

# City of Las Vegas

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**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>  
JUNE 17, 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. 2008-28 - Ordinance Creating Special Improvement District No. 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) Sponsored by: Step Requirement - Ward 6 (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.

A2 ✓

# City of Las Vegas

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

City Clerk's Bulletin Board, City Hall Plaza, 2<sup>nd</sup> 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: JUNE 17, 2008**

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**DEPARTMENT: CITY CLERK**  
**DIRECTOR: BEVERLY K. BRIDGES**

**SUBJECT:**  
**CALL TO ORDER**

Minutes

COUNCILWOMAN TARKANIAN called the meeting to order at 4:01 p.m.

PRESENT: COUNCILMEMBERS TARKANIAN and BARLOW

Also Present: CITY MANAGER STEVE HOUGHENS, CITY ATTORNEY BRAD JERBIC,  
CHIEF DEPUTY CITY ATTORNEY VAL STEED and DEPUTY CITY CLERK DEENY  
ARAUJO



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

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**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, and Grant Sawyer Building, 555 E. Washington Avenue.



**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 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 6/17/2008 Recommending Committee meeting by the 5/20/2008 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 – Bill No. 2008-20 First Amendment

Motion made by LOIS TARKANIAN to Approve as Do Pass with a First Amendment

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.

With copies of the Proposed First Amendment made available to those in attendance, CITY ATTORNEY BRAD JERBIC, provided specific details regarding the revisions to Bill No. 2008-20. With regard to the privileged license, he stated that this will be a requirement for all new wedding chapel operators.

**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

In the case of existing licenses soon to expire, CITY ATTORNEY JERBIC explained that BUSINESS SERVICES MANAGER JIM DiFIORE will have the discretionary ability to determine whether a privileged license is required or not. That discretion will be based on whether there is cause for concern, i.e., criminal charges for aiding and abetting or any prior offense or prosecution.

COUNCILMAN BARLOW asked what the penalty would be for violation of the law. Depending on the severity of the offense, CITY ATTORNEY JERBIC stated that an individual may receive up to six months of jail time and possibly a fine; again depending on whether there is cause for concern. With regard to COUNCILMAN BARLOW'S question as to chapels being held responsible for their employees' actions, CITY ATTORNEY JERBIC replied that if there is a case of chronic conduct, and a finding that the rules and regulations were not abided by, the Council could refuse the privileged license.

With regard to the distance allowance, CITY ATTORNEY JERBIC noted that the initial 100 foot separation did not regulate the street areas. He referred to an illustration he had drawn and which is referred to as Exhibit "A" of the Proposed First Amendment. The illustration also indicates the areas owned by the City of Las Vegas and by Clark County. Without getting into the full context of the First Amendment, CITY ATTORNEY JERBIC stated that its purpose is to define and regulate solicitation zones in an effort to eliminate confrontations, threats and harassment of potential clients as well as competitors while still allowing handbillers to distribute their brochures providing they remain within the designated zones. Additionally, CITY ATTORNEY JERBIC noted that SHIRLEY PARRAGUIRE, Clark County Clerk, offered to have handbill racks installed.

CITY ATTORNEY BRAD JERBIC recommended Do Pass.

MR. DiFIORE was asked to comment on the areas where handbillers are allowed and he confirmed that the location is defined as previously indicated by CITY ATTORNEY JERBIC and the restricted hours are regulated by the City of Las Vegas Municipal Code.

CHIEF DEPUTY CITY ATTORNEY VAL STEED reiterated that the map reflecting the separation zones are included as an attachment to the Proposed First Amendment. CITY ATTORNEY JERBIC acknowledged that the designated zones would be indicated by painted areas.

JUPITER DESPHY, Heavenly Bliss Wedding Chapel, spoke in support of using handbillers. He expressed his concern stating that wedding chapels have first amendment rights and if taken away, would be morally wrong.

CITY ATTORNEY JERBIC stated that technically if this is a government-related instance, then government has the ability to restrict.

**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

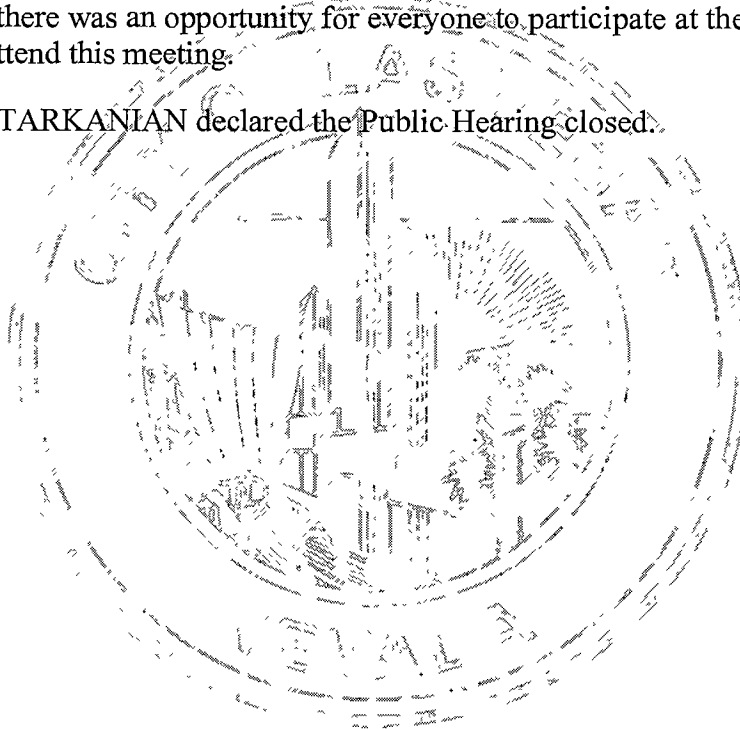
Referring to the handbillers, COUNCILMAN BARLOW stated that the owner/operator who hires an individual is ultimately responsible to ensure that the handbiller abides by the rules and regulations.

CLIFF EVARTS, Vegas Wedding Chapel, stated that he does not have handbillers but he would support the ordinance. He noted that the rules have changed many times, but he will always comply with what the City wants.

JONI MOSS, Nevada Wedding Association, agreed with MR. EVARTS' comments and felt the ordinance will work for the small chapels as long as it is enforced.

With COUNCILMAN BARLOW stating that he had received a number of emails from several wedding chapel operators, CITY ATTORNEY JERBIC also acknowledged meeting with several solicitors. To ensure there was an opportunity for everyone to participate at the public hearing, they were invited to attend this meeting.

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 Val Steed 3-19-08  
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: \_\_\_\_\_

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APPROVED:

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By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

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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

1 PROPOSED FIRST AMENDMENT

2 BILL NO. 2008-20

3 ORDINANCE NO. \_\_\_\_\_

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

6 Sponsored by: Councilman Gary Reese Summary: Establishes additional licensing  
7 requirements and regulations applicable to  
wedding chapels.

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

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

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

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

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

22 **6.84.060:** (A) During the prohibited time period, no officer, employee or agent of a wedding  
23 chapel, including an independent contractor, may solicit business for the chapel at a prohibited  
24 location.

25 (B) For purposes of this Section:  
26 (1) "Prohibited time period" means the period commencing one hour before  
27 the Clark County Marriage Bureau opens for business each day and ending one hour after the Marriage  
28 Bureau closes for that day.

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(2) "Prohibited location" means:

(a) Any portion of the City-owned sidewalk area along the west side of Third Street for a distance of 170 feet north of the centerline of Clark Avenue, except for the area described in Paragraph (1) of Subsection (C) of this Section; and

(b) Any portion of the City-owned sidewalk area along the north side of Clark Avenue for a distance of 200 feet west of the centerline of Third Street, except for the area described in Paragraph (2) of Subsection (C) of this Section.

(C) The following areas, being more particularly delineated on Exhibit "A" that is attached to Ordinance No. \_\_\_\_, are excluded from the definition of "prohibited location" in Paragraph (2) above:

(1) That 3 foot wide strip of sidewalk, adjacent to and running parallel with the existing back of curb line of Third Street beginning at the Easterly curb return of Clark Avenue and said Third Street and extending Northeasterly along said Third Street, 50 feet; and

(2) That 3 foot wide strip of sidewalk, adjacent to and running parallel with the existing back of curb line of Clark Avenue beginning at the Westerly curb return of Third Street and said Clark Avenue and extending Northwesterly along said Clark Avenue, 50 feet.

(D) The City shall designate on City sidewalks, with appropriate markings:

(1) The westerly and northerly boundaries of the prohibited locations described in Paragraph (2) of Subsection (B) of this Section, and

(2) The locations of the areas excluded from the definition of "prohibited location" pursuant to Subsection (C) of this Section.

(E) The provisions of this Section:

(1) Apply only to property owned by the City; and  
(2) Do not affect any other property, or the application of any laws or rules that govern such other property.

(F) Following the adoption of Ordinance No. \_\_\_\_, the City shall prepare a final map or diagram that depicts the prohibited locations and the areas excepted therefrom. The map or diagram shall be filed with the City Clerk. A copy thereof shall be maintained in the office of the

1 Department of Finance and Business Services, and copies shall be made available to the public upon  
2 request.

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

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

15 SECTION 5: Whenever in this ordinance any act is prohibited or is made or declared  
16 to be unlawful or an offense or a misdemeanor, or whenever in this ordinance the doing of any act is  
17 required or the failure to do any act is made or declared to be unlawful or an offense or a  
18 misdemeanor, the doing of such prohibited act or the failure to do any such required act shall  
19 constitute a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than  
20 \$1,000.00 or by imprisonment for a term of not more than six months, or by any combination of such  
21 fine and imprisonment. Any day of any violation of this ordinance shall constitute a separate offense.

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

PASSED, ADOPTED and APPROVED this \_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED:

By OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC  
City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the  
2 \_\_\_\_\_ day of \_\_\_\_\_, 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 amended and adopted by the following vote:

8 VOTING "AYE": \_\_\_\_\_

9 VOTING "NAY": \_\_\_\_\_

10 ABSENT: \_\_\_\_\_

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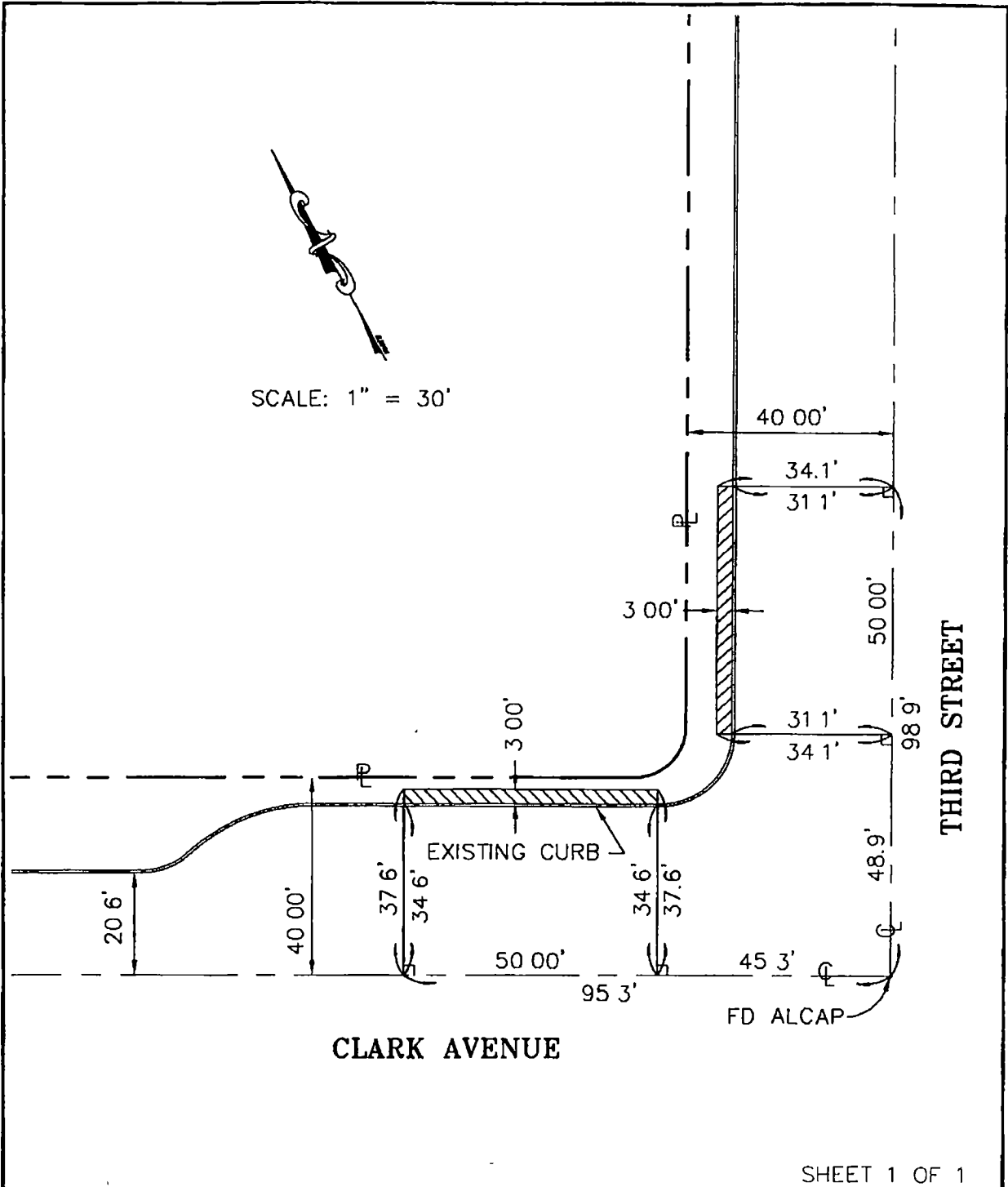
APPROVED:

By \_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

ATTEST:

\_\_\_\_\_  
BEVERLY K. BRIDGES, CMC  
City Clerk

3/20/08



SHEET 1 OF 1



**EXHIBIT "A"**  
 AS-BUILT CURB RETURN @ THE CORNER OF CLARK AVE. & 3RD ST  
 CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

**CITY OF LAS VEGAS - SURVEY**  
 3001 RONEMUS DRIVE, LAS VEGAS, NEVADA 89128 (702) 229-6217

DRAWING: THIRD ST & CLARK  
 DRAWN BY: HJB  
 CHECKED BY: ARR  
 DATE: 06-16-2008

**AGENDA SUMMARY PAGE**

**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

**DEPARTMENT: CITY ATTORNEY**

**DIRECTOR: BRADFORD R. JERBIC**

Consent  Discussion

**SUBJECT:**

Bill No. 2008-28 - Ordinance Creating Special Improvement District No 1511 - Farm Road (Virginia Dale Street to Tule Springs Road) Sponsored by Step Requirement - Ward 6 (Ross)

**Fiscal Impact**

No Impact

Augmentation Required

Budget Funds Available

**Amount:** \$86,354.21

**Funding Source:** Capital Projects Fund - Special Assessments

**Dept./Division:** Public Works/Special Improvement District

**PURPOSE/BACKGROUND:**

The construction and installation of pavement, median islands with left turn lanes and/or continuous left turn lane, "L" type curb and gutter, sidewalks, and streetlights

**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. 2008-28

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.

MIKE THOMPSON, Public Works Department, explained that the proposed Ordinance will create Special Improvement District (SID) No. 1511 for the construction and installation of a Street Project. The entire cost of \$86,354.21 will be levied against the benefited properties as noted in Bill No. 2008-28. He recommended Do Pass.

PATRICK BERGSRUD stated that his residence is the only property located on Farm Road; therefore, he is being assessed the entire cost of \$86,354.21 He asked that approval of the Ordinance be held in order to proceed with improvements. He argued that the City has requested improvements not needed for residential purposes.

**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

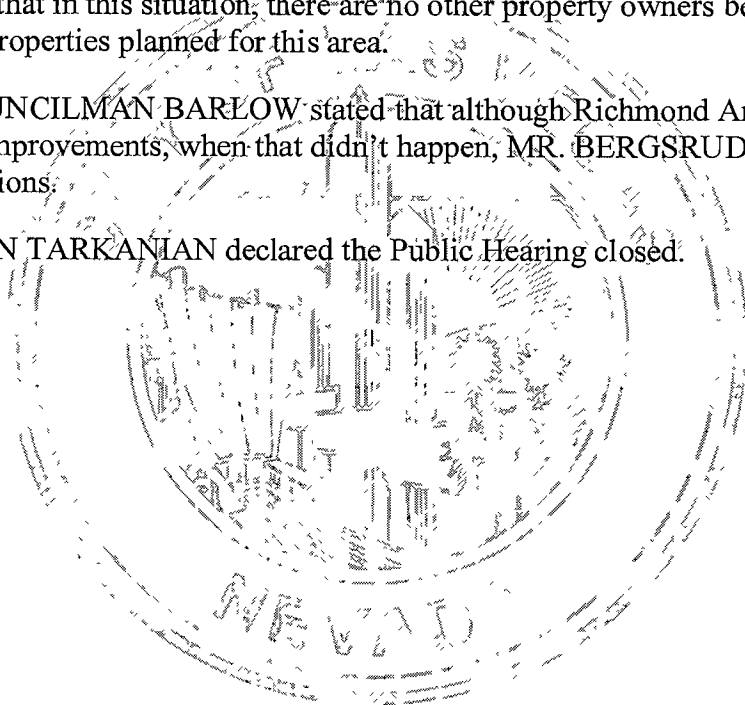
MR. BERGSRUD challenged that the required improvements would have been completed several years prior by Richmond American Homes if the City had not required them to redo the surveys and studies and be responsible for the streets. Having to bear the cost of the SID, MR. BERGSRUD believes he may lose his home.

Addressing MR. BERGSRUD, COUNCILWOMAN TARKANIAN referred to a comment COUNCILMAN ROSS had made to him about having adequate time to comply as this issue has been ongoing for several years. COUNCILMAN BARLOW asked MR. BERGSRUD to state how long ago he was notified of his responsibility for the improvements and when he planned to follow through on them. MR BERGSRUD replied that it was in April of 2004.

COUNCILMAN BARLOW explained that the SID assessments are derived from evaluating an entire area and dividing the cost among all parcels. CHIEF DEPUTY CITY ATTORNEY VAL STEED confirmed that in this situation, there are no other property owners being assessed and there are no other properties planned for this area.

In conclusion, COUNCILMAN BARLOW stated that although Richmond American Homes had planned to do the improvements, when that didn't happen, MR. BERGSRUD did nothing further to fulfill his obligations.

COUNCILWOMAN TARKANIAN declared the Public Hearing closed.



BILL NO. 2008-28

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

Summary: Creation Ordinance

WHEREAS, the City Council of the City of Las Vegas (hereinafter the "City Council" and "City", respectively) in the County of Clark, State of Nevada, has determined and does hereby declare that the public convenience and necessity require, and the City Council deems it necessary to create, the City of Las Vegas, Nevada, Special Improvement District No. 1511 – Farm Road (Virginia Dale Street to Tule Springs Road) (hereinafter the "District"), for the purpose of constructing and improving or acquiring and improving a Street Project as defined in Chapter 271, Nevada Revised Statutes (hereinafter the "Project"), and to defray the entire cost and expense of such Project by special assessments, according to benefits, against the benefited lots, tracts and parcels of land within the District; and

WHEREAS, by a resolution heretofore passed and approved (the "Provisional Order Resolution"), the City Council declared its determination to create the District for the purpose of making the Project, stating therein the character and location of the Project, that the entire expense thereof shall be paid by special assessments, and that the assessments are to be made according to benefits, by apt description designating the District, including the lands to be so assessed and definitely locating the improvements to be made; and

WHEREAS, the City Council has heretofore determined that the entire 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 in the Project; and

WHEREAS, among other documents, the City Engineer together with the City Engineer Division (hereinafter the "Engineer", collectively) made out a preliminary assessment roll and an assessment plat for the District which contains, among other things, the names and addresses of the last known owners of the property to be assessed; a description of each lot, tract, or parcel of land to be assessed; the market value of each lot; the amount of the estimated assessment to be levied thereon; and the amount of

maximum special benefits (and corresponding market value increases); and the Engineer has reported the preliminary assessment roll and assessment plat to the City Council and has prepared and reported the "Engineer's Report to the City Council on Benefits," and has filed the assessment plat, preliminary assessment roll and the Engineer's Report with the City Clerk; and

WHEREAS, pursuant to the Provisional Order Resolution, the City Council gave notice (in the manner specified by NRS 271.305) of the filing of the preliminary plans, assessment plat, preliminary assessment roll, typical section of the contemplated improvements, preliminary estimate of cost, and estimate of maximum benefits (and corresponding market value increases), and of the time and place of a hearing thereon; and

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

WHEREAS, all owners of property to be assessed and interested persons so desiring were permitted to file a written complaint, protest or objection on or before Friday, May 16, 2008, and to appear before the City Council on Wednesday, May 21, 2008, to be heard as to the propriety and advisability of acquiring and improving the Project provisionally ordered, as to the estimated cost thereof, the manner of payment therefor, and as to the amount thereof to be assessed, the benefits estimated to be conferred against each tract, and the corresponding market value increases expected for each tract in the District; and

WHEREAS, the City Council has determined, and does hereby determine, that there are not more than 2,640-feet between existing improvements and that the exception provided by NRS 271.306(2) (b) does exist with respect to the Project; and

WHEREAS, the written and oral objections and protests received were duly considered, and the City Council has determined that it is in the best interests of the City, and the inhabitants thereof, to create the District as theretofore proposed; and

WHEREAS, every written protest and other objection was found to be without sufficient merit and was overruled by the City Council by the Special Improvement District No. 1511 Protest Disposal Resolution; and

WHEREAS, any person filing a written complaint, protest or objection shall have the right, within 30 days after the City Council has finally passed on such complaint, protest or objection to commence an action or suit in any court of competent jurisdiction to correct or set aside such determination; and

WHEREAS, the City Council and the Engineer have done all things necessary and preliminary to the creation of the District, by filing with the City Clerk an accurate estimate of cost, full and detailed, final revised plans and specifications, revised assessment plat, revised final map, and a report on benefits by the Engineer. The City Council desires now to authorize such improvements and work and to create the District by this Ordinance.

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

Section 1. That this Ordinance shall be known as, and may be cited by, the short title "Special Improvement District No. 1511 Creation Ordinance" (the "Ordinance").

Section 2. That the City Council has heretofore determined and does hereby determine that each and every protest and objection made in connection with the District is without sufficient merit and the same be, and the same heretofore have been, by the Special Improvement District No. 1511 Protest Disposal Resolution, overruled, and finally passed upon by the City Council.

Section 3. That the City Council has also determined and does hereby declare as follows:

- (a) The public convenience and necessity require the creation of the District.
- (b) The creation of the District is economically sound and feasible.
- (c) The market value of each of the benefited lots, tracts and parcels of land in the District will be increased by an amount directly attributable to the Project for which the assessment is made.

Section 4. That there hereby is created in the City an improvement district designated as the City of Las Vegas, Nevada, Special Improvement District No. 1511 – Farm Road (Virginia Dale Street to Tule Springs Road) for the purpose of acquiring a Project as more particularly described below. The boundaries of the District, which include the location of the Project and the lots, tracts and parcels of land to be assessed, shall be the exterior boundary of each parcel of property fronting a street to be improved by the improvements (as described below). The streets to be improved by the improvements are:

FARM ROAD (SOUTH SIDE) - from the centerline of Virginia Dale Street west along Farm Road to Tule Springs Road (80-foot right-of-way).

Section 5. That the Project, which is hereby ordered to be acquired, shall be located within the boundaries of the District, and shall be as shown in the final plans and specifications heretofore filed in the City Clerk's office, without minor details being described. The character of the improvements shall be described more particularly as follows:

The project will consist of the grading, regrading, graveling, and asphalt paving, as necessary to complete the south travel lane and an emergency/breakdown lane, "L" type curb and gutter, sidewalks, residential driveway approaches, and streetlights. The streetlights will be installed at the back of the sidewalk at appropriate intervals.

The City Council has determined that the cost of the Project is of special benefit and shall be paid by special assessments against the lots, tracts and parcels of land so benefited.

Section 6. That the estimated total cost of the Project shall be apportioned and assessed as follows:

<u>Total Cost</u>	<u>Amount Available from Other Sources</u>	<u>Estimated Amount of Special Assessments</u>
\$ 86,354.21	\$ 0.00	\$ 86,354.21

The amounts to be assessed for the Project will be levied upon all tracts in the District, i.e., upon all abutting tracts in proportion to the special benefits derived (as shown by the estimated benefits and corresponding market value increases); provided, however, that an equitable adjustment will be made for assessments to be levied against wedge or "V" or other irregularly shaped lots or lands, if any, and for any lot, tract or parcel not specially benefited by the improvements so that assessments according to benefits are equal and uniform.

The assessments will be levied on a front foot method for the installation of pavement, curb, gutter, sidewalk, residential driveways and streetlights and on a square foot method for the installation of residential driveways. Each property owner will be assessed for the cost of a pavement section, curb, gutter, sidewalks, driveway approaches and streetlights, where not already existing.

Such basis of assessments has been designated by the City Council in the Special Improvement District No. 1511 Provisional Order Resolution.

Section 7. That the portion of the costs to be assessed against, and the maximum amount of benefits estimated (and corresponding market value increases) to be conferred upon, each piece or parcel of property in the District is stated in the assessment plat and addendum thereto, as designated preliminary assessment roll. In cases of wedge or "V" or any other irregularly-shaped tracts, the amount apportioned thereto shall be in proportion to the special benefits thereby derived.

Section 8. That the City Engineer, in cooperation with the City, is hereby authorized to advertise for performing the work and making the Improvements in the Las Vegas Review-Journal, a daily newspaper published in Las Vegas, Nevada, and of general circulation in the City. Such notice shall be published at least once, not less than seven days before the opening of bids. The notice shall be in substantially the form provided by the plans, specifications and contract documents.

Section 9. That after the award of the contract, the City Council shall determine the total cost of the work performed, including incidentals, and assessments shall be levied in accordance with the laws of the State, and the City Council shall provide that the assessments may be payable without interest or demand at the election of the owner during a specified cash payment period, or in forty (40) substantially equal semi-annual installments of principal and interest. The City Director of Finance and Business Services shall provide the rate of interest on unpaid installments of assessments which will not exceed the maximum rate of interest permitted under the Nevada Revised Statutes. If assessment bonds are issued, such rate will not exceed more than one percent (1%) of the highest rate of interest on any of the assessment bonds for the District. The effective interest rate on the assessment bonds of the District will not exceed the statutory maximum rate, i.e., will not exceed more than three percent (3%) the "Index of Twenty Bonds", which shall have been most recently published at the time bids for the bonds are received, or at a time a negotiated offer for the sale of such bonds is accepted. If assessment bonds are not issued, such rate will not exceed 9%.

Section 10. That all action, proceedings, matters and things heretofore taken, had and done by the City, and the officers thereof, (not inconsistent with the provisions of this Ordinance) concerning the District, including, but not limited to, the performing of all prerequisites to the creation of the District, the acquisition of the Improvements, the specially benefited property therein, the determination that the lots,

tracts and parcels of land in the District will receive special benefits and market value increases, and the levy of assessments for that purpose be, and the same hereby are, ratified, approved and confirmed.

Section 11. That the officers of the City be, and they hereby are, authorized and directed to take all action necessary or appropriate to effectuate the provisions of this Ordinance, including without limiting the generality of the foregoing, the preparation of all necessary documents, legal proceedings, construction contracts, engineering specifications, contract addenda, and other items necessary or desirable for the completion of the levying of the assessments for the District and the issuance of the bonds.

Section 12. That in accordance with NRS 271.325 (6), upon the final adoption of this Ordinance, the City Clerk is hereby authorized and directed to immediately file in the office of the Clark County Recorder a certified copy of the preliminary assessment roll (the list of the tracts to be assessed). The County Recorder is to record such assessment roll for the purpose of establishing the record of lien or liens against the lots, tracts, and parcels of land and the amounts of maximum benefits estimated to be assessed against each tract in the assessment area as set forth in this Ordinance.

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

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

(Form of Publication of Notice of Filing)

Notice of Filing of:

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that an adequate number of typewritten copies of the above-entitled proposed Ordinance were filed with and are available for public inspection and distribution at the office of the City Clerk of the City of Las Vegas, 400 Stewart Avenue, Las Vegas, Nevada, and that such ordinance was proposed on the 4th day of June, 2008, and will be considered for adoption at the regular meeting of the City Council of the City of Las Vegas on the 2nd day of July, 2008.

/s/ Beverly K. Bridges, CMC  
City Clerk

(End of Form of Publication of Notice of Filing)

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

(Form for Publication After Final Adoption of Ordinance)

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CREATING CITY OF LAS VEGAS, NEVADA, SPECIAL IMPROVEMENT DISTRICT NO. 1511 – FARM ROAD (VIRGINIA DALE STREET TO TULE SPRINGS ROAD) PRESCRIBING DETAILS IN CONNECTION THEREWITH AND OTHER MATTERS RELATING THERETO.

PUBLIC NOTICE IS HEREBY GIVEN that the above Ordinance was proposed on June 4, 2008, and was passed at a regular meeting held on July 2, 2008, by the following vote of the City Council of the City of Las Vegas, Nevada:

Those Voting Aye:

Oscar B. Goodman  
Gary Reese  
Larry Brown  
Steve Wolfson  
Lois Tarkanian  
Steven D. Ross  
Ricki Y. Barlow

Those Voting Nay:

\_\_\_\_\_  
\_\_\_\_\_

Those Absent:

\_\_\_\_\_  
\_\_\_\_\_

This Ordinance shall be in full force and effect from and after July 6, 2008, i.e., the day after its publication by title only.

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

This \_\_\_\_\_ day of \_\_\_\_\_, 2008.

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

(SEAL)

Attest:  
/s/ BEVERLY K. BRIDGES, CMC  
City Clerk

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

Introduced June 4, 2008, PASSED, ADOPTED AND APPROVED July 2, 2008.

\_\_\_\_\_  
OSCAR B. GOODMAN, Mayor

Attest:

\_\_\_\_\_  
Beverly K. Bridges, CMC  
City Clerk

Approved as to form:

20MAY08 W Henry  
Date Deputy City Attorney

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

I, Beverly K. Bridges, CMC, the duly chosen, qualified City Clerk of the City of Las Vegas (hereinafter the "City Clerk" and "City", respectively), in the State of Nevada, do hereby certify:

1. The foregoing pages constitute a true, correct, complete and compared copy of an ordinance which was introduced at the meeting of the City Council on June 4, 2008, and finally adopted and approved on July 2, 2008.

2. The following members of the City Council were present at the June 4, 2008, Council meeting:

Mayor:	Oscar B. Goodman
Councilmembers:	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow

3. The foregoing Ordinance was first proposed and read by title to the City Council on June 4, 2008, and referred to a committee composed of \_\_\_\_\_ and \_\_\_\_\_ for recommendation; thereafter the said committee reported favorably on said Ordinance on July 2, 2008, which was a regular meeting of said City Council; that at said regular meeting, the proposed Ordinance was again read by title to the City Council and adopted. The members of the City Council were present at the July 2, 2008, meeting and voted upon the adoption of the Ordinance as follows:

Those Voting Aye:	Oscar B. Goodman
	Gary Reese
	Larry Brown
	Steve Wolfson
	Lois Tarkanian
	Steven D. Ross
	Ricki Y. Barlow

Those Voting Nay: \_\_\_\_\_  
\_\_\_\_\_

Those Absent: \_\_\_\_\_  
\_\_\_\_\_

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

5. All members of the City Council were given due and proper notice of the meetings held on June 4, 2008, and July 2, 2008. Pursuant to § 241.020, Nevada Revised Statutes, written notice of the meetings was given no later than 9:00 a.m. on the third working day before the meetings, including in the notice the time, place, location, and agenda of the meeting:

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

- (i) City Clerk's Bulletin Board  
City Hall Plaza  
2<sup>nd</sup> Floor Skybridge  
Las Vegas, Nevada
- (ii) Bulletin Board  
City Hall Plaza (next door to Metro Records)  
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
- (vi) The City of Las Vegas website

; and

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

6. A copy of such notice so given of the meeting of the City Council on June 4, 2008, is attached to this certificate as Exhibit A and a copy of the notice so given of the meeting of the City Council on July 2, 2008, is attached to this certificate as Exhibit B.

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

on the agenda, except for certain confidential materials and materials pertaining to the closed meetings,  
as provided by law.

**IN WITNESS WHEREOF**, I have hereunto set my hand on this July 2, 2008.

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**BEVERLY K. BRIDGES, CMC**  
City Clerk

(SEAL)

**EXHIBIT A**

**(Attach Copy of Notice of June 4, 2008 Meeting)**

**EXHIBIT B**

**(Attach Copy of Notice of July 2, 2008 Meeting)**

**EXHIBIT C**

**(Attach Affidavit of Publication of Notice of Filing of Creation Ordinance)**

**EXHIBIT D**

**(Attach Affidavit of Publication of Title of Creation Ordinance)**

**AGENDA SUMMARY PAGE**  
**RECOMMENDING COMMITTEE MEETING OF: JUNE 17, 2008**

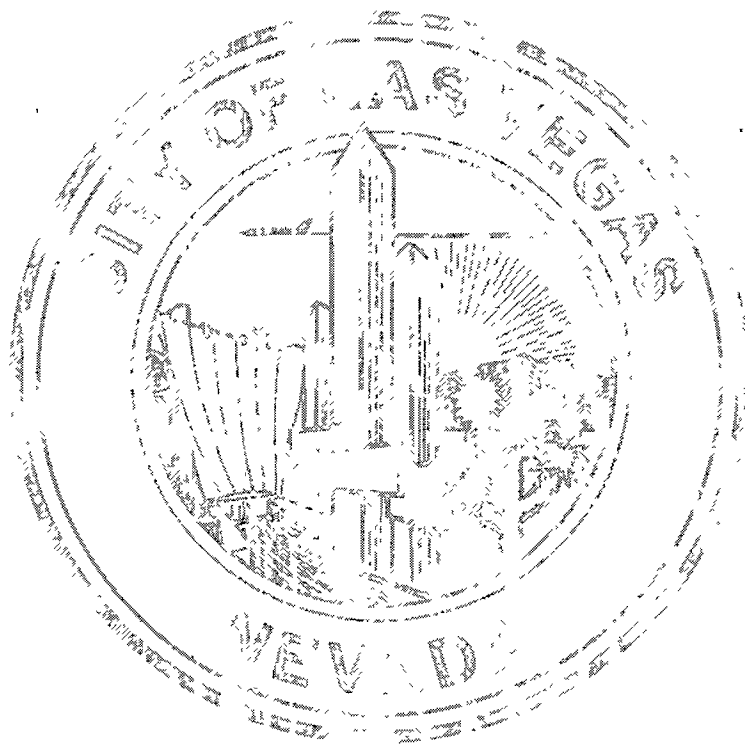
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**DEPARTMENT: CITY CLERK**  
**DIRECTOR: BEVERLY K. BRIDGES**

**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: JUNE 17, 2008**

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**DEPARTMENT: CITY CLERK**  
**DIRECTOR: BEVERLY K. BRIDGES**

Consent  Discussion

**SUBJECT:**  
**ADJOURNMENT**

Minutes:  
The meeting adjourned at 5:10 p.m.

Respectfully submitted:

*Deeny Araujo*

Deeny Araujo  
June 20, 2008

