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City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MAY 20, 2008
4:00 P.M.

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

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5.00 EACH THROUGH THE CITY CLERK'S OFFICE.

1. CALL TO ORDER
2. ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
3. ABEYANCE ITEM - Bill No. 2008-20 – Establishes additional licensing requirements and regulations applicable to wedding chapels. Sponsored by: Councilman Gary Reese
4. Bill No. 2008-26 – Annexation No. ANX-23103 – Property location: Within the area bounded by Witch Mountain Road on the west, Moccasin Road on the north, Shaumber Road on the east, and Iron Mountain Road on the south; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 605 acres; Zoned: R-U and P-F (County zoning), R-E, U (PCD) and U (PF) (City equivalents). Sponsored by: Councilman Steven D. Ross
5. CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited
6. ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

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

City of Las Vegas

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

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

Bulletin Board, City Hall Plaza, (next door to Metro Records)

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
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

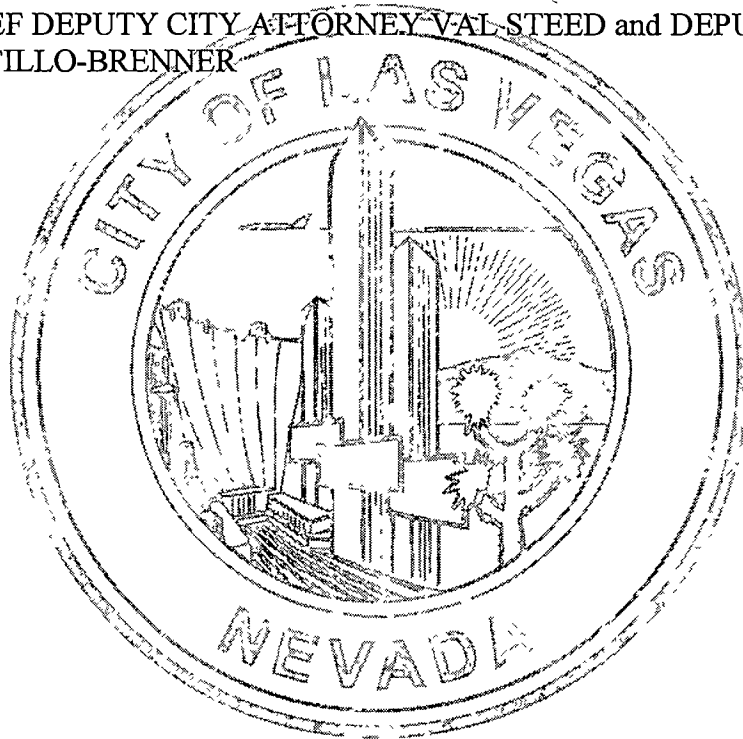
SUBJECT:
CALL TO ORDER

Minutes:

COUNCILWOMAN TARKANIAN called the meeting to order at 4:03 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK
GABRIELA PORTILLO-BRENNER



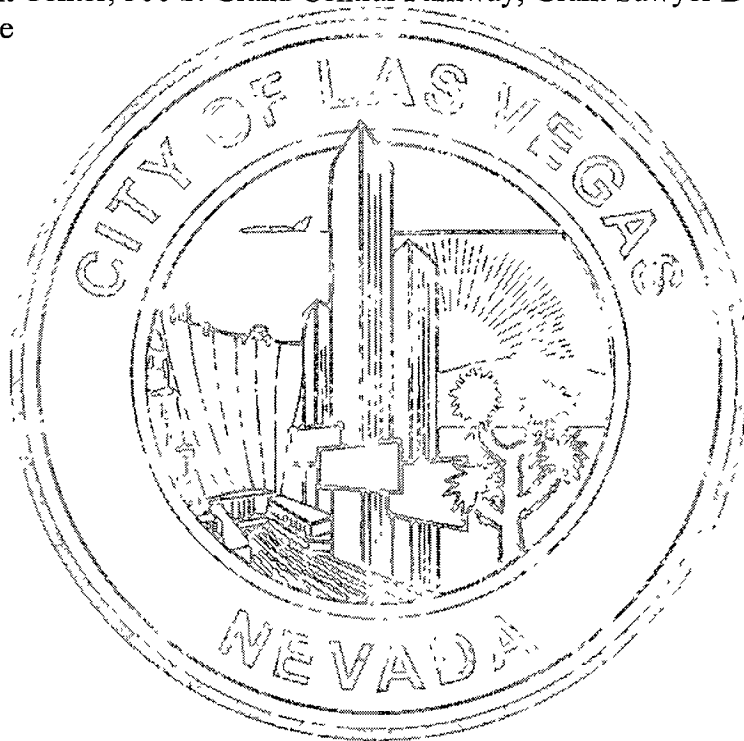
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
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 Bulletin Board, City Hall Plaza (next door to Metro Records), 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
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

ABEYANCE ITEM - Bill No. 2008-20 – Establishes additional licensing requirements and regulations applicable to wedding chapels. Sponsored by: Councilman Gary Reese

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

This bill will establish additional licensing requirements and regulations applicable to wedding chapels, including certain restrictions on solicitation activities and the classification of the wedding chapel license category as a privileged license.

RECOMMENDATION:

ABEYANCE to 5/20/2008 Recommending Committee meeting by the 4/15/2008
Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

1. Bill No 2008-20
2. Business Impact Statement
3. Submitted at meeting - Marriage Commission Radian Map by staff

Motion made by RICKI Y. BARLOW to Hold in Abeyance to 6/17/2008 with direction to City Attorney Jerbic to hold a meeting in the interim

Passed For: 2; Against: 0, Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILWOMAN TARKANIAN declared the Public Hearing open.

CITY ATTORNEY BRAD JERBIC stated that he met with members of the industry on this matter, as requested at a previous Recommending Committee meeting. He also received e-mails from people that could not attend the meeting. At the meeting he held about two weeks ago, it became clear that the industry had no problem with the new regulations, but there was discussion

RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

about the 100-foot distance separation being the best alternative. Representatives of the American Civil Liberties Union (ACLU) suggested the creation of zones for different people in the industry. He opined that adoption of this bill would be a sound start. Changes could be made later if necessary. This bill will make it mandatory for future chapel operators to obtain a privileged license. Existing operators coming up for renewal will be left to the discretion of the Business Services Manager as to whether a privileged license will be necessary.

CITY ATTORNEY JERBIC indicated that he received the approval of COUNCILMAN REESE to request that this bill be held for adoption by the Council at its June 18, 2008, meeting instead of at its meeting of June 4, 2008, which he would not be able to attend. Doing this would allow another opportunity to meet with the industry and people that were not able to attend the first meeting and to bring the bill back before the Recommending Committee on June 17, 2008.

COUNCILMAN BARLOW apologized to those that sent him e-mails and called him about not being aware of the interim meeting with CITY ATTORNEY JERBIC. The contact information for that meeting was obtained from members of the industry that attended the April 15, 2008, Recommending meeting; the first time this bill was heard. There was never the intent to leave anyone out.

JOAN BOJORQUEZ, Vegas Adventure Wedding Chapel, commented that it would be unfair to require her to obtain a privileged license when she is a responsible business owner, or to be at the discretion of the Council when she has already invested a lot of money on licensing. She does not believe that requiring a privileged license would keep the problem causers out of business.

She asked whether this bill would affect every chapel owner, not just new chapel operators, to which CITY ATTORNEY JERBIC replied that any existing chapel owner that is causing problems could be required to obtain a privileged license.

MS. BOJORQUEZ then verified with CITY ATTORNEY JERBIC and CHIEF DEPUTY CITY ATTORNEY STEED that a privileged license would not have to be obtained for "handbillers," because a separate license is required by the Las Vegas Municipal Code. However, if the "handbillers" create problems, the business owner might have to obtain a privileged license.

CITY ATTORNEY JERBIC advised that the City gets involved in matters of unbecoming conduct to protect the interest of the public. If "handbillers" with any chapel display conduct similar to that of the "handbillers" with A Las Vegas Garden of Love chapel, then a privileged license would definitely be required. The new privileged license requirement comes at the direction of the Council in order to provide more scrutiny, not to generate revenue, as some people might think.

MS. BOJORQUEZ reiterated that the biggest offender is out of business, so, in her opinion, requiring a privileged license is unnecessary, and she adamantly opposed it due to the associated expense that could put a business out. However, she concurred with the 100-foot distance separation, even though she believes that unscrupulous people will do whatever they want to and not follow the law. Any issues that arise should be handled in the same way A Las Vegas Garden

RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

of Love was handled. CITY ATTORNEY JERBIC noted that it is much easier to revoke a privileged license than a right, and requiring a privilege license would serve as a warning.

COUNCILMAN BARLOW asked if renewing licensed chapel owners would be required to obtain a privileged license, to which CITY ATTORNEY JERBIC replied that it could be required if Business Services finds that there are chronic problems. COUNCILWOMAN TARKANIAN commented that Business Services would investigate complaints, as usual, to determine the validity.

COUNCILMAN BARLOW expressed full support of this bill, as its adoption will strengthen the Code and provide more leverage to address problems expeditiously, unlike it was done with A Garden of Love, which tarnished the City. Chapel owners and their employees who are adhering to the law do not have to worry about ever being required to obtain a privileged license. He appreciated the concern about the expense, but felt that the Council has a responsibility to protect the City and its tourists.

JIM DiFIORE, Manager of Business Services, explained the new process. All new chapel owners will have to apply for a privileged license. All complaints will be evaluated. If the complaints are valid, they will be forwarded to the Las Vegas Metropolitan Police Department (Metro) for a thorough investigation to be submitted to the City Council to determine the worthiness of a privileged license. If the privileged license were then denied, the license would be revoked.

He stated that the downfall of A Las Vegas Garden of Love is that it hired individuals to commit crimes. He expressed support of requiring a privileged license to put chapel licensees on notice that they will be held responsible for their employees.

CLIFF EVARTS, Vegas Wedding Chapel, and REVEREND STEPHEN SMITH fully supported the distance requirement. MR. EVARTS concurred with the comments made by COUNCILMAN BARLOW and requested that the distance be measured from the door on the outside of the marriage bureau, not the inside.

SHIRLEY PARRAGUIRRE, Clark County Clerk, supported the privileged license and even a greater distance requirement, perhaps 150 feet. She commended the City for its efforts putting A Las Vegas Garden of Love out of business. MR. DiFIORE concurred with MS PARRAGUIRRE'S suggestion, stating that increasing the distance would help create a buffer zone for couples seeking a marriage license; they could safely get from the bureau to their cars/taxi without getting accosted. Perhaps 200 feet would be even better.

At hearing the 200-foot distance suggestion, COUNCILMAN BARLOW took a count of hands to find out what those in attendance would prefer. Seven people were for 150 feet, six people for 200 feet, two people for 100 feet, and five people for keeping it the way it is, without a distance requirement.

RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

COUNCILWOMAN TARKANIAN announced that the comments and opinions of those in attendance would be relayed to COUNCILMAN REESE, who sponsored this bill. She also directed the City Clerk's Office to provide a copy of the proceedings of this matter at this meeting to COUNCILMAN REESE.

KHALID ALEXANDER, Lily of the Valley Wedding Chapel, asked if all the chapels would be notified of the interim meeting with the City Attorney's Office, to which CITY ATTORNEY JERBIC replied that all those interested in attending should accompany him to his office after this meeting to provide him with the necessary contact information, noting that all the issues could be better aired at that meeting. Moreover, he pointed out that a Business Impact Statement was done for this bill, which required notification to people in the industry and publication in the newspaper. MS. BOJORQUEZ rejoined that JONI MOSS, Vice President, Nevada Wedding Association, was very helpful in notifying people in the industry

MIKE CARTER, Heavenly Bliss Wedding Chapel, objected to the generalization that all "handbillers" are the same. He was previously employed with A Las Vegas Garden of Love, whose owners encouraged aggressive behavior. The Heavenly Bliss chapel owner is a responsible employer who polices his employees and stresses to them that any aggressive behavior on their part would only tarnish the industry. He concurred with the previous comment that the distance separation, no matter how far, would not stop aggressive "handbillers." MS. BOJORQUEZ added that "handbillers" provide a necessary service, because not all couples that come to Las Vegas to get married make pre-arrangements.

CHARLOTTE RICHARDS, Little White Wedding Chapel, was concerned that the 100-foot distance separation measures to the edge of the sidewalk, where the limousines park. Therefore, she supported the increased distance suggestion. She emphasized that her clients still complain about aggressive "handbillers." MS. MOSS interjected that she too continues to receive calls about the ongoing issues with "handbillers."

WILMA HERRERA, owner of Allure Wedding Chapel, said she has been in business for two years, and she monitors her "handbillers" to avoid any problems. But the real problem lies with the "handbillers," and they are the ones that should be required to undergo background checks. MR. ALEXANDER argued that hardening laws would not deter "handbillers" who already break the law. COUNCILMAN BARLOW conceded that there would be those that would persist in committing wrongful actions. However, the intent of this bill is to invert the situation by holding licensees responsible

JUPITER DESPHY, Heavenly Bliss Wedding Chapel, agreed with COUNCILMAN BARLOW that chapel owners should bear the responsibility to properly screen, monitor and train their employees, which is exactly what he has done. Not all "handbillers" should be punished for the actions of a few. He said that increasing the proposed 100-foot distance separation would surely put him out of business, because he relies on "handbillers" to advertise. There are still some issues, but the problems have substantially decreased since the City revoked the license of A Las Vegas Garden of Love. In fact, two former employees of A Las Vegas Garden of Love now work for him and they are very good employees, mainly because he does not condone aggressive

RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

behavior. He stressed that he would not want to be put out of business because of so much bureaucracy. There should be a better way to police

MS. PARRAGUIRRE countered that for many years she tried to address the problems by calling in customers' complaints to Metro, which would respond and make arrests occasionally, but the problem persisted until the City Council became involved. She insisted that increasing the distance to at least 150 feet would help couples obtain a marriage license without being approached by "handbillers." She mentioned that A Las Vegas Garden of Love tarnished the business so much, that her office still receives calls from out-of-town couples wondering if their wedding was legal

REVEREND GARY KIRSCHBAUM, owner of Joyful Hearts Wedding Chapel, opposed any distance requirements over 100 feet, noting that his business depends on "handbillers" to get flyers to couples. Too much distance would make it difficult for chapel owners to make a living. The scrutiny of "handbillers" should be left to the chapel owners.

MS. RICHARDS said that perhaps the answer to all these problems would be to limit the number of "handbillers" a chapel could have in the field, noting that "handbillers" have driven down her business, because she only advertises

EMILY ROSE GARCIA, owner of Heavenly Bliss Wedding Chapel, said that, as a single parent of four, she learned the chapel business on her own to sustain her family. She noted that not all chapel owners can afford to advertise. She relies on "handbillers" to generate business for her. But she feels she is helping them, too, because many of the "handbillers" that work for her have been homeless. She assured the Committee members that she scrutinizes the applicants to protect her business, because she cannot afford to lose it.

COUNCILWOMAN TARKANIAN submitted a map depicting the suggested distances of 100, 150 and 200 feet, and she noted that the 150-foot distance is reasonable. A copy of the map is included in the minutes.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.

1 **BILL NO. 2008-20**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO ESTABLISH ADDITIONAL LICENSING REQUIREMENTS AND
4 REGULATIONS APPLICABLE TO WEDDING CHAPELS, AND TO PROVIDE FOR OTHER
RELATED MATTERS.

5 Sponsored by: Councilman Gary Reese

Summary: Establishes additional licensing
requirements and regulations applicable to
wedding chapels.

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

9 SECTION 1: Title 6, Chapter 84, Section 10, of the Municipal Code of the City of
10 Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

11 **6.84.010:** (A) No person shall engage in the business of operating a wedding chapel without
12 first obtaining and thereafter maintaining a valid unexpired license pursuant to this Code. The City
13 Council finds and determines that the operation of a wedding chapel should require a privileged
14 license, and is therefore subject to the provisions of Chapter 6.06.

15 (B) In addition to any requirement of Chapter 6.06 otherwise applicable, each
16 employee or agent of a wedding chapel business, including an independent contractor, who will
17 engage in the solicitation of business or the distribution of advertising materials for the wedding
18 chapel must comply with applicable provisions of Chapters 6.42 and 6.62.

19 SECTION 2: Title 6, Chapter 84, of the Municipal Code of the City of Las Vegas,
20 Nevada, 1983 Edition, is hereby amended by adding thereto a new Section 60, reading as follows:

21 **6.84.060:** Between the hours of 7:00 a.m. and midnight, no officer, employee or agent of a
22 wedding chapel, including an independent contractor, may solicit business for the chapel at a location
23 within one hundred feet of the primary public entrance to the Marriage Bureau (or any successor
24 location within the City wherein marriage licenses are applied for and received).

25 SECTION 3: The provisions of this Ordinance shall apply to wedding chapels
26 licensed before or subsequent to the adoption of this Ordinance, except that existing licensees need
27 not apply for a new privileged license unless otherwise required by the Director of Finance and
28 Business Services.

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

9 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared
10 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is
11 required or the failure to do any act is made or declared to be unlawful or an offense or a
12 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall
13 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than
14 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such
15 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

19 PASSED, ADOPTED and APPROVED this _____ day of _____, 2008.

20 APPROVED:

21 By _____
22 OSCAR B. GOODMAN, Mayor

23 ATTEST:

24 _____
25 BEVERLY K. BRIDGES, CMC
City Clerk

26 APPROVED AS TO FORM:

27 Valsted 3-19-07
28 _____
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2008, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the _____ day of
5 _____, 2008, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE" _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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BUSINESS IMPACT STATEMENT
BILL NO. 2008-20
(Establishes additional licensing requirements and regulations
applicable to wedding chapels)

This business impact statement was prepared pursuant to NRS 237.090 to address the impact of a proposed ordinance, Bill No. 2008-20, that would establish additional licensing requirements and regulations applicable to wedding chapels.

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.

Comments were solicited through a local wedding chapel association, as well as from 10-15 representatives of existing operators. Several responses were received, none of which objected to the impact on business operations, and several of which suggested additional limitations that potentially would have an even greater business impact. Copies of the responses may be obtained from the Business License Division of the Department of Finance and Business Services.

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:

- Additional licensing requirements and processes, principally applicable to new operators
- Potentially negative impact from the limitation on business solicitations near the local Marriage Bureau

Beneficial effects:

By allowing for greater scrutiny of licensees and limiting solicitation activities near the Marriage Bureau, the proposed rule will help restore credibility and image to the industry and to the City

Direct effects:

As indicated above

Indirect effects:

As indicated above

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:

None considered in response to the input referred to above

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

No appreciable additional cost

5. If the proposed rule provides for a new fee or increases an existing fee, the total annual amount expected to be collected is:

Not applicable

6. If the proposed rule provides for a new fee or increases an existing fee, the money generated by the new fee or increase in existing fee will be used by the local government to:

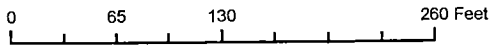
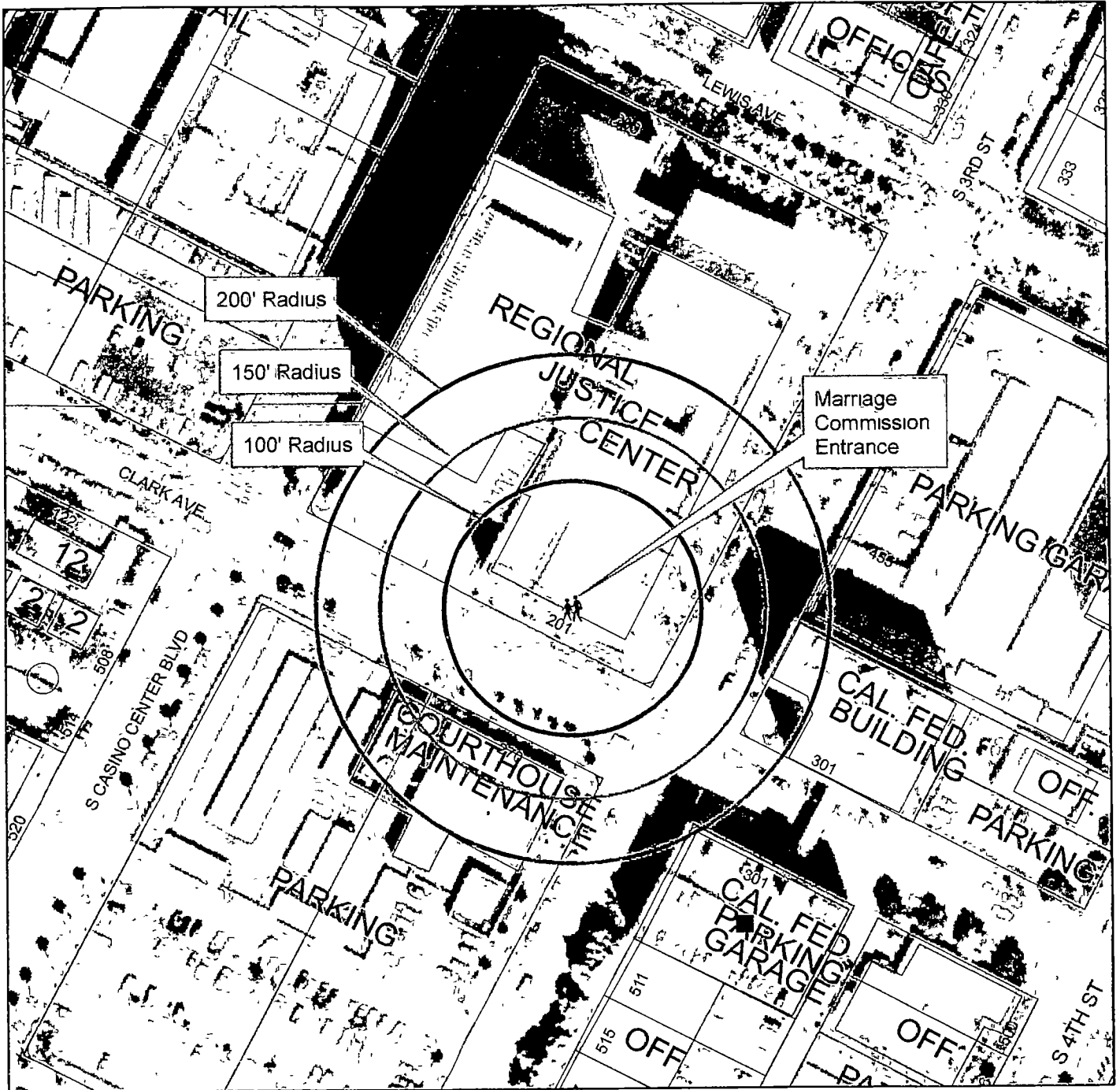
Not applicable

7. If 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:

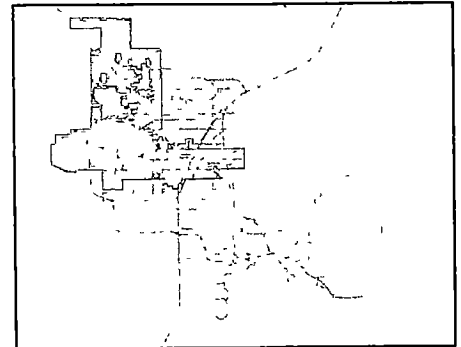
Not applicable

Date: March 19, 2008

Marriage Commision Radii Map



GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
 Geographic Information System
 Planning & Development Dept.
 702-229-6301



#3
5/20/08

AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2008-26 – Annexation No ANX-23103 – Property location: Within the area bounded by Witch Mountain Road on the west, Moccasin Road on the north, Shaumber Road on the east, and Iron Mountain Road on the south; Petitioned by Southwest Desert Equities, LLC, et al.; Acreage: Approximately 605 acres; Zoned: R-U and P-F (County zoning), R-E, U (PCD) and U (PF) (City equivalents). Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The proposed ordinance annexes certain real property generally located within the area bounded by Witch Mountain Road on the west, Moccasin Road on the north, Shaumber Road on the east, and Iron Mountain Road on the south. The annexation is at the request of the majority of property owners within the area, with a statement of non-objection having been filed by the Bureau of Land Management as to parcels it owns. The annexation process has now been completed in accordance with the NRS and the final date of annexation (June 13, 2008) is set by this ordinance.

RECOMMENDATION:

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

BACKUP DOCUMENTATION:

Bill No. 2008-26 and Location Map

Motion made by RICKI Y. BARLOW to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

LOIS TARKANIAN, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

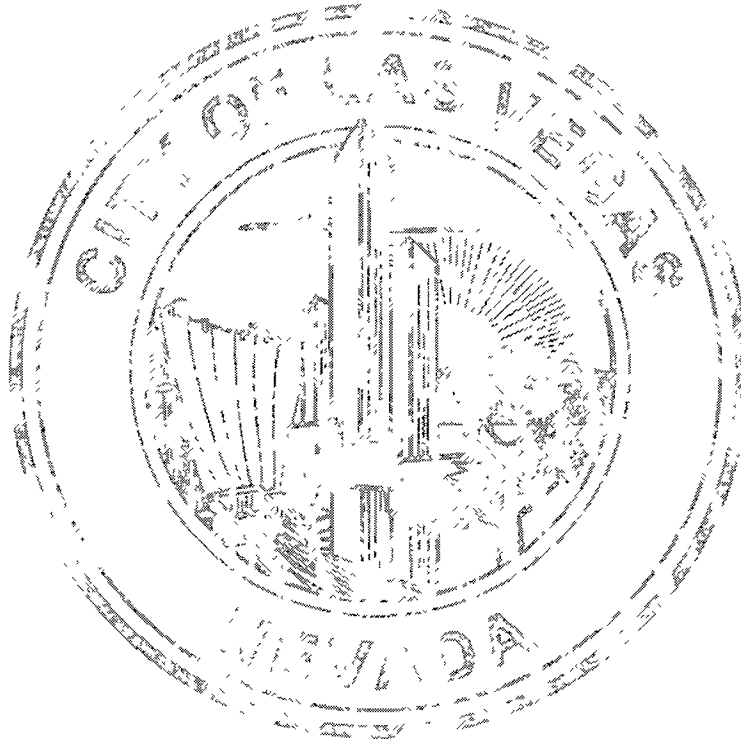
COUNCILWOMAN TARKANIAN declared the Public Hearing open

RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

CHIEF DEPUTY CITY ATTORNEY STEED paraphrased the Purpose/Background section, noting that a public hearing was held. The blank on Page 4 of this bill should be zero because no protests were received. Should that change, the blank would be filled in accordingly. He recommended approval.

CHRIS DINGLE, 3455 Cliff Shadows Parkway, questioned the future general plan designations for parcels zoned R-E. CHIEF DEPUTY CITY ATTORNEY STEED said he was not certain. The ordinance requires that the zoning classifications be called out to equate the closest City classification to that in the County. He offered to obtain the information from the Planning and Development Department and provide it to MR. DINGLE the following day.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



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BILL NO. 2008-26

ORDINANCE NO. _____

AN ORDINANCE TO EXTEND THE BOUNDARIES OF THE CITY, TO PARTICULARLY DESCRIBE THE LAND TO BE ANNEXED, TO MAKE ITS INHABITANTS SUBJECT TO THE LAWS, OBLIGATIONS AND BENEFITS OF THE CITY, AND TO PROVIDE FOR OTHER RELATED MATTERS. (ANX-23103)

Sponsored by: Councilman Steven D. Ross Summary: Annexes property described generally as located within the area bounded by Witch Mountain Road on the west, Moccasin Road on the north, Shaumber Road on the east, and Iron Mountain Road on the south.

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

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

Those portions of the West Half (W 1/2) of Section 1 and those portions of Section 2, Township 19 South, Range 59 East, M.D.M., in County of Clark, State of Nevada, including the dedicated right-of-way and portions of KYLE CANYON ROAD (100 feet wide as measured from centerline thereof) as shown on the 2nd Amended Record of Survey in File 169, Page 61 of Clark County, Nevada Records, described as follows:

BEGINNING at the southeast quarter corner of said Section 2; thence along the south line of the Southeast Quarter (SE 1/4) of said Section 2, North 89°00'36" West 2656.56 feet to the south quarter corner of said Section 2; thence along the south line of the Southwest Quarter (SW 1/4) of said Section 2, North 89°02'53" West 1327.27 feet; thence departing said south line, North 00°49'35" East 2744.31 feet; thence North 89°44'33" West 667.00 feet,

1 thence South 00°42'23" West 683.92 feet; thence North 89°34'51" West
2 333.07 feet; thence South 00°43'17" West 341.49 feet; thence South
3 89°30'00" East 332.86 feet; thence South 00°45'23" West 342.05 feet; thence
4 North 89°24'40" West 332.65 feet; thence South 00°43'17" West 1366.18 feet
5 to the south line of the Southwest Quarter (SW 1/4) of said Section 2; thence
6 along said south line North 89°02'53" West 331.82 feet to the southwest
7 quarter corner of said Section 2; thence along the west line of said Southwest
8 Quarter (SW 1/4), North 00°41'11" East 2728.16 feet to the west quarter
9 corner of said Section 2; thence along the west line of the Northwest Quarter
10 (NW 1/4) of said Section 2, North 00°43'27" East 681.86 feet; thence
11 departing the west line of said Northwest Quarter (NW 1/4), South 89°57'14"
12 East 333.80 feet; thence North 00°44'55" East 683.09 feet; thence North
13 89°50'05" East 334.12 feet; thence North 00°46'59" East 1363.99 feet to the
14 north line of the Northwest Quarter (NW 1/4) of said Section 2; thence along
15 said north line, North 89°38'17" East 2009.04 feet to the north quarter corner
16 of said Section 2; thence along the north line of the Northeast Quarter
17 (NE 1/4) of said Section 2, North 89°53'01" East 2673.20 feet to the northeast
18 quarter corner of said Section 2; thence along the east line of said Section 2,
19 South 01°08'23" West 2771.13 feet to the east quarter corner of said Section
20 2; thence continuing along said east line, South 01°05'49" West 698.85 feet;
21 thence departing said east line, North 88°47'59" East 1344.23 feet; thence
22 South 01°03'45" West 341.17 feet to the centerline of said KYLE CANYON
23 ROAD; thence along said centerline, South 86°17'56" West 1348.08 feet to
24 the east line of the Southeast Quarter (SE 1/4) of said Section 2; thence along
25 said east line, South 01°05'49" West 1696.51 feet to the POINT OF
26 BEGINNING.

27 BASIS OF BEARINGS: North 01°05'49" East being the west line of the
28 Southwest Quarter (SW 1/4) of Section 1, Township 19 South, Range 59
East, M.D.M., as shown on Record of Survey in File 146, Page 59 of Clark
County, Nevada Records.

Prepared by:
Brian Yu, PLS
Public Works, City of Las Vegas,
731 S. Fourth Street,
Las Vegas, NV 89101
byu@lasvegasnevada.gov

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

(A) The area to be annexed was contiguous to the City's boundaries at the
time the annexation proceedings were instituted;

(B) More than one-eighth (1/8) of the aggregate external boundaries of the
area are contiguous to the City;

(C) The territory proposed to be annexed is not included within the
boundaries of another incorporated city or within the boundaries of any unincorporated town

1 as those boundaries existed as of July 1, 1983;

2 (D) The territory in question is eligible to be annexed to the City because:

3 (1) With respect to territory not owned by a governmental entity,
4 the owners of record of not less than 75 percent of the individual lots or parcels of land
5 within the territory have petitioned the City to annex the territory.

6 (2) With respect to territory owned by a governmental entity, the
7 City has received a written statement from the governmental entity indicating that it owns
8 the territory and does not object to the City's annexation of the territory.

9 (E) In compliance with the procedural requirements of NRS Chapter 268,
10 the City is authorized to annex the territory in question because:

11 (1) In accordance with NRS 268.584, the City Council, on March
12 5, 2008, adopted a resolution of intent to annex, along with the form of a notice of public
13 hearing to be provided to property owners within the annexation area, and set a public
14 hearing for April 16, 2008.

15 (2) In accordance with NRS 268.578 and 268.588, the City
16 Council, on March 19, 2008, approved an annexation report and made it available for
17 inspection and copying thereafter.

18 (3) In accordance with NRS 268.586, the City mailed by certified
19 mail, return receipt requested, a copy of the notice of public hearing to the owners of the
20 property within the annexation area, as determined with reference to the records of the Clark
21 County Assessor.

22 (4) In accordance with NRS 268 586, the City had the notice of
23 public hearing published in a newspaper of general circulation within the territory to be
24 annexed, on three separate occasions in compliance with the requirements of NRS 268.586.

25 (5) In accordance with NRS 268.590, the City Council held a
26 public hearing on April 16, 2008, at which time persons who wished to be heard concerning
27 the matter were given that opportunity. During the public hearing, and within the 15-day
28 period following the public hearing, the number of property owners who protested the

1 annexation, namely _____, was less than a "majority of the property owners" as defined by
2 NRS 268.574(3).

3 (6) In accordance with NRS 268.592, because less than a majority
4 of the property owners protested the annexation, the territory may be annexed by the City.

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

23 SECTION 4: The annexation of the described territory shall become
24 effective on the 13th of June, 2008, and on that date the City will have the funds appropriated
25 in sufficient amount to finance the extension into the described territory of police protection,
26 fire protection, street maintenance, street sweeping, and street lighting maintenance.

27 SECTION 5: The described territory, together with the inhabitants and
28 property thereof, shall, from and after the 13th day of June, 2008, be subject to all debts,

1 laws, ordinances and regulations in force in the City and shall be entitled to the same
 2 privileges and benefits as other parts of the City, and shall be subject to municipal taxes
 3 levied by the City.

4 SECTION 6: The City Engineer is hereby instructed to cause to be prepared
 5 an accurate map or plat of the described territory and to record the map or plat, together with
 6 a certified copy of this ordinance, in the office of the County Recorder of Clark County,
 7 Nevada, which recording shall be done prior to the 13th day of June, 2008.

8 SECTION 7: The described territory, which previously has been zoned in
 9 accordance with the County of Clark classifications described below, is hereby classified
 10 with the City of Las Vegas classifications that are set forth below, which are deemed to be
 11 the equivalents of the County classifications:

PROPERTY DESCRIPTION (BY APN)	COUNTY CLASSIFICATION	CITY CLASSIFICATION
126-02-101-005 126-02-402-005 126-02-801-003 126-02-801-006 126-02-801-017	P-F	U (PF)
126-02-101-003 126-02-101-004 126-02-101-006 126-02-101-007 126-02-101-011 126-02-101-012 126-02-101-013 126-02-201-002 126-02-201-004 126-02-201-005 126-02-201-007 126-02-201-009 126-02-201-013 126-02-201-019 126-02-301-003 126-02-301-004 126-02-301-012 126-02-402-001 126-02-402-006 126-02-601-016 126-02-701-011 126-02-701-014 126-02-701-015	R-U	R-E
All other parcels	R-U	U (PCD)

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

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

13 PASSED, ADOPTED and APPROVED this ____ day of _____,
14 2008.

15 APPROVED:

16
17 By OSCAR B. GOODMAN, Mayor

18 ATTEST:

19 BEVERLY K. BRIDGES, CMC
20 City Clerk

21 APPROVED AS TO FORM:
22 Valstead 4-24-08
23 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council
2 on the ____ day of _____, 2008, and referred to the following committee
3 composed of _____ and _____ for
4 recommendation; thereafter the said committee reported favorably on said ordinance on the
5 ____ day of _____, 2008, which was a _____ meeting of
6 said Council; that at said _____ meeting, the proposed ordinance was
7 read by title to the City Council as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

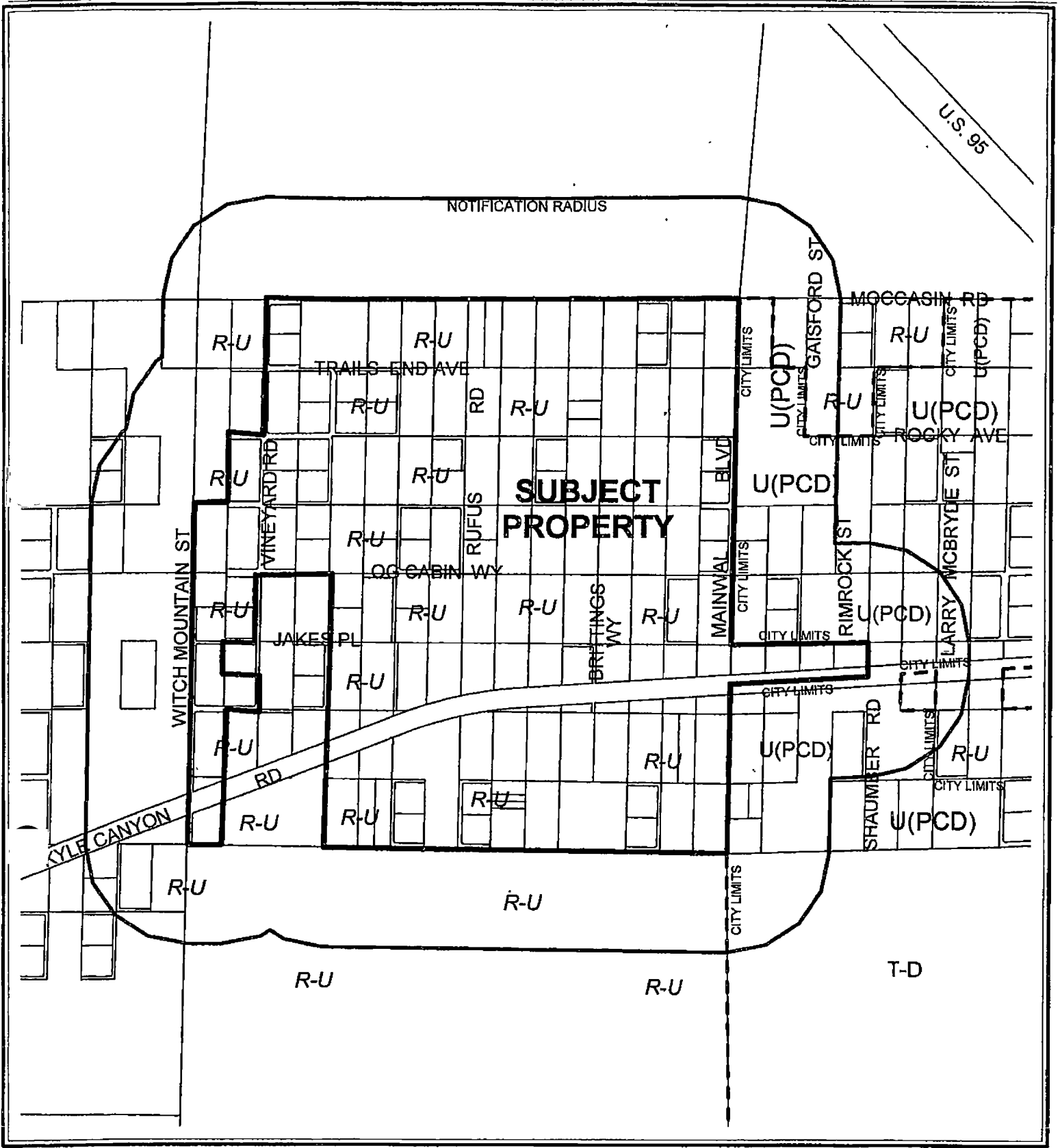
10 ABSENT: _____

11 APPROVED:

12
13 By OSCAR B. GOODMAN, Mayor

14
15 ATTEST:

16 _____
17 BEVERLY K. BRIDGES, CMC
18 City Clerk



CASE: ANX-23103

RADIUS: 1000 FT

0 1000 2000 Feet



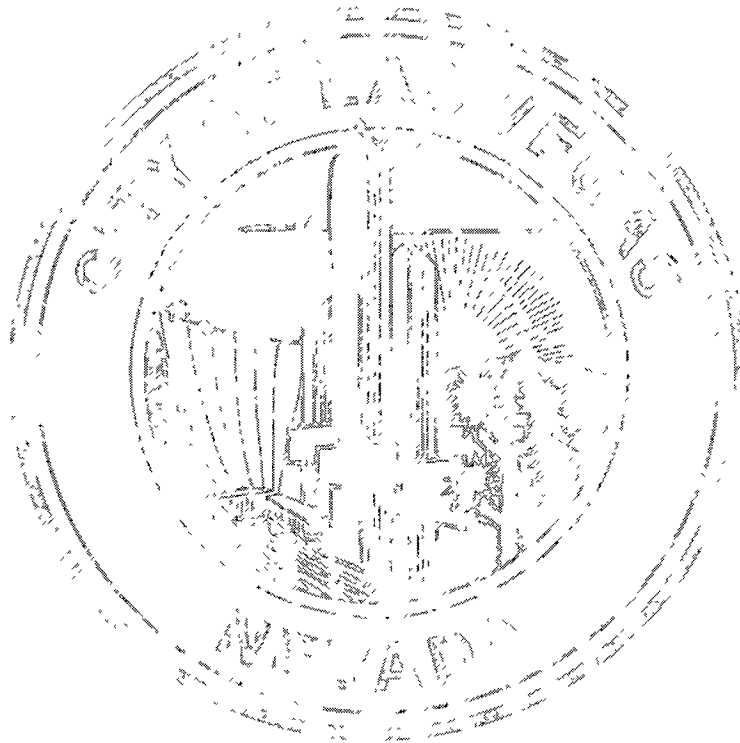
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

CITIZENS PARTICIPATION: Public comment during this portion of the agenda must be limited to matters within the jurisdiction of the committee. No subject may be acted upon by the committee unless that subject is on the agenda and is scheduled for action. If you wish to be heard, come to the podium and give your name for the record. The amount of discussion on any single subject, as well as the amount of time any single speaker is allowed, may be limited.

Minutes:
None.



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: MAY 20, 2008

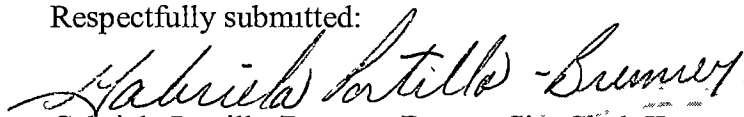
DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:
ADJOURNMENT

Minutes
The meeting was adjourned at 5:21 p.m.

Respectfully submitted:



Gabriela Portillo-Brenner, Deputy City Clerk II
May 29, 2008

