

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

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Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**AMENDED
JOINT APPENDIX
VOLUME 12, PART 4 OF 5
(Nos. 2302-2325)**

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EXHIBIT G

EXHIBIT G

1 SECOND AMENDMENT

2 BILL NO. 89-52

3 ORDINANCE NO. 3472

4 AN ORDINANCE RELATING TO GAMING; AMENDING TITLE 6, CHAPTER 40, OF
5 THE MUNICIPAL CODE OF THE CITY OF LAS VEGAS, NEVADA, 1983
6 EDITION, BY ADDING THERETO A NEW SECTION, DESIGNATED AS SECTION
7 160, TO ESTABLISH A GAMING ENTERPRISE DISTRICT AND TO PROVIDE THE
8 MEANS BY WHICH THE CITY COUNCIL MAY AMEND SAID DISTRICT OR ADD
9 PROPERTY THERETO; AMENDING SECTION 150 OF SAID TITLE AND CHAPTER
10 TO PROVIDE THAT, EFFECTIVE JANUARY 1, 1990, NO NONRESTRICTED
11 GAMING MAY BE CONDUCTED, MAINTAINED OR OPERATED ON ANY PARCEL OF
12 LAND WITHIN THE CITY UNLESS, ON THAT DATE, SUCH GAMING IS BEING
13 CONDUCTED ON THAT PARCEL OR THE ZONING TO CONDUCT SUCH GAMING ON
14 THAT PARCEL HAS BEEN APPROVED, OR, IN THE ALTERNATIVE, THE PARCEL
15 IS LOCATED WITHIN AN AREA THAT HAS BEEN DESIGNATED AS A GAMING
16 ENTERPRISE DISTRICT; PROVIDING FOR OTHER MATTERS PROPERLY
17 RELATING THERETO; PROVIDING PENALTIES FOR THE VIOLATION HEREOF;
18 AND REPEALING ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT
19 HEREWITH.

20 Sponsored By: Summary: Establishes a gaming
21 Mayor Ron Lurie enterprise district, limits
22 nonrestricted gaming to said
23 district as of January 1, 1990, and
24 provides the means of amending said
25 district and adding property
26 thereto.

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

29 SECTION 1: Title 6, Chapter 40, of the Municipal
30 Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby
31 amended by adding thereto a new section, designated as Section
32 160, reading as follows:
33 6.40.160: (A) There is hereby established a gaming enter-
34 prise district which consists of those certain areas that are
35 delineated on the map thereof that is entitled "Gaming Enterprise
36 District Map," copies of which are maintained in the Office of
37 the City Clerk and in the Department of Community Planning and
38 Development, as said map may be from time to time amended by the
39 City Council to change the boundaries of, or other means of deli-
40 neating, the district by an ordinance that is duly passed,
41 adopted and approved.

42 (B) Individual parcels of land may be added to the

1 gaming enterprise district through the approval by the City Coun-
2 cil, following a public hearing thereon that has been duly adver-
3 tised by the publication of a notice thereof in a newspaper of
4 general circulation within the City not less than five days nor
5 more than ten days in advance of such hearing, of a petition to
6 include such property within the district. The petition must
7 not be granted unless the petitioner establishes that:

8 (1) The roads, water, sanitation, utilities and
9 related services to the location are adequate;

10 (2) The establishment that is proposed to be
11 operated on the parcel will not unduly impact the public ser-
12 vices, increase the consumption of natural resources or adversely
13 affect the quality of life that is enjoyed by the residents of
14 the surrounding neighborhoods;

15 (3) The establishment that is proposed to be
16 operated on the parcel will enhance, expand and stabilize
17 employment and the local economy;

18 (4) The establishment that is proposed to be
19 operated on the parcel will be located in an area that has been
20 zoned for that purpose or for which such zoning has been approved
21 by the adoption by the City Council of a resolution of intent
22 pursuant to LVMC 19.92.120; and

23 (5) The establishment that is proposed to be
24 operated on the parcel will not be detrimental to the health,
25 safety or general welfare of the community or be incompatible
26 with the surrounding area.

27 (C) Any interested person is entitled to be heard at
28 the public hearing that is held pursuant to subsection (B) of
29 this Section.

30 (D) If a petition that is submitted pursuant to subsec-
31 tion (B) of this Section is denied, the City Council may not con-
32 sider another petition concerning the same parcel, or any portion

1 thereof, until at least one year has elapsed since the date of
2 such denial.

3 (E) In the case of a petition and hearing that is held
4 pursuant to subsection (B) of this Section, the special use per-
5 mit provisions that are contained in Title 19 of this Code shall
6 not apply.

7 SECTION 2: Title 6, Chapter 40, Section 150, of the
8 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is
9 hereby amended to read as follows:

10 6.40.150: (A) No nonrestricted gaming shall be conducted,
11 maintained or operated in the City except:

12 [(A)](1) At a location which:

13 [(1)](a) On November 1, 1988, was licensed
14 for nonrestricted gaming,

15 [(2)](b) Consists, or when the same is
16 constructed will consist, of a restaurant which has full
17 kitchen facilities and is located within a freestanding
18 building that contains in excess of three thousand square
19 feet of usable floor space under one roof and is separated
20 along its entire exterior perimeter from any other commercial
21 establishment either by a property line or by an unobstructed
22 open area at least ten feet in width and with respect to
23 which, on April 1, 1989, a tavern license had been issued
24 pursuant to LVMC 6.50.050 or preliminary approval for a
25 tavern license had been granted pursuant to LVMC 6.06.050, as
26 the case may be, and an application for nonrestricted gaming
27 had been filed with the State; or

28 [(3)](c) Consists of a licensed business
29 premises that contains in excess of nine thousand square feet
30 of usable floor space under one roof within which the gaming
31 is, at all times, under the supervision of an attendant whose
32 duties shall be limited solely to the making of change and

1 supervising such gaming and with respect to which, on
2 April 1, 1989, an application for nonrestricted gaming had
3 been filed with the State;
4 provided, however, that such gaming shall be limited to the
5 operation of not more than thirty-five slot machines at any such
6 location that, on April 1, 1989 was licensed for slot machines
7 only;

8 [(B)](2) At a location which:

9 [(1)](a) Is situate within the area that is
10 bounded by the east side of Main Street, the south side of
11 Stewart Avenue, the west side of Third Street and the north
12 side of Carson Avenue; or

13 [(2)](b) Fronts on either side of Jackson
14 Avenue between "D" Street and "G" Street or on either side of
15 Owens Avenue between "H" Street and Martin Luther King Boule-
16 vard

17 and with respect to which, on April 1, 1989, an application for
18 nonrestricted gaming had been filed with the State;

19 [(C)](3) In a hotel which:

20 [(1)](a) Has at least two hundred guestrooms
21 that are available to the public; or

22 [(2)](b) On February 1, 1989, had at least
23 eighty guestrooms that continue to be available to the
24 public, and the requirement for the other one hundred twenty
25 guestrooms had been waived;

26 [(D)](4) At a location with respect to which a
27 tavern license is issued pursuant to LVMC 6.50.050; provided,
28 however, that such gaming shall be limited to the operation of
29 not more than twenty slot machines; or

30 [(E)](5) In a retail outlet that contains at
31 least five thousand square feet of usable floor space and with
32 respect to which a special use permit for a general business

1 related gaming establishment, as that term is defined in LVMC
2 19.04.417, is obtained in accordance with LVMC Title 19; pro-
3 vided, however, that such gaming shall be limited to the opera-
4 tion of not more than twenty slot machines.

5 (B) Notwithstanding anything to the contrary that is
6 provided in, or may be implied from, subsection (A) of this Sec-
7 tion or Title 19 of this Code, effective January 1, 1990, no
8 nonrestricted gaming shall be conducted, maintained or operated
9 on any parcel of land within the City unless:

10 (1) As of that date a gaming establishment is
11 operating on that parcel pursuant to a nonrestricted license;

12 (2) The parcel is zoned for resort and gaming pur-
13 poses or the zoning of the parcel for such purposes has been
14 approved by the adoption by the City Council of a resolution of
15 intent pursuant to LVMC 19.92.120;

16 (3) The parcel is zoned for resort and gaming pur-
17 poses and an application for aesthetic review with respect to the
18 establishment that is proposed to be operated thereon had been
19 filed prior to October 5, 1988; provided, however, that the
20 exception that is provided for in this paragraph (3) applies to
21 the parcel only if it is developed by the person on whose behalf
22 such application was filed; or

23 (4) The parcel is located within an area that has
24 been designated as a gaming enterprise district pursuant to LVMC
25 6.40.160.

26 (C) Except as otherwise provided in LVMC 6.40.160(E),
27 the inclusion of a parcel within a gaming enterprise district
28 established pursuant to LVMC 6.40.160 does not diminish the
29 applicability of the provisions of Title 19 of this Code to that
30 parcel.

31 SECTION 3: Title 6, Chapter 40, Section 165, of the
32 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is

1 hereby amended to read as follows:

2 6.40.165: If gaming operations at any location at which
3 restricted gaming may be conducted by virtue of LVMC 6.40.140(A)
4 or at any location at which nonrestricted gaming may be conducted
5 by virtue of LVMC [6.40.150(A) or 6.40.150(B)] 6.40.150(A)(1),
6 6.40.150(A)(2), 6.40.150(B)(1) or 6.40.150(B)(2) are discontinued
7 for twenty-four consecutive months, the right to conduct gaming
8 at such establishment by virtue of LVMC 6.40.140(A), [6.40.150(A)
9 or 6.40.150(B),] 6.40.150(A)(1), 6.40.150(A)(2), 6.40.150(B)(1)
10 or 6.40.150(B)(2), as the case may be, shall, upon the expiration
11 of such twenty-four-month period, automatically terminate, and no
12 gaming may be conducted at such location unless or until such
13 location is licensed for restricted gaming pursuant to some other
14 provision of LVMC 6.40.140 or for nonrestricted gaming pursuant
15 to some other provision of LVMC 6.40.150.

16 SECTION 4: Whenever in this ordinance any act is
17 prohibited or is made or declared to be unlawful or an offense or
18 a misdemeanor, or whenever in this ordinance the doing of any act
19 is required or the failure to do any act is made or declared to
20 be unlawful or an offense or a misdemeanor, the doing of any such
21 prohibited act or the failure to do any such required act shall
22 constitute a misdemeanor and upon conviction thereof, shall be
23 punished by a fine of not more than \$1,000.00 or by imprisonment
24 for a term of not more than six (6) months, or by any combination
25 of such fine and imprisonment. Any day of any violation of this
26 ordinance shall constitute a separate offense.

27 SECTION 5: If any section, subsection, subdivision,
28 paragraph, sentence, clause or phrase in this ordinance or any
29 part thereof, is for any reason held to be unconstitutional or
30 invalid or ineffective by any court of competent jurisdiction,
31 such decision shall not affect the validity or effectiveness of
32 the remaining portions of this ordinance or any part thereof.

1 The City Council of the City of Las Vegas, Nevada, hereby
2 declares that it would have passed each section, subsection, sub-
3 division, paragraph, sentence, clause or phrase thereof irrespec-
4 tive of the fact that any one or more sections, subsections, sub-
5 divisions, paragraphs, sentences, clauses or phrases be declared
6 unconstitutional, invalid or ineffective.

7 SECTION 6: All ordinances or parts of ordinances,
8 sections, subsections, phrases, sentences, clauses or paragraphs
9 contained in the Municipal Code of the City of Las Vegas, Nevada,
10 1983 Edition, in conflict herewith are hereby repealed.

11 PASSED, ADOPTED AND APPROVED this 20th day of December ,
12 1989.

13 APPROVED:

14 By 
15 RON LURIE, MAYOR OK 1890 RRV

16 ATTEST:

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18 KATHLEEN M. TIGHE, CITY CLERK
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1 The above and foregoing ordinance was first proposed and
2 read by title to the City Council on the 16th day of August,
3 1989, and referred to a committee composed of the entire City
4 Council for recommendation; thereafter the said committee
5 reported favorably on said ordinance on the 20th day of
6 December, 1989, which was a regular meeting of said
7 Council; that at said regular meeting, the proposed
8 ordinance was read by title to the City Council as amended and
9 adopted by the following vote:

10 VOTING "AYE": Councilmen Adamsen, Higginson, Miller, Nolen and Mayor Lurie

11 VOTING "NAY": NONE

12 ABSENT: NONE

13 APPROVED:

14 By 
15 RON LURIE, MAYOR *OK 1-8-90/HAL*

16 ATTEST:

17 
18 KATHLEEN M. TIGHE, CITY CLERK

CITY OF LAS VEGAS

INTER-OFFICE MEMORANDUM

Date

January 10, 1990

TO:

KATHLEEN M. TIGHE
CITY CLERK

FROM:

HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

SUBJECT:

GAMING ENTERPRISE DISTRICT MAP
BILL NO. 89-52

COPIES TO:

Attached is a copy of the Gaming Enterprise District map and Attachment A which should be part of the Ordinance and included with any copy made of this ordinance. A larger map (24"x36") is available from this office to the general public upon request and at a cost of \$1.00 per copy.

HPF:lm

Attachment

CLV 7007

CLV305828
00130

2311

ATTACHMENT A

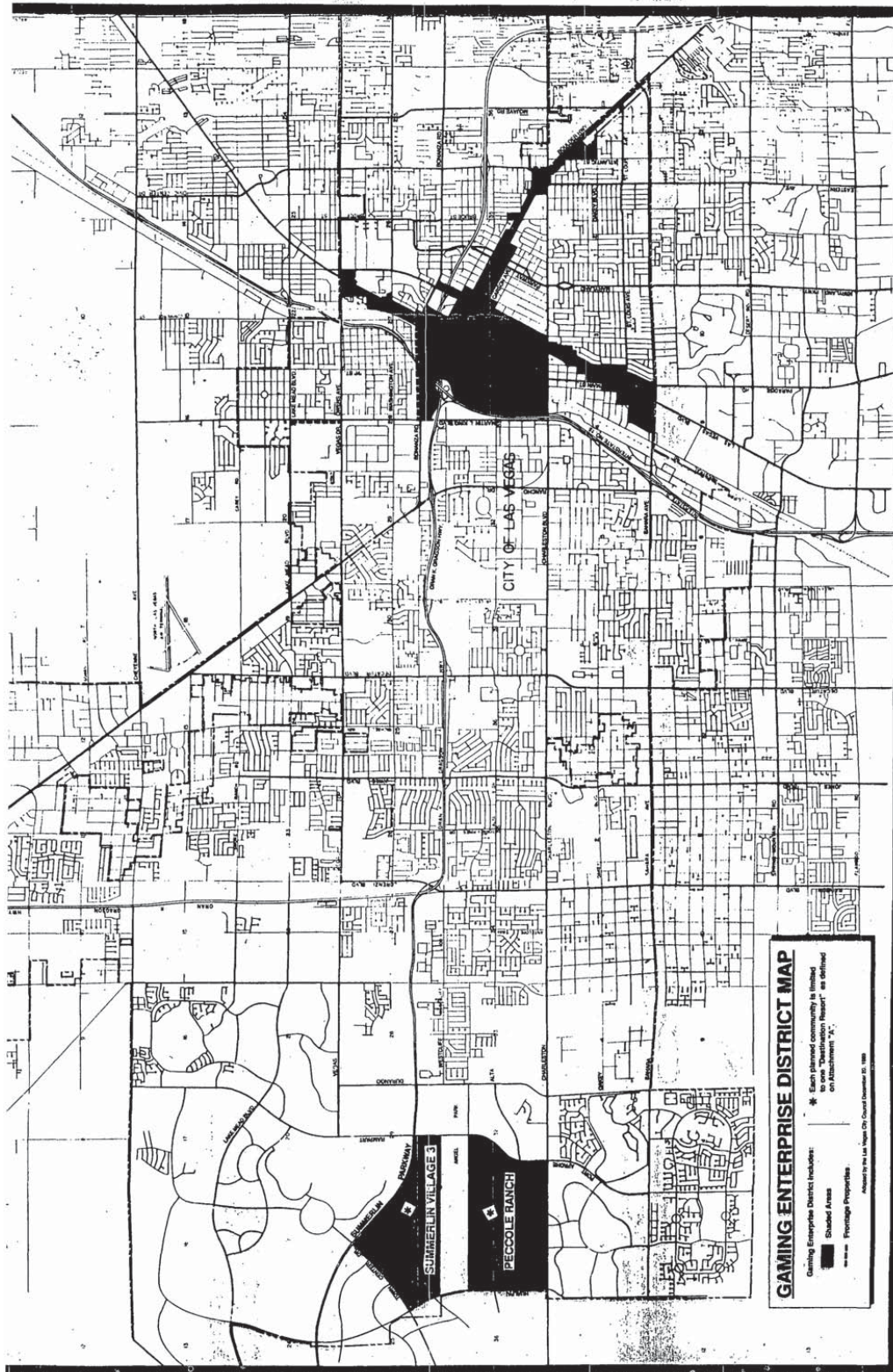
GAMING ENTERPRISE DISTRICT

A "Destination Resort" is defined as a hotel with a minimum of 200 guest rooms within the boundaries of a master planned community of at least 500 acres in size and includes amenities such as:

1. An 18-hole golf course.
2. Four regulation size tennis courts.
3. A swimming pool of not less than 20 feet in width, 35 feet in length and at least 6 feet in depth at its deepest point.
4. A restaurant which is open for the service of complete meals at least 18 hours per day, which seats at least 100 people.
5. A gourmet or specialty restaurant which seats at least 50 people.
6. Room service to all guest rooms.
7. Conference or meeting rooms of at least 5,000 square feet.

CLV305829

00131



CLV305830

00132

2313

CITY COUNCIL MINUTES

SPECIAL MEETING OF
DECEMBER 8, 1989

000004

AGENDA*City of Las Vegas*CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 1

ITEM

ACTION

IX. 9:00 A.M. - PUBLIC HEARINGS

A. BILL NO. 89-52 - ESTABLISHES A GAMING ENTERPRISE DISTRICT, LIMITS NONRESTRICTED GAMING TO SAID DISTRICT AS OF JANUARY 1, 1990, AND PROVIDES THE MEANS OF AMENDING SAID DISTRICT AND ADDING PROPERTY THERETO.

Committee: Full Council

First Reading - 8/16/89

Recommending Committee - 8/28/89
10/2/89Citizens Committee - 10/13/89
10/25/89
11/6/89
11/14/89

First Publication: NONE

Committee Recommendation:

A Citizens Committee comprised of:
Chairman Bill Briare, Christopher L. Kaempfer, Scott Nielson, Erven T. Nelson, Tommy Deaver, Assemblyman Matthew Callister, Steve Greathouse, Abe Mayhan, Albert D. Massi, Ann Meyers, Toby Lamuraglia, Clyde Turner and Wayne Bunker was appointed. Bill to be brought back for adoption in December.

NOTE: Public Hearing to be held 12/8/89
Special City Council meeting at 9:00 A.M.

FULL COUNCIL PRESENT.

ANNOUNCEMENT MADE - RE: COMPLIANCE WITH OPEN MEETING LAW.

MAYOR LURIE declared public hearing open and asked for comments.

BILL BRIARE, Chairman of the Citizens Committee on Bill 89-52, appeared. He stated the Committee held several meetings and two public hearings on the Bill. He read the recommendation of the Committee into the record which is attached and made part of the final Minutes.

ATTORNEY BOB FAISS and PHIL CONWAY appeared representing Howard Hughes and the Summerlin project. They objected to the criteria submitted by Scott Nielson and recommended by the Committee for Destination Resorts. He pointed out one of the criteria was an 18-hole golf course, and while they did plan for such a golf course, emphasized there should be flexibility. Conditions at the time of construction such as availability of resources for a golf course, may dictate some other type of recreational facility be developed. He asked that they not be singled out to meet higher standards.

ATTORNEY DENNIS LEAVITT, representing Drs. Sculley and Carmena, appeared. He requested inclusion of 16 acres of property on Sahara across the street from the Palace Station. He believed this was consistent with other zoning in the surrounding area and pointed out the property was fully buffered on all four sides. He stated the gas station would be removed and they would dedicate land so the road could be widened to alleviate the traffic problem.

COUNCILMAN MILLER stated this was an intrusion into his neighborhood, was not consistent with other zoning, and would make a bad traffic situation worse.

MAYOR LURIE pointed out at the conclusion of the public hearing, they would vote separately on each location.

ERNEST HAWKINS appeared indicating for 30 years he has owned 7 acres at Jones and Rancho, fronting on Rancho, with 12 acres of R-3 to the rear. He asked that the frontage property be included. He proposed a one-story supper club with a small casino.

00133

2314

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989
AGENDA *City of Las Vegas*
CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

000005

Page 2

ITEM	ACTION
IX. 9:00 A.M. - PUBLIC HEARING A. BILL NO. 89-52 (continued).	<p>JOANNA WESTLEY LEE, 1320 "D" Street appeared expressing concern about the proposed Rhet Butler Hotel. She asked that this matter be tabled for three to six months to allow those concerned to meet with representatives of the Rhet Butler. (EXCERPT MADE PART OF FINAL MINUTES.)</p> <p>TOM WIESNER, Draft House Bar and Grill, appeared. He requested that this property, 4543 N. Rancho, and the adjacent property be included and read his request letter into the record which is attached and made part of the final Minutes.</p> <p>ASSEMBLYMAN MATT CALLISTER, Committee member, appeared. He stated the committee took into consideration existing facilities which did not mean that they could go sideways or obtain adjacent property. The districts should lay out a blueprint of where gaming will go in the next 20 years. Grandfathering is covered by the statute and properties already approved or pending required no additional language.</p> <p>GENE COLLINS appeared and expressed concerns about the Rhet Butler. He requested the Council delay action because one of his concerns was that racism had crept into this project. (EXCERPT MADE PART OF FINAL MINUTES.)</p> <p>(ATTORNEY SCOTT NIELSON, Committee member, appeared at the Recommending Committee following the public hearing discussion.)</p> <p>(ABE MAYHAN, Committee member, appeared at the Recommending Committee following the public hearing discussion.)</p> <p>There being no one else wishing to be heard, Mayor Lurie declared the public hearing closed at 9:45 A.M. noting that discussion would be held by the Recommending Committee consisting of the full Council on each enterprise district location and a recommendation made so the Bill could be adopted at the 12-20-89 Council meeting.</p>

00134

2315

City of Las Vegas

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989

Date: August 2, 1989

AGENDA DOCUMENTATION

000006

TO: The City Council

FROM: Val Steed *Val Steed*
Chief Civil Deputy Attorney

SUBJECT: Bill No. 89-52 : Establishes a gaming enterprise district, limits nonrestricted gaming to said district and provides the means of amending said district and adding property thereto

PURPOSE/BACKGROUND

During its recently-concluded session, the Nevada Legislature enacted Chapter 616, Statutes of Nevada 1989 (Assembly Bill 845) to authorize local governments in counties whose population is 400,000 or more to create gaming establishment districts. The legislation provides that, beginning January 1, 1990, no State license for nonrestricted gaming may be issued in such a county unless the property to be licensed is located in an area that has been designated as a gaming enterprise district. The legislation provides exceptions for parcels upon which nonrestricted gaming is already being conducted on January 1, 1990, and parcels concerning which the zoning for such use has already been approved by that date.

Bill No. 89-52, if it is adopted, will establish a gaming enterprise district, to consist of areas that will be delineated on a "Gaming Enterprise District Map" to be adopted by the City Council. Under this bill, the Map may be amended from time to time by ordinance. Additionally, the City Council may add individual parcels of land to the gaming enterprise district by the approval of a petition therefor, following a public hearing. Such a petition can be approved only if the statutory requirements are met, which, summarized, are that:

- 1) Roads, utilities and other related services are adequate;
- 2) The proposed gaming establishment will not adversely affect public services, the quality of life in the area, etc.;
- 3) The proposed establishment will enhance employment and the local economy;
- 4) The location is properly zoned; and
- 5) The proposed establishment will not be detrimental to or incompatible with the surrounding area.

Bill No. 89-52 also includes the statutory restriction that precludes the consideration of a petition to add a parcel of land

-Continued-

FISCAL IMPACT

NONE

RECOMMENDATIONS

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

Agenda Item

VI-D

00135

2316

City of Las Vegas

CITY COUNCIL MINUTES
SPECIAL MEETING OF
DECEMBER 8, 1989

000007

August 2, 1989

Date: _____

AGENDA DOCUMENTATION

Page -2-

to the gaming enterprise district for one year after a petition concerning the same parcel has been denied.

Finally, consistent with the statute, this bill provides that, effective January 1, 1990, nonrestricted gaming will be permitted only in establishments that are operating on that date pursuant to a nonrestricted license or at locations that, as of that date, either have been approved by the City Council for nonrestricted gaming or are located in the gaming enterprise district.

00136

2317

CITY COUNCIL MINUTES
LAS VEGAS GAMING ENTERPRISE DISTRICT COMMITTEE

000017

DEC 08 1989

AREAS RECOMMENDED FOR INCLUSION IN THE
GAMING ENTERPRISE DISTRICT

(Meetings of November 14 and 20, 1989)

1. The area outlined on a map of downtown Las Vegas presented to the Committee, as specifically modified to include:

A) The Blue Angel Motel property in its entirety, on the south side of Fremont Street near Eastern Avenue.

B) Property (in the City) along the southwest side of Fremont Street (Boulder Highway), from Charleston Boulevard to Oakey Boulevard, including all of the Showboat Hotel property.

C) Property north of Charleston Boulevard between Interstate 15 and Third Street.

2. Property fronting on both sides of Bonanza Road, from the easterly boundary of Rancho Drive to Main Street *

* with the acknowledgement that only some properties would be suitable for gaming and that some of that area has historic significance that should be considered.

3. Property fronting on the west side of Martin Luther King Boulevard between Owens Avenue (Vegas Drive) and Lake Mead Boulevard.

4. Peccole Ranch and Summerlin Village 3, as outlined on their respective maps **

** with the qualification that each of those two developments be limited to one "destination resort" as defined in the attachment.

(Minutes of these meetings are attached. Discussions on motions are highlighted and votes taken are indicated with a "V".)

00137

2318

DEC 08 1989

000018

MEMORANDUM

TO: *City of Las Vegas Gaming Enterprise District Committee*

FROM: *Scott M. Nielson, Esq. SMV*

DATE: *November 15, 1989*

RE: *Nonrestricted Gaming at a "Destination Resort"*

Certain parties that are developing large master-planned communities in the City of Las Vegas have requested that the City of Las Vegas Gaming Enterprise District Committee (the "Committee") recommend that a portion of their master-planned community be designated a gaming enterprise district. Rather than simply designating a portion of such master-planned communities as a gaming enterprise district, it has been suggested that nonrestricted gaming be permitted only in conjunction with a "Destination Resort." A Destination Resort would be defined as a hotel within the boundaries of a master-planned community of at least 500 acres that includes at least the following amenities:

1. 200 guest rooms for sleeping accommodations.
2. An 18-hole golf course.
3. Four regulation size tennis courts.
4. A swimming pool of not less than 20 feet in width, 35 feet in length and at least 6 feet in depth at its deepest point.
5. A restaurant which is open for the service of complete meals at least 18 hours per day, which seats at least 100 people.
6. A gourmet or specialty restaurant which seats at least 50 people.

1189MIS\WILLIA14.MEM (msh)

00138

2319

CITY COUNCIL MINUTES
SPECIAL MEETING OF

000019

DEC 08 1989

7. Room service to all guest rooms.
8. Conference or meeting rooms of at least 5,000 square feet.

CITY COUNCIL MINUTES
MINUTES SPECIAL MEETING OF

000024

RECESSED MEETING DEC 08 1989

LAS VEGAS GAMING ENTERPRISE
DISTRICT COMMITTEE

November 20, 1989

The meeting was called to order by Chairman Bill Briare at 7:30 a.m. in the City Manager's Conference Room, 10th Floor, Las Vegas City Hall, 400 East Stewart Avenue, Las Vegas, Nevada.

COMMITTEE MEMBERS PRESENT: Bill Briare, Chairman
Abe Mayhan
Christopher L. Kaempfer
Scott M. Nielson
Erven T. Nelson
Toby Lamuraglia
Tom Deaver
Assemblyman Matthew Callister

COMMITTEE MEMBERS ABSENT: W. Wayne Bunker
Anne Meyers
Steve Greathouse
Clyde Turner
Albert D. Massi

Chairman Briare said the meeting of November 14, 1989 is being continued to primarily discuss further the Rancho Road properties, the ones that are there, and look at whether or not there are properties located further northwest. He also thanked Chris Kaempfer for taking over the meeting on November 14th and setting the time for this recessed meeting. He asked Chris Kaempfer to give a sketch of where the meeting left off.

Chris Kaempfer said that when the meeting recessed there was the vote on Rancho Road and the concern he had along with others was the fact that we don't think sufficient time had been given some of the properties or the consideration of possibly further out there may be some additional property that might be appropriate. The committee had not addressed some of the issues, like Bonanza and what is characterized as the Westside, it was suggested that perhaps Councilman Miller attend the meeting today, or other people from the Westside who are more familiar with the area, and based on that the committee could come up with a solid recommendation and designate some areas. Make sure the whole city was given consideration by the committee. We have on the table several areas -- we need to take Rancho Road all the way out northwest and finish that discussion. Need to discuss Bonanza Road between Rancho down toward Main. Need to discuss the various pieces of property that people have asked the committee to consider, not in connection with their particular parcel but whether or not their parcel would fall within a Gaming Enterprise District.

Chairman Briare suggested discussing the Westside first and welcomed Councilman Miller and stated that a blanket motion was made to include Jackson Avenue in the Gaming Enterprise District so at the moment this is resting.

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Councilman Miller said he was visiting on Friday with the management team that handles Bill Cosby, Quincy Jones, Lou Rawls, Eddie Murphy and Sidney Portier -- namely, Marty Frooshman and Bernie Molinsky, CPA firm in Beverly Hills, to see how serious they are and they are serious. They have a large deposit on the corner of Bonanza and Rancho. The total project is in the neighborhood of 100 million dollars. They are looking at 12 to 14 acres. Basically, Councilman Miller's basic concern in trying to effectuate change in West Las Vegas will center on that particular site. The Jackson Avenue idea was something that was formed back in the 40's and it was based on segregation when integration took place. Jackson Avenue has fallen into its current state of demise. The proper method for that section of Ward 1 would be to cornerstone Ward 1 with the highest and best use types of utilization of properties. The Big Horn is going up on the extension of Carey and Rancho along with the development of the North Las Vegas Airport as a commuter terminal if runway 725 were lengthened another 2,000 feet which is on the drawing boards. This would relieve some of the problems at McCarran. This site could be the cornerstone of the West Las Vegas 89106 zip code area. The corner of Martin Luther King and Cheyenne in North Las Vegas is being considered for possible hotel/casino development.

The Rancho and Bonanza cornerstone is in the works at this time. The "F" Street and Bonanza intersection (the northernmost ingress/egress to the redevelopment of the Union Pacific site) would be another ideal cornerstone location. Also, Main and Bonanza -- there are also plans for a major hotel/casino type project. Councilman Miller stated that his theory as Councilman for Ward 1 that we welcome as much casino development or redevelopment into that Ward. Along with Councilman Nolen, they are probably the only two Councilman welcoming casinos into their areas. His major concern is not Jackson Avenue, but it is Bonanza from Rancho to Main Street with exceptions because there are some fine residences in there. Look mainly at the intersections of Bonanza and Rancho; Bonanza and Main Street; Bonanza and "F" Street and Martin Luther King and Bonanza.

Assemblyman Callister explained that the bill asked every municipality to establish its core area -- the area which everyone can agree is to be where to expect to find new casino development. He said he felt anything on Rancho Road can be dealt with adequately under the state legislation as it establishes the procedure for seeking a Variance, but he stated he is concerned about the Bonanza area and setting a precedent that one property is in the zone and another property is not. If that stretch of road is addressed we must say it is a gaming enterprise zone but that doesn't mean every parcel of property in that stretch of road is going to be a casino. It means from a master plan point of view it's an area we anticipated looking forward down the road to find a casino there. The notion of the legislation was to not spot zone, but establish the core area doctrine. Councilman Miller restated that he recommends Bonanza from Main Street to Rancho on both sides, but then there still is the dilemma about Rancho going north. Abe Mayhan stated he agreed with Assemblyman Callister because as discussed several times being within a zone does not automatically convey the privilege of building casinos; still must have use permits and zoning, etc. Chris Kaempfer stated he has always been in support of making the zones a little broader as opposed to more narrow. He made a motion that the area
→ from Main to Rancho be included as a Gaming Enterprise District with the

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understanding that it is not a guarantee of anything but our acknowledgement that there are areas along there that are suitable for gaming. Scott Nielson suggested that the line be drawn from the eastern boundary of Rancho. The motion was so amended. The district will be laid out now and every time someone wants to build a casino outside of the district, they must apply and satisfy the Variance procedure on an individualized basis. Each project will stand or fall on its own merits. The language in the recommendation should include that we recognize some of that area being historic. The Chairman called for the vote. Motion carried unanimously. ✓

Discussion followed on Jackson Street and the Chairman suggested leaving that as it is. Councilman Miller said that historically Jackson Street has been a gaming enterprise zone and there is no reason to remove it even though it has not inspired any development since the late 50's or early 60's. It was suggested that Jackson Street from "H" Street almost to the Freeway be included in the map. The big, vacant parcels are what are being looked at this time in West Las Vegas as being the future.

Chris Kaempfer asked if the Councilman knew of any other properties in the area which would be appropriate for gaming enterprise district. Councilman Miller said he heard that a parcel on the corner of Martin Luther King and Owens, the northwest portion thereof, which is a part of the Downtown Redevelopment Area, could be included within this. The frontage on Martin Luther King from Owens to Lake Mead Boulevard. If the southern portion of Martin Luther King is included some nice residential neighborhoods will be impacted. Councilman Miller said that development should be encouraged within the redline districts and he just specified one area that he thinks could use casino/hotel development. Chris Kaempfer made a motion that the area designated by Councilman Steve Miller be designated as a Gaming Enterprise District -- the area between Lake Mead and Owens on Martin Luther King on the west side which is vacant land be designated as Gaming Enterprise District. Vote was called on the motion. 6 voted yes; 2 voted no. Motion passed. ✓

Chairman Briare stated that the ones that people have asked on an individual basis whether the property is located in the County or not would be Jack Sommer - non-city; Nevada Properties - non-city; Draft House Bar and Grill - city; and Sahara Rancho Medical Center - city. Starting the Nevada Properties and Jack Sommer, the Chairman asked Scott Nielson if he had any additional comments. Mr. Nielson said they were pretty well discussed the last time. The concept is that they are quite a ways out on Rancho Road and as Harold Foster demonstrated they are quite a distance past the approved properties and not really impacting anything at the present time. The question, though, is that the two properties are not in the City, but they would have to be annexed if they are to be developed.

Abe Mayhan requested permission for Pastor Bob Linder to address the committee. Pastor Bob Linder stated he represented the vast majority of homeowners and residents of the northwest corner of the Valley. Since the fall of 1987 the Northwest community has gone on record opposing casinos in the northwest community. Pastor Linder stated he heard from the media the committee was strongly considering Rancho Road to become a Gaming Enterprise Zone and in speaking for the vast majority living in that community strongly oppose that effort and remind the committee that those living in the northwest area ask the committee to not recommend a Gaming Enterprise Zone along Rancho Road or anywhere further in the northwest area of the Valley.

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→ Regarding the Nevada Properties and Jack Sommers requests, a motion was made by Erv Nelson not to consider anything outside of the city. Seconded by Tom Deaver. Yes - 4 votes; No - 4 votes. The motion dies and the Chairman stated the matter still will have to be discussed. ✓

→ Since the committee was appointed to look at areas of the city and try to determine where gaming districts ought to be. However, the committee has looked at all requests presented to it. It was suggested to start working with the map. A motion was made Scott Nielson to establish a Gaming Enterprise District starting at the south of Ann Road going north to Kyle Canyon Road on both sides of the Freeway a depth of 660 feet -- move that that be included in the Gaming Enterprise District. Chris Kaempfer seconded the motion subject that it is not an automatic. Toby Lamuraglia asked to amend the motion to include down to Cheyenne and then withdrew his amendment. The Chairman called for a vote. 3 voted "yes" and 5 voted "no." The motion failed. ✓

→ Scott Nielson suggested the committee look at the area of the city where the Weisner property is located to determine if it is an appropriate area to have a Gaming Enterprise District. Chairman Briare made a motion that the property generally known as the Weisner property be designated on the map as a Gaming Enterprise District. Result of vote was: Yes - 2; No - 6. The motion failed. ✓ Toby Lamuraglia asked to allow Ernie Hawkins, his partner, address the committee. Mr. Hawkins stated that he was having a bit of a problem because this committee is discussing city business and there are people on the committee voting on these issues who do not live in the city. To stop gaming up and down Rancho it will be shoved right over to North Las Vegas and they will have everything going on Craig Road.

→ A motion was made by Tom Deaver to exclude all of Rancho Road south of Ann Road down to Bonanza. Chris Kaempfer said he will not support a motion that excludes an area unless there are special circumstances like the Mormon Fort. Discussion was held on the motion and it was decided that only properties to be included in the Gaming District would be voted on. Chairman Briare said that Tom Deaver's motion was out of order. The Chairman asked if there was anyone to make a motion on Toby Lamuraglia's property. Since there was none, the next order of business was the Sahara Rancho Medical Center. Chris Kaempfer stated he was contacted by someone representing the Medical Center and he told them to write the letter. There was no motion placed on the floor. The property will not be included in the map.

→ The Summerlin and Peccole properties were next discussed. Scott Nielson pointed out that people were upset at the public hearings with casinos being superimposed on an area that is already developed. The two properties being discussed are open space that has been master planned and there were previous designations of what would be a resort/hotel. Abe Mayhan then made a motion to recommend approval of the aforementioned properties in Peccole Ranch and in Summerlin Village 3 as indicated on the two maps available to the committee for review

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for inclusion in the District with the recommendations to build a destination resort. Mr. Mayhan amended the motion to include property requested by Mr. Peccole and Village 3 in Summerlin with the recommendations that there be one destination resort in each of those properties as described by the developers. Seconded by Chris Kaempfer. The motion carried with 7 voting "yes" and one voting "no." ✓

Assemblyman Callister made a motion that the language prepared by Scott Nielson be defining "destination resort" incorporated into the recommendations submitted to the City Council. Erv Nelson seconded the motion. The motion carried unanimously. ✓

Chairman Briare asked for the consensus of opinion of the committee with respect to Jackson Street since they already have gaming? Assemblyman Callister suggested not doing anything. Val Steed said that while there may be approvals there now it is not a redline district and they will have to get a use permit and go through the normal process.

Chairman Briare said he was making a change in the committee who will receive the proposed document prepared by Val Steed which will be presented to the City Council. The committee will be composed of Chris Kaempfer, Scott Nielson and Abe Mayhan (replacing Albert Massi who was not able to attend today's meeting).

Chairman Briare thanked Claudette of the City Clerk's Office, Val Steed of the City Attorney's Office and Harold Foster, Director of Community Planning and Development for their work with this committee.

Also Chairman Briare thanked the committee members and stated the committee recommendations will be formally presented to the City Council at a Public Hearing on December 8 which will be immediately followed by a Special Recommending Committee Meeting. The Bill will then be adopted at the December 20, 1989 City Council Meeting.

A special commendation was made to Assemblyman Callister for the fine job he has done on this bill.

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