

WILLIAM P. HENRY
SENIOR LITIGATION COUNSEL

OFFICE OF THE CITY ATTORNEY



400 Stewart Ave., Ninth Floor
Las Vegas, NV 89101-2986
(702) 229-6201
Central Office Fax: (702) 386-1749
Litigation Team Fax: (702) 464-2509

March 17, 2005

HAND DELIVER

Edgar Wrenn
DEL MAR RESORT MOTEL
2794 San Lago Court
Las Vegas, NV 89121-3950

**RE: Notice of City Council Meeting on April 6, 2005, at 9 a.m. to Consider Taking
Administrative Action Against Your Motel License No. M08-00091-5-
0002202**

Dear Mr. Wrenn:

Please be informed that on Wednesday, April 6, 2005, at 9 a.m., or as soon thereafter as the matter can be heard, the Las Vegas City Council, meeting in its Chambers at 400 Stewart Avenue, Las Vegas, Nevada, will consider whether or not to take administrative action against your Motel License No. M08-00091-5-0002202. This will occur at a meeting open to the public and you are entitled to attend the proceedings.

Very truly yours,

A handwritten signature in black ink, appearing to read "W. Henry", is written over the typed name.

WILLIAM P. HENRY
Senior Litigation Counsel

WPH:ck
F:\Depot\FILELOGS\BSE\2005\001\Notice.let.wpd

Submitted at City Council

Date 4/6/05 Item #54

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

* * *

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

EDGAR WRENN and ELSIE WRENN
d/b/a DEL MAR RESORT MOTEL,

Respondents.

AFFIDAVIT OF SERVICE

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

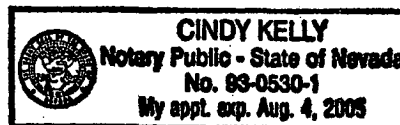
LEONARD D. WILSON, being first duly sworn, says: That at all times herein affiant was and is a citizen of the United States, over 18 years of age, and not a party to or interested in the proceeding in which this affidavit is made. That on March 17, 2005, affiant received a letter notice of a hearing considering administrative action to be held April 6, 2005, before the Las Vegas City Council in relation to Respondent's Motel License No. M08-00091-5-0002202 addressed to Edgar Wrenn, Del Mar Resort Motel, and served the same on Edgar Wrenn, Respondent herein, at 2794 San Lago Court, Las Vegas, Clark County, Nevada, March 18, 2005.

DATED this 21 day of March, 2005.


LEONARD D. WILSON

SUBSCRIBED AND SWORN TO before
me this 21st day of March, 2005.


NOTARY PUBLIC



Submitted at City Council

Date 4/6/05 Item #154

STATE OF NEVADA — DEPARTMENT OF HUMAN RESOURCES
DIVISION OF HEALTH — SECTION OF VITAL STATISTICS
CERTIFICATE OF DEATH

001703

LOCAL FILE NUMBER		STATE FILE NUMBER	
DECEASED—NAME First Middle Last		DATE OF DEATH (Month, Day, Year)	
1. Elsie WRENN		2. March 23, 1992	
CITY, TOWN, OR LOCATION OF DEATH		COUNTY OF DEATH	
3b. Las Vegas		3a. Clark	
HOSPITAL OR OTHER INSTITUTION—Name (If not either, give street and number)		SEX	
3c. Desert Springs Hospital		4. Female	
RACE—(e.g., White, Black, American Indian, etc.) (Specify)		3e. ER	
5. White		6. April 10, 1927	
Was Decedent of Hispanic Origin? Specify () yes ☒ no if yes, specify Mexican, Cuban, Puerto Rican, etc.		AGE—Last Birthday (Years)	
7a. 64		UNDER 1 YEAR MOS : DAYS	
STATE OF BIRTH (If not U.S.A., name country)		UNDER 1 DAY HOURS : MINS	
9a. New York		7c. 11	
CITIZEN OF WHAT COUNTRY		DATE OF BIRTH (Mo., Day, Yr.)	
9b. U.S.A.		8. April 10, 1927	
Decedent's Education. Specify highest grade completed.		MARRIED, NEVER MARRIED, WIDOWED, DIVORCED (Specify)	
10. 12		11. Married	
SOCIAL SECURITY NUMBER		SURVIVING SPOUSE (If wife, give maiden name)	
13. 130-16-1724		12. Edgar Wrenn	
USUAL OCCUPATION (Give Kind of Work Done During Most of Working Life, Even If Retired)		KIND OF BUSINESS OR INDUSTRY	
14a. Homemaker		14b. Own Home	
RESIDENCE—STATE		STREET AND NUMBER	
15a. Nevada		15d. 2794 San Lago Court	
COUNTY		INSIDE CITY LIMITS (Specify Yes or No)	
15b. Clark		15e. No	
CITY, TOWN, OR LOCATION		FATHER—NAME First Middle Last	
15c. Las Vegas		16. Herbert Hillenbrand	
MOTHER—MAIDEN NAME First Middle Last		17. Elsie Dool	
18. Edgar Wrenn -Husband		MAILING ADDRESS (Street or R.F.D. No., City or Town, State, Zip)	
18a. Edgar Wrenn -Husband		18b. 2794 San Lago Court Las Vegas Nevada 89121	
BURIAL, CREMATION, REMOVAL, OTHER (Specify)		CEMETERY OR CREMATORY—NAME	
19a. Entombment		19b. Palm Valley View Cemetery	
FUNERAL DIRECTOR—SIGNATURE (Or Person Acting as Such)		LOCATION City or Town State	
20a. Robert A. Jordan		19c. Las Vegas Nevada	
20b. 27		NAME AND ADDRESS OF FACILITY	
20c. Palm Valley View Mort. 7600 So. Eastern Ave. Las Vegas NV		22a. On the basis of examination and/or investigation, in my opinion death occurred at the time, date and place and due to the cause(s) and manner stated.	
21a. Robert A. Jordan		22b. 3/26/92	
DATE SIGNED (Mo., Day, Yr.)		22c. 5:10 p.m.	
HOUR OF DEATH		22d. 03/23/92	
21b. Robert A. Jordan, M.D., Dep. Med. Exam., 1704 Pinto Ln., Las Vegas, NV		22e. 5:10 p.m.	
NAME OF ATTENDING PHYSICIAN IF OTHER THAN CERTIFIER (Type or Print)		22f. AT	
21d. Robert A. Jordan, M.D., Dep. Med. Exam., 1704 Pinto Ln., Las Vegas, NV		22g. 6412	
NAME AND ADDRESS OF CERTIFIER (PHYSICIAN, ATTENDING PHYSICIAN, MEDICAL EXAMINER, OR CORONER). (Type or Print.)		LICENSE NUMBER	
23. Robert A. Jordan, M.D., Dep. Med. Exam., 1704 Pinto Ln., Las Vegas, NV		23b. 6412	
REGISTRAR		DATE RECEIVED BY REGISTRAR (Mo., Day, Yr.)	
24a. Don Buski, Deputy		24b. MAR 27 1992	
24c. YES ☐ NO ☒		DEATH DUE TO COMMUNICABLE DISEASE	
25. IMMEDIATE CAUSE (ENTER ONLY ONE CAUSE PER LINE—FOR (a), (b), AND (c).)		Interval between onset and death	
PART I (a) Arteriosclerotic cardiovascular disease		Interval between onset and death	
DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
(b) Hypertensive cardiovascular disease		Interval between onset and death	
DUE TO, OR AS A CONSEQUENCE OF:		Interval between onset and death	
(c) Other significant conditions—Conditions contributing to death but not resulting in the underlying cause given in Part I.		Interval between onset and death	
PART II Hypertensive cardiovascular disease		AUTOPSY (Specify Yes or No)	
26. No		27. Yes	
WAS CASE REFERRED TO CORONER (Specify Yes or No)		28. Yes	
ACC. SUICIDE, HOM., UNDET. OR PENDING INVEST. (Specify)		28a. 28b.	
28a. 28b.		28c. 28d.	
INJURY AT WORK (Specify Yes or No)		28e. 28f.	
28e. 28f.		28g. 28h.	
PLACE OF INJURY—At home, farm, street, factory, office building, etc. (Specify)		28i. 28j.	
28i. 28j.		28k. 28l.	
LOCATION. STREET OR R.F.D. No. CITY OR TOWN STATE		28m. 28n.	
28m. 28n.		28o. 28p.	
28o. 28p.		28q. 28r.	
28q. 28r.		28s. 28t.	
28s. 28t.		28u. 28v.	
28u. 28v.		28w. 28x.	
28w. 28x.		28y. 28z.	
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28lk. 28ll.		28ll. 28lm.	
28lm. 28ln.		28ln. 28lo.	
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28me. 28mf.		28mf. 28mg.	
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28mp. 28mq.		28mq. 28mr.	
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28mv. 28mw.		28mw. 28mx.	
28mx. 28my.		28my. 28mz.	
28mz. 28na.		28na. 28nb.	
28nb. 28nc.		28nc. 28nd.	
28nd. 28ne.		28ne. 28nf.	
28nf. 28ng.		28ng. 28nh.	
28nh. 28ni.		28ni. 28nj.	
28nj. 28nk.		28nk. 28nl.	
28nl. 28nm.		28nm. 28no.	
28no. 28np.		28np. 28nq.	
28nq. 28nr.		28nr. 28ns.	
28ns. 28nt.		28nt. 28nu.	
28nu. 28nv.		28nv. 28nw.	
28nw. 28nx.		28nx. 28ny.	
28ny. 28nz.		28nz. 28oa.	
28oa. 28ob.		28ob. 28oc.	
28oc. 28od.		28od. 28oe.	
28oe. 28of.		28of. 28og.	
28og. 28oh.		28oh. 28oi.	
28oi. 28oj.		28oj. 28ok.	
28ok. 28ol.		28ol. 28om.	
28om. 28on.		28on. 28oo.	
28oo. 28op.		28op. 28oq.	
28oq. 28or.		28or. 28os.	
28os. 28ot.		28ot. 28ou.	
28ou. 28ov.		28ov. 28ow.	
28ow. 28ox.		28ox. 28oy.	
28oy. 28oz.		28oz. 28pa.	
28pa. 28pb.		28pb. 28pc.	
28pc. 28pd.		28pd. 28pe.	
28pe. 28pf.		28pf. 28pg.	
28pg. 28ph.		28ph. 28pi.	
28pi. 28pj.		28pj. 28pk.	
28pk. 28pl.		28pl. 28pm.	
28pm. 28pn.		28pn. 28po.	
28po. 28pp.		28pp. 28pq.	
28pq. 28pr.		28pr. 28ps.	
28ps. 28pt.		28pt. 28pu.	
28pu. 2			

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

Item 54 – Discussion and possible action regarding Complaint seeking disciplinary action against Edgar Wrenn and Elsie Wrenn d/b/a Del Mar Resort Motel, 1411 Las Vegas Boulevard South, Las Vegas, Clark County, Nevada, for violations of Titles 6 and 10 of the Las Vegas Municipal Code and NRS Chapter 201 – Ward 3 (Reese)

Appearance List:

OSCAR GOODMAN, Mayor

JOHN REDLEIN, Assistant City Attorney

GARY REESE, Councilman

GREGORY MILLS, Attorney representing the applicants

BARBARA JO (RONI) RONEMUS, City Clerk

STEVE WOLFSON, Councilman

LOIS TARKANIAN, Councilwoman

(10:58 – 11:07)

2-791

9 minutes

Typed by: Vicky Darling

Proofed by: Angela Crolli

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

22 **MAYOR GOODMAN**

23 We're going to Item 54. Item 54 is discussion and possible action regarding Complaint seeking
24 disciplinary action against Edward (sic) Wrenn and Elsie Wrenn doing business as Del Mar
25 Resort Motel, at 1411 Las Vegas Boulevard South, for violations of Titles 6 and 10 of the Las
26 Vegas Municipal Code and NRS Chapter 201. This is in Ward 3. And, basically, this is on
27 calendar, on – this agenda simply for us to set a date and time certain for a hearing no later than
28 60 days from the date the – Complaint has been approved; is that correct, Mr. Redlein?

29

30 **JOHN REDLEIN**

31 Almost 100%. Fundamentally, your decision today is to decide whether or not to have a hearing.
32 And I need to introduce this and take care of a procedural matter that state law imposes on us.
33 The Del Mar Resort Motel is our licensee at 1411 Las Vegas Boulevard South, licensed to Mr.
34 Edgar and Mrs. Elise (sic) Wrenn in 1971 and I believe the license –

35

36 **MAYOR GOODMAN**

37 In 1971?

38

39 **JOHN REDLEIN**

40 Yeah. And I believe it's been continuously held since '71.

41

42 **MAYOR GOODMAN**

43 Okay.

44

45 **JOHN REDLEIN**

46 Now, a couple of years ago, the Legislature imposed upon us a requirement that when we invite
47 somebody in to have the discussion, such as we are today, about whether or not to go forward
48 with a disciplinary hearing, we have to invite them in writing, serve them, personally or by
49 certified mail, a certain number of days before the hearing. So, and then I have to admit it into
50 the record to show that it's happened. If I may, I've got two items. A letter from Mr. Henry,
51 dated March 17th, inviting Mr. Wrenn, our surviving licensee, to the meeting this morning and

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

52 then an affidavit of service from one of our investigators, showing that he was able to personally
53 serve Mr. Wrenn on March 18th. There's no reason to contest this procedure, Your Honor.

54

55 **MAYOR GOODMAN**

56 Well, let me ask you – this. Was Mr. Wrenn provided with a, the Complaint for disciplinary
57 action?

58

59 **JOHN REDLEIN**

60 He was not. Our ordinance decides that he's entitled to have it 30 days before the hearing. His
61 attorney has seen the unsigned draft. I don't let signed copies go out until you decide there is
62 gonna be a complaint. So, Mr. Wrenn may or may not have seen it, but it's been shared with his
63 attorney, who, by the way, is here, Mr. Gregory Mills.

64

65 **MAYOR GOODMAN**

66 Okay. All right. Thank you. I – think I'm going to let Councilman Reese sort of lead the way
67 on this one, as to what your desire is?

68

69 **JOHN REDLEIN**

70 Okay. And, Councilman, if I may, what, take care of one more procedural matter. As I said, it
71 was licensed to husband and wife, Edgar and Elsie, in 1971. We didn't serve Elsie to bring her
72 here today. She's passed away, 13 years ago. I have a copy of a death certificate for her, that
73 shows her to be the bride of Edgar. And I'd ask to have that on the record to explain why we
74 didn't serve her.

75

76 **MAYOR GOODMAN**

77 All right. Thank you.

78

79 **COUNCILMAN REESE**

80 Well, Your Honor, I think we need to find out, the evidentiary hearing that we have here today, if
81 there is enough evidence to hold this, to warrant this, and then hear from the Defendant, so to
82 speak, if, reasons why we shouldn't have this disciplinary hearing.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

83 **MAYOR GOODMAN**

84 All right. Well, I – believe that the fact that he has not been served and we have not really issued
85 the Complaint at this time. I think what’s before us, –

86

87 **COUNCILMAN REESE**

88 Yes. I –

89

90 **MAYOR GOODMAN**

91 – , Councilman, –

92

93 **COUNCILMAN REESE**

94 Excuse me, I don’t know how far we wanted to get into it today. I definitely think that we have
95 to have this disciplinary – action hearing set today.

96

97 **MAYOR GOODMAN**

98 All right. In other words, as I understand what the Mayor Pro Tem is saying he’s saying that he
99 believes the Complaint should be accepted, issued and then a date be set for a hearing?

100

101 **COUNCILMAN REESE**

102 Yes.

103

104 **JOHN REDLEIN**

105 And – if you want to hear more, I’ve prepared a thumbnail to inform you of the relevant
106 ordinances and statutes, just the essentials of the misconduct and I know Mr. Mills does want
107 that opportunity to try to persuade you not to go forward.

108

109 **MAYOR GOODMAN**

110 Well, I don’t – think – No, I don’t think that’s fair. With all due respect to Mr. Redlein, he
111 hasn’t seen the Complaint, so I’m not going to ask him to start taking a position on this without
112 having adequate opportunity to see the Complaint himself, to study the Complaint, to investigate
113 it, to speak to his attorney. So, basically, I think the motion, as I understand it today, is to have
Page 4 of 11

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

114 the Complaint served upon him, set a date for a hearing and then we'll hear from the City and
115 then we'll hear from Mr. Wrenn and we'll make our decision.

116

117 **JOHN REDLEIN**

118 I just want to make a record that Mr. Wrenn, whom I'm told is not here today, is represented by
119 counsel and is aware of the notification, that it was proper.

120

121 **MAYOR GOODMAN**

122 Very good. Well, Mr. Mills is here and he'll be able to relate that. Don't you believe that that's
23 the proper way to proceed?

124

125 **GREGORY MILLS**

126 I do, Your Honor.

127

128 **MAYOR GOODMAN**

129 All right. Good.

130

131 **COUNCILMAN REESE**

132 I would ask Roni, we have up to 60 days; is there any date that we would be better for the
133 Defendant or the City, as far as this hearing? I mean, we can have it in 30 days, 45 days,
134 whatever.

135

136 **GREGORY MILLS**

137 Yes, Your Honor, from our standpoint, we would like, or not your honor, Councilman, we would
138 like as much time as possible to prepare for these allegations, to look into many of the facts,
139 allegations contained in the Complaint. However, we also are hit with the business license
140 renewal, which is on May 1st. I would ask the Council to give us as much time as possible,
141 however, restrict them from denying our license pending that hearing.

142

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

142 **MAYOR GOODMAN**

143 Can't do that. Unfortunately, that's not before us and we – would be violating the Open Meeting
144 Law if we were to take that up at this time. You may make an application to have that brought to
145 our attention for our next meeting, we could definitely discuss that. But today, our only decision
146 is whether or not the Complaint will be accepted by the Council and then served upon you on
147 behalf of your client, and then setting a date for the hearing.

148

149 **COUNCILMAN REESE**

150 Roni, 30 days from now, what would be the date?

151

152 **BARBARA JO (RONI) RONEMUS**

153 May 4th.

154

155 **COUNCILMAN REESE**

156 Your Honor, I make a motion we hear this disciplinary action request, Complaint for
157 Disciplinary Action on May 4th.

158

159 **JOHN REDLEIN**

160 Before we take a vote on that, do we count? And let's presume I – served him with a signed
161 copy of the Complaint today, –

162

163 **MAYOR GOODMAN**

164 Right.

165

166 **JOHN REDLEIN**

167 – I counted that being 28 days off. And I mentioned this to Mr. Wrenn's representatives in the
168 back of the room that that would require a waiver. If Roni counts and I'm wrong, then I'm glad
169 to have it set early.

170

171 **COUNCILMAN REESE**

172 We can – have it May the 18th, then.

*CITY COUNCIL MEETING OF
APRIL 6, 2005*

VERBATIM TRANSCRIPT – Item 54

173 **MAYOR GOODMAN**

174 I think that's probably in your best interests if you could be prepared by then?

175

176 **GREGORY MILLS**

177 Yes, Your Honor, I believe so. I'm –

178

179 **MAYOR GOODMAN**

180 All right. Because that way you'll be able to know exactly where you stand.

181

182 **JOHN REDLEIN**

183 Okay. And just for the record, Roni now's counted, it is 28 days away. They're entitled to 30 –

184

185 **MAYOR GOODMAN**

186 Okay, but –

187

188 **JOHN REDLEIN**

189 – and it must be conducted before 60 have elapsed. So we need a waiver from them that says

190 that May 4th is okay.

191

192 **MAYOR GOODMAN**

193 You're waiving that; is that correct, so –

194

195 **GREGORY MILLS**

196 That's correct.

197

198 **MAYOR GOODMAN**

199 All right. I think the record's clear.

200

201 **JOHN REDLEIN**

202 All right. I'll make sure they're served with the Complaint today.

203

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

203 **MAYOR GOODMAN**

204 Today, today. Very good. And whatever discovery or background that you believe is
205 appropriate, I think that should be made to them, immediately available to them, so they won't
206 come back and say that they've been deprived of any opportunity to prepare.

207

208 **JOHN REDLEIN**

209 We should be able to have all that by tomorrow. It's pretty voluminous.

210

211 **MAYOR GOODMAN**

212 Good. Very good.

213

214 **GREGORY MILLS**

215 That's crucial. Thank you.

216

217 **MAYOR GOODMAN**

218 Okay. Very good.

219

220 **COUNCILMAN REESE**

221 With those comments on the record then, and with the applicant or Defendant accepting the
222 waiver of those two days, my **motion's gonna be to hold this disciplinary hearing on May the**
223 **4th of 2005.**

224

225 **MAYOR GOODMAN**

226 All right. Let's vote.

227

228 **COUNCILMAN WOLFSON**

229 Mayor Goodman, before we vote, may I just ask one question, please?

230

231 **MAYOR GOODMAN**

232 Sure.

233

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

233 **COUNCILMAN WOLFSON**

234 Mr. Redlein, my understanding of the potential violations are not anything that is threatening
235 public safety in any way, in the sense that we don't have any fire code violations or anything
236 where there's an eminent threat to the public, where we as a board should be concerned with its
237 continuing open operation?

238

239 **JOHN REDLEIN**

240 Not as eminent as the ones that Mr. DiFiore would move to suspend summarily, for reasons such
241 as you suggested. I don't want to minimize the public health hazard of the prostitution related
242 activities that are at the bottom of this. But that's all I know about.

243

244 **COUNCILMAN WOLFSON**

245 Okay. If there were those type of threats, Mr. DiFiore, you have the ability to bring a vehicle to
246 us to temporarily suspend an operation? But that isn't the case in this situation?

247

248 **JOHN REDLEIN**

249 He – can do it on his own, if somebody's really gonna get hurt or die there.

250

251 **COUNCILMAN WOLFSON**

252 Okay. Thank you. Thank you very much.

253

254 **MAYOR GOODMAN**

255 All right. There's been a motion, let's vote please. Post.

256

257 **COUNCILWOMAN TARKANIAN**

258 Mayor?

259

260 **MAYOR GOODMAN**

261 Yes?

262

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

VERBATIM TRANSCRIPT – Item 54

262 **COUNCILWOMAN TARKANIAN**

263 I didn't hear that motion? Could you said it again?

264

265 **MAYOR GOODMAN**

266 The motion was to have the Complaint served upon the gentleman, with all the discovery
267 provided tomorrow and that the hearing date on the Complaint will be May the 18th and – a

268

269 **COUNCILMAN REESE**

270 May 4th.

271

272 **MAYOR GOODMAN**

273 May the – what?

274

275 **COUNCILMAN REESE**

276 May 4th.

277

278 **MAYOR GOODMAN**

279 May 4th. May 4th; is that right?

280

281 **GREGORY MILLS**

282 That is correct.

283

284 **COUNCILMAN REESE**

285 They waived – the two days.

286

287 **MAYOR GOODMAN**

288 Okay. Very good.

289

290 **JOHN REDLEIN**

291 Thank you.

292

***CITY COUNCIL MEETING OF
APRIL 6, 2005***

VERBATIM TRANSCRIPT – Item 54

292 **MAYOR GOODMAN**

293 And there's – All right. That's the motion, please vote. Post. Motion carries. **(Motion carried**
294 **unanimously)** Thank you.

295

296 **(END OF DISCUSSION)**

297 /vwd;ac

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of a new Tavern-limited License subject to the provisions of the fire codes and Health Dept. regulations, Big Nails, LLC, dba Beauty Bar, 517 Fremont Street, Suite 150, Paul Devitt, Mgr, Mmbr, 45%, Frank S. Cicero, Mmbr, 20%, John P. Nixon, Mmbr, 10% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of a new Tavern-limited License.

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Paul Devitt
3. Map
4. Submitted at meeting: copy of written comments of Tom McGowan

MOTION:

WEEKLY - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process or extend the temporary in the event the police report is not completed within the six-month temporary period - **UNANIMOUS**

NOTE: COUNCILMAN MACK disclosed that this location is in proximity to the Third Street Promenade, for which his brother-in-law **ANDREW DONNER** is a managing partner, and the Lady Luck Casino, with which his brother-in-law has a contract related to its non-restricted gaming license. He did not feel his brother-in-law's interests would be impacted; therefore, **COUNCILMAN MACK** would be voting.

MINUTES:

The applicant was present.

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

MAYOR GOODMAN was delighted that the issues with the Cosmetology Board were resolved. **MR. DEVITT** stated he hopes to be operating by May 1, 2005.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

TOM McGOWAN, Las Vegas resident, read his written comments questioning the hours of operation and the type of entertainment. MR. DEVITT replied that entertainment will mainly be provided by DJs seven nights a week.

(11:07 - 11:09)

2-1099

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of a new Tavern-limited License subject to the provisions of the fire codes and Health Dept. regulations, Big Nails, LLC, dba Beauty Bar, 517 Fremont Street, Suite 150

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

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter dated March 15, 2005 from the applicant outlines the request for a temporary license.

The applicants submitted all of the required documentation and paid all applicable fees for investigation on February 7, 2005. Based on letters of clearance from the Borough of Mountainside Police Department, the City of New York Police Department, and the Los Angeles Police Department, we have determined they are preliminarily suitable to hold a temporary Tavern-Limited business license until the investigation is complete.

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

March 15, 2005

To: Debbie Outland
From: Paul Devitt

Dear Debbie,

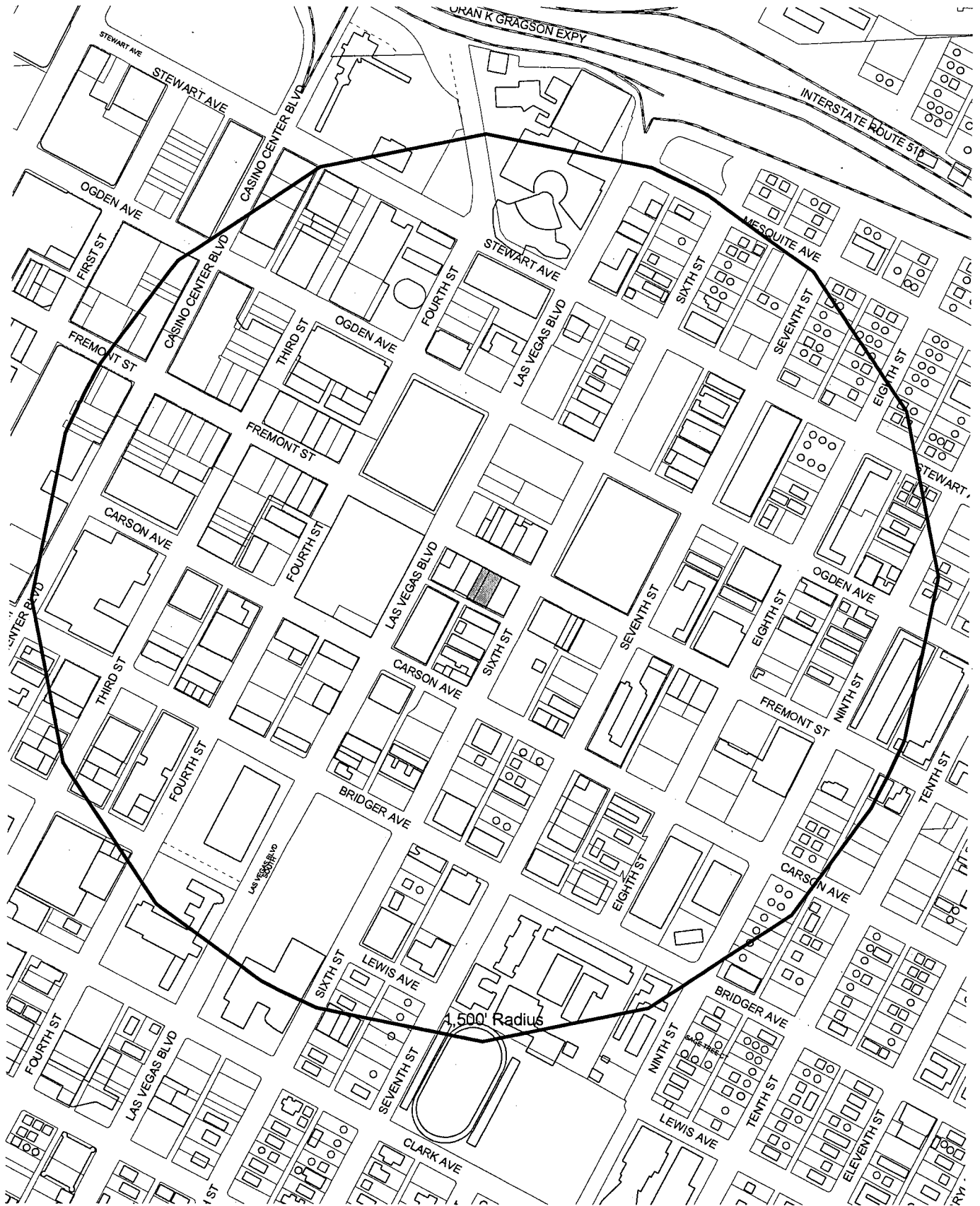
This letter is a request for a temporary liquor license for Big Nails LLC/ Beauty Bar at 517A Fremont St. Las Vegas, Nevada 89101. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Paul Devitt", with a stylized flourish extending from the end.

Paul Devitt
Managing Partner

BEAUTY BAR



0 200 400 Feet



TM / LAS COUNCIL MTG: 9A WED. 6 APRIL, '05 (COUNCIL CHAMBER) (CH: MAY 0/6)

PUB. COMMENT

AGENDA -
ITEM 4B.

QUESTION/CHAIR: 'DO YOU ALLOW PUBLIC COMMENT ON THIS ITEM?' ~
(IF 'YES', PROCEED. IF 'NO', SUBMIT WRITTEN TEXT.)

ANSWER: ☐ 'YES'
☐ 'NO'

TOM MCGOWAN. LAS VEGAS RESIDENT.

.. < (30") > ..

'THE NEVADA LEGISLATURE ENACTED A PROPERTY TAX REFORM BILL THAT ALLOWS THE AFFLUENT OWNER/OCCUPANTS OF 'UPSCALE' RESIDENTIAL CONDOMINIUM LOFTS IN HIGH-RISE TOWER DEVELOPMENTS TO CLAIM 'SEVERE HARDSHIP EXEMPTION' STATUS, NOTWITHSTANDING THEIR HIGHER INCOME LEVEL, THAT SHIFTS THE BURDEN OF PROPERTY TAXATION ONTO THE OWNERS, BUT NON-OCCUPANTS, OF RESIDENTIAL AND COMMERCIAL PROPERTIES CITY-WIDE. ~ WHAT HAS THE MAYOR AND THE CITY COUNCIL DONE TO ENSURE A FAIR AND EQUITABLE 'LEVEL PLAYING FIELD' FOR ALL PROPERTY TAXPAYERS AND LEASE/RENTAL TENANTS IN THE CITY OF LAS VEGAS? ~ AND, IF: 'NOTHING', WHY NOT? ~

THANK YOU.

55. TOM MCGOWAN. LAS VEGAS RESIDENT.

.. < (20") > ..

'WHAT KIND OF ENTERTAINMENT WILL BE PRESENTED AT THE BEAUTY BAR TAVERN LOCATED IN THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT? ~ WHAT WILL BE THE HOURS AND THE DAYS AND NIGHTS OF ENTERTAINMENT OPERATIONS? AND, IF: 'NONE', WHY NOT?

THANK YOU.

Submitted at City Council

Date 4/6/05 Item

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: John A. Gallo, 100%, To: Sanchez and Trujillo, dba Gallo's Famous Pizza Company, 3250 North Tenaya Way, Suite 110, Luis Sanchez and Regla C. Trujillo, 100% jointly as husband and wife - Ward 4 (Brown)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

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

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes and Health Dept. regulations with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Luis Sanchez and Regla Trujillo

MOTION:

BROWN - APPROVED the temporary license, subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process or extend the temporary in the event the police report is not completed within the six-month temporary period - UNANIMOUS with WOLFSON not voting

MINUTES:

The applicants were present, accompanied by their daughter, JULIANA, who listed some of the items that would be on the menu. The establishment should be open by the end of the month.

JIM DiFIORE, Manager, Business Services, indicated the applicants met the requirements for a temporary approval. He suggested approval as recommended.

(11:09 - 11:11)

2-1180

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership for a Beer/Wine/Cooler On-sale License subject to the provisions of the fire codes and Health Dept. regulations, From: John A. Gallo, 100%, To: Sanchez and Trujillo, dba Gallo's Famous Pizza Company, 3250 North Tenaya Way, Suite 110

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

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter outlines the request for a temporary license.

The applicants submitted all of the required documentation and paid all applicable fees for investigation on March 8, 2005. Based on our review of the applicants' SCOPE printouts, we have determined that they are preliminarily suitable to hold a temporary Beer/Wine/Cooler On-Sale business license until the investigation is complete.

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

Mar 07 05 07:40p

Nagel

837-9313

P. 1

February 28, 2005

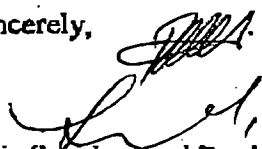
City of Las Vegas
Dept. Of Finance & Business Services
400 Stewart Avenue, 3rd Floor
Las Vegas, Nevada 89101

Re: Gallo's Famous Pizza Company

Dear Sirs,

We are respectfully requesting your consideration for granting a temporary permit to operate Gallo's Famous Pizza Company with a beer and wine on sale license. Due to all parties timetable it is imperative that we close this transaction as soon as possible.

Sincerely,



Luis Sanchez and Regla C. Trujillo

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Change of Ownership and Location for a Beer/Wine/Cooler On-sale License subject to the provisions of the planning and fire codes and Health Dept. regulations, From: 226 West Sahara Avenue, Jitendra Patel, 100%, To: An India Oven, Inc., dba India Oven, 2218 Paradise Road, Jitendra Patel, Dir, Pres, Treas, 50%, Jayshree Patel, Dir, Secy, 50% (NOTE: Item to be heard in the afternoon session in conjunction with Item 127 - SUP-5912) - Ward 3 (Reese)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Change of Ownership and Location for a Beer/Wine/Cooler On-sale License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

MOTION:

REESE - APPROVED as recommended - UNANIMOUS with MACK not voting

MINUTES:

DENNIS WATTS, Chetak Development, 3810 Meadows Lane, was present.

NOTE: See Item 127 [SUP-58912] for all related discussion.

(5:54 - 5:58)

6-2867

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a new Massage Establishment License subject to the provisions of the planning and fire codes, Yong Wen, dba Good Hands Acupressure and Massage Center, 4300 Meadows Lane, 6512, Yong Wen, 100% (NOTE: Item to be heard in the afternoon session in conjunction with Item 125 - SUP-5908) - Ward 1 (Tarkanian)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a new Massage Establishment License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

None

MOTION:

TARKANIAN - APPROVED a temporary license with a six-month (10/05/2005) review with the condition that the massage establishment consist of outside chair massage only and if there are any changes by the business, the license issued will be brought back to the City Council - **UNANIMOUS** with REESE excused

MINUTES:

The applicant, YONG WEN, was present, and agreed with provisions of approval.

NOTE: See Item 125 [SUP-5908] for all related discussion.

(2:02 - 2:09)

4-851

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License, subject to the provisions of the fire codes, From: Larry Watson, dba Creative Home Furniture, Larry Watson, 100%, To: Creative Home Furnishings, LLC, dba Creative Home Furnishings, 1120 South Main Street, Larry Watson, Mgr and Ivona S. Watson, Mmbr, 80% jointly as husband and wife, Erik P. Lonnquist, Mmbr, 20% - Ward 1 (Tarkanian)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License.

RECOMMENDATION:

Recommend approval subject to the provisions of the fire codes with authority for the Director or Designee to issue a permanent license upon receipt of a favorable police report or extend the temporary in the event the police report is not completed within the 6-month temporary period.

BACKUP DOCUMENTATION:

1. Agenda Memo
2. Letter from Larry Watson
3. Submitted at meeting: copy of written comments of Tom McGowan

MOTION:

TARKANIAN - APPROVED the temporary license (with the intent of approving it subject to provisions as recommended, with the Director or Designee granted the authority to approve the permanent license after completion of appropriate process or extend the temporary in the event the police report is not completed within the six-month temporary period) - **UNANIMOUS** with **WOLFSON** not voting

MINUTES:

The applicants were present.

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

MR. WATSON questioned the timeframe for a temporary license. MR. DiFIORE explained that temporary licenses are issued for six-month intervals and are contingent upon investigation by the police department.

TOM McGOWAN, Las Vegas resident, read his written comments. He asked if the outdoor display of used furniture will be allowed. MAYOR GOODMAN indicated that the effective ordinances will be enforced.

CITY COUNCIL MEETING OF: APRIL 6, 2005

MINUTES - Continued:

(11:11 - 11:13)

2-1259

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding Temporary Approval of Change of Ownership and Business Name for a Class II Secondhand Dealer License, subject to the provisions of the fire codes, From: Larry Watson, dba Creative Home Furniture, Larry Watson, 100%, To: Creative Home Furnishings, LLC, dba Creative Home Furnishings, 1120 South Main Street

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

- (A) City Council may grant a temporary license pending its decision regarding a license application in order to determine:
 - (1) The applicant's fitness for a license; and
 - (2) The appropriateness of the applicant's business location.
- (B) A temporary license shall not be granted under this Section unless:
 - (1) All principals required to be approved for suitability have submitted a complete investigation packet for determination of suitability and paid all applicable fees;
 - (2) The Director makes a preliminary finding that all of the principals of the business are suitable; and
 - (3) The applicant has submitted a completed and accurate license application and has paid all required application fees.

The attached letter from the applicant outlines the request for a temporary license.

The applicants submitted all of the required documentation and paid all applicable fees for investigation on March 1, 2005. Based on our review of the applicants' SCOPE printouts and Mr. Watson's licensing history, we have determined that they are preliminarily suitable to hold a temporary Class II Secondhand Dealer business license until the investigation is complete.

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

2-8-05

Please consider us for March 2 agenda
for temporary license per agreement with Mayor
van Doodman.

Larry Watson

(TM, CONT'D)

Item 39. • TOM MCGOWAN, LAS VEGAS RESIDENT. .. < (20") > ..

• WILL THE OUTDOOR DISPLAY OF USED FURNITURE BE ALLOWED AT 'CREATIVE HOME FURNISHINGS' IN THE ARTS DISTRICT OF WARD 1? ~ AND, IF: 'YES', HOW DOES THAT RESPOND TO THE CONCERNS EXPRESSED BY THE MEMBERS OF THE ARTS DISTRICT TASK FORCE IN THEIR MEETING ON THURSDAY 17 MARCH, '05?

THANK YOU.

Item 64. • TOM MCGOWAN, LAS VEGAS RESIDENT. .. < (20") > ..

• IS 'CISCO'S SUPPER CLUB' LOCATED IN THE EASTERN EXTENSION OF THE DOWNTOWN ENTERTAINMENT OVERLAY DISTRICT? ~ IF: 'YES', WHAT KIND OF ENTERTAINMENT WILL BE PRESENTED, AND WHAT WILL BE THE HOURS AND THE DAYS AND NIGHTS OF THE ENTERTAINMENT OPERATIONS? AND, IF: 'NONE', WHY NOT?

THANK YOU.

Item 65. • TOM MCGOWAN, LAS VEGAS RESIDENT. .. < (20") > ..

• WHY IS A LICENSE APPROVED FOR A PSYCHIC LOCATED ON THE FREMONT STREET EXPERIENCE, WHEN THE FREMONT STREET EXPERIENCE LLC PREVIOUSLY REFUSED TO CONSIDER THE APPLICATION FOR A VENUE SUBMITTED BY THE PALMISTRY PSYCHIC, PATRICIA MARKS, AS 'INCONSISTENT WITH THE POLICY OF THE FREMONT STREET EXPERIENCE'?

THANK YOU.

Submitted at City Council

Date 4/6/05 Item

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, La-Dor, Inc., dba Stateside Lounge, 931 Las Vegas Boulevard North, Doris L. Atchison, Dir, Pres, Treas, 50%, Laura J. Atchison, Dir, Secy, 50% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

TARKANIAN - APPROVED a temporary license subject to a six-month (10/5/2005) review - UNANIMOUS

MINUTES:

The applicants were present.

JIM DiFIORE, Manager, Business Services, deferred to STACY RODD, Detective, Las Vegas Metropolitan Police Department (Metro), who updated the Council on the investigative report. The original report included a DUI incident wherein LAURA ATCHISON was leaving her place of employment, which was a concern given that she was responsible for the conduct of other persons in an establishment that serves liquor. She had the responsibility to lead by example. Also, during a subsequent site check of the business, the officer found that one of the bartenders did not have a health card, and the work card did not reflect the current place of employment.

MAYOR GOODMAN noted that proposed legislation will make DUIs a more serious offense.

MS. ATCHISON indicated that she now uses a designated driver. The issues with the health and work cards of the bartender, ROSE KING, were taken care of the following day. MS. ATCHISON mistakenly assumed that all the cards were in place because MS. KING had been with her previous place of employment for nine years. She accepted MAYOR GOODMAN'S suggested condition to not drink while working in the business.

(11:13 - 11:17)

2-1338

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Tavern License and a Restricted Gaming License for 15 slots, La-Dor, Inc., dba Stateside Lounge, 931 Las Vegas Boulevard North

On October 6, 2004 the City Council granted temporary approval of these licenses subject to a six-month review at the request of the department due to an area of concern in Laura Atchison's police report involving alcohol-related incidents.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action regarding a Six Month Review of a Locksmith License, Judith Renea Zaruba, dba L Reo Lock & Key, 8929 Sheep Ranch Court, Judith R. Zaruba, 51%, Robert M. Zaruba, 49% - Ward 6 (Mack)

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Discussion and possible action regarding a Six Month Review of a Locksmith License.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Agenda Memo

MOTION:

MACK- APPROVED the permanent license - UNANIMOUS

MINUTES:

The applicants were present.

JIM DiFIORE, Manager, Business Services, indicated that the original concern regarding the applicants' debt is no longer an issue. He recommended a permanent license.

(11:17 - 11:18)

2-1483

AGENDA MEMO

CITY COUNCIL MEETING DATE: APRIL 6, 2005

DEPARTMENT: FINANCE AND BUSINESS SERVICES

ITEM DESCRIPTION: Discussion and possible action regarding a Six Month Review of a Locksmith License, Judith Renea Zaruba, dba L Reo Lock & Key, 8929 Sheep Ranch Court

On October 6, 2004 the City Council granted temporary approval of this license subject to a six-month review at the request of Councilman Mack due to an area of concern in the police report.

A report from the Special Investigations Section, Las Vegas Metropolitan Police Department, will be furnished to the City Council prior to the meeting.

AGENDA SUMMARY PAGE
CITY COUNCIL MEETING OF: APRIL 6, 2005

DEPARTMENT: FINANCE & BUSINESS SERVICES

DIRECTOR: MARK R. VINCENT

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

Discussion and possible action to rescind the City Council's vote regarding a Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% - Ward 5 (Weekly)

Fiscal Impact:

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

PURPOSE/BACKGROUND:

At the March 16, 2005 City Council meeting, a six-month review of the Tavern license for Sin Fronteras was heard by the City Council. This was the second six-month review and pursuant to Municipal Code the City Council could not extend an additional temporary license to this applicant. The City Council voted to deny the permanent license. This item is scheduled for the City Council to consider rescission of that action.

RECOMMENDATION:

None

BACKUP DOCUMENTATION:

Combined verbatim transcript of Items 62 and 63

MOTION:

WEEKLY - APPROVED to reconsider - UNANIMOUS

MINUTES:

NOTE: A combined Verbatim Transcript of Items 62 and 63 is made a part of the Final Minutes under Item 62.

APPEARANCES:

OSCAR GOODMAN, Mayor

JIM DiFIORE, Manager, Business Services

LAWRENCE WEEKLY, Councilman

GERALDINE KIRK-HUGHES, Attorney, appeared representing MR. GARCIA, who was present and accompanied by an interpreter

STACEY RODD, Detective, Las Vegas Metropolitan Police Department

MICHELLE SMAISTRLA, Detective, Las Vegas Metropolitan Police Department

LARRY BROWN, Councilman

STEVE WOLFSON, Councilman

(11:18 - 11:51)

2-1526

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

Item 62 – Discussion and possible action to rescind the City Council’s vote regarding a Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% – Ward 5 (Weekly)

and

Item 63 – Discussion and possible action reconsidering the application of a Tavern License and a Restricted Gaming License for 15 slots, Claudio Garcia, dba Sin Fronteras Bar & Night Club, 1203 East Charleston Boulevard, Suites I and J, Claudio H. Garcia, 100% – Ward 5 (Weekly)

Appearance List:

OSCAR GOODMAN, Mayor

JIM DiFIORE, Manager, Business Services

LAWRENCE WEEKLY, Councilman

GERALDINE KIRK-HUGHES, Attorney, appeared representing MR. GARCIA, who was present and accompanied by an interpreter

STACEY RODD, Detective, Las Vegas Metropolitan Police Department

MICHELLE SMAISTRLA, Detective, Las Vegas Metropolitan Police Department

LARRY BROWN, Councilman

STEVE WOLFSON, Councilman

(11:17 – 11:51)

2-1526

34 minutes

Typed by: Vicky Darling

Proofed by: Angela Crolli

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

27 **MAYOR GOODMAN**

28 We've got Item 62, discussion and possible action to rescind the City Council's vote regarding a
29 Six-Month Review of a Tavern License and a Restricted Gaming License for 15 slots, Claudio
30 Garcia, doing business as Sin Fronteras Bar & Night Club at 1203 East Charleston Boulevard,
31 Suites I and J. This is in Ward 5. Mr. DiFiore?

32

33 **JIM DiFIORE**

34 Mayor and members of the Council, this item is to be heard today to consider the Council's vote
35 two weeks ago and, if that vote does take place today to rescind the action, there is a companion
36 item that would be heard for reconsideration of the tavern license for Sin Fronteras.

37

38 **MAYOR GOODMAN**

39 All right. Thank you very much.

40

41 **COUNCILMAN WEEKLY**

42 Your Honor?

43

44 **MAYOR GOODMAN**

45 Yes, Councilman?

46

47 **COUNCILMAN WEEKLY**

48 That was, I asked that this item be placed back on for a reconsideration and at this time, I'd like
49 to **make a motion to reconsider this item**. Afterwards, if that passes, I'd like to come back on
50 the record and make a comment, please.

51

52 **MAYOR GOODMAN**

53 Very good. Well, there's a motion now to reconsider.

54

55 **COUNCILMAN WEEKLY**

56 Please.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

57 **MAYOR GOODMAN**

58 Let's vote on that, please. Post. Motion carries. **(Motion carried unanimously)** And before
59 you make your comment, Councilman, I see that Mr. Garcia has an interpreter with him. I
60 assume that there's no difficulty whatsoever with his understanding everything that is taking
61 place today.

62

63 **GERALDINE KIRK-HUGHES**

64 That is correct, Your Honor.

65

66 **MAYOR GOODMAN**

67 All right. Would you be kind enough to identify yourself for the record?

68

69 **GERALDINE KIRK-HUGHES**

70 Yes. Good morning, Your Honor and Council, Attorney Geraldine Kirk-Hughes, appearing on
71 behalf of Claudio Garcia and with Claudio Garcia.

72

73 **MAYOR GOODMAN**

74 Thank you very much. All right, Councilman Weekly?

75

76 **COUNCILMAN WEEKLY**

77 Okay. Thank you very much, Your Honor. Upon receiving a call from Attorney Hughes here,
78 asking that we reconsider this item here, I didn't have a problem with that. Because I think there
79 was a concern from many of you on this dais that the gentleman did not understand what had
80 taken place here that day. From my understanding, this gentleman here clearly understands
81 what's going on here. And, you know, I'm – not gonna get into all of that, because I think that
82 we do a very fair job with making sure that we talk to all of our applicants and make sure that
83 they clearly understand what they're dealing with prior to them coming here. And so, Attorney
84 Hughes, I've, you know, I know of you and I met you some years ago, and as far as hearing what
85 you have to say, please present your item today, because I want to make sure that the gentleman
86 here receives his due diligence. But then at the end of your presentation, I will still make my
87 recommendation.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

88 **GERALDINE KIRK-HUGHES**

89 And I understand that, Councilman Weekly.

90

91 **COUNCILMAN WEEKLY**

92 Yes, Ma'am.

93

94 **GERALDINE KIRK-HUGHES**

95 And we certainly thank you for at least putting it on agenda for reconsideration. It is not our
96 position that Mr. Garcia just totally didn't, it is not Mr. Garcia's – position that he totally lacks
97 the understanding of the English language, because that is not the case. He has been a citizen of
98 this country for 25 years and he has an impeccable work history. He decided a year ago that he
99 was going to relocate to Las Vegas and that's where he wanted to retire. So he bought a bar.

100

101 **MAYOR GOODMAN**

102 Excuse me.

103

104 **GERALDINE KIRK-HUGHES**

105 But he was still working in New Jersey.

106

107 **MAYOR GOODMAN**

108 I don't – want to interfere with you and we're going to be delighted to hear from you, but I think
109 it's best to listen to what the Detective has to say first and then you'll respond.

110

111 **GERALDINE KIRK-HUGHES**

112 Okay. Fine.

113

114 **MAYOR GOODMAN**

115 That – that's the best way. All right.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

116 **STACEY RODD**

117 Good morning, Honorable Mayor and Council. Detective Stacey Rodd, Las Vegas Metropolitan
118 Police Department, Special Investigation Section. You have before you a report and backup
119 information on some of the history at the bar and some of the citations, responses and violations
120 that have resulted at the bar during the course of our investigation and subsequent site checks to
121 the business.

122 Particularly, I'll draw your attention to an incident on 2/4 of 05, in which, during a site check at
123 the business, our detectives found a minor without any – identification inside the – bar itself, in
124 possession of alcohol. The minor had also consumed alcohol and, therefore, he was written
125 citations for both minor in possession and minor, or, minor loitering where alcohol is served.
126 Mr. Garcia, the applicant, was also issued a citation for allowing this minor in the bar.

127 The security guard, who was on duty at the time, was advised that this is an illegal activity taking
128 place and that he's not to allow this type of activity to take place. Meaning allowing minors in
129 the bar and to consume beverages from the bar. Also, during that very same visit, we had this
130 security guard request detectives' assistance for a fight or disturbance that was occurring in the
131 bar. His exact words, and it's in your report, are that, hey, you guys can either handle this now
132 or there's going to be a problem. Subsequent conversations with the security officer revealed
133 that his shift was a later shift. In other words, I believe he came in at 9:00 o'clock at night. This
134 he indicated to us presented problems wherein he had to inherit, for lack of a better terms, the
135 over service and the problems that were in the bar prior to his arrival. So, his representation was
136 that persons who are being served and, in some cases, over served, as in this instance, are
137 presenting security problems. And that he has to inherit those and deal with those. So, his own
138 representations were there were some systemic problems within the bar with over service.

139 I have with me also Detective Michelle Smaistrle. I understand that she and her fellow
140 detectives went out to the bar on another occasion in which a liquor, very serious liquor issue is
141 being brought to your attention, and you should have backup material to that effect. I'll have
142 Detective Smaistrle expand on exactly what happened in that instance.

143

144 **MAYOR GOODMAN**

145 All right.

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

146 **MICHELLE SMAISTRLA**

147 Good morning. Detective Michelle Smaistrla with Metro Special Investigations. We went out
148 after the denial of the tavern and gaming licenses the last time and there was alcohol found on
149 the property. This was not sealed containers. This was open and partially consumed containers
150 of alcohol. The gaming machines had not been turned off. They hadn't even been notified,
151 Gaming had not been notified nor had United Coin been notified that they no longer had a
152 gaming license. Mr. Garcia said that the alcohol that was there was left from some time ago, but
153 it was in the cooler with ready access to be served.

154

155 **MAYOR GOODMAN**

156 Can I get, would you give us a date of that incident?

157

158 **MICHELLE SMAISTRLA**

159 That was on March 17th at 9:20 p.m.

160

161 **COUNCILMAN WEEKLY**

162 Your Honor?

163

164 **MAYOR GOODMAN**

165 When was our Council hearing, where we last addressed this?

166

167 **COUNCILMAN WEEKLY**

168 16th.

169

170 **MICHELLE SMAISTRLA**

171 The, it was on the 16th.

172

173 **UNIDENTIFIED SPEAKER**

174 (inaudible)

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

175 **MAYOR GOODMAN**

176 Okay, so it was the next day?

177

178 **MICHELLE SMAISTRLA**

179 Yes, Sir.

180

181 **MAYOR GOODMAN**

182 Okay.

183

184 **COUNCILMAN WEEKLY**

185 Your Honor?

186

187 **MAYOR GOODMAN**

188 Yes?

189

190 **COUNCILMAN WEEKLY**

191 Question. Ma'am, would you say that the applicant did not understand what had taken place

192 here at the Council meeting? It –

193

194 **MICHELLE SMAISTRLA**

195 He told us that he removed all the liquor that he thought he needed to.

196

197 **COUNCILMAN WEEKLY**

198 Did you all speak with him personally?

199

200 **MICHELLE SMAISTRLA**

201 I spoke with him personally and he spoke English to me; yes.

202

203 **COUNCILMAN WEEKLY**

204 And he told you that he understood what had hap, had taken place at this Council meeting?

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

205 **MICHELLE SMAISTRLA**

206 Yes, he did.

207

208 **COUNCILMAN WEEKLY**

209 Okay. Thank you.

210

211 **MAYOR GOODMAN**

212 Okay. All right. We're ready to hear from –

213

214 **GERALDINE KIRK-HUGHES**

215 Thank you for allowing me to respond.

216

217 **MAYOR GOODMAN**

218 – counsel.

219

220 **GERALDINE KIRK-HUGHES**

221 In reference to the first citation, and the only citation that Mr. Garcia had actually received prior
222 to the City Council's vote to revoke his temporary license or to not – grant him a permanent
223 license, and that was issued pursuant to NRS 202.060, and that relates to the minor being on the
224 premises. That statute specifically says that the owner has to knowingly allow a – minor to be on
225 the premises. He had, has a court date for that particular citation, on May 4th, it's his first
226 appearance on that. Now, he was not aware that this 19-year-old that had come into the bar in
227 between shifts of the security officer, had come into the bar. He did not serve the minor, so he
228 didn't ask for the – identification. But that was the citation and it was the only citation that he
229 had received before the Council vote to revoke his license.

230 Now, the day after this incident, which was the new incident that they brought up, on the 17th, I
231 myself, as his counsel, contacted Mr. DiForio's (sic) office and advised, and inquired as to what
232 type of license, what had happened the day before, so I could explain to him procedurally what
233 was, what the extent of the Council's vote was. I was told, I instructed my client to go in and
234 remove all of the liquor from the bar and that he had to essentially close the place until such time
235 as we could ask for a reconsideration or till there's a further order from the Council. I appeared

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

at the premises myself at, before 5:00 o'clock. So I knew all the alcohol behind the bar had been removed. The very next day they came in and they cited him for having alcohol on the premises and they actually cited him for violating City Ordinance Number 6.50.170. And if you look at that, it's not even relevant to what actually happened on that particular day.

That, first of all, there was no order that he remove all of the liquor within a specified period of time. At least I was not told of the order. But I advised my client to remove everything from the bar. What they did, they went in – the cooler and found something that had been in the bar when he bought the bar from the previous owner. He was not even aware that that liquor, that had been there for over a year and a half, was still there. And – he wasn't serving it to anyone. There was nobody in the bar that he was serving to. I think this is really an over reaction. You have a man that has invested his entire savings in purchasing this bar. He had purchased an existing bar from an owner, paid about \$65,000 for that. He was granted a temporary license initially, and then, with no citation during that time, but there was an incident of a work card violation. So, we extended it for another six months and said you cannot, if you want to operate a bar in our jurisdiction, we think that it's best that you move here, to Las Vegas. He was an absentee owner at that time. He had no plans to retire early, 'cause he wanted to work out his 25 years in New Jersey. But he retired, withdrew his retirement, moved to Las Vegas, rehabbed the place to make it accessible to handicapped individuals, spent another hundred thousand dollars in the bar, not having any inclination whatsoever that he was on the verge of losing the license.

Now, remember the month before he got the citation for the minor being in the bar. He hasn't had due process as to that particular ticket, because he hasn't even gone to court on that, and that statute requires that he knowingly know that a minor is in – the bar.

COUNCILMAN WEEKLY

Your Honor?

MAYOR GOODMAN

Yes.

GERALDINE KIRK-HUGHES

The next violation –

**CITY COUNCIL MEETING OF
APRIL 6, 2005**

COMBINED VERBATIM TRANSCRIPT – Item 62 and Item 63

267 **COUNCILMAN WEEKLY**

268 I'm sorry. Go ahead. I'm sorry, Attorney Hughes, I apologize.

269

270 **GERALDINE KIRK-HUGHES**

271 The next violation that we had was after the Council had already voted. After I had gotten
272 guidance from the City Council's office as to what is the fact of what your order was on
273 yesterday. First of all, I was never told that that was an order, that he remove all the liquor from
274 a, for a specified period of time, at 5:00 o'clock or 6:00 o'clock. At the suggestion, I said I think
275 it's best that you just take all the liquor from behind the bar, so we won't have any issues with it.

276 And that's exactly what happened. I, at the, my understanding that the City at that time had
277 offered to the Council an alternative. We are pleading with the Council to reconsider that
278 alternative.

279 This man has invested his entire life savings. In – leaving his job in New Jersey, where he'd
280 been there for 25 years, a hundred thousand dollar a year job, to come to Las Vegas to operate
281 this business. And his investment is all, it's – down the hill. He had all the employees, I
282 checked out their applications, he's entirely compliant. Two weeks before we even came here
283 and before he – appeared before the City Council, he hired a new chief of security. His work
284 history is impeccable. We have letters of recommendations as to his qualifications. He has had
285 a substantial experience in working with multi-culture businesses where the predominant
286 clientele is – of the Hispanic origin.

287 He is here, if the Council has any questions. All of the bartenders I checked, they've got their
288 work cards, everything. Mr. Garcia has done everything to comply with the ordinances here.
289 I'm asking you to take into consideration that the only citation he ever received was in reference
290 to a minor being in the bar and that was one month before we came back here. And he hasn't
291 even had due process as to that particular ticket, because he's not even arraigned until the 5th of
292 May.

293 The second citation makes absolutely no sense. Look at the statute. How they can cite him for
294 being in violation of City ordinance 6.50.170 makes no sense, because it's just –

295

296 **MAYOR GOODMAN**

297 Well, how – does that read?

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298 **GERALDINE KIRK-HUGHES**

299 It deals with alcohol beverage licenses and the packaging thereof. He had some liquor in the
300 cooler of a business, because he bought an existing business. He didn't even know it was there.

301

302 **MAYOR GOODMAN**

303 You know, there's one thing that I was briefed on and I haven't heard from either party –

304

305 **GERALDINE KIRK-HUGHES**

306 Okay.

307

308 **MAYOR GOODMAN**

309 – any discussion about the fact that when the officers came in on March the 17th, there appeared
310 to have been glasses that had been recently used which contained alcohol. Do you know of
311 anything like that?

312

313 **GERALDINE KIRK-HUGHES**

314 That's not the case and that's not even what the citation says. And if that is the case, Your
315 Honor, they didn't charge him with that.

316

317 **MAYOR GOODMAN**

318 Okay.

319

320 **GERALDINE KIRK-HUGHES**

321 And the security officer that was present is here to – swear under oath that no alcoholic beverage
322 had been served that day at all. My understanding, the officers even went to the extent to go into
323 the trash cans.

324

325 **MAYOR GOODMAN**

326 Okay. I'll – take that repre –

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327 **GERALDINE KIRK-HUGHES**

328 To see if there was any containers that were open.

329

330 **MAYOR GOODMAN**

331 Okay. I'll take your representation that that's what the security officer would testify.

332

333 **COUNCILMAN WEEKLY**

334 Your Honor, if I could ask Attorney Hughes. Had, were you previously representing this
335 gentleman here, based on that last citation that he had gotten?

336

337 **GERALDINE KIRK-HUGHES**

338 No. He was actually referred to my office by a colleague that normally represents him in his
339 business matters. So, after the hearing, he retained me to represent him on the citation that he
340 received regarding the minor being in the bar. So I do represent him now. But he hasn't had his
341 first appearance in court as of yet.

342

343 **COUNCILMAN WEEKLY**

344 Okay. And then according to some of the photos that we're looking at and, Mr. DiFiore, you can
345 help me out with this, of some of the alcohol that was found on the premises, would you say
346 according to Attorney Hughes, that these packages of liquor here and these bottles of wine
347 appear to be about a year, a year and a half old?

348

349 **JIM DiFIORE**

350 I wasn't personally present at the time, but Detective Smaistrila was. And I'll, if she could
351 respond to that, I'll have her do that.

352

353 **COUNCILMAN BROWN**

354 Isn't there a shelf life of those things?

355

356 **COUNCILMAN WEEKLY**

357 What?

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358 **MICHELLE SMAISTRLA**

359 I would not have any way to tell you how old that alcohol was. I can tell you that it was –

360

361 **COUNCILMAN BROWN**

362 They should.

363

364 **MICHELLE SMAISTRLA**

365 – immediately inside the cooler, on the left hand side, which is right inside the door. Whether or
366 not it had been used recently or not, I would not have a way to tell you that.

367

368 **COUNCILMAN WEEKLY**

369 And I – understand that. They – would have shelf life to them, but I guess in reference to the
370 question that the Mayor asked, according to you all's report, that there – was an indication that
371 there had been alcohol served on that day of March 17th?

372

373 **MICHELLE SMAISTRLA**

374 I would not know whether or not it was served or not. I know that the containers were open and
375 partially consumed. I know that there were customers in the business and Mr. Garcia advised me
376 that they were customers. I thought they were employees. There were plastic cups on tables.
377 But I don't have a method to test whether or not there was alcohol in them.

378

379 **COUNCILMAN WEEKLY**

380 Sure. Okay.

381

382 **MAYOR GOODMAN**

383 All right. Thank you very much. Are there any other questions or comments? Councilman?
384 Councilman Brown?

385

386 **COUNCILMAN BROWN**

387 Mr. DiFiore or – to – Metro, I see the pictures, as far as the evidence, but on – I can certainly
388 speak to the beer industry, but I'm guessing the same as in the wine industry. There, when
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389 Councilman Weekly says there's a shelf life, there's actually numbers on all these alcoholic
390 beverages that essentially tell you the day they're serve, the day they're brewed or expiration
391 dates. So does Metro, did they keep the evidence or just the photos of the alcohol?

392

393 **MICHELLE SMAISTRLA**

394 We strictly kept the photos.

395

396 **COUNCILMAN BROWN**

397 I guess, again, someone, especially someone that distributes wine could walk in, look at those
398 and tell you exactly the age of the product. That, be it one month or one year or two years.

399

400 **JIM DiFIORE**

401 Let me emphasize here that when the Council took the action it did to deny the license on March
402 16th, the license that is granted allows the licensee to possess for consumption or to serve, to give
403 away, to sell the alcohol. And that was what was taken away from him on March 16th. On
404 March 17th, when detectives went out there, the alcohol, the other alcohol had been removed by
405 the distributors, at the request of our office. It was, it is his responsibility to make sure that all
406 alcohol is to be removed from the premises, whether it's going to be consumed, given away,
407 distributed or whatever. He did not do that. He possessed it and we speculate that he was
408 possessing it to continue on doing business, based upon maybe the – appeal that was –
409 forthcoming. That's why he was cited for – the no liquor license to sell.

410 I'd like to just briefly make clarification of the points Ms. Kirk-Hughes had made. Mr. Garcia
411 and I met January of 2004 and I had concerns at that time with statements he made to me. He
412 indicated to me he was going to be moving to Las Vegas to be the sole operator of this particular
413 bar. He said to me he would be moving at the end of January two thousand and four. He had a
414 pending gaming application before the State Gaming Control Board in March. So, his intent was
415 to move here at the end of January and conduct business after, open business, after he received
416 his license with the City and as well as his gaming license with the State. March 17th, two
417 thousand and four, he had not moved to Las Vegas.

418 Prior to that, we were made aware that he was going to submit a key employee application, I
419 believe on a relative of his. That application did come into our office in February, eventually

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granted in May. But between March 17th of two thousand and four and September 15th of two thousand and four, he was not involved in the operation of the business. As the sole licensee, even on a temporary license, he's responsible for every action or the acts of his employees. On April 30th, we went out there, Metro and Business Licensing and served violations of, notice of violations to several of the employees for no work card, no alcohol awareness card, no health cards. So violations did exist during the time that he was not there.

September 15th, the City Council heard an extension, heard about an extension of the temporary license and granted the extension until March 17th, or March 16th of this year with the understanding that he was going to move to Las Vegas and be the bar operator. Eventually he did move. He – moved, I believe, in October of last year. But it's interesting to note that the violations in certain cases have escalated since his presence has been made aware. The minors in the bar, being cited for being a minor in the bar and I believe also in the report, that same night, that the security, before they called Metro's attention, escorted three individuals out who appeared to be minors in the bar. So they weren't cited, but they were escorted out of the business. Basically, that was a courtesy on Metro's part. Mr. Garcia was present on the premises at that time. So whether or not he knew that these people were in there, it's his responsibility to know that these people are in his business and that they are underage. Because of the violations that have continued to exist and because I think of his lack of concerns for the Council's action of March 16th, and having the alcohol in the premises March 17th, my recommendation is going to be to deny the license.

MAYOR GOODMAN

Miss Kirk-Hughes, what do you suggest would be a vehicle that Mr. Garcia would know what his duties and responsibilities are that would assure the Council that if there was some violation of those responsibilities, we could rely on the fact that he knew what he had to do and didn't do what he had to do?

GERALDINE KIRK-HUGHES

Mr. Garcia certainly knows what his responsibilities are, because I have personally gone over the Code and what his obligations are thereto. I –

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450 **MAYOR GOODMAN**

451 And that's some, you went – over the Code with him sometime after March the 17th?

452

453 **GERALDINE KIRK-HUGHES**

454 That's correct.

455

456 **MAYOR GOODMAN**

457 All right.

458

459 **GERALDINE KIRK-HUGHES**

460 Not only with Mr. Garcia, I had him bring in all of his key employees as well. And those same
461 individuals are here today. So, they know exactly what their responsibilities and obligations are.
462 The reason that I know he's going to comply with it, because he understands that this license is a
463 privilege that can be taken away. He understands that his entire investment will go down the
464 drain if he does not comply. There has never been any intentional violation by him at all. And,
465 all though due respect to Mr. DiFiore's office, I don't think the – incident that – happened the
466 day before is his intentions to say that he just doesn't care.

467 To the contrary, the morning of the 16th, the Council vote, this man was standing in my lobby
'68 until 5:30. He had no appointment, until he could see me to see what guidance he could get.
469 The following day I was on the phone to Mr. DiFiore's office, and he knows that and can
470 confirm it, basically saying what are the perimeters, what actually happened, so I could explain
471 to him. At 5:00 o'clock, I myself went and, to make sure all the liquor was gone. Granted I
472 didn't go in the storage to look under containers to see if there was any boxes there, 'cause I was
473 convinced that he was not going to conduct any business. When I was there at 5:00 o'clock, they
474 weren't conducting any business. There were some customers coming in and out, wondering
475 what had happened, and I was there when he was explaining that the City Council has basically
476 closed the business down, we're going to try and appeal it. That's all that was happening at 5:00
477 o'clock.

478

479 **MAYOR GOODMAN**

480 All right.

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481 **GERALDINE KIRK-HUGHES**

482 Three hours later they're, they are saying that there's open containers. Maybe there were open
483 cups on there, they were there from the night before. What is a reasonable period of time to give
484 someone to close out the business? Remember, the vote happened on the March 16th. This is the
485 very next day that they're in there, saying he should have removed every item.

486

487 **MAYOR GOODMAN**

488 Okay. And you're represented to this Council that you have instructed the employees who
489 would be monitoring the business what their duties and obligations are to comply with the law?

,90

491 **GERALDINE KIRK-HUGHES**

492 That is correct, Your Honor.

493

494 **MAYOR GOODMAN**

495 And you – are convinced that they understood your instructions?

496

497 **GERALDINE KIRK-HUGHES**

498 I am convinced of that, not only that, I have agreed to – check in myself on a weekly basis to
'99 make sure that he's adhering to the – Council's rules. I went myself to make sure all seven
500 employees have every work card that they're required to have. I have them here with me today
501 to show that everything is in order. And these are the employees that have been on staff for the
502 last six months.

503

504 **MAYOR GOODMAN**

505 Okay. Thank you. All right. Any over questions or comments?

506

507 **COUNCILMAN WOLFSON**

508 Yes, Mayor Goodman, thank you.

509

510 **MAYOR GOODMAN**

511 Yes, Councilman Wolfson.

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512 **COUNCILMAN WOLFSON**

513 One of the things that we haven't talked about yet this morning, which drew my attention, was
514 from the report that talks about the 9-1-1 disconnects. And the report mentions that during the
515 period from September of 04 through March of 05 there were 12 9-1-1 disconnects. To me that
516 means that somebody from this business called 9-1-1 but before enough information could be
517 received by Metro's dispatch, there was a hang-up; is that what that means? I don't care.

518

519 **STACEY RODD**

520 That would be correct. And on those occasions, we may, the dispatch may attempt to call back.
521 That is a procedure. It's not always successful. Sometimes we may send an officer out. But,
522 that is correct, if it's a 9-1-1 disconnect, we probably have not spoken with anyone.

523

524 **COUNCILMAN WOLFSON**

525 And most of the time when you have a 9-1-1 disconnect, don't you dispatch an officer anyways?

526

527 **STACEY RODD**

528 That is usually the procedure; correct.

529

530 **COUNCILMAN WOLFSON**

531 Okay.

532

533 **STACEY RODD**

534 However, prior to officers arrival, these things can be cancelled if someone from the business
535 calls in and says, hey, we had someone that was on the phone, they were trying to dial 1-1-8. Or,
536 you know what, there was a situation here that someone was trying to get a hold of someone else,
537 it's been resolved, it's okay. So, if it's, if the dispatcher who receives the return call is satisfied
538 with the explanation, we don't always necessarily send an officer.

539

540 **COUNCILMAN WOLFSON**

541 What – concerns me, and I don't have to tell you folks in law enforcement, is that many times on
542 these 9-1-1 disconnects an officer is dispatched, it turns out to be nothing, if you will, but we've

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543 taken a police officer away from what potentially is a more important call. If there were one or
544 two 9-1-1 disconnects, I wouldn't care. But we've got 12. So, I would like, with the permission
545 of the Mayor, to ask Attorney Hughes if she wouldn't mind asking her client about these 9-1-1
546 disconnects. What does he know about them and why are they happening? I mean, the bottom
547 line is if you call 9-1-1 it's because you have a reason to get through to a police officer. And if
548 you hang up or disconnect, that's just not a good thing.

549

550 **GERALDINE KIRK-HUGHES**

551 I did ask my client that, because in my conversation with Mr. DiFiores (sic) he brought up that
552 issue. So I discussed that with him. He indicated he has no knowledge of any 9-1-1 calls, but he
553 does recall the police coming in on one occasions, indicating that they had received a 9-1-1 call
554 indicating that there's a dead body on premises.

555

556 **COUNCILMAN WOLFSON**

557 Okay. Let me – interrupt for a second. Could I ask your client about the 9-1-1 calls, with your
558 permission?

559

560 **GERALDINE KIRK-HUGHES**

561 Of course.

562

563 **COUNCILMAN WOLFSON**

564 Okay. Mr. Garcia, do you understand what we're talking about right now?

565

566 **CLAUDIO GARCIA**

567 Yes.

568

569 **COUNCILMAN WOLFSON**

570 Do you have any explanation for why there would be 12 9-1-1 disconnects within a six month or
571 so time frame? Do you know anything about these calls and why they were disconnects?

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572 **CLAUDIO GARCIA**

573 I know that the police went several times, that someone had dialed 9-1-1 from the public phone
574 that is located outside. That – help was requested, but there was no help needed.

575

576 **COUNCILMAN WOLFSON**

577 No, obviously, Detective, a 9-1-1 phone call from a public phone booth is not the subject of your
578 report.

579

580 **STACEY RODD**

581 You know, I was just inquiring as to whether that phone booth is inside or outside. Because I'm
582 not familiar with it either, I wasn't personally there.

583

584 **MICHELLE SMAISTRLA**

585 It is a pay phone, but I couldn't – testify whether it was inside or outside.

586

587 **STACEY RODD**

588 It's a pay phone that comes back to that business address and that suite.

589

590 **COUNCILMAN WOLFSON**

591 Okay. So what – we might conclude is that not necessarily Mr. Garcia or his employees made
592 the call? A patron, who sense a danger if you will, rightly or wrongly, could have made that
593 call?

594

595 **STACEY RODD**

596 (Inaudible) those are possibilities.

597

598 **COUNCILMAN WOLFSON**

599 So, we can't necessarily blame the – 9-1-1 disconnects issue on Mr. Garcia or his employees.

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600 **STACEY RODD**

601 No. What we, is, and that, that's correct. What we do is we determine as a routine system of
602 follow-up whether or not we have responded out there and the means by which we check our
603 responses are when we run the business address. The telephone number that comes back to the
604 business that's assigned to that suite, that would be this phone. So, it's – very possible the
605 patrons inside, patrons from outside, persons unrelated could be making some of these calls.

606

607 **COUNCILMAN WOLFSON**

608 Thank you. And then the only other area, and I don't want to beat a dead horse too much, was
609 I'd like to hear from your client again, Miss Hughes, on what he understood, from the
610 discussions he had with Mr. DiFiore and the two police detectives, right after the Council
611 meeting on what he was supposed to do? Because we have testimony, if you will, that he was
612 specifically instructed that he had to remove alcohol, and he – didn't. So, I just would like to
613 hear from your client in that regard.

614

615 **CLAUDIO GARCIA**

616 Well, simply that I was very confused and I was depressed and I didn't have, I didn't understand
617 at 100% what I was told.

618

619 **COUNCILMAN WOLFSON**

620 You understand how serious we are about all this now?

621

622 **CLAUDIO GARCIA**

623 Yes, I understand.

624

625 **MAYOR GOODMAN**

626 All right. Thank you. Any other comments or questions? All right. Councilman Weekly.

627

628 **COUNCILMAN WEEKLY**

629 Thank you, Your Honor. One of the things I just want to put on the record is that, Lord knows,
630 I'm not here at all, Attorney Hughes, to mess with anyone's life savings or quality of life or their

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631 dreams and aspirations. Okay? Not at all. But clearly when the gentleman comes here and he
632 has had several conversations with many individuals without an interpreter and without a lawyer
633 and clearly understood the conversation and participated in it, you know, that gave me the
634 indication that he clearly knew what was going on.

635 I made the recommendation to rehear this today so that this gentleman could have his due
636 process hearing today and you would have an opportunity to share what you wanted to put on the
637 record. One of the things that I want to say is that I know you indicated that, you know, there
638 was a minor that was in the – shop there that looked about 19 years of age. And I do understand
639 that there are a lot of young people who look older than what they are. But then there were
640 several other young people who were escorted from the facility, as a courtesy of Metro. And
641 then I think you pointed out –

642

643 **COUNCILMAN WEEKLY**

644 – that a license, a beer and wine and liquor license is a privileged license. And one of the things
645 that I don't do is I – don't play with that portion when it comes to the minors. Whether it be in
646 convenience stores or in bars. And that's just a stance that I've taken since I've been on this
647 Council. Now everybody up here has a right to do whatever it is that they've chose, that they
648 choose to do, but as far as I'm concerned, I'm going to stay where I stood at at the last Council
649 meeting and **I am going to follow the recommendation for denial of this license.**

650

651 **MAYOR GOODMAN**

652 All right. That's the motion, let's vote. Post. Motion carries. **(Motion carried unanimously)**
653 Thank you.

654 All right. Item 63, that is discussion and possible action reconsidering the application, it's the
655 same thing. Pardon me. I guess we had 62 and 63 were, I better read 63 into the record though.
656 It's discussion and possible action reconsidering the application of a tavern license and a
657 restricted gaming license for 15 slots for Claudio Garcia and Sin Fronteras Bar & Nightclub at
658 1203 East Charleston Boulevard, Suites I and J.

659 **(END OF DISCUSSION)**

660 /vwd;ac