

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28

• • •

• • •

1 NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY
2 OF LAS VEGAS, NEVADA that the City of Las Vegas hereby supports the development of the Center
3 on a portion of the Site by LVPAC;

4 RESOLVED FURTHER, that the City Council of the City of Las Vegas approves the
5 Memorandum of Understanding between CP and LVPAC ("MOU") which sets forth general terms and
6 conditions upon which CP would be willing to convey a portion of the Site to LVPAC for the
7 development of the Center and approves execution of the MOU (the form of which is attached hereto
8 as Exhibit A) by the officers of CP; and

9 RESOLVED FURTHER, that the City agrees to certain terms of the MOU, specifically,
10 the Exclusivity Provisions of Section 5, the Reservation and Conveyance Provisions of Section 3 and
11 LVPAC's Obligations Provision of Section 4 (to the extent that Sections 3 and 4 apply to the City of
12 Las Vegas) and authorizes the Mayor to execute the MOU on behalf of the City of Las Vegas.

13 RESOLVED FURTHER, that the City Manager of the City of Las Vegas shall be
14 authorized to execute any additional documents necessary for the completion of the City's obligations
15 as contemplated by the MOU, including, but not limited to, approval of any extensions of time to
16 negotiate the DDA.

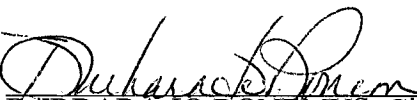
17 THE FOREGOING RESOLUTION was passed, adopted and approved this 21 day
18 of May, 2003.

19 CITY OF LAS VEGAS

20 By: 

21 OSCAR B. GOODMAN, Mayor

22 ATTEST:

23 
24 BARBARA JO RONEMUS, City Clerk

25 APPROVED AS TO FORM:

26  5/9/03
27 Date
28

MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this 21 day of May, 2003, by and between LAS VEGAS PERFORMING ARTS CENTER FOUNDATION, a Nevada non-profit corporation ("LVPAC") and CITY PARKWAY IV, INC., a Nevada non-profit corporation ("CPIV") and CITY PARKWAY V, INC., a Nevada non-profit corporation ("CPV). CPIV and CPV shall collectively be referred to as "CP". LVPAC and CP are sometimes referred to herein collectively as the "Parties."

RECITALS

WHEREAS, CP is the owner of certain real property consisting of an approximately 62-acre site located in the Parkway Center in downtown Las Vegas, Clark County, Nevada and depicted on the Site Map attached hereto as Exhibit A (the "Site");

WHEREAS, LVPAC is a 501 (c) (3) organization dedicated to developing, building and operating a world class performing arts center in the City of Las Vegas, Nevada (the "Center") which will benefit the residents of the City of Las Vegas and Southern Nevada and foster the growth of cultural amenities and economic development in the City of Las Vegas and the region;

WHEREAS, CP, on behalf of the City of Las Vegas (the "City"), desires to develop the Site for the vital and best interests of the City, and the health, safety, morals and welfare of its residents which are in accord with the public purposes and provisions of applicable federal, state and local laws and requirements;

WHEREAS, the Parties desire to enter into this MOU to set forth the general terms and conditions which CP would be willing to convey a portion of the Site to LVPAC for the development of the Center;

WHEREAS, by resolution approving the terms of this MOU, the City has confirmed its support of the development of the Center by LVPAC and its agreement to be bound by certain terms of this MOU.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CP and LVPAC agree as follows:

1. COOPERATION. The Parties agree to cooperate and in good faith expeditiously to negotiate and prepare a disposition and development agreement (the "DDA") whereby CP agrees to convey a portion of the Site to LVPAC to construct and develop the Center. The Parties acknowledge that the City and CP are in the process of developing a master plan for the Site and that any proposed conveyance of real property will be subject to the master plan

and will require the cooperation of all Parties to negotiate in good faith the terms of the DDA.

2. THE CENTER SITE. Subject to the terms of this MOU and the DDA, CP agrees to convey a portion of the Site to LVPAC for the development of the Center (the "Center Parcel"). It is anticipated that the Center Parcel will contain approximately five acres. The exact location and size of the Center Parcel will be determined during the master planning process currently underway for the Site and the Center; provided that final Center Site must be acceptable to LVPAC. As part of the planning process, LVPAC agrees to provide CP with a site layout plan for the Center Parcel containing the following elements: a theatre containing approximately 2,500 seats, a theatre containing approximately 650 seats, common area of approximately 15,000 square feet, together with all ancillary facilities necessary for the operation of the Center, all contained within a building footprint of approximately 200,000 square feet. CP and LVPAC further agree to address parking for the Center as a part of the initial planning process and the negotiation of the DDA. LVPAC acknowledges and agrees that the foregoing provision shall afford the City and CP flexibility to master plan the Site.

3. RESERVATION AND CONVEYANCE. CP agrees, subject to the terms of this MOU and the DDA, to reserve for a period of five (5) years the Center Parcel, as finally determined, for conveyance to LVPAC. From the date hereof through the fifth (5th) anniversary of the effective date of the execution and delivery of the DDA by all parties (the "Reservation Period"), CP agrees that it will make no disposition of any interest in the Center Parcel to any person or entity other than LVPAC, provided that LVPAC achieves the schedule and milestones to be mutually agreed upon and set forth in a Schedule of Performance to be set forth in the DDA. Upon LVPAC achieving the milestones by the dates set forth in such Schedule of Performance, CP agrees to convey to LVPAC, upon LVPAC's written request, good and marketable title to the Center Parcel free and clear of all liens, interests or claims of others, except those provided for in the DDA or agreed to by LVPAC.

The Parties agree that the land will be conveyed to LVPAC solely in consideration of LVPAC's agreement to develop the Center Parcel as provided in the DDA. Upon conveyance of the Center Parcel, LVPAC will undertake to develop, construct and thereafter operate the Center on the Center Parcel consistent with an agreed schedule of development and plan of operation, all as provided in the DDA.

LVPAC agrees that the deed conveying the Center Parcel to LVPAC shall contain a use restriction for the benefit of the City and CP restricting the use of the Center Parcel to a performing arts and educational center and attendant ancillary or compatible uses (including restaurants, retail and other amenities) as authorized and approved by CP and/or the City. CP and the City agree that

the successful operation of the Center will require that the other uses of the Site are compatible with the zoning uses, covenants, conditions and restrictions for an urban village at the Site and agree that they will work with LVPAC to provide for common amenities and development that will maximize the efficiency and success of the development of the Site.

In addition, LVPAC agrees that the DDA will contain a provision allowing CP to reacquire the Center Parcel upon breach of LVPAC's obligation to commence development of the Center as provided in the DDA.

4. LVPAC'S OBLIGATIONS. LVPAC will achieve the milestones and commitments as set forth in the DDA within the time parameters set forth therein in order to provide the City and CP with reasonable assurances that LVPAC can build the Center; that the Center will further the master plan; and that the operations of the Center will constitute a public benefit. In order to facilitate the development, construction and operation of the Center within the Site, the DDA will contain milestones for the construction of infrastructure and other development of the Site by CP and the City. LVPAC and CP acknowledge that, given the status of the development of the Site, various infrastructure issues related to the Site, including, without limitation, design, cost and cost allocation, remain to be resolved. LVPAC and CP hereby acknowledge that during the planning process and the negotiation of the DDA certain infrastructure issues will have to be agreed upon between the parties such as (i) requirements on CP to deliver agreed upon infrastructure improvements to the Site; and (ii) the amount and form of reimbursement, if any, of LVPAC for infrastructure costs allocable to the Center.

LVPAC will acquire the Center Site "as-is" based on LVPAC's own investigations and inspections, including its own environmental review of the property. LVPAC will have a due diligence period in which to investigate and inspect the Center Site, including without limitation the conduct of environmental and geotechnical inspections. The City and CP will not make any representation or warranty as to the condition of the Site or the feasibility of the construction of the Center.

City and CP will have no responsibility for the cost of development and operation of the Center. LVPAC will indemnify the City and CP in connection with any liabilities related to the construction and operation of the Center.

5. EXCLUSIVITY. CP and LVPAC recognize that it is vital to the success of the Center that a unified approach is taken with respect to the development of a performing arts center and that broad community support is generated for the Center. Accordingly, so long as this MOU and the DDA are in effect, the City and CP will deal exclusively with LVPAC with respect to development, construction and operation of a performing arts center; and LVPAC commits that it will endeavor to broaden its base of support to

encompass other groups and individuals who share the goal of developing a world class performing arts center for the people of the City and the region.

6. LIMITATION OF BINDING NATURE OF MEMORANDUM. The obligations of LVPAC and CP as contemplated by this MOU are to negotiate in good faith to arrive at the terms of the DDA, but if the parties, after good faith negotiation, are unable to arrive at a final form of the DDA by September 30, 2003, this MOU will expire without further obligation or liability of either party. Upon the execution and delivery of the formal DDA, the terms of such agreement will supercede the obligations contained herein. LVPAC agrees that this MOU does not create any real property rights whatsoever in the Site in LVPAC and any such rights will be created only by or as set forth in the DDA.

7. EXECUTION IN COUNTERPARTS. This MOU may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute on agreement. To facilitate the execution of this MOU, the parties may execute and exchange by telephone facsimile counterparts of the signature pages.

8. DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, LVPAC warrants that it has disclosed, on Exhibit B attached hereto, all members of the Board of Directors of LVPAC, as well as all persons and entities holding more than 1% interest in LVPAC or any principal of LVPAC. Throughout the term hereof, LVPAC shall notify City Parkway IV and City Parkway V in writing of any material change in the above disclosure within 15 days of any such change.

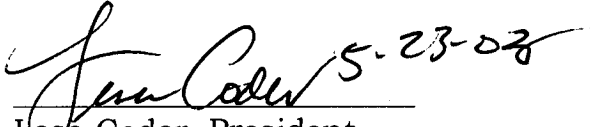
...

...

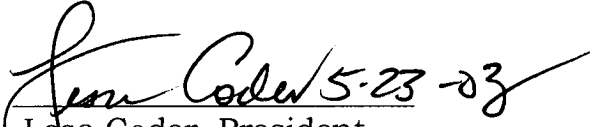
...

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the day and year first above written.

CITY PARKWAY IV, INC.

By:  5-23-03
Lesa Coder, President

CITY PARKWAY V, INC.

By:  5-23-03
Lesa Coder, President

APPROVED AS TO FORM:

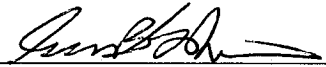
 5/9/03
Date

LAS VEGAS PERFORMING
ARTS CENTER FOUNDATION

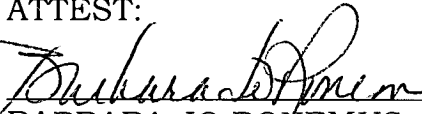
By: 
Its: Chairman

To confirm its agreement to be bound by the Exclusivity Provisions of Section 5 of this MOU.

CITY OF LAS VEGAS

By: 
OSCAR B. GOODMAN, Mayor

ATTEST:

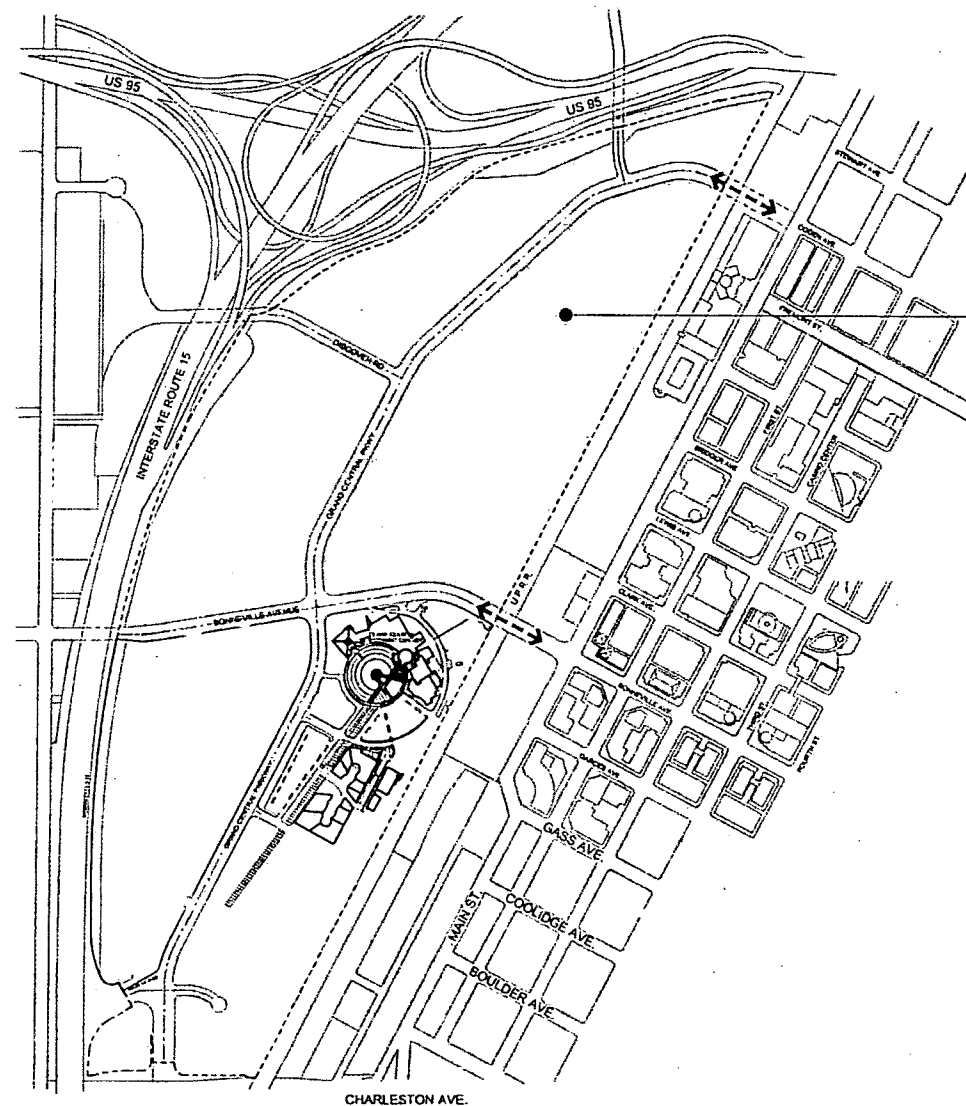

BARBARA JO RONEUMUS, City Clerk

APPROVED AS TO FORM:

 5/9/03
Date

EXHIBIT A

JMA ARCHITECTURE STUDIOS



61 ACRE
CITY OF LAS VEGAS
MASTER DEVELOPMENT

LAS VEGAS PERFORMING ARTS COMPLEX



JMA ARCHITECTURE STUDIOS	
1000 S. LAS VEGAS AVENUE, SUITE 200, LAS VEGAS, NV 89101	
PHONE: (702) 735-1100 FAX: (702) 735-1101	
PROJECT:	DATE:
DESIGNER:	ARCHITECT:
SCALE:	DATE:

EXHIBIT B**Disclosure of Principals**
LVPACF Board of Directors

The Board of Directors of the Las Vegas Performing Arts Center Foundation, as well as all persons and entities holding more than 1% interest in the Las Vegas Performing Arts Center Foundation or any principal of the Las Vegas Performing Arts Center Foundation, are the following:

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. Donald D. Snyder, Chairman, 2950 Industrial Rd., Las Vegas, NV 89109		792-7224
2. Keith Boman, Vice Chairman, 601 S. Rancho Dr. Ste D-28, Las Vegas, NV 89109		383-0677
3. Gary Jacobs, Secretary, 3600 Las Vegas Blvd. S., Las Vegas, NV 89109		693-7129
4. Scott MacTaggart, Treasurer, 325 S. Maryland Pkwy, Las Vegas, NV 89101		382-2500
5. Nancy Houssels, Member, 380 Rancho Circle, Las Vegas, NV 89107		878-4342
6. Jan Jones, Member, One Harrah's Court, Las Vegas, NV 89119		407-6387
7. Richard Bryan, Member, 300 S. 4 th Street, #1500, Las Vegas, NV 89101		383-8916

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

LAS VEGAS PERFORMING ARTS CENTER
FOUNDATION

By: Donald D. Snyder
Its: Chairman

Subscribed and sworn to before me this
5th day of JUNE, 2003.

Mary E. Cassinger
Notary Public

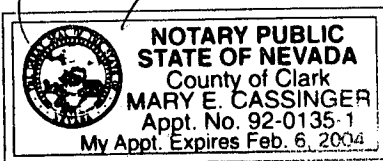


Exhibit A
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made this ____ day of May, 2003, by and between LAS VEGAS PERFORMING ARTS CENTER FOUNDATION, a Nevada non-profit corporation ("LVPAC") and CITY PARKWAY IV, INC., a Nevada non-profit corporation ("CPIV") and CITY PARKWAY V, INC., a Nevada non-profit corporation ("CPV). CPIV and CPV shall collectively be referred to as "CP". LVPAC and CP are sometimes referred to herein collectively as the "Parties."

RECITALS

WHEREAS, CP is the owner of certain real property consisting of an approximately 62-acre site located in the Parkway Center in downtown Las Vegas, Clark County, Nevada and depicted on the Site Map attached hereto as Exhibit A (the "Site");

WHEREAS, LVPAC is a 501 (c) (3) organization dedicated to developing, building and operating a world class performing arts center in the City of Las Vegas, Nevada (the "Center") which will benefit the residents of the City of Las Vegas and Southern Nevada and foster the growth of cultural amenities and economic development in the City of Las Vegas and the region;

WHEREAS, CP, on behalf of the City of Las Vegas (the "City"), desires to develop the Site for the vital and best interests of the City, and the health, safety, morals and welfare of its residents which are in accord with the public purposes and provisions of applicable federal, state and local laws and requirements;

WHEREAS, the Parties desire to enter into this MOU to set forth the general terms and conditions which CP would be willing to convey a portion of the Site to LVPAC for the development of the Center;

WHEREAS, by resolution approving the terms of this MOU, the City has confirmed its support of the development of the Center by LVPAC and its agreement to be bound by certain terms of this MOU.

NOW, THEREFORE, in consideration of the foregoing recitals, and for other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, CP and LVPAC agree as follows:

1. COOPERATION. The Parties agree to cooperate and in good faith expeditiously to negotiate and prepare a disposition and development agreement (the "DDA") whereby CP agrees to convey a portion of the Site to LVPAC to construct and develop the Center. The Parties acknowledge that the City and CP are in the process of developing a master plan for the Site and that

any proposed conveyance of real property will be subject to the master plan and will require the cooperation of all Parties to negotiate in good faith the terms of the DDA.

2. THE CENTER SITE. Subject to the terms of this MOU and the DDA, CP agrees to convey a portion of the Site to LVPAC for the development of the Center (the "Center Parcel"). It is anticipated that the Center Parcel will contain approximately five acres. The exact location and size of the Center Parcel will be determined during the master planning process currently underway for the Site and the Center; provided that final Center Site must be acceptable to LVPAC. As part of the planning process, LVPAC agrees to provide CP with a site layout plan for the Center Parcel containing the following elements: a theatre containing approximately 2,500 seats, a theatre containing approximately 650 seats, common area of approximately 15,000 square feet, together with all ancillary facilities necessary for the operation of the Center, all contained within a building footprint of approximately 200,000 square feet. CP and LVPAC further agree to address parking for the Center as a part of the initial planning process and the negotiation of the DDA. LVPAC acknowledges and agrees that the foregoing provision shall afford the City and CP flexibility to master plan the Site.

3. RESERVATION AND CONVEYANCE. CP agrees, subject to the terms of this MOU and the DDA, to reserve for a period of five (5) years the Center Parcel, as finally determined, for conveyance to LVPAC. From the date hereof through the fifth (5th) anniversary of the effective date of the execution and delivery of the DDA by all parties (the "Reservation Period"), CP agrees that it will make no disposition of any interest in the Center Parcel to any person or entity other than LVPAC, provided that LVPAC achieves the schedule and milestones to be mutually agreed upon and set forth in a Schedule of Performance to be set forth in the DDA. Upon LVPAC achieving the milestones by the dates set forth in such Schedule of Performance, CP agrees to convey to LVPAC, upon LVPAC's written request, good and marketable title to the Center Parcel free and clear of all liens, interests or claims of others, except those provided for in the DDA or agreed to by LVPAC.

The Parties agree that the land will be conveyed to LVPAC solely in consideration of LVPAC's agreement to develop the Center Parcel as provided in the DDA. Upon conveyance of the Center Parcel, LVPAC will undertake to develop, construct and thereafter operate the Center on the Center Parcel consistent with an agreed schedule of development and plan of operation, all as provided in the DDA.

LVPAC agrees that the deed conveying the Center Parcel to LVPAC shall contain a use restriction for the benefit of the City and CP restricting the use of the Center Parcel to a performing arts and educational center and attendant ancillary or compatible uses (including restaurants, retail and other amenities)

as authorized and approved by CP and/or the City. CP and the City agree that the successful operation of the Center will require that the other uses of the Site are compatible with the zoning uses, covenants, conditions and restrictions for an urban village at the Site and agree that they will work with LVPAC to provide for common amenities and development that will maximize the efficiency and success of the development of the Site.

In addition, LVPAC agrees that the DDA will contain a provision allowing CP to reacquire the Center Parcel upon breach of LVPAC's obligation to commence development of the Center as provided in the DDA.

4. LVPAC'S OBLIGATIONS. LVPAC will achieve the milestones and commitments as set forth in the DDA within the time parameters set forth therein in order to provide the City and CP with reasonable assurances that LVPAC can build the Center; that the Center will further the master plan; and that the operations of the Center will constitute a public benefit. In order to facilitate the development, construction and operation of the Center within the Site, the DDA will contain milestones for the construction of infrastructure and other development of the Site by CP and the City. LVPAC and CP acknowledge that, given the status of the development of the Site, various infrastructure issues related to the Site, including, without limitation, design, cost and cost allocation, remain to be resolved. LVPAC and CP hereby acknowledge that during the planning process and the negotiation of the DDA certain infrastructure issues will have to be agreed upon between the parties such as (i) requirements on CP to deliver agreed upon infrastructure improvements to the Site; and (ii) the amount and form of reimbursement, if any, of LVPAC for infrastructure costs allocable to the Center.

LVPAC will acquire the Center Site "as-is" based on LVPAC's own investigations and inspections, including its own environmental review of the property. LVPAC will have a due diligence period in which to investigate and inspect the Center Site, including without limitation the conduct of environmental and geotechnical inspections. The City and CP will not make any representation or warranty as to the condition of the Site or the feasibility of the construction of the Center.

City and CP will have no responsibility for the cost of development and operation of the Center. LVPAC will indemnify the City and CP in connection with any liabilities related to the construction and operation of the Center.

5. EXCLUSIVITY. CP and LVPAC recognize that it is vital to the success of the Center that a unified approach is taken with respect to the development of a performing arts center and that broad community support is generated for the Center. Accordingly, so long as this MOU and the DDA are in effect, the City and CP will deal exclusively with LVPAC with respect to development, construction and operation of a performing arts center; and

LVPAC commits that it will endeavor to broaden its base of support to encompass other groups and individuals who share the goal of developing a world class performing arts center for the people of the City and the region.

6. LIMITATION OF BINDING NATURE OF MEMORANDUM. The obligations of LVPAC and CP as contemplated by this MOU are to negotiate in good faith to arrive at the terms of the DDA, but if the parties, after good faith negotiation, are unable to arrive at a final form of the DDA by September 30, 2003, this MOU will expire without further obligation or liability of either party. Upon the execution and delivery of the formal DDA, the terms of such agreement will supercede the obligations contained herein. LVPAC agrees that this MOU does not create any real property rights whatsoever in the Site in LVPAC and any such rights will be created only by or as set forth in the DDA.

7. EXECUTION IN COUNTERPARTS. This MOU may be executed in any number of counterparts, each of which shall be deemed to be an original, and all of such counterparts shall constitute on agreement. To facilitate the execution of this MOU, the parties may execute and exchange by telephone facsimile counterparts of the signature pages.

8. DISCLOSURE OF PRINCIPALS. Pursuant to Resolution R-105-99 adopted by the City Council effective October 1, 1999, LVPAC warrants that it has disclosed, on Exhibit B attached hereto, all members of the Board of Directors of LVPAC, as well as all persons and entities holding more than 1% interest in LVPAC or any principal of LVPAC. Throughout the term hereof, LVPAC shall notify City Parkway IV and City Parkway V in writing of any material change in the above disclosure within 15 days of any such change.

...
...
...

IN WITNESS WHEREOF, the Parties hereto have executed this MOU on the day and year first above written.

CITY PARKWAY IV, INC.

By: _____
Lesa Coder, President

CITY PARKWAY V, INC.

By: _____
Lesa Coder, President

APPROVED AS TO FORM:

Date

LAS VEGAS PERFORMING
ARTS CENTER FOUNDATION

By: _____

Its: _____

To confirm its agreement to be bound by the Exclusivity Provisions of Section 5 of this MOU.

CITY OF LAS VEGAS

By: _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BARBARA JO RONEMUS, City Clerk

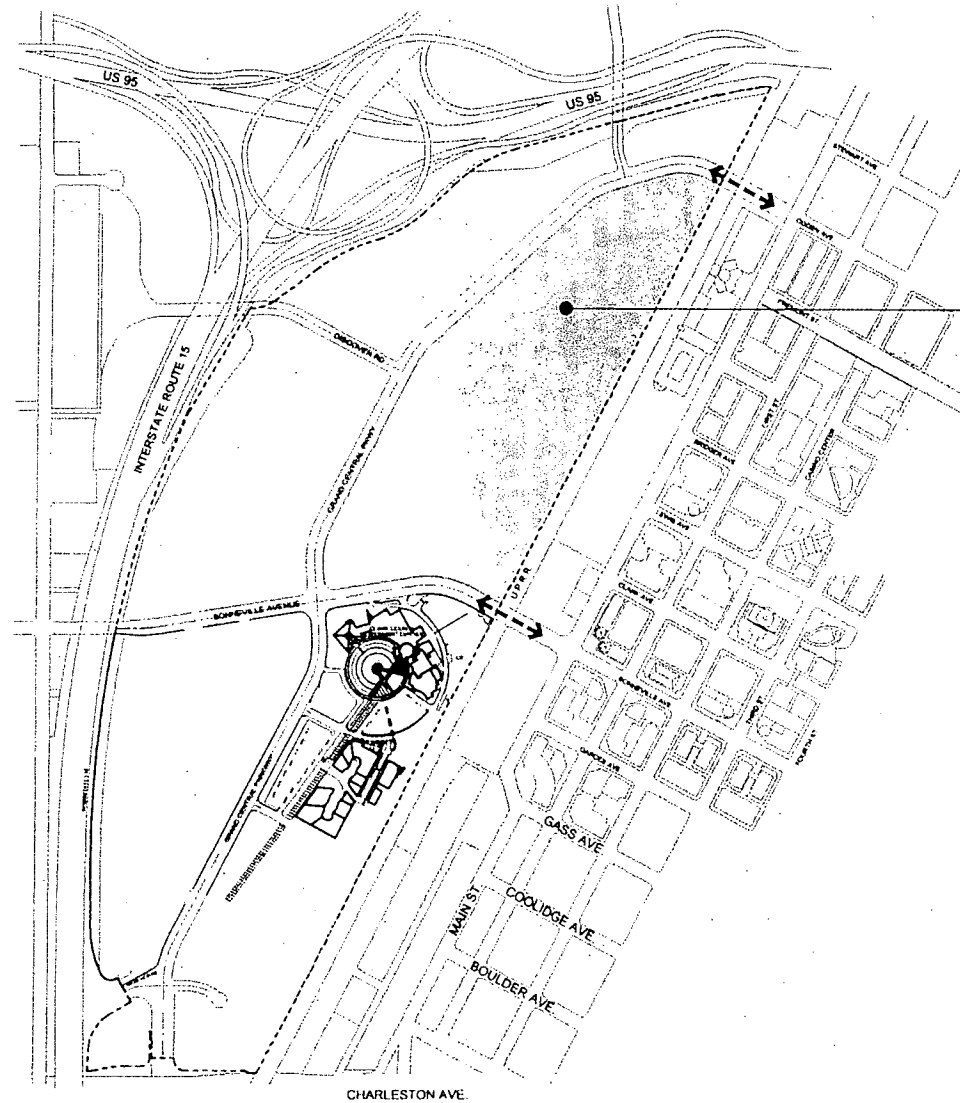
APPROVED AS TO FORM:

Date

F:\Depot\FILELOGS\OBD\2003\009\city - performing arts mou final.doc

EXHIBIT A

JMA ARCHITECTURE STUDIOS



61 ACRE
CITY OF LAS VEGAS
MASTER DEVELOPMENT

LAS VEGAS PERFORMING ARTS COMPLEX



JMA ARCHITECTURE STUDIOS	
1000 STEVENSON DRIVE, SUITE 1000	
LAS VEGAS, NV 89111	
PHONE: (702) 791-8888 • FAX: (702) 791-8889 • WWW.JMAARCHITECT.COM	
PROJECT:	61 ACRE CITY OF LAS VEGAS MASTER DEVELOPMENT
DESIGNED BY:	JMA
DATE:	MARCH 14, 2001
SCALE:	AS SHOWN
DATE:	03/14/01

EXHIBIT B**Disclosure of Principals**
LVPACF Board of Directors

The Board of Directors of the Las Vegas Performing Arts Center Foundation, as well as all persons and entities holding more than 1% interest in the Las Vegas Performing Arts Center Foundation, or any principal of the Las Vegas Performing Arts Center Foundation, Inc. are the following:

<u>FULL NAME</u>	<u>BUSINESS ADDRESS</u>	<u>BUSINESS PHONE</u>
1. Donald D. Snyder, Chairman, 2950 Industrial Rd., Las Vegas, NV 89109		792-7224
2. Keith Boman, Vice Chairman, 601 S. Rancho Dr. Ste D-28, Las Vegas, NV 89109		383-0677
3. Gary Jacobs, Secretary, 3600 Las Vegas Blvd. S., Las Vegas, NV 89109		693-7129
4. Scott MacTaggart, Treasurer, 325 S. Maryland Pkwy, Las Vegas, NV 89101		382-2500
5. Robert Forbuss, Member, 200 Starlite Drive, Las Vegas, NV 89107		796-1773
6. Nancy Houssels, Member, 380 Rancho Circle, Las Vegas, NV 89107		878-4342
7. Jan Jones, Member, One Harrah's Court, Las Vegas, NV 89119		407-6387
8. Richard Bryan, Member, 300 S. 4 th Street, #1500, Las Vegas, NV 89101		383-8916

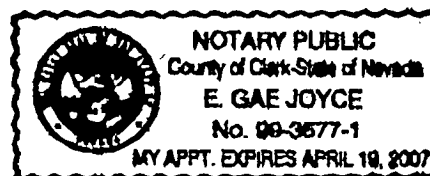
I hereby certify under penalty of perjury, that the foregoing list is full and complete.

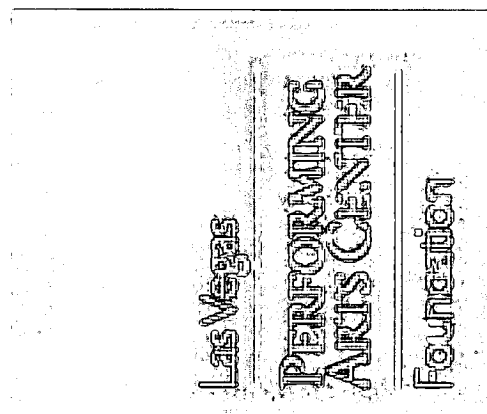
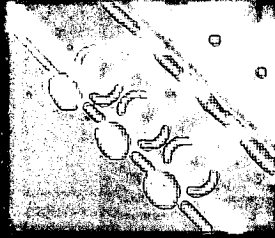
LAS VEGAS PERFORMING ARTS CENTER
FOUNDATION

By: Donald D. Snyder
Its: Chairman

Subscribed and sworn to before me this
8 day of May, 2003.

E. Gae Joyce
Notary Public



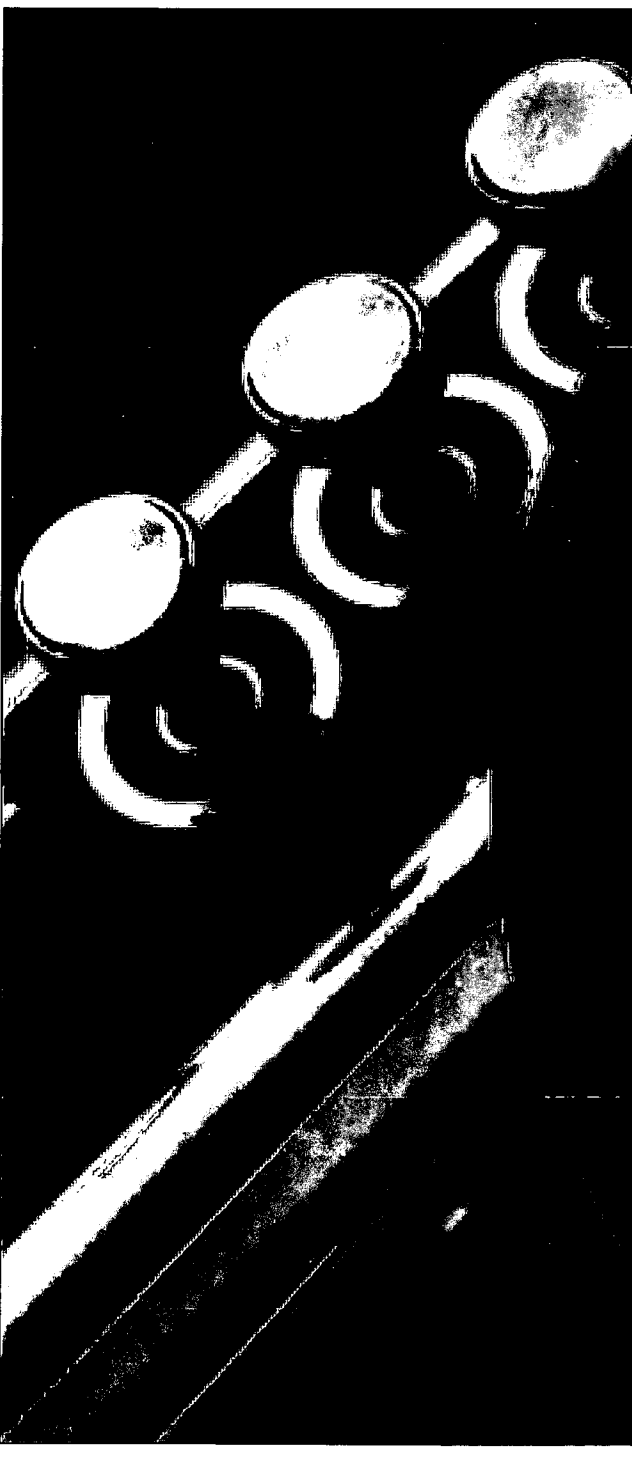


*Las Vegas Performing Arts
Center Foundation*

Co-Chairs

Donald D. Snyder- President of Boyd
Gaming Corporation

Keith G.Boman - MD, FACC



Today's Presentation

- Why we're here
- What a *world class* Performing Arts Center means
- Why we need one in Las Vegas

Today's Presentation

- What support exists for the development
- Where it should be located
- How it will be funded
- When it will become a reality



Why We're Here

The Performing Arts Center needs a
place -

and it will help create a broader
sense of place around it.

Las Vegas Performing Arts Center

About building a community...

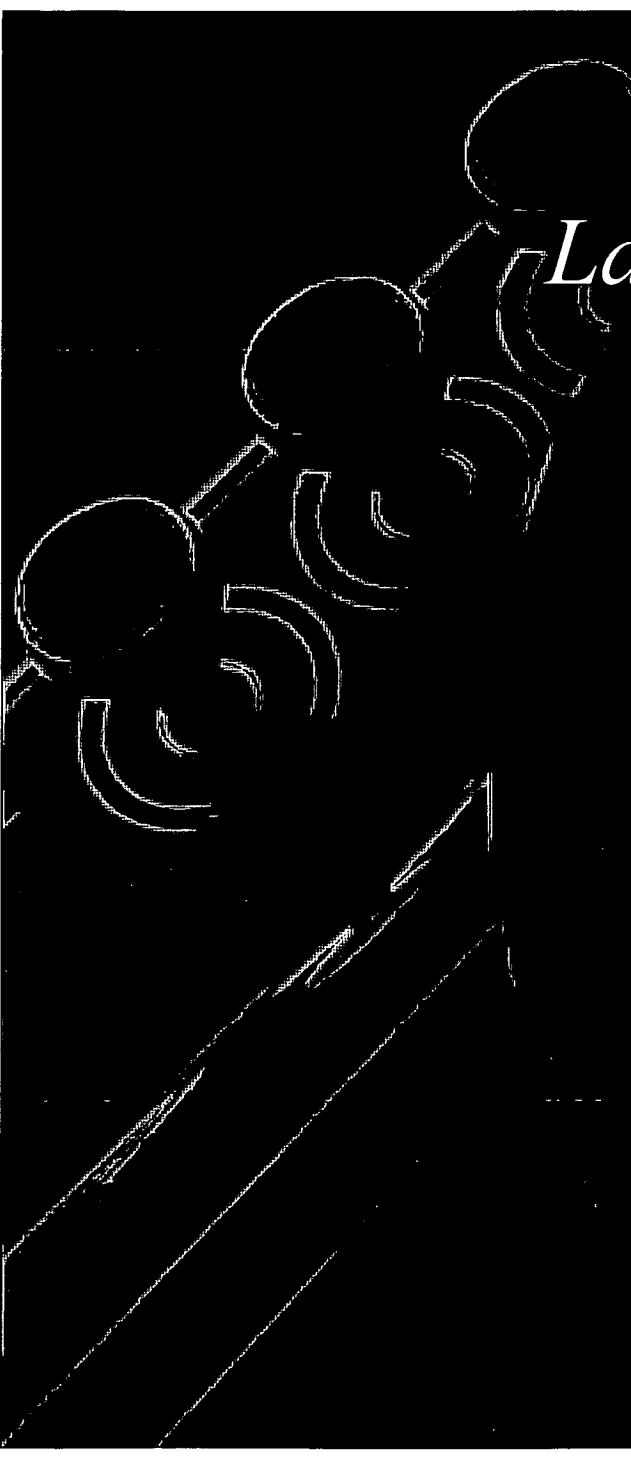
- The arts
- Economic development & diversification
- Educational infrastructure
- Quality of life

Now Is The Time!

Clark County is the most populated
county in the United States
without a world-class Performing
Arts Center

What is the Las Vegas Performing Arts Center?

- An organization
- A building
- A catalyst



Las Vegas Performing Arts Center Foundation

Board of Directors

Donald D. Snyder, Boyd Gaming Corporation

Keith G. Boman, MD, FACC

Gary Jacobs, MGM Mirage Inc.

Scott MacTaggart, O'Reilly & Ferrario

Nancy Houssels, Nevada Ballet

Jan Jones, Harrahs Entertainment

Sen. Richard Bryan, Lionel Sawyer & Collins

Broad-Based Community Support

- Historical leadership and support
- Las Vegas Performing Arts groups
- Education

Broad-Based Community Support

- Political Leaders
 - City
 - County
 - State
- Opinion Survey

*World-Class
Performing Arts Center*

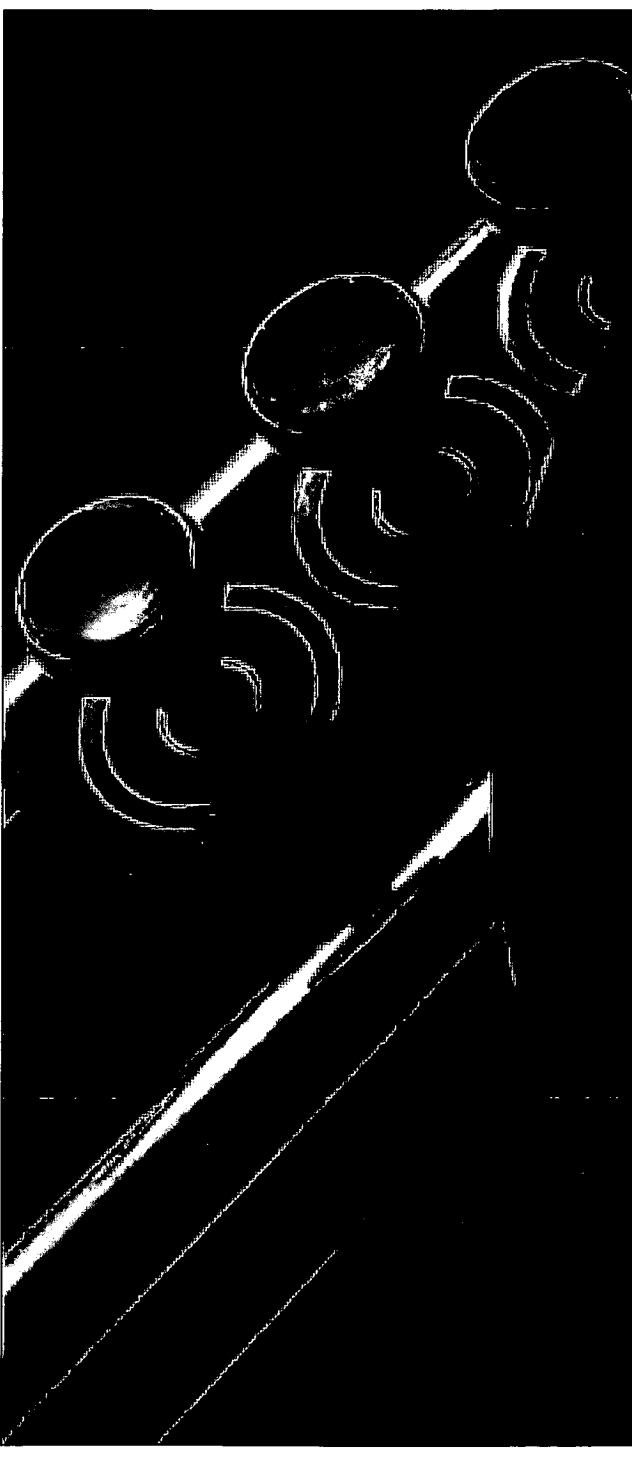
... More Than Just a Building!

Las Vegas Performing Arts Center

- Two theaters
 - 2,500 Seats
 - 650 Seats
- Architecturally distinct
- Built for generations to enjoy

Great Performances

- First-run Broadway
- World-class concerts
- Original productions



Resident Companies and Performances

- Las Vegas Philharmonic
- Nevada Ballet Theater
- Nevada Opera
- Community Theater



It is More than a Building...

It is the people and the organization

Importance of the Arts to Las Vegas

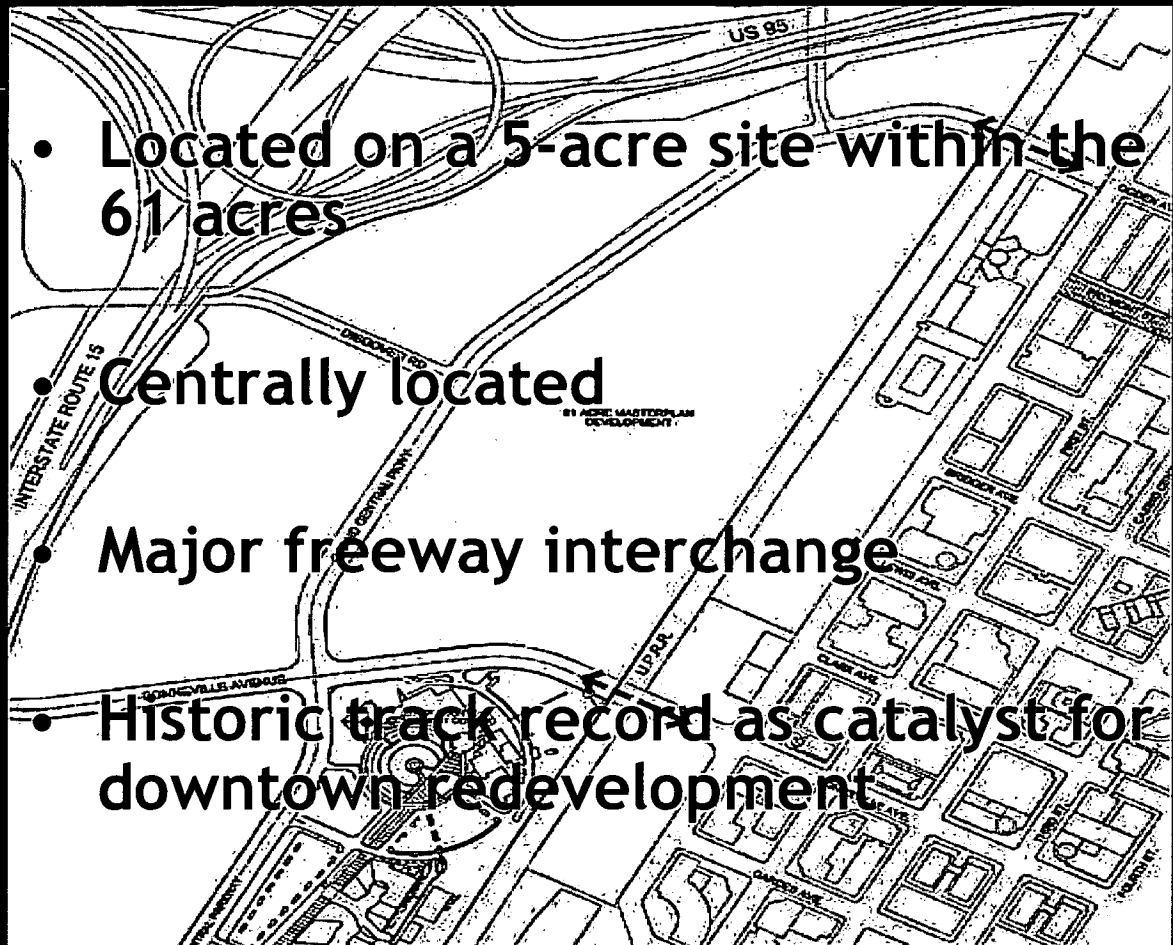
- Enrich residents
- Educate children
- Attract business and workforce
- Enhance quality of life

A Catalyst

“The arts not only add an important and unique dimension to our lives, but we have found that the arts are a concrete economic development asset as well, enhancing states abilities to attract knowledge-workers, building livable communities and giving states a competitive edge in the new economy.”

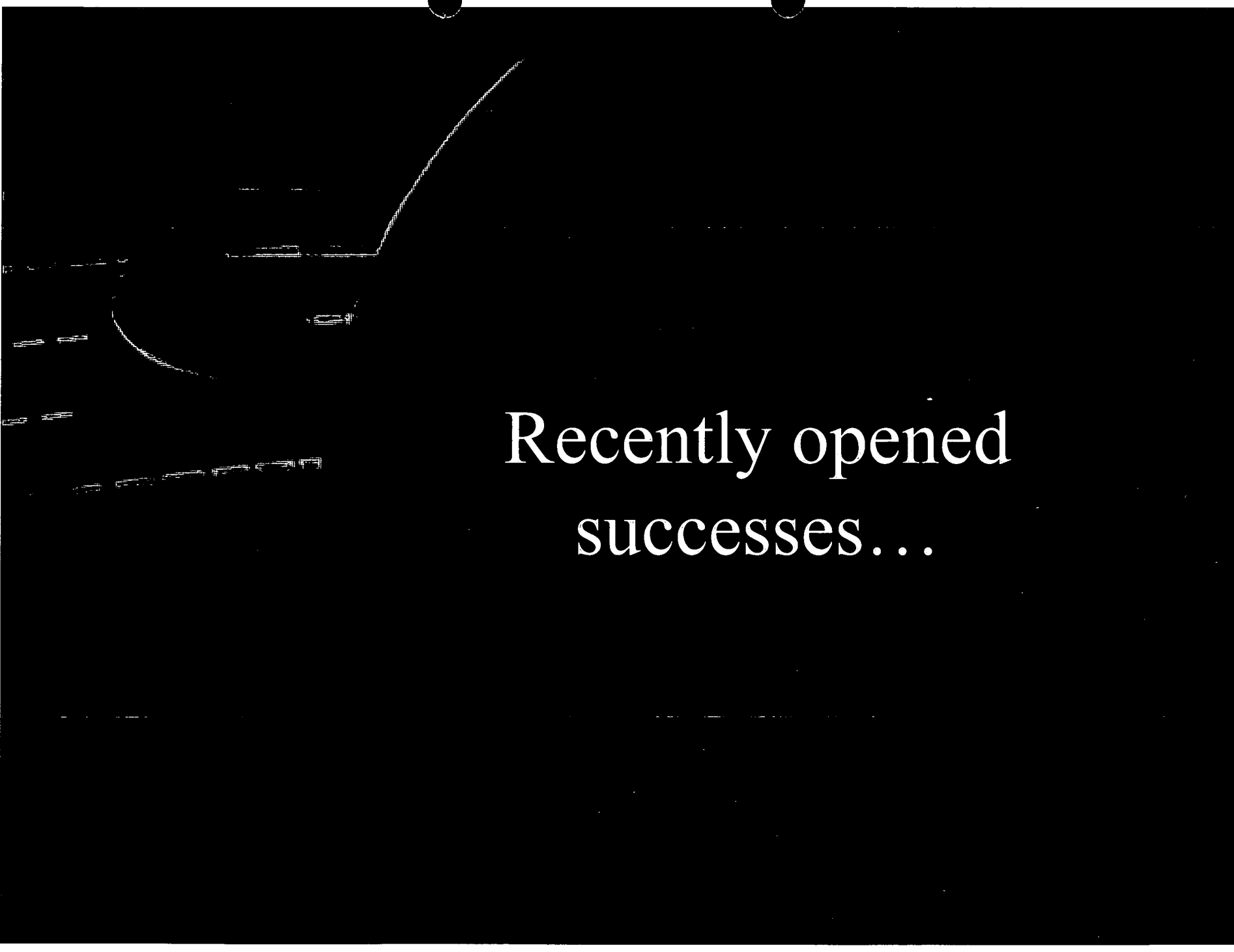
Michigan Gov. John Engler
National Governors Assoc.

Location



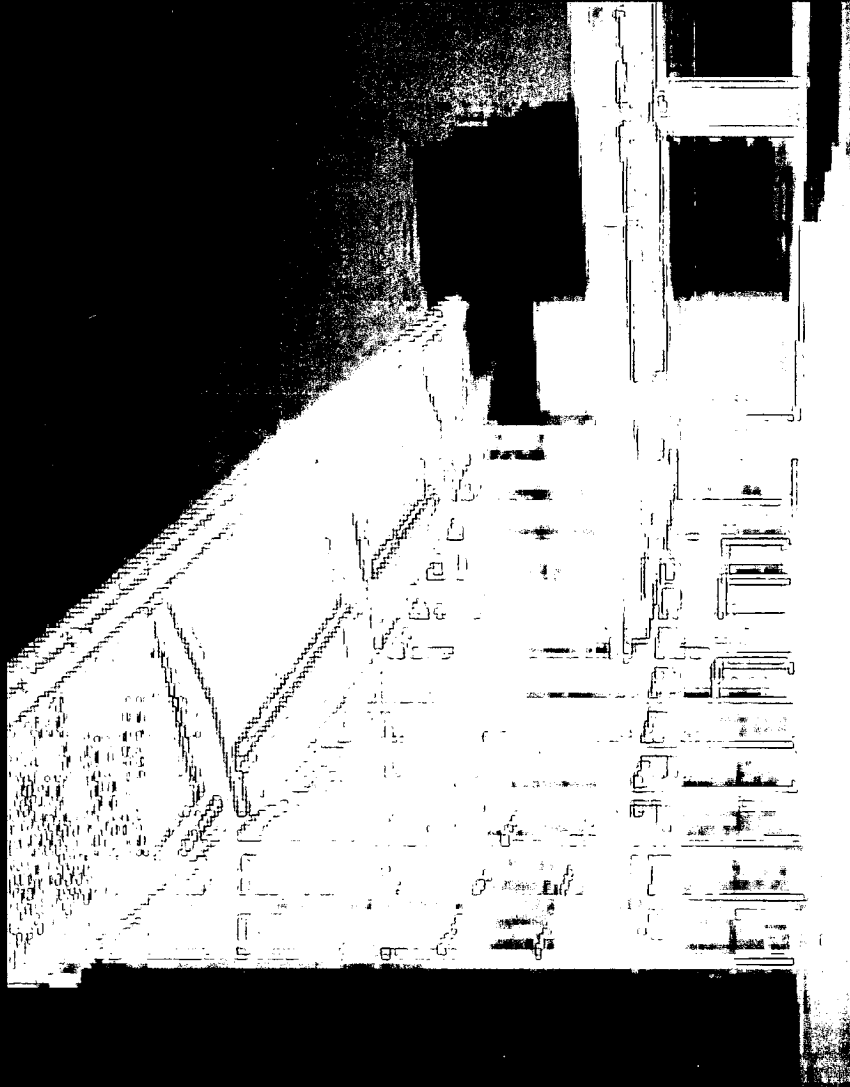
- Located on a 5-acre site within the 61 acres
- Centrally located
- Major freeway interchange
- Historic track record as catalyst for downtown redevelopment

If you build it RIGHT,
they will come

A dark, grainy photograph of a road at night. A bright light source, possibly a car's headlights or a distant light, is visible on the left side of the road, creating a strong glare and illuminating the road surface. The road appears to be a two-lane road with a dashed white line in the center. The background is mostly black, with some faint, indistinct shapes that could be trees or buildings.

Recently opened
successes...

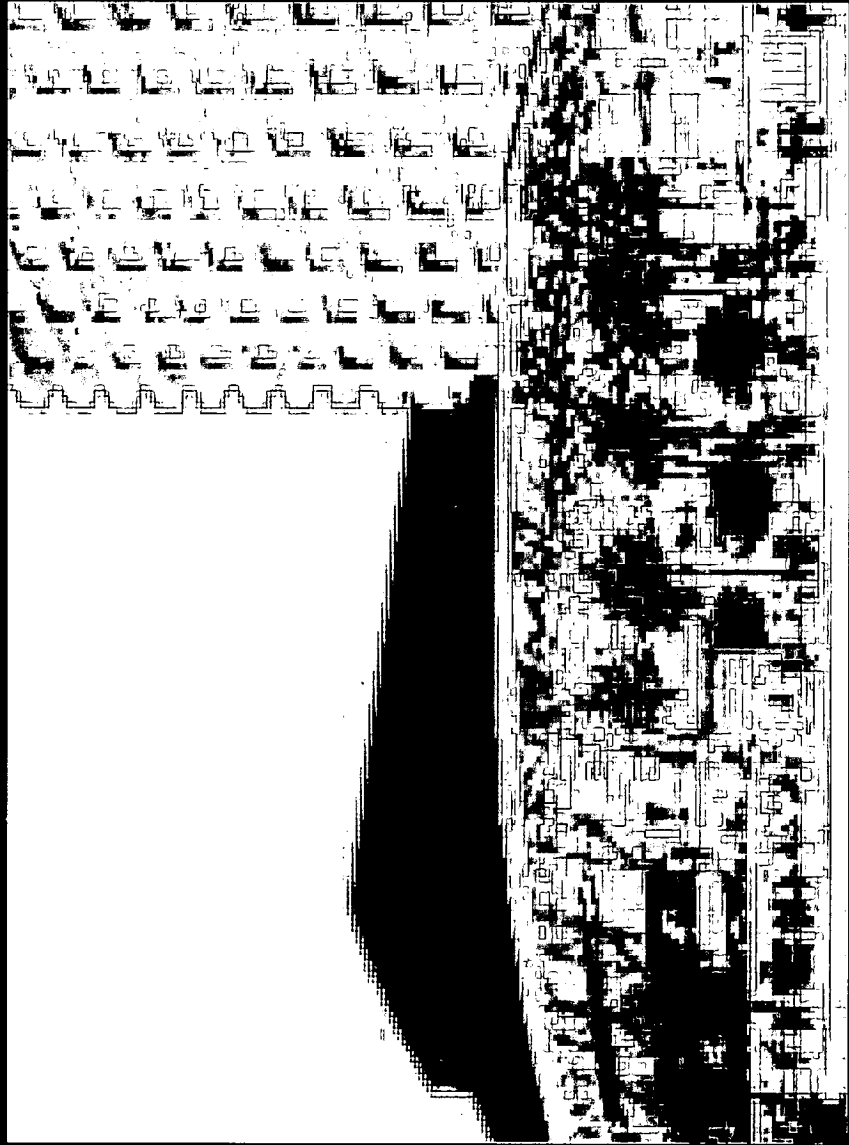
River Center-Columbus, GA



Bass Hall-Ft. Worth, TX



Schuster Center-Dayton, OH



Funding

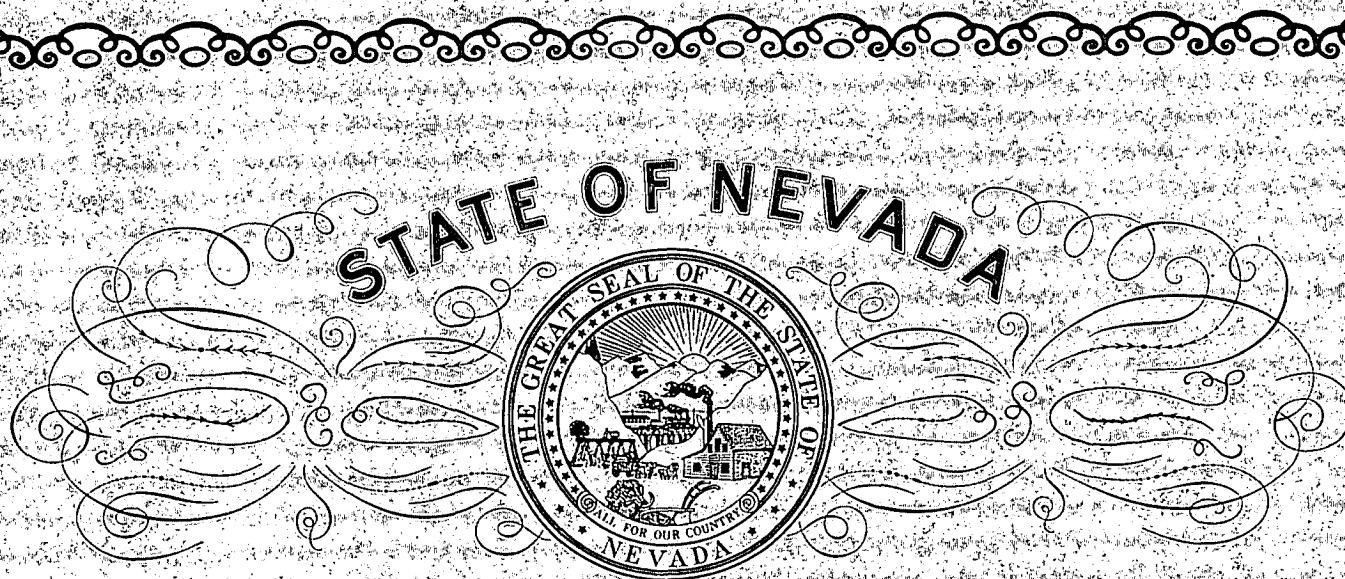
- Public/private partnership
- Capital costs: \$120+ million
- Operating endowment: \$50+ million

Timeline

- Land grant May 2003
- Private sector endowment 2003-2005
- Public sector funding 2005
- Doors open 2007

Additional Perspectives

Mark Light
Executive Director
Schuster Center, Dayton OH



Senate Concurrent Resolution No. 43

Introduced by Senators Rawson, Amodi, Care, Carlton, Coffin, Jacobsen, James, Mathews, McGinness, Neal, O'Connell, O'Donnell, Porter, Raggio, Rhoads, Schneider, Shaffer, Titus, Townsend, Washington and Wiener

Assemblymen Parks, Anderson, Angle, Arberry, Bache, Beers, Berman, Brower, Brown, Buckley, Carpenter, Cegavske, Chowning, Claborn, Collins, deBraga, Dini, Freeman, Gibbons, Giunchigliani, Goldwater, Gustavson, Hettrick, Humke, Koivisto, Lee, Leslie, Manendo, Marvel, McClain, Mortenson, Neighbors, Nolan, Ocegüera, Ohrenschall, Parnell, Perkins, Price, Smith, Tiffany, Von Tobel and Williams

WHEREAS, For more than 5 years, several groups in the Las Vegas Valley have sought support for the construction and operation of an upscale performing arts center to be built in or near the City of Las Vegas; and

WHEREAS, Supporters of this initiative propose that such a state-of-the-art facility would bring top-notch theater, opera and concert performances to the Las Vegas area, thereby encouraging further economic and cultural development in Southern Nevada and fostering an appreciation of and support for the performing arts in the community; and

WHEREAS, Local government officials and community leaders believe that the construction and operation of a performing arts center should be both a public and private partnership, with the private sector and local government providing substantial monetary support for the development, operation and maintenance of the facility, and public sources providing money for the construction of the facility; and

WHEREAS, The groups proposing the performing arts center have set forth the following goals and objectives, the accomplishment of which they believe will serve as evidence of substantial support for the center:

1. Commitment, at no cost to the State of Nevada, of a suitable and prominent site for the construction of the performing arts center; and
2. Commitment from private and local sources, at no cost to the State of Nevada, of sufficient funds and services to ensure that the performing arts center will be operated and maintained without any need for subsidies or appropriations from the state; now, therefore, be it

RESOLVED BY THE SENATE OF THE STATE OF NEVADA, THE ASSEMBLY CONCURRING, That the members of the 71st session of the Nevada Legislature do hereby support the construction and operation of a performing arts center in Southern Nevada which will encourage further economic and cultural development in the Las Vegas Valley; and be it further

RESOLVED, That the members of the Legislature commend the local government officials and community leaders for their efforts thus far in bringing a performing arts center to the residents of and visitors to Southern Nevada; and be it further

RESOLVED, That the accomplishment of the goals and objectives set forth by the groups proposing the performing arts center will demonstrate that the supporters of this initiative are ready to move forward and seek a public means for funding the construction of the center, including, for example, the sale of revenue bonds; and be it further

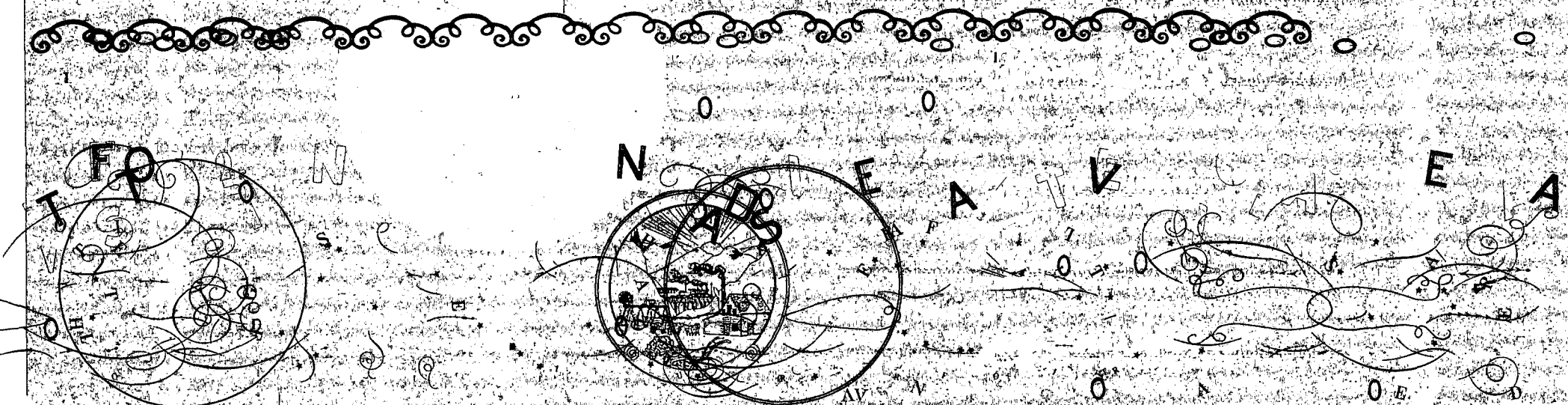
RESOLVED, That the Secretary of the Senate prepare and transmit a copy of this resolution to Don Snyder, a member of the Las Vegas Performing Arts Center Foundation Board and an ardent supporter of this initiative.

38 C C 4 P I G 6 A I M O

1 Y C L U M 2 J C 2 01 N

N N C 9 E

0 T



mRuc

sal t o

Cn SuB re

e

ab

t

o

t e

CR nt n cels o m A me C ho r b

S ex t m it o r e t n d i a M e s G o b s m e a

a th

w

BUILDING THE FUTURE OF OUR COMMUNITY.

The Las Vegas Performing Arts Center will add a new dimension to Las Vegas life.

The Center will give Las Vegas residents an important venue for world-class arts and cultural events and provide significant educational opportunities for children.



Trumpeting the cause of the Las Vegas Performing Arts Center Foundation are some of the city's well known residents, including committee co-chairs Don Snyder and Dr. Keith Boman and Sen. Richard Bryan, Jan Jones, Alan Feldman, Nancy Houssels, Robert Forbuss, Gary Jacobs, Scott MacTaggart and Myron Martin.



Clark County is the 20th most-populous county in the United States. It is also the only county in the top 20 without a world-class performing arts center. The Las Vegas Performing Arts Center will position Las Vegas as a dynamic city. The center will help to attract knowledge-workers to our area, enhance the quality of life for our citizens, and provide the impetus for economic development.



The Las Vegas Performing Arts Center is the ticket for revitalization and diversification, not only in the downtown area, but the region at large. It has been proven time and again, in communities across the country that performing arts centers act as catalysts, consistently delivering benefits to the community both culturally and economically.



The Performing Arts Center's strategic city-center location provides convenient access from all areas of the valley, and provides a sociographically neutral environment for all residents to enjoy. The performing arts need a centrally located home in Las Vegas. Building this facility at the crossroads of our community is the right choice.



Daniel C. Van Epp
President



May 20, 2003

The Honorable Oscar B. Goodman, Mayor, and
Members of the Las Vegas City Council
City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101

Dear Mayor Goodman and Members of the City Council:

I write to express support for a Memorandum of Understanding in which the city is setting aside acreage for the development of a performing arts center.

The idea of a significant performing arts center in Las Vegas is not a new one. The concept has been thought about in a variety of forms over the past decade by more than one group. Today, however, the convergence of a strong and unified Board of Directors of the *Las Vegas Performing Arts Center Foundation*, their thoughtful plan for the development of a center, and the City's interest in appropriate development of its 61-acre site, create an ideal set of circumstances for carrying to reality the dream of a state-of-the-art performing arts center to be utilized by all Las Vegas Valley.

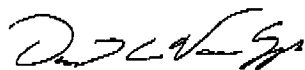
Some five years ago, as multiple groups were contemplating the right location for such a center, we at The Howard Hughes Corporation expressed initial interest in its being located in Summerlin. We thought it could be placed in a beautiful setting and be appreciated by our many residents. However, we soon realized that an undertaking of this magnitude needed to be easily accessible to everybody in the Valley and that our location, while appropriate in some ways, would be less desirable than a more central location such as the site under consideration today.

Finally, The Rouse Company and its local affiliate, The Howard Hughes Corporation, have long been involved in urban redevelopment and revitalization and know that the construction of such facilities as the performing arts center on center-city property become a draw for other uses, as well—uses that are ultimately required to insure vital urban core.

The Honorable Oscar B. Goodman, Mayor, and
Members of the Las Vegas City Council
May 20, 2003
Page 2

In conclusion, we can't think of a better location and are fully supportive of the measure
before you today.

Sincerely,



Daniel C. Van Epp

DVE:gm

I DON'T RECALL SEEING EITHER OF THE APPLICANT SPEAKERS ANYWHERE IN DOWNTOWN NEWARK, N.J., ANYTIME DURING THE PAST 20 YEARS. AND, IF MAKING SOUNDS, THERE ARE NO PASSENGER-CARRYING
 * TIM MCGOWAN. LAS VEGAS RESIDENT. CHOW FLIGHTS BETWEEN NEWARK (NJ) AND NEWARK, N.J.
 NATIONWIDE

I wholeheartedly advise the concept of a Cultural and Performing Arts Center, sited on the former Upper-cord property in the downtown City of Las Vegas. Particularly since I first proposed the comprehensive development, a Upper property, including a Performance Arts Center more than 13 years ago and repeatedly since.

The subsequent presentation did not mention the fact that there are two (2) Los Angeles Performing Arts Foundations, -- one including the names: Stuart & Etienne Weyner, and the other identified as Don Kemp, 'owner/creator of Music World' in the City of Los Angeles.

The value of the success, the cost of production, maintenance & operation, the cost of attendance at the performance, and the title & place of presentation of my production ever standing the entire history of significant Performing Arts Center production.

heretofore, I have personal approval of a request, with the sole caveat that, - in the event of the economic failure of the Performing Arts Center in consequence of aggressive competition by the many of major theatres, ballet companies and theatrical agencies, and then robust marketing of potential venues, situated throughout the So. Nevada Greater Regional Area, WHO will fund the cost of demolition of the Performing Arts Center, if it becomes economically non-viable.

Thank you.

Tom McGowan
public court

AL-80. Wed 21 May '63

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Item Number 80. This is R-83-2003. Discussion and possible action regarding a Resolution supporting the development of a Performing Arts Center by the Las Vegas Performing Arts Center Foundation, Inc., approving the Memorandum of Understanding between City Parkway IV and City Parkway V and Las Vegas Performing Arts Center Foundation, Inc., approving certain provisions of the Memorandum of Understanding, and providing for other matters related thereto. It's recommended that the City Council approve this Resolution and authorize me to execute the same. Dr. Selby.

CITY MANAGER DOUG SELBY

Good morning, Mayor and Council. Las Vegas Performing Arts Center Foundation desires to develop a world-class performing arts center on the 61 acres owned by the City of Las Vegas. This Resolution before you today expresses the City's support for the development of a performing arts center by the Las Vegas Performing Arts Center Foundation and approves the Memorandum of Understanding between City Parkway IV and V and approves the City dealing exclusively with this group for the development of the Performing Arts Center in this City. With us today are representatives of the Foundation to give you a short presentation.

MAYOR GOODMAN

Thank you, Doctor.

DON SNYDER

Doug, thank you. Mr. Mayor, Council members, Mr. Jerbic and – other City staff. We really do appreciate the opportunity to be here today. I'm Don Snyder. I've been here many times in front of you and your predecessors over the course of the past ten or fifteen years. But for all the reasons that I've been here, there's nothing that excites me more than the reason that brings us here today, and that's to talk about a world-class performing arts center.

Let me, more completely, introduce the two of us that are standing here before you today. Doctor Keith Boman and I co-chair the Board of Directors for the – Las Vegas Performing Arts Center

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

Foundation, the group that has been focused on building this world-class Performing Arts Center in downtown for the past several years. While Boyd Gaming Corporation has significant business interests downtown, it's a much broader cause that brings me here today. This is all about community building. And that's what you're going to hear us talk about today, in the context of this Performing Arts Center. I'm proud to have been actively involved in our community over the past 15 years that I've been in Las Vegas. I think, as many of you know, I've been in leadership positions with United Way, with the School District, with UNLV, and with the Nevada Development Authority, which I think is timely in terms of a lot of the context in which I will place my comments today. I'm the Chairman-elect of the Nevada Development Authority, the Ne, Nevada Development Authority's role is to bring non-gaming businesses to town. And you're going to hear us talk about how this Performing Arts Center will help facilitate that – mission. But my involvement in the community over the last 15 years provides both perspective that I think is helpful in terms of the Performing Arts Center, but it also provides tremendous energy, personal energy, in terms of my commitment to this project.

Dr. Keith Boman was born in Las Vegas and except for the time that he was away for school, for college as well as medical school, he is a lifetime resident of the, of Southern Nevada. Today he is one of our most prominent cardiologists in Las Vegas. He's been a personal friend of mine for many years. It's – been a pleasure for me to work with him on this project, because over the years he has developed a tremendous appreciation and love and passion for the arts. But Keith has also developed a key, a keen understanding of community building in his role over the course of the past several years as a member of the Board of Trustees for the Donald W. – Reynolds Foundation.

I'd like to, on the next slide, just, in fact the next two slides, give you a sense of what the presentation is going to be today. We're going to talk about why we're here. Mr. Selby has already talked about that to a certain extent, but we're going to elaborate a bit on that. What a world-class performing arts center really means, why we need one here in Las Vegas, what support exists for the development of this Center, where it should be located, which is an important issue, how it would be funded and when it will become a reality.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

We're here to ask for your support and approval of the Resolution that Mr. Selby mentioned. This Memorandum will provide the opportunity for the land on the 61 acres to be dedicated to this Center, but most importantly it will encourage us to now move ahead with this Center and develop a world-class performing arts center on what is the former Union Pacific property, the 61 acres that the City now owns. The Performing Arts Center really does need a place, as this slide suggests. But I think the important is, about a performing arts center, it will help to build the place around it, and the master planning efforts that are underway for the 61 acres, are an important part of what we're going to be talking about.

As part of the master-planned development of the 61 acres, this Center really will create synergy with what is possible on that site, as well as the acreage that surrounds the 61 acres. As you will see and hear in our presentation today, many great urban spaces have been created with performing art centers at the heart of those developments. This is about building a community, the arts and cultural community. The economy, as I alluded to before, attracting new and different types of businesses to our economy, at a time when we do need to diversify and broaden our economic base. The educational infrastructure, by more – completely integrating the arts into the education infrastructure, and finally the overall, improving the overall quality of life for an ever-expanding and diverse group of residents in our City, today with 1.6 million residents.

Now is the time to move forward with this world-class Performing Arts Center. You've heard in other contexts that we're the largest city without something, the academic medical center, for example. There are very few communities that have grown as rapidly as we have, and particular there are no communities that have grown over the extended period of time that we have over the course of the past few decades. That type of growth creates opportunity, but also creates challenge. The challenge here is to fill that hole we have in our cultural infrastructure with this world-class Performing Arts Center.

A performing arts center is more than a building. We're going to talk a lot about the building, but we're going to talk about more than that too. Keith and I will emphasize that point throughout our presentations, but I'd like to start with the discussion of the key people that had been involved in this Center over the course of the past several years. The slide that you see in front of you is the Board of Directors. I've introduced Keith and myself, but the other people on

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

here are pretty well known, I think, to the group of you that are seeing this presentation. But to perhaps elaborate a little bit will add some perspective to – the broader audience that is hearing this presentation today.

Gary Jacobs is the Executive Vice President and General Counsel for MGM Mirage. Mr. Jacobs joined the MGM Mirage Organization when they acquired the Mira, when MGM acquired Mirage. He became their in-house General Counsel. He was based in Southern California for a number of years and was very actively involved in the arts communities in Southern California before he moved here. And so we're – blessed by the fact that we have somebody that has his perspective and his position involved in this project.

And also, with regard to MGM Mirage's broader involvement, Allan Feldman has become very involved. Allan Feldman is, I think many of you know, the Senior Vice President of Public Affairs for MGM Mirage and brings a tremendous amount of energy and perspective on the arts to this project.

Scott MacTaggart, who's here with us today. I should have mentioned that Gary Jacobs is traveling and wasn't able to join us today, but he's obviously very much involved. Scott MacTaggart is here today. Scott MacTaggart is a prominent Las Vegas tax accountant and tax attorney. He's been involved with this project from the very beginning. He's been involved throughout our community in a variety of ways, but particularly active with many of the arts com, arts organizations in Las Vegas.

Nancy Houssels is here with us today. She really needs no introduction to the – group of you. She is very close the cultural heart of Las Vegas, as the founder of Nevada Ballet Theater. She has been an important part of developing the arts community, the performing arts community in this community over a course of many, many years.

Jan Jones couldn't join us today, but I think that the former Mayor, from her time as Mayor was very involved in this project and we're pleased to have her continuing support and an active involvement with this project, now as Senior Vice President of Harrah's Entertainment.

And then finally, last but not least on this slide, is former Senator Richard Bryan, who has a tremendous record, as all of you know, for building our State and our community in an economic

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

and a business sense, as well as a social sense, and his energy and vision with regard to this project is something that we – benefit from greatly.

There are a variety of other people that aren't shown on this list of board – members who have supported our Board, very actively over the course of the past several weeks. Bob Forbuss, who's known to all of you, I believe, as, and as we all know, is a long-time businessman and a community leader here in Southern Nevada. He's currently serving as Vice-Chair of the LVCVA, but has tremendous perspective and has brought that perspective to this project.

Blake Combers, who is here with us today, works for Boyd Gaming. He's our Vice-President of Development and he brings a development perspective, actually having built things, for – our company, which is an important perspective to have. But he also has educationally and – in terms of his personal works experience, a tremendous background in entertainment, that he brings to the table for this project.

Myron Martin, who's behind me here today, is someone that has brought good perspective, the business perspective of a performing arts center to the table. Myron, for several years, ran the performing arts center at UNLV.

Kim Sinatra, who until recently served as Executive Vice President and General Counsel for Park Place Entertainment, has worked with us, started working with us recently and is very much involved in the discussions of the definitive agreement that will emerge from this Memorandum of Understanding, when you approve it, if you approve it today.

Tom Schulman, President of JMA Architects. He's been involved, over the course of the past several years at helping us visualize what this Center can look like and how it can be integrated into a master-planned development, and Hall Communications, who have several representatives here today that have been very actively involved in helping pull together this presentation this morning.

Over the years there really has been broad based support for this effort and we're really pleased with that. I got involved many years ago at the encouragement of several community leaders and have developed a real respect and – confidence in what this project can do. But there have really been a number of people that for – in a variety of ways have helped move this project forward. We know that there has been some conversation about location of the Performing Arts Center,

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

whether it should be downtown or whether it should be in the suburbs. That's part of what we're going to cover today. But whether or not there's a difference of opinion on location, one thing is consistent, and that is a tremendous amount of support and broad-based support and – unanimous support for building a world-class performing art center.

We had a wonderful show of support by a broad cross section of the performing arts community here in Las Vegas when we were invited to attend a recent meeting that they had, on April 24th. You'll hear – and see some of those folks here this morning voicing their support for the project. And we've had strong encouragement from the educational community, both the Clark County School District, from Brian Cram to Carlos Garcia and many of his staff, for the importance of this Center, in what they can do from an act, from an educational point of view, and the same thing exists for UNLV.

Initial efforts to move this project forward predated some of your terms in office. However, we would not be here today without the leadership that has been – provided by this entire Council to the economic development, the development efforts of Downtown Las Vegas. Your – recent successful efforts to move the City forward with regard to the 61 acres, is especially significant in the context of this project, and I've specifically been energized by the leadership that you, Mayor, have provided to this project; Councilman Weekly, in whose district this Center will reside, be built; Doug Selby and his staff, who have been extremely, and Brad Jerbic, who have been extremely good to work with throughout this effort. This is a project that's probably easier not to do, from your point of view, as well as from our point of view, and it takes people pulling together, and we really appreciate the support that we've had from all of you in that regard.

The County has also provided encouragement and importantly money to this effort. We're currently working under \$140,000 planning grant that was provided by the County that's helped us do some of the planning and pre-development work associated with – this project. And we're also pleased to say that the State has provided support and encouragement for this project. I'm going to read from a resolution that they passed two years ago unanimously in our State Legislature voicing support for this project. Senate Concurrent Resolution Number 43, and we're going to provide you copies of all of that today. But we're – also hopeful during this

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

legislative session that we'll get approval for a planning grant, which we have worked with several of the legislative leaders to gain approval for during this legislative session.

The last point on this slide refers to a study that was conducted by Frank Luntz. I think many, as many of you perhaps know, Frank Luntz in recent years has become one of the prominent pollsters in America. He did some work several years ago, as we looked at a performing arts center. It was done at the time that we were looking at an athletic facility as well, and he – provided, even though that report's dated now, it provided tremendous support for the building of a world-class performing arts center. And our intent, as we go forward, is to update that study and show that that support, if anything, has probably increased since that period of time.

This really will be more than just a building, but a wonderful building will be at the heart of what we – create here when we create a world-class performing arts center. Dr. Boman will now pick up the presentation at this point, and he'll talk more about the building. He'll talk about the programming. He'll talk about the people and the organization necessary to operate this facility, as well. And with that, I'll turn it over to Keith. The top button.

KEITH BOMAN

Thank you. Mr. Mayor, I expected more people here today. I hope they didn't find the way to Lake Mead and jump in. That was a quote, an MPR from the Mayor.

MAYOR GOODMAN

Did I say something like that? Okay.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

KEITH BOMAN

My job is to bring this project to life, so that you can visualize it and understand what we're trying to do. The Arts Center is, as Don mentioned, much more than a building. But let me first describe what we're trying to do, in regards to the building, and then we'll talk about the organization.

First of all, we're talking about building a building of 250, 275,000 square feet. This will be a large building. But remember, it's more than a performing space. It's not an auditorium. It's going to be a community hub. When this building is designed and built, we're going to make it intimate, as possible. We're going to make it inviting, but not intimidating. We want everyone to remember that the joy or the experience of going to any theater performance begins the minute you enter the theater and does not end until you leave. Basically, this is going to be a six, a seven-story building. It's going to have a theater of approximately 2 – 2,500 seats. This will be the largest theater. It's going to be comfortable. It's going to be designed so that there is minimum distance from the audience to the performers so that everyone can connect.

How do we do that? You have to build balconies. There'll be two or perhaps three balconies to accomplish that goal. We're going to find world-class acoustics engineers, and the acoustic is going to be superb, not only for amplified sound, but for non-amplified sound. For instance when the philharmonic or an orchestra plays. When a philharmonic is playing or an orchestra plays the stage will actually thrust into the audience, a large canopy will come down from the fly in the ceiling to further project the sound into the audience. A second theater is 650 seats. This is going to be designed for smaller, more intimate performances, particularly community activities and performances. It will be as technically good as the larger theater and will have a full fly, but it will be built for smaller, more intimate occasions. The whole area, the whole building will be built in a timeless design for generations to enjoy.

What are we going to put in this theater? We're going to put great performances. We want to do first run Broadway, for instance, Phantom of the Opera. Phantom of the Opera requires a large performance space and a large backstage space. This theater would be able to accomplish that. We might even be able to do Miss Saigon. But the Miss Saigon we do will have the real helicopter come out of the fly, rather than it being projected on the stage. We want to do world-

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

class orchestra, not only from the United States, but from around the world: Russia. Wonderful examples exist of different groups that would love to come visit the City, but there's never been a venue and we want to do world-class, but original productions. We're going to produce original productions and utilize the talent that – exists here in Las Vegas. Whether it's the beat of a West African drums, genius of the musical Lion King, passionate arias of Italian Opera, the American Mastery of Jazz Rhythms or the dexterous footwork of Israeli choreographers, audience from Southern Cal, Southern Nevada and ultimately the world, will delight in matchless artistry that have never been seen or imagined in Southern Nevada.

We all know that this will be the home for the Las Vegas Philharmonic. We all know that it will be the home for the Nevada Ballet Theater. Nevada Ballet Theater has waited already 32 years for appropriate venue, a stage that's large enough and capable of putting on the performances that they know they can do. The Philharmonic has just come off a wonderful four, fourth year sold out performances and is recognized around the United States as an up and coming orchestra. We hope to have opera and we hope to showcase local talent in our smaller theater. Many of you know there are a number of productions around town that have no venue. The only venue they can put a production on, for instance, might be the Summerlin Theater. But there's only 300 seats and the stage is small. What we hope to do is encourage local productions, signature productions, PS productions and other to utilize this theater. We're going to provide them technical ability and support and they're going to be creative and bring their talent to the citizens of Las Vegas.

Well, Don alluded, and I alluded to the fact that this is much more than a building. It's really about the people and the organization. This building is going to house an organization that is going to be dedicated to programming for all the citizens in the Southern Nevada area. It's going to need a very charismatic CEO, and in the near future we will do a search around the country for a CEO that can carry out that charge. What is its mission? Its mission is to provide the arts for everyone, to socially integrate this Center into the community as a whole, bringing people of diverse cultures, interests, together for the joy of entertainment. We hope that this Center and the programs and the people that are there will become an oasis in a very much complicated world, a place to forget what has been dividing us and celebrate our collective creativity.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

The way I see it is this. This building is actually a large vehicle. It's driven by a dedicated staff, and the staff creates what we call a critical mass, which will start what we hope will be a cultural chain reaction in Southern Nevada and change this City and how everyone perceives it for generations to come. Well, we all know that the arts are important to Las Vegas, we know it enriches residents, we know that arts is – one of humanity's most eloquent means of communicating in the world. But what we don't know is what's out there. What I learned, as we did research for this presentation and for the Performing Arts Center is there are a multitude of events and programs that never come near the City for a lack of a venue or for lack of anybody trying to bring it. The New Jersey Performing Arts Center has 10 pages of programs for their community. They have diverse programs, such as acrobats from Peking, Broadway, traditional ballet, Ballet Espanico, Boston Pops, Country, Cosby, Contemporary Dance, Divas, Jazz, Rapp, Rock, everything. A lot of that never even finds its way here. Why? Because there's no venue, there's no one that brings it here unless it generates considerable income for the producers.

What we want to do is we want to have a staff that will make it happen. Anything that isn't commercially reviable (sic) for a 12,000 seat arena is going to be culturally viable for the Performing Arts Center in Downtown Las Vegas, anything.

What about kids? Well, we all know that the arts teach discipline, self-esteem, creativity, hard work, we know that. Well, the Las Vegas Performing Arts Center is going to be just as much about bringing children from the west side, in the lower socioeconomic strata to see the brilliance, for the instance, a Lion King, as it is bringing a current production of Oklahoma from New York for a resident that lives in the Northwest or the Southeast. It's about both. It's not about any one thing. We're going to have an educational outreach program that is going to be second to none. We're going to partner with the Clark County School District, the Nevada Schools of the Arts and others to bring programs, not only to the classroom, but to bring the classroom to the Performing Arts Center.

And last, we hope to have a subsidy, a ticket subsidy for less fortunate citizens that can't afford the prices that we may have to charge, and all the prices are going to be low because, as Don will mention, we have an endowment. So, we'll be able to – give some of these tickets at a very low price. But don't worry, Don, we're not going give too many of them away.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

DON SNYDER

Thanks, Keith. I think you can tell that Keith has a real passion for the arts. He has a real understanding for the arts. I have a great respect for the arts. I love the arts. I'm looking forward to being in this wonderful theater. But my passion for this project comes from the business perspective, the business opportunities. When you look at the role that a performing arts center can play in building our economy by – building our community. As the CEO for First Interstate Bank in my early years in Las Vegas I saw a void in the cultural arts, which combined with other challenges made it very difficult to recruit talent into the bank. I think we've made a lot of progress in many regards, in terms of being able to attract the right type of workers to our – economy. But as our economy continues to diversify, and as we need to continue to diversify the economy, we still have a void and a hole in our – cultural infrastructure that needs to be filled. As Chairman-Elect of the Nevada Development Authority, I really do see that everyday, when we talk about businesses, and particularly the more technology, technologically based businesses that are looking to relocate.

Let me talk a little bit about, from a business point of view, the catalyst that I see this Performing Arts Center, the role as a catalyst that I see this Performing Arts Center playing. This quote, in that regard, is one of my favorites, as we've pulled together over the course of the past few years information to support the building of a world-class performing arts center. It comes from former Michigan Governor John Engler speaking on behalf of the National Governors Association in the recent study on the role of the arts in economic development. I'd like to spend a couple of minutes or a minute and read that quote because I think it has several important points that I think are important to emphasize. The arts, Governor Engler says, the arts not only add an important and unique element to our lives, but we have found that the arts are a concrete economic development asset as well, enhancing state's ability to attract knowledge workers, building livable communities and giving states a competitive – edge in the new economy. And again, in my role with the NDA I know that to be very, very true.

Let me now stop for a minute, in terms of our, both of our presentations, and turn to a short video, a three-minute type video that we're going to have for you. We have four people that are

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

going to be featured on this – video. Peter Arrington, of the Opera Las Vegas and Henderson's Symphony. Alan Feldman, since he couldn't be here today wanted to speak to you. Harris Ferris of the Nevada Ballet Theater, who's here, but also is going to speak to you on this slide. Candy Snyder with the Clark County School District. Hal Weller from the Las Vegas Philharmonic. Let's roll – the video.

MAYOR GOODMAN

Okay. And then after this –

END RELATED DISCUSSION

VIDEO SHOWN

RESUME RELATED DISCUSSION

MAYOR GOODMAN

Mr. Snyder.

DON SNYDER

Yes.

MAYOR GOODMAN

If you would, could you address, and I don't want to get you off your – course here, but time being of the essence of everybody involved, could you address the timeline of expectation of a finished product, together with the financing, as to how you're going to accomplish your dream?

DON SNYDER

Yeah. How much more time do you have? We – don't to take too much of your time.

MAYOR GOODMAN

Well, I'm sure they're going to be questions and comments. If you could wrap it up in the next ten minutes, we're surely appreciate it.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

DON SNYDER

We – can do that, and we have – a couple of slides right at the end of the presentation that we'll walk through that, exactly where the funding is going to come from, and we'll talk through, as well as what the timeline associated with it are.

MAYOR GOODMAN

Fine.

DON SNYDER

Okay. Let's – talk about the location, and that's what's here on the next – slide. This will be located on the 5-acre site within the 61 acres. The central location really is important to what we do, and you heard that on the video, you've heard us talk about that before. We want this center to be accessible and to really be opened to the entire community and the central location, from that point of view, is really important. The freeway interchange and – importantly, as a catalyst for Downtown Redevelopment, what can happen on the 61 acres, but even more broadly – than that.

Let me turn back to Keith. We're going to talk a little bit more the – center itself, in terms of what it needs to be.

KEITH BOMAN

We'll keep this as brief as possible. Basically, the old adage if you build it they will come, probably doesn't apply anymore in the new millennium. But we believe if you build the center right, people will come. We do not want to build a monument, but we want to build something that's architecturally distinct that will be associated in Las Vegas. It will have excellent acoustics, it will have good parking asset, access and plenty of bathrooms. We're going to have a friendly staff and we're going welcome everyone at the front door.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

I want to briefly go through four different examples, very, very briefly, a recently opened performing arts centers that each one has – a flavor to it that we’ve taken something from. And I think you’ll find this interesting, but I’ll make it very, very brief.

The first one I want to comment on is the River Center in Columbus, Georgia. This is called the Columbus Miracle. It opened in April of 2002. It is in the downtown area of a city of 350,000. It opened at a cost of \$77 million. It had an endowment of \$5 million and they had an attendance of 200,000 people in that small community in the first year.

The second is Bass Hall in Fort Worth, Texas. They took a different approach. This was opened a few years ago and they’re still locating it in a large four, five acre piece of property. They had a one and a half acre piece of property right in the middle of Downtown Fort Worth. It cost \$80 million. It was actually designed after the Carnegie Hall sort of design on the interior. Their logo is Let the Angels Play, and believe me, the Angels have been playing in Fort Worth ever since.

The third one is the Schuster Center in Dayton, Ohio. We’re pleased to have Mark Light who runs that center with us today, who’ll make a few comments. This center is amazing. It opened in the middle of downtown, Columbus Ohio, four months ago.

MAYOR GOODMAN

Dayton.

DON SNYDER

Dayton.

KEITH BOMAN

Pard, excuse me. Dayton, Ohio. Sorry about that. In any event, it cost \$121 million. It had a very prominent architect, Cesar Pele, and this probably added somewhat to the cost, but it’s architecturally a very pleasing building. In the first four months, they’ve had 154 events and 200, over 200,000 in attendance.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

Last but not least, I want to mention New Jersey Performing Arts Center. The New Jersey Performing Arts Center is very similar to what we're trying to do, although, we hope not to spend as much money. The reason is, it has two theaters, very much the size of what we're trying to put together, and its philosophy about integrating the performing arts center into the community is the same as what we're saying. How did all that happen? Well, in 1986 they commissioned a consulting firm to ask what do we need to do in New Jersey to increase the visibility of the arts. They came up in 1987 with a draft, which caused controversy. We need a new theater, it's going to cost \$180 million, and we need to put in Downtown Newark. A lot of people didn't like that. Ten years later, this is the sixth largest performing arts center in the United States. It has a budget of \$30 million. It – entertains over 600 guests a year, and it's one of the premier examples of how you can take a performing arts center and put it downtown and bring people back to the urban core. It's been described as much more than a work of architecture. It's been described as an uproar, a commotion, a part of civic hope. Don?

DON SNYDER

It also exists very successfully 15 miles, as the crow flies, from the performing arts complex in New York City, which talks about the fact that arts can compliment each other and still, and then be very successful at doing a variety of different things.

To get to your point about the funding, with rare exceptions, world-class performing arts center around the country have not been built unless there is a cooperation and, essentially, a partnership between the private sector and the public sector. And that's exactly the structure that we're talking about here today. The City's contribution of the land – is a big deal to allowing this project to move forward, to raise the private money necessary to fully endow this operation and make it operationally successful, and then to set the stage for funding the capital cost with some form of public funding that relies probably on room tax or something like that.

I'm going to read for you, just briefly, a segment of the Senate Concurrent Resolution that I had alluded to before, that was passed two years ago by the Legislature. We were there talking about this – center and trying to gain support. And I know, as well as anyone, that resolutions that are

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

passed aren't binding, but I think the words are extremely binding, in terms of the emotional commitment and the – political commitment that exists for this project.

And without reading the whole thing, I will read the resolve portion of this. It says, resolve by the Senate of the State of Nevada, the Assembly concurring, it was approved unanimously by both – Houses, that the members of the 71st Session of the Nevada Legislature do hereby support the construction and operation of a performing arts center in Southern Nevada, which will encourage further economic and cultural development in the Las Vegas Valley. And be it further resolved, that the members of the Legislature commend the local government officials and community leaders for their efforts, thus far, in bringing a performing arts center to the residents of and visitors to Southern Nevada, and be it further resolved that the accomplishments of the goals and objectives set forth by the groups proposed of the performing arts center will demonstrate that the supporters of this initiative are ready to move forward and seek a public means for funding the construction of this center, including, for example, the sale of revenue bond, revenue bonds. That's a very strong statement in support of what we're trying to accomplish here today. But essentially, if you look through this slide, it takes the private sector and the public sector working together.

I'm going to start with the third bullet in this slide first and talk about the operating endowment. This is something unprecedented, and I think, in true Las Vegas style, we're going to make sure that this center is operationally successful by having an op, an operating endowment that is in place when we – start the operation. Many centers have, afterwards, found that they were in difficulty and built the endowment afterwards. We – believe that second to the land, the next found, foundational support that needs to be put in place is the – endowment itself. And so with this, with the approval of the land today, we're going to work on the operating endowment and we hope to have a major portion of that in place before we go to the legislature two years from now to seek the revenue bond, financing mechanism that will then fund the capital cost. We expect that the operating endowment will – come from large private foundations that operate in this town, as well as other places around the country that have support of these types of projects. It will come from large businesses throughout this community, and people that, community, businesses that have a respect for what this type of a facility would do, in terms of furthering the

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

economic development of our community. And it will come from significant individuals, who, over the years, have contributed a lot to this community, but will see the opportunity to contribute even more, in terms of building a world-class performing arts center. We expect that operating endowment will be at least \$15 million. It needs to be at least \$15 million, to ensure that we never have to worry about where the funds are going to come from to operate this facility successfully so we can keep ticket prices reasonable and make it accessible to the entire community. And so that we never have to worry about this project being put under the backs of taxpayers, in terms of providing the operational support. This has never been done, in any situation that we know around the country, to put that type of operating endowment in place. But that's our commitment to you with the commitment of the land.

We then think with the type of support that we received in the last legislative session, in terms of those words that I read to you, feel that we have then the ability to request a revenue bond mechanism to finance this project with a small increment to our room tax or sales tax or a combination of both. That's our model, that's what we've been talking about consistently, about, for the past couple years.

In terms of the timeline, to get to your second question, the – land being dedicated today really is an important step. It is a catalyst for us to move ahead, ahead with this private sector endowment fundraising that I've talked about, with those types of groups that I mentioned just a few minutes ago. We will then, in 2005, in the next legislative session, approach the – funding for the revenue bonds necessary to build, to fund the construction of the facility. And we think it's significant, with the approval in 2005 that will allow us to break ground in the Centennial, during the year that we celebrate the Centennial of the City of Las Vegas. And there is no better way than to usher our second hundred years in with a world-class performing arts center that's going to serve this community for generations. We will expect, if we break ground in 2005, it will be operational in the early 2007.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Thank you for answering that. I appreciate that.

DON SNYDER

Okay.

KEITH BOMAN

Let me briefly sum up. I'd like to introduce Mark Light, who has a comment. Basically, what I learned in doing research for this presentation and over the last four years, as we work with this foundation to get this thing moving, is that Las Vegas really is behind the curb when it comes to cultural and arts. It really is. And you found that out when you look and see what else is out there, what other cities are doing. Cities and counties are investing billions of dollars, as we speak, to performing arts center in order to rejuvenate and revive their communities. We need to do the same.

This idea is so powerful that I think it's going to gain momentum no matter what the obstacles, and we're going to do this project. We need this theater. We need the organization that staffs the theater and we need the endowment. If you today approve this Memorandum of Understanding before you, I think you're going to put us on a course that in five years is going to bring together critical mass in the arts and culture that will forever change how the world looks at Las Vegas, and for that matter, how we look at ourselves. That being said –

DON SNYDER

Introduce Mark.

KEITH BOMAN

– I'd like to have Mark Light say a couple words. Mark joins from the Schuster Center. He's the Chief – Executive Officer of that Center in the Victoria Association. He helped design, build and operate this center. Remember, it's about 250,000 square feet and it costs \$120 million. Mark?

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MARK LIGHT

Good – morning, Mayor and Council members. Just four words to tell you about the Schuster project in Dayton, Ohio: on time on budget. We started our project in 1998 to raise the funding, broke ground in the Spring of 2000 and opened in the Spring of 2003. \$121 million, 500,000 square feet project, including an equity portion in that office tower. We also have built a 1250 space parking garage. It is a fabulous project. It was a public/private partnership. Public funding of about \$65 million, private funding of about 46. We took some debt to build the parking garage of about 9 million and we have equity in the office tower, in terms of residential condominiums of about 10 million. It is a wow for our community. It is located at Second and Main, which is the prime corner of Downtown, which used to house a department store that failed and needed to be replaced. It wasn't chosen to be anyplace else, but at the core of the city. It houses others from throughout our community, including the Dayton Philharmonic, Dayton Opera, big Broadway shows. In fact, Phantom of the Opera is opening there in mid June for a four-week run. There, we expect 72,000 people to attend.

The arts organization that participate at, as part of the project, include the big ones, and the little ones, and the emerging arts groups, cause the prices are low, and the organization is dedicated to setting the stage for big and little and making it an emerging performing arts center. The biggest winner for the Schuster Center, I think, is the community.

In late 1980s, Rand McNally Places Rated Almanac rated Dayton as one of the worst places to live out of 350 communities throughout the country. Today Dayton, Ohio is rated 64th, in terms of quality of life, one of the best places to live in the community. In 1986 220 performances occurred in our core of the community. In 2003 1,050 performances and events that will be seen by someone in the neighborhood of 900,000 people. We're talking about Dayton, Ohio here, not Las Vegas. It's a talent magnet for our community. It invites higher educated people, creative people that build and make and innovate, and, as a matter of fact, just to open in about six months, is a technology from right across the street, from our new Schuster Performing Arts Center that's going to bring 350 jobs right down into the core.

It's a quality of life issue. It's an education issue for our community. It has been a huge, huge success. You all, of course, are the beginning of the coalition of the willing for Las Vegas. You

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

are heroic. You are setting the stage for something magnificent that will happen. I trust that you'll have as great a success as we've had in Dayton, Ohio. And as we say in our community now, to all our audience members, you are the star. Thank you for your vision for your community.

MAYOR GOODMAN

Thank you very much.

MARK LIGHT

You're welcome.

MAYOR GOODMAN

All right. Are there any questions of –

DON SNYDER

If we can just find a way to get Mark to be a little bit more enthusiastic.

MAYOR GOODMAN

I see. I see.

DON SNYDER

Thank you. Thank you, Mark.

MAYOR GOODMAN

Are there any questions at this time of Mr. Snyder or Dr. Boman?

COUNCILWOMAN McDONALD

I have no questions but, Your Honor, I was just in conversation with the City Attorney. I do need to make a disclosure in that for the past four years, I have been a guest soloist with the Las Vegas

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

Philharmonic. In fact, even this Friday night, 7:30, Artemus Hamm, I will be performing with Philharmonic Wind Ensemble and the Desert Chorale. And so, I just want to make that disclosure on the record. I have not had any in-depth conversations beyond just briefings that every other member of the City Council, and I have not been compensated with my performances.

DON SNYDER

Would you like to sing this morning?

COUNCILWOMAN McDONALD

No, I wouldn't.

MAYOR GOODMAN

All right.

COUNCILWOMAN McDONALD

Thank you.

MAYOR GOODMAN

Any other comments at this time? Councilman?

COUNCILMAN REESE

Just – one question. I'd like to ask the gentleman that just spoke. What price range are we talking about in Dayton, Ohio for some of these performances?

MARK LIGHT

Oh, my gosh. They fit the bill that Keith is talking about. Many of them are free. We have a thriving education program that never turns away a needy child who needs to attend. Many of the performances are free. They range, from a Broadway show, like Phantom of the Opera, will

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

have a \$65.00 top, and it goes down from there. But the price ranges is – quite diverse to respect the great diversity of our community. And I think that the \$15 million endowment that this project is talking about, is going to be a key ingredient to making that possible.

COUNCILMAN REESE

I just want to make sure that I can afford to go.

MARK LIGHT

You can afford to go.

COUNCILMAN WEEKLY

Your Honor.

MAYOR GOODMAN

Any other comments? Councilman Weekly?

COUNCILMAN WEEKLY

Thank you. I've had an opportunity to meet with this committee, and I must say, Dr. Boman and Mr. Snyder were very pleasant to meet with, and we had an in-depth conversation about this and I share the excitement that they have, as it relates to this particular project here. You know, when you look at Las Vegas, place where I was home grown, and you look at the type of culture that we have here, we, we're missing it. And we – have some things going on, but there's a lot missing and when you're looking for a good musical or a good play, what have you, you have to travel out of state. And I think that, you know, what's going on right now educationally with all the programs, Save the Music, Save the Arts programs that are going on around the country, I think it would just behoove Las Vegas to overlook this project. And so, I just like to thank you all. I'd like to thank the audience for their indulgence during this long presentation, but I think that there was a lot of information that needed to be said because I think that people really need to understand that Las Vegas is that type of City now that it's time.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

DON SNYDER

We – appreciate that.

COUNCILMAN WEEKLY

We're there.

DON SNYDER

We appreciate the time too that we were allowed to have. This – is an incredibly important project for all the reasons that you just summarized. I mean, this really is about taking our community into the next century. It's – its next century, in a way that changes the community. So, we appreciate that.

COUNCILMAN WEEKLY

This – project definitely has my support, not only because it's in Ward 5, would be in Ward 5, but because I can't care less if it were in Summerlin or wherever. I mean, just to be able to have, well, we don't want to go out there. I don't. But, no, no harm intended.

COUNCILWOMAN McDONALD

(inaudible)

COUNCILMAN WEEKLY

Oh, it's a beautiful place. You wouldn't – number one place to live. It's okay. But just being in the downtown area and just being in a centrally located place, I support that 100%. I'm – very elated, and you talk about going to the history books of leaving a very beautiful and positive legacy in this great City, I think it's absolutely wonderful and I support it 100%.

DON SNYDER

Thank you very much. Councilman Weekly, you – mentioned the location. Dan Van Epp, who is the President of Howard Hughes Corporation, I know that sent the Mayor and all the City

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

Council a letter on that subject, he was going to be here this morning. I got a call just before I came that he and his wife, obviously ate at the wrong place, because they're both in bed with food poisoning this morning, so he couldn't be here. I have the letter. I'd be happy to read for the record or would you like to read it?

MAYOR GOODMAN

I'm – going to make a reference to it and then I'm going to make it part of the record. I'm going to hand it to the Clerk –

DON SNYDER

Okay. Very good.

MAYOR GOODMAN

– and will be part of the permanent record.

KEITH BOMAN

Thank you.

MAYOR GOODMAN

All right. Councilman McDonald.

COUNCILMAN McDONALD

Thank you. First of all, I was in the back room checking the time, Don, your – tenacity and, Doctor, you've been phenomenal because this is something that dates back, even previous, I think when we just, correct Don, when I first, Councilman Reese and myself just first got elected.

DON SNYDER

Yeah.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

COUNCILMAN McDONALD

And keeping after it it's just been, I mean, every step of the way, it's kind of like a culture that's watching something go out of the ground. So my hat's off to both of you.

DON SNYDER

It is easier not to do this, as I said before.

COUNCILMAN McDONALD

Right. When you think, you know, it's, that we're doing – takes time and the doctor is my mother's heart doctor, that's for disclosure. Is that okay, Mr. Jerbic?

CITY ATTORNEY BRAD JERBIC

Okay.

MAYOR GOODMAN

Fine.

COUNCILMAN McDONALD

She keeps – my, he keeps my jewel alive, I should say.

DON SNYDER

What I forgot to tell you is, the Schuster Center was named after a cardiologist, but they pay more there than they do here.

KEITH BOMAN

Yeah.

MAYOR GOODMAN

And, Mr. Jerbic, I'll make a disclosure too. Dr. Boman is also my mother's cardiologist. I – won't hold that against him, though. You know, I'd like to speak, I think, for the Council.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

We've – had informal discussions about our vision and what we want to accomplish, and I really believe that the acquisition by this Council of the 61 acres downtown really was a monumental event, which we didn't really appreciate the significance until we see how important it is to the future development, not only intellectually, but also economically for the entire Valley. It is really the heart and soul of Las Vegas. And, I don't think we're going to be a major league city, even though we were ranked the number one place to live by Money magazine last year. I don't think we're going to be a major league city until we have a cultural art center. I think that that's integral to a sophistication and to being a cosmopolitan locale for people to enjoy life. I don't think we're going to be a major city until we have the academic medical center. We're the largest city in North America, as we are, as far as the cultural art center, but does not have one, and we're working diligently as a Council, in order to accomplish that. And I also don't believe we're going to be a major league city until we have a major league sports team here. And the 61 acres really provides us with the opportunity of attracting all of these different projects into the downtown area.

And I think Dan Van Epp did make some interesting observations. I've always likened, and the downtown Union Pacific site as a confluence. Ordinarily you hear that term when it comes to rivers in major cities, where it's a place where commerce thrives. And that's the way the American industrial revolution, actually took off, because wherever there was a confluence of rivers there was – a business. And we have a confluence of US-95 and I-15 meeting right down there on that site. That provides a tremendous opportunity, as everybody has mentioned, for all people in this Valley to be able to get down there, no matter what their economic status is. And if you're able to arrange the endowment that you speak about, then people, who perhaps are less affluent than others, will be able to enjoy what, I think, is part of a significant lifestyle. And I'm delighted to hear this. I – would hope that we can put this on the fast track. I think that's one of the things that the City is – trying to accomplish here by having this Memorandum of Understanding today.

Mr. Van Epp indicates in his letter, which I received yesterday, that he's completely supportive of the performing arts center and he believes that the development of the center is appropriately situated on the 61 acre site that the City owns, and it creates an ideal set of circumstances for

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

carrying to reality the dream of a state-of-the-art performing arts center to be utilized by all of the Las Vegas Valley. There was a time, you said, about five years ago, the Hughes Corporation was thinking about having the center out in Summerlin, and because of the beauty of Summerlin and the surroundings there, but, he said, we soon realized that as an undertaking of this magnitude needed to be easily accessible to everyone in the Valley and that our location, while appropriate in some ways, would be less desirable than a more central location, such as the site under consideration today. And he says finally, the Rouse Company and its local affiliates, the Howard Hughes Corporation, have long been involved in urban redevelopment and revitalization. As an aside, it was Rouse that developed the Baltimore Harbor, Rouse developed the Seaport in New York, (inaudible) Hall up in Boston, Penns Landing in Philadelphia, and they are the – icon, as far as urban redevelopment, and they conclude that they believe that this site in the center City is the appropriate one because it's, it will ens, it will ensure the vitality of the urban core.

So, Ms. Ronemus, I'd like to make this part of the record. And the only thing that I could ask is that when we enter into the agreement, after this Memorandum of Understanding, that we have significant benchmarks of progress that have to be met, which will put pressure on you.

DON SNYDER

Right.

MAYOR GOODMAN

And if you don't meet that – pressure, then of course, the land would revert to the City. But if you accomplish your objective and we're all 1,000% behind it, we'll do anything we can to help you realize your dream, because your dream is consistent with our dream and, therefore, the City's dream, then we'll be on the fast track and get this done in time for Councilman Reese to enjoy it before he gets too old.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

DON SNYDER

We – fully supportive of the concept of – benchmarks. I think it is important that we fast track this, that we all get to work. And this is a threshold decision, here today, and we just got to get to work and we're prepared to do that.

MAYOR GOODMAN

Okay. And all I would ask to do, when you're planning the architecture of it, I have a dream too. I want high-density residential on that 61 acres. I would really like to, I think for people to be part of a real urban environment, and to have it downtown, we really have to have people not only live and work, and not only play and enjoy themselves and work down there, but they have to live down there as well. So, if in fact you can contemplate this concept that we heard about, with high-density residential high-rise going together with the performing arts center, I think that it can kill two birds with one stone, and I really like you to consider that.

DON SNYDER

We share your vision on that. I think that makes tremendous sense, and the successful models around the country have done a nice job of integrating high density. Miami is a – really good example. They're building a \$350 million center. It has more moving parts than ours does, but they – talk about revitalizing and energizing the development of – residential. So –

MAYOR GOODMAN

Okay. Thank you. Now, although this is not a matter for public comment, I will allow the public to comment. We'll put a timer on three minutes, please.

DON SNYDER

Okay. Thank you very much.

MAYOR GOODMAN

Thank you for the presentation.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

KEITH BOMAN

Thank you very much.

MAYOR GOODMAN

Thank you.

SHARON CHIARAMONTE

Sharon Chiaramonte. Do you want my address?

MAYOR GOODMAN

If you like, you can say the City, if –

SHARON CHIARAMONTE

Henderson, Nevada.

MAYOR GOODMAN

Oh, I don't want to hear from you, then. Next? No, just kidding. Go ahead.

SHARON CHIARAMONTE

I'm –

MAYOR GOODMAN

Just kidding.

SHARON CHIARAMONTE

I'm here to represent Judy Steal, President and founder of the Arts Council of Henderson. The Arts Council of Henderson strongly supports the foundation in this endeavor. We believe the City is in need of a world-class arts center and we would consider using this facility for our events.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Well, that's very nice.

SHARON CHIARAMONTE

Thank you.

MAYOR GOODMAN

Thank you very much. Hopefully, by that time you'll be consolidated. Yes?

TOM McGOWAN

Tom McGowan, Las Vegas resident. I don't recall seeing either of the applicants speakers anywhere in downtown Northern New Jersey anytime over the past 70 years. And if memory serves, I, there are no passenger carrying (inaudible) fights between New York City and North New Jersey, and it may never be. Nevertheless, I wholeheartedly endorse the concept of a cultural and performing arts center sited on the former UP Railroad on the property of Downtown City of Las Vegas, particularly since I first proposed the comprehensive development of the UP Railroad property, including the performing arts center, in more than 13 years ago and repeatedly since, and some of you may eventually recall.

The eloquent presentation did mention the fact that there are two Las Vegas Performing Arts Foundations. One included the names Steven and Elaine Wynn. The other identifiable with Don Kemp, the owner/operator of Music World in the City of Las Vegas. The presentation also didn't mention the value of the five acres, the stable and reliable source of funding for the cost of construction, maintenance and operations, the value of the acreage, the cost of attendance, in particular, at the performances, and the title and place of presentation of any production ever staged in the entire history of the applicant performing arts center production company. Nevertheless, I recommend approval of the request with the sole caveat, that in the event of the economic failure of the performing arts center in consequence of aggressive competition by the array of major resorts, event centers and theatrical venues in the robust marketing and promotional resources that are cited throughout the Southern Nevada greater regional area, who

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

will fund the cost of demolition of the performing arts center if it becomes economically non-viable? Now, it will not be non-viable if it is done right. The question is who is going to do it right and when and what is their track record of experience and expertise in the field. You may not answer those questions. They will come at you in droves from your constituent public in due time. Thank you very much.

MAYOR GOODMAN

Yes.

PATRICIA MARTINELLI-PRICE

Hi. Good morning Mayor and City Council, members of – the Council and also the audience, the people that are here. My name is Patricia Martinelli-Price, born and raised in Las Vegas, also raised in Santa Fe in the summers cause it was too hot here. I come, of course, Santa Fe is one of the most incredible art, opera, symphony, and also ballet in the world, probably second to New York. So, I think it is important that we have this performing arts center in Las Vegas. We have major entities, like Sprit of the Nations, the Las Vegas Performing Arts Center major other entity that are trying to do this.

What I'd like to see is them come together rather than duplicating the same, coming together as a whole. I know they've all been working many, many, many years. Spirit of the Nations is involved with (inaudible) theaters, which they are the legitimate ballet, opera and also Broadway from all over the world. So I think, it might be important for that to come together. Also, I know that Nancy from the Nevada Ballet brings outreach of ballet to the schools and the disadvantaged children. The Nevada Opera does the same thing, Eileen Hayes with the Nevada Opera, and also the symphony. So, I think it is important because it does help the community. I think we had discussed this before that in New Mexico they have a one percent lodgers' fee. Half of a percent goes to the arts, half of a percent goes to services for the disadvantages and the homeless. So I think that might be something that could come in.

As a person and as Executive Director of the foundation that was started in the 1900s in Santa Fe, New Mexico, I think it would be very important to have all these entities work together to do

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

this incredible performing arts center. My daughter and I go to the Santa Fe Opera every year. We're patrons of the Nevada Opera. We are patrons of the Santa Fe Opera and also patrons of the San Francisco Opera. So, I think it would be important for this community. I remember when I was growing up seeing Pavorotti at the Riviera Hotel, so I know that it does enhance the children in a community. We have a lot of incredible, the – urban community, which is alive, the Black community, the Hispanic community, the Asian, the Caucasian, the Native American community, they have major productions that are touring right now. So I think it would be important to include all these entities together. Thank you.

MAYOR GOODMAN

Thank you. Yes? Could you take your off, please. Oh, that's better. The last guy that I asked to do that –

ANTHONY HODGES

Sorry, about that. It's just kind of western. You understand.

MAYOR GOODMAN

I understand. Thank you, Mr. Mayor. Congratulations on your re-election.

MAYOR GOODMAN

Thank you.

ANTHONY HODGES

My name is Anthony Hodges. I live at 3640 Las Vegas Boulevard North. The following art cultural center would be wonderful. The location downtown, it has some points. The other remaining acreage of this 61 acres, this will not be set right in the middle it, will enhance other larger concerns to be built later. Right?

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

We're – in the course of what's called a charrette process, where we're meeting with experts, consultants who are going to be meeting with us, I gather, I think on the 28th of this month to where we're going to make some rather definitive decisions, as to where the academic medical center will be, where the residential will be, where a ball park will be, where a school might be, and where the performing arts center would be. So, that – will be determined in about two weeks.

ANTHONY HODGES

That's a part of it.

MAYOR GOODMAN

In about a week. Yes.

ANTHONY HODGES

Okay, Mr. Mayor, that's very good. I'm in favor of building anything that will, you know, help the downtown and, as you say, have a culture at the same. But a little thing about downtown, I noticed that, we don't, Steve Wynn came up with a very good idea, a few years ago. We need, because we are an oasis in the desert, can we create some sort of water fountains, a little running creek, you know, something with water downtown?

MAYOR GOODMAN

Well, we got ourselves a little river between Fourth and Las Vegas Boulevard.

ANTHONY HODGES

Yeah, well, we need, you know what I'm saying, Mr. Mayor. We really need to have (inaudible) Over on that 61 acres, can we get some water over too?

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Well, after the drought is over, we can.

ANTHONY HODGES

Well, I mean, this water is reversible, you know. You don't – it's not the type of water will evaporate. It continues to recycle it.

MAYOR GOODMAN

Okay.

ANTHONY HODGES

But anyway, I thought that would be good also. Well, anyway, congratulations and I hope that it – arts center be performed. Thank you.

MAYOR GOODMAN

Thank you very much. Thank you.

RICHARD GEYER

Richard Geyer, 8260 Hilton Head Court. I come here representing the Las Vegas Arts District Neighborhood Association. I've been working, in one way or another, to promote that area for over five years, and one of our dreams, of course, was to have a performing arts center. We had, of course, would love to have it in our area, but we fully in back of, in favor having it contiguous to us. It's just across the Railroad Tracks. Certainly we hope and believe that in the long run it will help our area to develop, help the people that we are speaking to now that come in and – private money develop various businesses and galleries. This is all part of the development of Downtown and will be a legacy for all of us in the – years to come. So, on behalf of the Arts District, we hope for this approval and look forward to its development. Thank you.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Thank you. Yes, ma'am.

LESLIE FATHERINGHAM

Good morning ladies and gentlemen. I'm Leslie Fatheringham. I'm with Signature Productions, which is one of the production companies that was mentioned by Dr. Boman. Another company that I have been affiliated, which is the other company that he mentions, Community Theaters, PS Productions. I'm excited at the prospect of this being passed and moving forward with this produc, performing arts center. We have, in the past, performed at the Summerlin Theater in Summerlin, and as we were presenting our last production, which was the Sound of Music, I was thinking we – have outgrown this theater with our sets and the number of people that wanted to see the show who could not get in to see the show because the theater only seats 289 people. We could've easily filled the 650-seat theater that is proposed to be built in this performing arts center. We could've easily done that.

We are excited at the prospect of having this built. There are shows out there that we would love to present to the public, but because of the size of our facility, we are unable to do that. A couple of these shows, the sets are so huge that there just will not fit in our facility. Those shows are Rag Time, the Scarlet Pimpernel. So and we have just begun using live orchestra. We had a fundraiser to raise live orchestra fund for the next four shows that we're going to be doing. So we are desperately trying to take our company to the next level, and this will certainly help us achieve that to bring the community a higher standard of performing arts within the community and using the talent within the community.

And, Councilwoman McDonald, if you have such a lovely voice, our next show, we would love for you to come show your talent with us. We are doing Once on this Island, and our currently looking for performers for that. But that was just a little plug. You have to see it. But we are so supportive of this and we think that this is very much long overdue. Thank you very much.

MAYOR GOODMAN

Thank you.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

TODD FARLOW

Thank you. Todd Farlow, 240 North 19th Street. While I'm in agreement with the concept, I would like to make some comments here. JMA is the architect of that beautiful school that they're building in our neighborhood, and if that's anything like they plan to do there, I'm all for it.

I do have pro, a problem, though, with the location, and this is – my thing, this my thing on this, Mayor. Whereas in the last 70 years the freeways have been, the rivers coming together, as – you brought out. In the next 70 years it's going to be the monorail that's going to bring them down here. And I would, at one time we were going to build an arena at Stewart and Main. I don't know if that's still in the books. I think that this would actually go, fit better there. The Bass Center, the man mentioned, is built on one a half-acres, and I think there's over one half acres down there, and I, and it would be closer to the – Arts District.

Mr. Light mentioned that, I think his project was 120 million, and that school down there, I think, what – is going to cost. 54? I don't think -- \$50 million is going to do it, and rather than – to shoot – for the 50 million and miss it, I think –

MAYOR GOODMAN

No, the 50 million – is an endowment for the operations.

TODD FARLOW

Isn't it –

MAYOR GOODMAN

That's not for the capital improvement.

TODD FARLOW

Got it. Thank you very much. I think that's it. It's – just that I just think that the – corner of Stewart and Main would be a, for appropriate place. Thank you very much.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

Anybody else wish to be heard?

FRANK PERNA

My name is Frank Perna. I'm a County resident, and I'd like to echo the comments of all the previous speakers. But you're allowed free speech, the First Amendment now, but yet you suppress them on Item 78. That's not fair. First of all, here we go again, the homeless are going to be used as political pawns.

MAYOR GOODMAN

Okay. You can have a seat.

FRANK PERNA

Well, Sir.

MAYOR GOODMAN

You can have a seat.

FRANK PERNA

The homeless –

MAYOR GOODMAN

Have a seat. I told you, first of all, you misrepresented. The matter –

FRANK PERNA

What – Sir?

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

MAYOR GOODMAN

The matter was abeyed, and I said you welcome to come back and speak on it on June the 4th. Secondly, I said, at Citizen Participation, we'd be delighted to hear from you, but there was no sense hearing a speech when the matter was abayed. It was that simple.

FRANK PERNA

Well, the matter shouldn't have been abayed, Sir. It should have been heard today.

MAYOR GOODMAN

Okay. Have a seat.

FRANK PERNA

Thank you.

MAYOR GOODMAN

All right. Anybody else? All right. May I have a motion, please? Councilman Weekly?

COUNCILMAN WEEKLY

Your Honor, I'd like you to have the honor of this, being that, you know, you've had some vision for this area, and we've kind of made to sure your baby on the 61 acres. So, if you will.

MAYOR GOODMAN

Thank you. Let's vote. Post. That was a motion, wasn't it?

COUNCILWOMAN McDONALD

You have to make one.

MAYOR GOODMAN

Say it again?

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

COUNCILWOMAN McDONALD

You can make one.

MAYOR GOODMAN

Oh, you wanted me to do it?

COUNCILMAN WEEKLY

You can make a motion, please. We've been sitting here for hours. We want to get up and stretch our legs. Good gracious.

MAYOR GOODMAN

You should learn how to speak English. Can't understand anything.

COUNCILMAN WEEKLY

Oh, please. You – wake up. We asked you to make a motion.

MAYOR GOODMAN

I appreciate that my friend.

COUNCILWOMAN McDONALD

(Inaudible)

MAYOR GOODMAN

You know, I'd like to make it together with you, Councilman. But in spirit, let's move that we approve the Resolution and I'd – be delighted to execute it. Thank you. That's the motion. Post, please. Motion carries. Thank you.

**CITY COUNCIL MINUTES
MEETING OF
May 21, 2003**

VERBATIM TRANSCRIPT: ITEM 80 – R-83-2003

AUDIENCE

Disruptive applause.

MAYOR GOODMAN

All right. Thank you. Okay. Very nice, thank you. Very good. All right. Thank you.

(END OF DISCUSSION)

/ac;kh