

**CITY OF NORTH LAS VEGAS
REGULAR CITY COUNCIL MEETING MINUTES**

April 18, 2001

CITY COUNCIL INFORMATION SESSION

CALL TO ORDER

6:00 P.M. City Manager's Conference Room, 2200 Civic Center Drive, North Las Vegas, Nevada

- a. Verification
- b. Discussion of City Council Agenda
- c. Human Resources Department Update
- d. City Clerk's Office Update
- e. Update on Sexually Oriented Business Ordinance
- f. Public Comment

CITY COUNCIL MEETING

CALL TO ORDER

7:00 P.M., Council Chambers, 2200 Civic Center Drive, North Las Vegas, Nevada

ROLL CALL

PRESENT

Mayor Michael L. Montandon
Mayor Pro Tempore William E. Robinson
Councilman John K. Rhodes
Councilwoman Stephanie S. Smith
Councilman Shari Buck

STAFF PRESENT

City Manager Kurt Fritsch
Assistant City Manager Gregory Rose
City Clerk Eileen M. Sevigny
City Attorney Sean McGowan
Finance Director Vytas Vaitkus
Human Resources Director Dan Tarwater
Associate Director Public Works Lournal Gubler
Property Manager Randy Cagle
Development Services Director Tom Bell

Parks & Recreation Director Ken Albright
Redevelopment Manager Kenny Young
Administrative Services Director Eric Dabney
Police Deputy Chief Ed Finizie
Chief of Detention Ken Ellingson
Deputy Fire Chief Jim Stubler
Public Information Officer Brenda Johnson
Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Reverend Fouston Jordan
Rivers of Living Water Ministries

PLEDGE OF ALLEGIANCE

Councilman Shari Buck

PROCLAMATION

i PROCLAIMING MAY 1 - MAY 7, 2001 WATER CONSERVATION WEEK

ACTION: MAY 1 THROUGH MAY 7, 2001 PROCLAIMED WATER CONSERVATION WEEK

Councilman Rhodes left Chambers at 7:05 p.m.

AGENDA

1. REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF APRIL 18, 2001.

ACTION: APPROVED AS AMENDED; ITEM NOS. 3 - 6 CONTINUED TO MAY 16, 2001; ITEM NO. 16 TABLED TO MAY 2, 2001; ITEM NO. 31 STRICKEN.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

Councilman Rhodes returned to Chambers at 7:12 p.m.

PUBLIC HEARINGS - 7:05 P.M.

2. APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY UN-09-01; AN APPLICATION SUBMITTED BY JAMES A. LEE, FOR A USE PERMIT ON PROPERTY LOCATED AT 4224 ARCATA WAY, SUITE A, B & C, TO ALLOW A MORTUARY/CREMATORIUM. (CONTINUED FROM APRIL 4, 2001)

Mayor Montandon opened the Public Hearing.

Development Services Director Tom Bell explained at the meeting of January 24, 2001, the Planning Commission denied the subject use permit for a mortuary/crematorium. It was denied because the Planning Commission felt the proposed use at the location was not necessary or desirable to provide a service or facility which would contribute to the general welfare of the neighborhood or community.

Mr. Lee appealed the denial as they already had a use permit granted for approximately 3,000 square feet within the same building. The new application would be for 7,800 square feet. Mr. Bell stated it was recommended Council uphold the Planning Commission's decision and deny the use permit.

Bill Curran, Curran & Parry, 601 South Rancho Drive, Las Vegas, representing James Lee, stated the applicant had previously applied for a use permit to operate his current business at the same location but within a different suite. Mr. Lee desired to expand his business and have a greater capacity to serve his clients including viewing areas and small private services. Mr. Curran explained the application simply moved Mr. Lee's operation to a larger suite. Mr. Lee was unaware he was not represented when his item was heard before the Planning Commission. He felt it was a routine matter that would not generate any discussion or opposition. Mr. Curran pointed out there were no residents in the area, only businesses. The adjacent business owner, because of cultural differences, indicated he did not desire Mr. Lee's business in the close proximity to his own. Mr. Curran stated if the application was denied, Mr. Lee would continue his business at the previously approved location.

Mr. Curran went on to point out there was no other existing facility in North Las Vegas that was capable of providing the kinds of services Mr. Lee was proposing. Mr. Curran then submitted photographs of other mortuary/crematory facilities that were currently in operation in close proximity to businesses. Mr. Curran pointed out there was sufficient evidence that a mortuary/crematorium was successfully operated in close proximity to a gaming

establishment. He felt the proposed use provided an affordable, needed service within the community. Mr. Curran commented there had been no complaints received regarding Mr. Lee's current operation in Pahrump.

Joe Kennedy, 8506 West Desert Inn Road, Las Vegas stated he owned the two buildings adjacent to the subject property. The major tenant was Arcata Associates who occupied approximately 75% of both buildings. For cultural reasons, the owners of Arcata Associates were opposed to the use permit and had expressed to Mr. Kennedy that if the use permit were approved, they would not extend their lease. Mr. Kennedy explained Arcata Associates was the type of development North Las Vegas had attempted to attract to the City.

Wendy Yrgo, Arcata Associates, 4220 Arcata Way, North Las Vegas, stated the area was represented to be a high tech, light industrial park. Arcata Associates was a high tech engineering firm and a defense contractor that had been located in North Las Vegas for over 21 years. Ms. Yrgo stated Arcata Associates' opposition to the proposed use permit and stated they were never notified of the original use permit that was granted in June 2000. Ms. Yrgo went on to state none of the surrounding businesses were notified as well. Citing North Las Vegas Municipal Code Chapter 17.28.050 C2(b), Ms. Yrgo stated the City set forth criteria for one to obtain a special use permit including 'the use must be necessary and desirable to the community'. Given that the surrounding businesses did not want the proposed use, Ms. Yrgo felt it was not necessary or desirable at that location. Ms. Yrgo further quoted North Las Vegas code by stating the use must be determined not to be detrimental to health, safety and general welfare. She questioned the safety of the mourners and patrons using the facility because there were no sidewalks in the area and semi and forklifts were frequently used. There was only one entrance and exit to Mr. Lee's proposed facility and heavy equipment was used near the entrance daily.

Ms. Yrgo went on to state the North Las Vegas Municipal Code stated the use permit could be granted if the use did not adversely affect the Master Plan. Ms. Yrgo felt the funeral home and crematorium directly and substantially would change the Master Plan. The businesses surrounding the proposed location were Kimball Equipment, Power Logistics, Packer Parts, Nevada Environmental, American Fence, Moen Plumbing, the Grand Laundry, ValPac, Sutton Integrated Systems, CDS Moving Equipment and Cole Industries which were all industrial businesses. Ms. Yrgo once again stated their opposition to the proposed use as it was incompatible and not desired.

Tim Wong, Arcata Associates, 4220 Arcata Way, North Las Vegas, explained the facility had been in business for over twenty years and at the current location since 1987. He pointed out Arcata Associates had approximately 110 hardware/software engineers working out of the facility as well as computer scientists working with NASA and the Federal Aviation Administration, Department of Defense, and the United States Air Force. They designed and built hardware that went into outer space as well as equipment that aided in the defense of the nation. Mr. Wong had created an upscale atmosphere in a learning environment that was neat, orderly and clean. The concept of the facility was to be a high tech park. Other tenants

supported the concept as well. It was by chance that Mr. Wong heard of the previous use permit after it had been approved. Mr. Wong was concerned about the request for additional space because there would be limousine services, members of the public, and mourners in an area that supported military personnel and the additional foot traffic would not be conducive to the type of atmosphere they were attempting to maintain. Mr. Wong pointed out in the Asian cultures, it was considered bad luck to have mortuary services in the vicinity of their business.

Councilman Buck stated it was her understanding that proper notification was sent to all property owners within the designated area when the original use permit for the 3,000 square foot mortuary was approved. Ms. Yrgo stated Mr. Kennedy, who had bought the property, did not receive notice. She stated the other properties in the complex had not received notice as well. Councilman Buck stated she believed the notices were sent to the original property owners and were not distributed to the individual businesses. Ms. Yrgo presented letters to Council from the businesses in the complex testifying they had received no notices.

Councilman Buck then asked Mr. Wong if the original use on the 3,000 square feet impacted their operations. Mr. Wong responded it did but the approval of the additional 7,800 would compound the problem with additional mortuary related activities. Councilman Buck then asked if the use permit for the additional space were denied, would Arcata Associates stay at its current location. Ms. Yrgo stated a decision would be made as to whether or not they would sue the City. She stated she had worked closely with Deputy City Attorney Jim Lewis to develop a remedy and they believed their only recourse was legal action against the City to revoke the original use permit. City Attorney Sean McGowan stated he was not advising Ms. Yrgo to sue the City and he was certain Mr. Lewis had not directed them to do so. City Attorney McGowan stated Ms. Yrgo was entitled to explore all legal remedies available to her. Mr. Wong added it would be a business decision to sue the City and he felt they had been a good neighbor in North Las Vegas and weren't in favor of taking any legal action against the City.

Ms. Yrgo pointed out her reason for bringing up the issue of a lawsuit was that it was very drastic measure. She had questioned whether the issue could be reheard because of the lack of notification. She commented the Planning Commission went on record to say that had they received the opposition to the original use permit they would have not voted to approve it.

Mike Engle, 1900 Aerojet Way, North Las Vegas, represented Power Logistics and stated their opposition to the proposed use. Power Logistics was located across the street from the location. It was a distribution center for a large retailer and there were concerns the parking would not be adequate for an expanded use. He felt there would be many people parking on the street. Mr. Engle pointed out daily, there were between thirty and fifty trailers going in and out of the parking lot, directly involving that portion where people would be walking to and from the proposed mortuary. There was a concern for the safety of the patrons. He voiced his

opinion that the location was an industrial area with heavy truck traffic that was not conducive to pedestrian passage.

Councilman Rhodes questioned what the requirement was for notification with regard to a proposed use permit action. City Attorney McGowan responded there was a notification area of approximately 300 - 500 feet within proximity of the proposed use. Councilman Rhodes then questioned whether there was documented proof the City had sent out the notices. City Attorney McGowan responded there was but as that related to the original use permit, it was not in the scope of the current discussion. It was City Attorney McGowan's opinion that proper notices were sent for both the original use permit and the expanded use permit.

Councilman Rhodes then asked what additional features would be added if the use permit were approved. Development Services Director Tom Bell explained the zoning ordinance identified a crematorium operation as a portion of a mortuary. Every application for a crematorium or a mortuary would be processed as a mortuary. Councilman Rhodes pointed out when Harris & Ross had wanted to expand their business to add a crematorium, they were required to apply for a use permit. He then asked if those issues were determined separately. Mr. Bell explained the City Zoning Code defined a mortuary as a use; it did not identify a crematorium as a use. Currently, any application for a mortuary with a crematorium as a portion was processed as a use permit. In the case of Harris & Ross, they were expanding an existing use, which required them to follow the use permit process.

Mayor Montandon pointed out if there was an issue with the City over notification of impending action, that was an issue for the City Attorney and no encouragement was given for a lawsuit against the City. The issue to be determined by Council was whether the industrial park was an appropriate location for the proposed expanded mortuary/crematorium.

Councilman Rhodes stated Mr. Lee was required to provide 18 parking spaces and questioned how often the mortuary would be used for funeral services. Mr. Lee responded it was difficult to determine how often the mortuary would be used for services but commented the original use permit had been for a combination mortuary/crematory. He further commented there was adequate parking in and around the facility both on the east and the west side but conceded there would be an occasional service that required on street parking. Mr. Lee pointed out Aerojet Way was a wide street that accommodated truck traffic but did not have the capacity of a major arterial such as Craig Road that handled both truck and vehicle traffic regularly.

Councilman Rhodes then asked how many services could be performed in one day at maximum. Mr. Lee responded 740 services per year could be performed; approximately two per day. Mr. Curran added he felt the people who would use the facility's services would be those who did not want the traditional large church service and funeral. He felt a very small number of services would be performed where the full 18 parking spaces would be utilized.

Mr. Lee commented other funeral home operators had applied for a use permit in a commercial zone and were told to look in an industrial zone. Mr. Lee did just that, and was wondering where the use would be permissible. Mayor Montandon asked if Mr. Lee had met with the Planning Staff to determine the best location for the use. Mr. Lee responded he had not met with Staff but had spoken to the chairman of the Planning Commission regarding the appropriate location for this facility. He added there were only 10 retorts, or crematory facilities, in the valley. As of 1999 Health Department statistics, there were 10,596 deaths that occurred in Clark County, of those 5,649 were cremated, meaning each retort was utilized over 500 times per year, or more than one cremation per day, on average. Mr. Lee felt that was at near or over the capacity of those facilities. As the valley grew, the need would become more urgent for additional facilities of that type. Mr. Lee stated his willingness to work with anyone interested in resolving the outstanding issues.

Mayor Pro Tempore Robinson disagreed with the statement that there would be few vehicles at each service. He also felt there would be more than two services per day at the facility. He asked what the operating hours would be. Mr. Lee responded it would essentially be basic operating hours, typically 8:00 am to 5:00 pm. However, in actuality the facility was open at all times with a staff member manning a phone to service the public when necessary.

Councilman Buck questioned the presence of fumes and smoke from the retort, or cremation chamber. Mr. Lee responded with technology today, the chamber did not put out any noticeable emissions or odors and added Clark County Air Quality Control had issued a permit and the retort could be operational immediately. Councilman Buck then asked how many retorts would be used. Mr. Lee responded they were licensed to operate one and had no plans to add a second one in the near future.

Mayor Montandon stated the real issue was whether the requested use was appropriate for that location. He added in the Arcata Business Park, there were no retail, or customer oriented businesses. Mr. Lee countered that all the businesses in the business park were not high tech. Mayor Montandon agreed.

Mr. Lee admitted that he had not spoken to the business owners in the area to gain their support and discuss their concerns. He felt some of the problems mentioned could be addressed and mitigated.

Mr. Curran added there would be no new uses under the new use permit. Mr. Lee would continue with the same services; the only difference would be that he would have the ability to accommodate families and mourners in a facility where people could congregate for a funeral service.

Councilwoman Smith commented there was a definite need for the service but questioned the compatibility for a larger facility in an area where the other tenants were opposed to the use.

She felt the area was not suitable for a pedestrian type environment with the trucks and military personnel frequenting the business park. She also voiced her concern regarding future businesses wishing to relocate to that area and what impact a funeral home would have on their decision.

Mayor Montandon closed the Public Hearing.

ACTION: PLANNING COMMISSION DECISION TO DENY UPHELD.

MOTION: Councilwoman Smith

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

Councilman Rhodes left Chambers at 8:10 p.m.

3. **APPEAL BY KUMMER KAEMPFER BONNER & RENSHAW REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-27-00 (LONE MOUNTAIN/DECATUR), AN APPLICATION SUBMITTED BY DAYSIDE, INC., ON BEHALF OF THE JAMES H. BILBRAY FAMILY TRUST, PROPERTY OWNER, TO CHANGE THE COMPREHENSIVE PLAN FROM OFFICE TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED FROM FEBRUARY 21, 2001) (ASSOCIATED ITEMS NO. 4, AMP-28-00; NO. 5, ZN-37-00; NO. 6, ZN-38-00)**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO THE MEETING OF MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

4. **APPEAL BY KUMMER KAEMPFER BONNER & RENSHAW REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY AMP-28-00 (LONE**

MOUNTAIN/DECATUR), AN APPLICATION SUBMITTED BY DAYSIDE, INC., ON BEHALF OF THE JAMES H. BILBRAY FAMILY TRUST, PROPERTY OWNER, TO CHANGE THE COMPREHENSIVE PLAN FROM OFFICE TO HIGH DENSITY RESIDENTIAL FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED FROM FEBRUARY 21, 2001) (ASSOCIATED ITEMS NO. 3, AMP-27-00; NO. 5, ZN-37-00; NO. 6, ZN-38-00)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO THE MEETING OF MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

5. **APPEAL BY KUMMER KAEMPFER BONNER & RENSHAW REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-37-00 (LONE MOUNTAIN/DECATUR), AN APPLICATION SUBMITTED BY DAYSIDE, INC., ON BEHALF OF THE JAMES H. BILBRAY FAMILY TRUST, PROPERTY OWNER, TO CHANGE THE ZONING FROM R-1 TO C-1 FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED FROM FEBRUARY 21, 2001) (ASSOCIATED ITEMS NO. 3, AMP-27-00; NO. 4, AMP-28-00; ITEM NO. 6, ZN-38-00)**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO THE MEETING OF MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

6. **APPEAL BY KUMMER KAEMPFER BONNER & RENSHAW REGARDING THE DECISION OF THE PLANNING COMMISSION TO DENY ZN-38-00 (LONE MOUNTAIN/DECATUR), AN APPLICATION SUBMITTED BY DAYSIDE, INC., ON BEHALF OF THE JAMES H. BILBRAY FAMILY TRUST, PROPERTY OWNER, TO**

CHANGE THE ZONING FROM R-1 TO R-3 FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF LONE MOUNTAIN ROAD AND DECATUR BOULEVARD. (CONTINUED FROM FEBRUARY 21, 2001) (ASSOCIATED ITEMS NO. 3, AMP-27-00; NO. 4, AMP-28-00; ITEM NO. 5, ZN-37-00)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO THE MEETING OF MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

Councilman Rhodes returned to Chambers at 8:12 p.m.

7. **AMP-22-00 (CITY OF NORTH LAS VEGAS), AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO ADD FUSELIER DRIVE FROM CRAIG ROAD NORTH APPROXIMATELY 1,234 FEET TO THE GOWAN CHANNEL AS A SIXTY (60) FOOT RIGHT-OF-WAY AND ADD AMANDA AVENUE FROM FUSELIER DRIVE EAST APPROXIMATELY 636 FEET TO WHITNEY PEAK WAY AS A FIFTY-ONE (51) FOOT RIGHT-OF-WAY.**

Mayor Montandon opened the Public Hearing.

Development Services Director Tom Bell explained the Planning Commission, at its meeting on February 14, 2001, reviewed and unanimously recommended approval of the subject application to add Fuselier Drive and Amanda Avenue to the Master Plan of Streets and Highways. In 1978, three lots were created and since that time, there was at least one lot that was occupied. Staff recommended, because those three parcels were somewhat landlocked, that Fuselier be added to the Master Plan of Streets and Highways. The reason for adding Amanda Avenue was to not create a dead end street of more than 500 feet. Staff recommended approval of the subject Amendment to the Master Plan.

Mayor Montandon commented the dilemma was that the majority of the land was owned by one owner with the exception of two lots. However, the issue was that with the Gowan Outfall Channel being built on the Red Coach alignment, there was no other access to the subject properties than the proposed Fuselier Drive. It was possible the problem would have cured itself over time but the impending Special Assessment District on Craig Road had created a need for an accelerated resolution to this situation.

Fran Reese, 4524 Fuselier Drive, North Las Vegas, stated she was the only resident in the parcel and was in favor of the amendment for access to her property. Ms. Reese stated any emergency vehicles would only have access through the housing tract to the east of her property.

Mayor Montandon commented if all lots were joined, interior access would no longer be an issue. The current issue was what to do with the driveway leading to Ms. Reese's property. If the street were put in, it would become a driveway and at some point in the future, if the lots were joined it would become an entrance to the private property.

Bob Williams, represented Clifford and Donna Findlay, 310 North Gibson Road, Henderson, stated the Findlays were opposed to the street as they wished to develop the parcel as a whole. Mr. Williams stated the street had never been dedicated to the north. Mayor Montandon explained the amendment was different than dedication. The amendment took place before street dedication. If the street was not on the Master Plan of Streets and Highways, a driveway could not be installed on Craig Road to the Reese's property, and a curb could not be constructed because it would illegally landlock access to the property. Mr. Williams restated the Findlay's desire to develop the whole parcel as commercial, possibly as an auto dealership.

Councilman Buck asked if there was anything that would prevent the City from going back at a later date and abandoning the street. Mayor Montandon responded there was not. The City had no legal right to landlock the Reese's property. If the curb and driveway were installed, at some point in the future, if all the lots were combined, the street could be abandoned and the driveway used as an entrance to the commercial development.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

Councilman Buck left Chambers at 8:20 p.m. and returned at 8:24 p.m.

8. PUBLIC HEARING-SPECIAL IMPROVEMENT DISTRICT NO. 58; CRAIG ROAD FROM DECATUR BOULEVARD TO COMMERCE STREET.

Mayor Montandon opened the Public Hearing.

Brian Martin, Principal Engineer, Public Works, explained the project, Phase I, began at Decatur Boulevard and ended at Commerce Street; approximately 3.5 miles in length. The high traffic volumes necessitated the Special Improvement District. Craig Road was a major east/west arterial in the valley and the current average daily traffic was approximately 29,000 vehicles. The projected traffic volume in 20 years would exceed 75,000 vehicle per day. The proposed improvements would address the current problems and accommodate traffic levels well into the future. The proposed improvements would be to widen the road to three travel lanes and one emergency lane in each direction, concrete medians with left turn lanes. Water laterals would be stubbed out to the medians so that in the future, if funding became available, landscaping could be installed with irrigation. New asphalt would be installed in various locations and old asphalt would be removed and replaced in several locations as well. In addition to the pavement, new curb, gutter, sidewalks, street lights and a storm drain system from Clayton Street to Commerce Street would be installed. There would also be some miscellaneous storm drain improvements throughout the project area. A regional flood control facility would be constructed to the north of Simmons Street up to the Gowan Outfall Channel. Construction bids were opened approximately 2 weeks prior and the lowest responsive bid was approximately \$11.5 million which was 10% below the engineer's estimate. Mr. Martin explained the project would be funded using four sources: Regional Transportation Commission and the Clark County Regional Flood Control District, accounting for approximately 82% of the total construction cost for the project, the remainder of the funding would come from SID 58 and some additional City funds. Mr. Martin anticipated construction would commence in June and last approximately one year. The construction would take place in work zones to avoid traffic congestion on the entire length of the street improvement. Zone 1 was from Commerce Street to Home Depot. Zone 2 was Home Depot to Clayton Street. Because they were heavy commercial areas, it was planned to have those segments completed in November, prior to the holiday season. In Work Zone 2, because it was heavy commercial, it was proposed that construction would only take place during evening hours; 9:00 p.m. to 5:30 a.m. During normal day time working hours, the contractor would be required to keep two lanes open in each direction plus the center turn lane. During the evening hours, the contractor would be required to keep at least one lane in each direction, plus a center turn lane open. Mr. Martin explained on January 24, 2001, an information meeting was held to present the specifics of the project to the public.

Property Manager Randy Cagle explained on March 21, 2001, the City Council adopted Resolution Number 2197 and set that evening for the Public Hearing for the project. As a result of the Resolution, Staff was directed to send a certified mailing to each property owner affected by the SID. That notice contained information regarding the construction including the width of the street, the improvements planned. It also described the method for the assessments, in this case, it was based on the front footage method. The notice also described the funding mechanisms. Another piece of information contained in the notice was the estimated assessments for the property owners. This assessment was based on the portion of the roadway the property owners would be assessed for. Craig Road was 120 feet

wide, each half street being 60 feet wide, of that 60 feet, the property owners were being assessed for 14 feet of pavement, curb, gutter, sidewalk, streetlight and any utilities or driveways they requested be installed. Mr. Cagle explained the Regional Transportation Commission did not typically pay for the emergency lane; rather, it was left to the local entity to fund those improvements through a special improvement district. The second amount included in that notice was called the Estimated Maximum Benefit. Mr. Cagle explained that was the total construction cost of the entire half street adjacent to their parcel; it was not the amount of assessment, it was included as information only. The amount did include all improvement to be funded by the Clark County Regional Flood Control, Regional Transportation Commission, the City of North Las Vegas as well as the special improvement district. Mr. Cagle explained the reason for the public hearing was to hear testimony regarding opposition or favoritism toward the project.

Councilman Rhodes commented the City had attempted to coordinate the efforts of both the Regional Transportation Commission and the Clark County Flood Control District to minimize the disruption to the surrounding areas.

Venna Davis 3332 West Craig Road, North Las Vegas, stated she owned the property at 3334 West Craig Road and asked if she was being charged based on the preliminary assessment. Mayor Montandon responded it was the City's best guess as to the actual cost. The assessment amount may be lowered but could not go higher. The Mayor pointed out the construction amount was less than expected which would impact the property owners assessments. Ms. Davis requested sewer lines to her property and asked when that would be accomplished. Mayor Montandon responded it was part of the project. Mr. Cagle further responded the Public Works Department had sent notices to all property owners and requested information regarding the need for sewer lines, water lines or driveways they wanted installed. Ms. Davis responded she had received the letter but did not respond. Ms. Davis then commented that a neighboring parcel was assessed a much higher assessment than hers and wondered why. Mr. Cagle responded her assessment was less because the neighboring property owner was surrounded by a residential subdivision and did not have curb, gutter and pavement on her frontage, thus raising her assessment amount. Ms. Davis then asked the width of the sidewalks and Mr. Cagle responded they would be five feet in width. Ms. Davis voiced her concern regarding the subdivision block walls that blocked her view when turning onto Craig Road. Mayor Montandon stated nothing could be done about the existing block walls but added the addition of the emergency lane would provide some additional room to maneuver onto Craig Road.

Richard Jost, 3773 Howard Hughes Parkway, Las Vegas, represented Mary Kay and Marilyn Robinson and stated they owned approximately 22% of the frontage for the special improvement district and were assessed approximately \$500,000. As land speculators, the Robinson's were protesting the assessments because it was felt the improvements would not be a benefit to them, but a detriment. Mr. Jost explained the Robinson's had no way of knowing when they went to sell the land, where that developer would want those improvements

to be located. They believed it would lower the asking price for the land if those improvements would eventually have to be torn out and replaced. Mr. Jost voiced his opinion that the special assessment district offered no benefit to the property owners.

Mayor Montandon responded as a rapidly growing city, the Council dealt with the challenges of growth daily. It was undisputed that Craig Road had to be developed quickly to accommodate future growth. It was incumbent upon the City to make an educated assumption as to what type of development would be constructed along Craig Road to fairly estimate assessment amounts.

Mr. Jost then asked if it were possible to pave the three lanes of Craig Road without installing the sidewalks, curb and gutter improvements in front of the Robinson's properties. Mayor Montandon responded the purpose of the special assessment district was to make Craig Road a safe street and that entailed installing all improvements. He further pointed out in many areas, the most effective flood control devices were the streets. Mr. Jost then asked if it were possible to just eliminate the sidewalks in front of the Robinson's properties. Mayor Montandon referred him to Staff to explore other options.

Mr. Jost pointed out that while the Robinson's were protesting the assessment district, they were not complaining. They were interested in protecting their land. Mayor Montandon responded the improvements to the land could make it much more valuable to a developer.

Councilwoman Smith questioned if there were design standards for future development of the property on Craig Road. Mr. Bell responded there were design standards but each development was unique with differing requirements for sidewalks, curbs and driveways that would need to be customized with the developer. Councilwoman Smith stated sidewalks were an integral part of the safety of the traffic, including pedestrians and bicycle riders.

Mayor Montandon closed the Public Hearing.

ACTION: PUBLIC HEARING HELD

CONSENT AGENDA

9. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF APRIL 4, 2001.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

10. APPROVAL OF PRIVILEGED BUSINESS LICENSES (Exhibit A):

<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>ACTIVITY</u>
1. Tom Davis, Franchisee <u>DBA:</u> Tom Davis 7-Eleven Store #39243 2935 W Lake Mead Blvd North Las Vegas, Nevada <u>Gaming Commission Approved 3/22/01</u>	GAMING	(7) Slot Machines
2. Sammy K. Duncan, Pres. <u>DBA:</u> Food For Less #794 2255 Las Vegas Blvd N North Las Vegas, Nevada <u>Pending Police Investigation Final Approvals</u> <u>Formerly: Price Rite #555 (Russell Dispense, Pres.)</u>	LIQUOR GROSS SALES	Packaged Liquor Supermarket/Pharmacy
3. Amer Ramo <u>DBA:</u> Sunny Market 600 W Lake Mead Blvd North Las Vegas, Nevada <u>Formerly Beer & Wine Off Sale Only</u>	LIQUOR <u>Police Investigation Approved</u>	Convenience Store Packaged Liquor

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

11. CANVASS OF THE APRIL 3, 2001 MUNICIPAL PRIMARY ELECTION RESULTS (Exhibit B):

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith
and Buck
NAYS: None
ABSTAIN: None

12. APPROVAL TO AMEND THE 2000-2001 STAFFING PATTERN TO UPGRADE FOUR PLANS EXAMINERS FROM GRADE 19TNS TO GRADE 20TNS IN THE BUILDING SAFETY DIVISION OF THE DEVELOPMENT SERVICES DEPARTMENT.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith
and Buck
NAYS: None
ABSTAIN: None

13. APPROVAL OF A LETTER OF AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND TEAMSTERS UNION, LOCAL 14, REGARDING ARTICLE 9, SECTION 9.12 OF THE NON-SUPERVISOR AND SUPERVISOR AGREEMENTS TO PAY A PREMIUM RATE OF \$2.00 PER HOUR FOR COMMUNICATION DISPATCH TRAINERS AT THE POLICE DEPARTMENT FOR THE PERIOD OF JULY 1, 2000 THROUGH JUNE 30, 2005.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith
and Buck
NAYS: None
ABSTAIN: None

14. APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH TEAM DEVELOPMENT, INC. TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ALEXANDER ROAD AND PECOS ROAD IN THE AMOUNT OF 1.3% OF THE TOTAL COST OR

APPROXIMATELY \$5,077; GOWAN ROAD AND PECOS ROAD IN THE AMOUNT OF 1.3% OF THE TOTAL COST OR APPROXIMATELY \$5,483; AND GOWAN ROAD AND CIVIC CENTER DRIVE IN THE AMOUNT OF 2% OF THE TOTAL COST OR APPROXIMATELY \$10,626 IN CONNECTION WITH THE GOWAN/BERG LIGHT INDUSTRIAL COMPLEX. (Contract No. C-4884)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

15. APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH CELEBRATE HOMES IX, LLC TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1% OF THE TOTAL COST OR APPROXIMATELY \$4,919; AND WASHBURN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1% OF THE TOTAL COST OR APPROXIMATELY \$4,218 IN CONNECTION WITH ARROYO VISTA. (Contract No. C-4885)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

16. APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH LONE MOUNTAIN/SIMMONS, LLC TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT LONE MOUNTAIN ROAD AND ALLEN LANE IN THE AMOUNT OF 4.1% OF THE TOTAL COST OR APPROXIMATELY \$17,292; LONE MOUNTAIN ROAD AND SIMMONS STREET IN THE AMOUNT OF 4.7% OF THE TOTAL COST OR APPROXIMATELY \$19,822; AND LONE MOUNTAIN ROAD AND CLAYTON STREET IN THE AMOUNT OF 3.1% OR APPROXIMATELY \$15,250 IN CONNECTION WITH THE

LONE MOUNTAIN/SIMMONS COMMERCIAL CENTER.

ACTION: TABLED TO THE MEETING OF MAY 2, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck

NAYS: None

ABSTAIN: None

17. **APPROVAL OF A CONDEMNATION OF REAL PROPERTY NEEDED FOR THE CRAIG ROAD WIDENING PROJECT, DECATUR BOULEVARD TO COMMERCE STREET, AND AUTHORIZATION TO THE CITY ATTORNEY TO INITIATE A FORMAL COMPLAINT IN CLARK COUNTY DISTRICT COURT TO CONDEMN A PORTION (7,043 SQUARE FEET PARTIAL TAKE AND 7,019 SQUARE FEET TEMPORARY CONSTRUCTION EASEMENT) OF THE PROPERTY OWNED BY CLIFFORD AND DONNA FINDLAY, A.P.N. 139-05-604-012, -013, -014.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

18. **APPROVAL OF CONDEMNATION OF REAL PROPERTY NEEDED FOR THE CRAIG ROAD WIDENING PROJECT, DECATUR BOULEVARD TO COMMERCE STREET, AND AUTHORIZATION TO THE CITY ATTORNEY TO INITIATE A FORMAL COMPLAINT IN CLARK COUNTY DISTRICT COURT TO CONDEMN A PORTION (67,060 SQUARE FEET PARTIAL TAKE AND 32,940 SQUARE FEET TEMPORARY CONSTRUCTION EASEMENT) OF THE PROPERTY OWNED BY MARILYN ROBINSON AND MARY KAY ROBINSON LIVING TRUST, A.P.N. 139-04-201-002.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith

and Buck
NAYS: None
ABSTAIN: None

19. APPROVAL OF AN ADMINISTRATIVE SETTLEMENT FOR RIGHT OF WAY ACQUISITION IN THE AMOUNT OF \$150,000, TO FACILITATE AND CONCLUDE NEGOTIATIONS WITH THE PROPERTY OWNER, ANN 10 LTD., FOR A PARTIAL ACQUISITION (.525 ACRE) OF PROPERTY NEEDED FOR THE WESTERN TRIBUTARY LAS VEGAS WASH CHANNEL, PHASE 2.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

20. APPROVAL OF AN ADMINISTRATIVE SETTLEMENT FOR RIGHT OF WAY ACQUISITION IN THE AMOUNT OF \$445,000, TO FACILITATE AND CONCLUDE NEGOTIATIONS WITH THE PROPERTY OWNER, ROBERT COHEN, FOR A PARTIAL ACQUISITION (6.51 ACRES) OF PROPERTY NEEDED FOR THE WESTERN TRIBUTARY LAS VEGAS WASH CHANNEL, PHASE 2.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

21. APPROVAL OF RIGHT OF WAY ACQUISITION, IN THE AMOUNT OF \$150,000 WITH THE LIED FOUNDATION TRUST FOR PROPERTY NECESSARY FOR THE 'A CHANNEL - CRAIG CONFLUENCE' PROJECT AND AUTHORIZATION TO THE CITY'S PROPERTY MANAGER TO SIGN ESCROW DOCUMENTATION. (Contract No. C-4888)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

22. APPROVAL OF RIGHT OF WAY ACQUISITION WITH MENDENHALL LEGACY LIMITED PARTNERSHIP FOR PROPERTY NECESSARY FOR THE 'A CHANNEL - CRAIG CONFLUENCE' PROJECT TO GRANT AN EASEMENT FOR, AND SUBSEQUENT CONSTRUCTION OF, AN UNDERGROUND FLOOD CONTROL FACILITY.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

23. APPROVAL OF A MEMORANDUM OF UNDERSTANDING WITH THE CLARK COUNTY SCHOOL DISTRICT TO ADD FOUR ADDITIONAL SWIM LANES (25 YARDS) TO THE NEW PLAY POOL UNDER CONSTRUCTION AT THE NORTHWEST CORNER OF ALLEN LANE AND ALEXANDER ROAD IN AN AMOUNT NOT TO EXCEED \$350,000. (Contract No. C-4887)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

24. APPROVAL OF AN APPLICATION SUBMITTED BY MR. JEFFREY P. STATEN AND MS. SANDRA P. STATEN, FOR WINDSOR PARK HOUSING REVITALIZATION PROJECT FUNDS AND RELOCATION ASSISTANCE IN THE AMOUNT OF \$51,050 FOR PROPERTY LOCATED AT 2745 ANDREW CIRCLE

IN THE WINDSOR PARK SUBDIVISION TO ASSIST IN ACQUIRING A REPLACEMENT HOME WITHIN THE NORTH LAS VEGAS CITY LIMITS.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

- 25. RATIFICATION OF THE EDWARD BYRNE MEMORIAL STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE FORMULA GRANT PROGRAM APPLICATION IN THE AMOUNT OF \$1,215,000 (\$303,750 MATCHING FUNDS FROM CURRENT LLEBG GRANT AND INKIND) FOR SUBMISSION TO THE NEVADA OFFICE OF CRIMINAL JUSTICE ASSISTANCE TO PROVIDE FUNDING FOR TECHNOLOGY, PERSONNEL AND TRAINING TO LAUNCH A COMMUNITY INTER-ACTIVE PROGRAM TARGETING REDUCTION IN DELINQUENCY AMONG YOUTH IN THE CITY.**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

- 26. VAC-06-01 (SYSCO FOOD SERVICES OF LAS VEGAS); AN APPLICATION SUBMITTED BY SYSCO CORPORATION, ON BEHALF OF BEESLEY CENTENNIAL PARKWAY TRUST AND KENNETH R. GRAGSON TRS, PROPERTY OWNERS, TO VACATE PORTIONS OF REGENA AVENUE AND FANNIN WAY. (SET PUBLIC HEARING FOR MAY 16, 2001) (ASSOCIATED ITEM NO. 27, UN-16-01)**

ACTION: PUBLIC HEARING SET FOR MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith

and Buck
NAYS: None
ABSTAIN: None

27. **UN-16-01 (SYSCO FOOD SERVICES OF LAS VEGAS); AN APPLICATION SUBMITTED BY SYSCO CORPORATION, ON BEHALF OF BEESLEY CENTENNIAL PARKWAY TRUST AND KENNETH R. GRAGSON TRS, PROPERTY OWNERS, FOR A SPECIAL USE PERMIT TO ALLOW HAZARDOUS MATERIALS (APPROXIMATELY 9,800 LBS. OF ANHYDROUS AMMONIA AND 22,500 GALLONS OF DIESEL FUEL) IN CONJUNCTION WITH A COLD STORAGE FACILITY FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND MT. HOOD STREET. (SET PUBLIC HEARING FOR MAY 16, 2001) (ASSOCIATED ITEM NO. 26, VAC-06-01)**

ACTION: PUBLIC HEARING SET FOR MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

28. **VAC-05-01 (CLARK COUNTY SCHOOL DISTRICT); AN APPLICATION SUBMITTED BY PBS&J ON BEHALF OF CLARK COUNTY SCHOOL BOARD OF TRUSTEES, PROPERTY OWNERS, TO VACATE LOCAL STREETS THAT WERE PREVIOUSLY DEDICATED, ALONG WITH THE ASSOCIATED SIDE AND FRONT LOT-LINE EASEMENTS COMMENCING AT THE INTERSECTION OF COMMERCE AND FOREST VIEW DRIVE WEST TO GRAY PINES CIRCLE, THEN PROCEEDING NORTH ON CRESTMONT DRIVE, INCLUDING AMBER MEADOW STREET AND STONEHURST DRIVE. (SET PUBLIC HEARING FOR MAY 16, 2001)**

ACTION: PUBLIC HEARING SET FOR MAY 16, 2001

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

Mayor Montandon called a recess at 8:48 p.m. and reconvened the meeting at 9:00 p.m.

BUSINESS

29. APPROVAL OF A SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF NORTH LAS VEGAS AND THE BUREAU OF LAND MANAGEMENT CLARIFYING CONDITIONS OF THE FIRST AUCTION OF THE 7500 ACRES.

Community Development Director Jacque Risner explained the City entered into a Memorandum of Understanding with the Bureau of Land Management on April 20, 2000. That agreement was designed to promote the orderly disposal of the 7500 acres of BLM land located across the northern tier of the North Las Vegas city limits. The proposed Supplemental Memorandum of Understanding was designed to provide direction for the first 1,900 acre release of the land. It was designed as a tool to help enforce the bidder's commitment to the development process. Included in the Supplemental Memorandum of Understanding was a Conveyance Agreement which ensured a certain amount of acreage would be conveyed to the City from the developer to be developed for public purposes.

ACTION: REVISED, BLACK LINED VERSION OF AGREEMENT APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

30. DIRECTION TO STAFF REGARDING LEGAL ACTION TO COMMENCE FORECLOSURE ON THE PROMISSORY NOTE SECURED BY DEED OF TRUST ON THE PROPERTY LOCATED AT 1516 GOLDEN SEA LANE FOR VIOLATIONS BY RONALD G. ANDERSON OF THE TERMS AND CONDITIONS OF THE EXCHANGE AGREEMENT AND THE PARTICIPATION AND CONDITIONAL COMMITMENT AGREEMENT.

City Attorney Sean McGowan explained this was a follow up item to the testimony heard at the previous meeting regarding Mr. Anderson's non-compliance with the terms of the agreements regarding the property at 1516 Golden Sea Lane. This item would specifically authorize commencement of legal action.

ACTION: STAFF DIRECTED TO COMMENCE FORECLOSURE PROCEEDINGS.

MOTION: Councilman Rhodes

SECOND: Councilwoman Smith
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck
NAYS: None
ABSTAIN: None

31. **RESOLUTION NO. 2205; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS AUTHORIZING CITY STAFF AND CONSULTANTS TO PURSUE LEGISLATION REGARDING PROPOSED AMENDMENTS TO THE 2001 LEGISLATIVE PLATFORM INCLUDING TWO PROPOSED CHANGES TO THE NORTH LAS VEGAS CITY CHARTER: (1) TO EXTEND THE AUTHORITY OF THE NORTH LAS VEGAS CITY COUNCIL TO RETAIN AND DESIGNATE AN OUTSIDE LAW FIRM (CITY ATTORNEY OR ATTORNEYS) TO SERVE AS CITY ATTORNEY; (2) TO EXTEND THE NORTH LAS VEGAS MUNICIPAL COURT JUDGE TERM FROM FOUR TO SIX YEARS.**

ACTION: STRICKEN

MOTION: Councilman Rhodes
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilwoman Smith and Councilman Buck
NAYS: None
ABSTAIN: None

32. **RESOLUTION NO. 2206; A RESOLUTION OF THE CITY OF NORTH LAS VEGAS CITY COUNCIL RECOMMENDING VARIOUS REGIONAL AND STATE POLICIES REGARDING ELECTRIC DEREGULATION.**

Resolution No. 2206 as introduced by the City Manager:

A RESOLUTION OF THE CITY OF NORTH LAS VEGAS CITY COUNCIL RECOMMENDING VARIOUS REGIONAL AND STATE POLICIES REGARDING ELECTRIC DEREGULATION.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Buck
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None
ABSTAIN: None

33. RESOLUTION NO. 2208; A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR THE CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); DIRECTING THAT THE ENGINEERING DIVISION OF THE DEPARTMENT OF PUBLIC WORKS PREPARE AND FILE A REVISED AND DETAILED ESTIMATE OF COST, FULL AND DETAILED FINAL PLANS AND SPECIFICATIONS, AND A REVISED MAP AND ASSESSMENT PLAT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Resolution No. 2208 as introduced by the City Manager:

A RESOLUTION DISPOSING OF THE PROTESTS MADE AT THE HEARING ON THE PROVISIONAL ORDER FOR THE CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); DIRECTING THAT THE ENGINEERING DIVISION OF THE DEPARTMENT OF PUBLIC WORKS PREPARE AND FILE A REVISED AND DETAILED ESTIMATE OF COST, FULL AND DETAILED FINAL PLANS AND SPECIFICATIONS, AND A REVISED MAP AND ASSESSMENT PLAT; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Richard Jost, 3773 Howard Hughes Parkway, Las Vegas, asked if the Resolution were to be approved, that they still be able to discuss their concerns with the Public Works Department.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Rhodes

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

34. RESOLUTION NO. 2209; A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS SUPPORTING THE CREATION AND DEVELOPMENT OF A REGIONAL SHOOTING AND FIREARMS RANGE TO BE LOCATED IN CLARK COUNTY.

Resolution No. 2209 as introduced by the City Manager:

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS SUPPORTING THE CREATION AND DEVELOPMENT OF A REGIONAL SHOOTING AND FIREARMS RANGE TO BE LOCATED IN CLARK COUNTY.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

ORDINANCES

INTRODUCTION ONLY

35. **ORDINANCE NO. 1505; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO C-2 FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF CRAIG ROAD APPROXIMATELY 850 FEET WEST OF ALLEN LANE (ZN-08-01, RAVCO COMMERCIAL CENTER) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR MAY 2, 2001)**

Ordinance No. 1505 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO C-2 FOR PROPERTY GENERALLY LOCATED ON THE NORTH SIDE OF CRAIG ROAD APPROXIMATELY 850 FEET WEST OF ALLEN LANE (ZN-08-01, RAVCO COMMERCIAL CENTER) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR MAY 2, 2001

36. **ORDINANCE NO. 1508; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS**

VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO R-3 FOR PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE SAN MATEO STREET AND TROPICAL PARKWAY ALIGNMENTS (ZN-29-98, SAN MATEO BREEZE [TROPICAL BREEZE]) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR MAY 2, 2001)

Ordinance No. 1508 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-1 TO R-3 FOR PROPERTY GENERALLY LOCATED ON THE SOUTHEAST CORNER OF THE SAN MATEO STREET AND TROPICAL PARKWAY ALIGNMENTS (ZN-29-98, SAN MATEO BREEZE [TROPICAL BREEZE]) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR MAY 2, 2001

37. **ORDINANCE NO. 1509; AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1459 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE WHICH RECLASSIFIED BIGELOW AEROSPACE CAMPUS (ZN-30-00) TO A PUD PLANNED UNIT DEVELOPMENT BY DELETING CONDITION NUMBER 14 AND CHANGING CONDITION NUMBER 15; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR MAY 2, 2001)**

Ordinance No. 1509 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING ORDINANCE NUMBER 1459 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE WHICH RECLASSIFIED BIGELOW AEROSPACE CAMPUS (ZN-30-00) TO A PUD PLANNED UNIT DEVELOPMENT BY DELETING CONDITION NUMBER 14 AND CHANGING CONDITION NUMBER 15; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: FINAL ACTION SET FOR MAY 2, 2001

38. **ORDINANCE NO. 1515; AN ORDINANCE CREATING CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); ORDERING A STREET PROJECT WITHIN THE CITY OF NORTH LAS VEGAS, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL**

ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT IN SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); AND PROVIDING OTHER MATTERS RELATING THERETO. (SET FINAL ACTION FOR MAY 2, 2001)

Ordinance No. 1515 as introduced by the City Clerk:

AN ORDINANCE CREATING CITY OF NORTH LAS VEGAS, NEVADA, SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); ORDERING A STREET PROJECT WITHIN THE CITY OF NORTH LAS VEGAS, NEVADA; PROVIDING FOR THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS THEREFOR; RATIFYING, APPROVING AND CONFIRMING ALL ACTION PREVIOUSLY TAKEN DIRECTED TOWARD THE ACQUISITION AND IMPROVEMENT OF A STREET PROJECT IN SPECIAL ASSESSMENT DISTRICT NO. 58 (CRAIG ROAD); AND PROVIDING OTHER MATTERS RELATING THERETO.

ACTION: FINAL ACTION SET FOR MAY 2, 2001

ORDINANCES

FINAL ACTION

39. **ORDINANCE NO. 1473; AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE 1280, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 20, SECTIONS 020 ("DEFINITIONS") AND 180 ("NONRESTRICTED GAMING LICENSE ISSUANCE - RESTRICTED TO HOTELS AND MOTELS"), OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR NEW DEFINITIONS; CLARIFYING TYPES OF NON-CONFORMING NONRESTRICTED GAMING ESTABLISHMENTS, AND ESTABLISHING STANDARDS REGARDING RIGHTS TO CONTINUE OPERATIONS.**

Ordinance no. 1473 as introduced by the City Clerk:

AN ORDINANCE TO AMEND PORTIONS OF ORDINANCE 1280, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 20, SECTIONS 020 ("DEFINITIONS") AND 180 ("NONRESTRICTED GAMING LICENSE ISSUANCE - RESTRICTED TO HOTELS AND MOTELS"), OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR NEW DEFINITIONS; CLARIFYING TYPES OF NON-CONFORMING NONRESTRICTED GAMING ESTABLISHMENTS, AND

ESTABLISHING STANDARDS REGARDING RIGHTS TO
CONTINUE OPERATIONS.

ACTION: PASSED AND ADOPTED WITH THE EXCEPTION OF SECTION 3 § C.

MOTION: Councilwoman Smith

SECOND: Councilman Rhodes

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith
and Buck

NAYS: None

ABSTAIN: None

ACTION: ORDINANCE FURTHER AMENDED; SECTION 3 § C APPROVED.

MOTION: Mayor Montandon

SECOND: Councilman Buck

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes and
Buck

NAYS: Councilwoman Smith

ABSTAIN: None

40. ORDINANCE NO. 1499; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD FOR M-1 BUSINESS PARK USES, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND ALLEN LANE (ZN-05-01, LAKE MEAD AIRPORT PARK II) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (CONTINUED FROM APRIL 4, 2001)

Ordinance No. 1499 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE CITY OF NORTH LAS VEGAS MUNICIPAL CODE BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD FOR M-1 BUSINESS PARK USES, FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAKE MEAD BOULEVARD AND ALLEN LANE (ZN-05-01, LAKE MEAD AIRPORT PARK II) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Development Services Director Tom Bell explained at the February 24, 2001 meeting, the Planning Commission considered and by a majority vote, recommended approval of the subject permanent rezoning. A revised legal description was presented for inclusion in the ordinance.

Mayor Pro Tempore Robinson questioned how the proposed rezoning would affect Mr. and Mrs. Pitts' property at 3126 Coran Lane. Mr. Bell responded the southeast .5 acre parcel at the corner owned by Mr. and Mrs. Pitts was excluded from the PUD. Currently, the parcel to the east was being rezoned to M-1. Mr. and Mrs. Pitts would be allowed to retain their R-E zoning and could pursue rezoning at a later date. Mayor Pro Tempore Robinson then asked if the potential developer would be building apartments and Mr. Bell responded the proposed PUD was for M-1 business park industrial uses.

Dick Bonar, 8295 South Eastern Avenue, Suite 200, Las Vegas, appeared on behalf of the applicant and stated there were a total of fourteen parcels, including the Pitts' property, in the subject area who decided to develop the site as a group. The design criteria they developed equated to PUD zoning for M-1.

Mr. Bonar explained a wall and landscaping would be constructed on the north side of Coran Lane and would direct all the industrial traffic through to Lake Mead Boulevard with one exception. The only parcel that was not able to get access to Lake Mead Boulevard was the half acre parcel owned by the Pitts. Meetings were held but no arrangement could be made. Mr. Bonar stated the Pitts could request a higher zoning at a later time.

Mr. Bonar went on to state with the thirteen remaining properties, a comprehensive development plan was generated and reduced what could have been several different uses with separate entrances onto Lake Mead Boulevard to one use. Two entrances had been moved, an entrance had been added onto Allen Lane and the Pitts' property had been removed. The thirteen remaining parcels had been combined by design, not ownership. The owners had agreed to the Planning Commission requirement of a cross ingress/egress along the frontage, parallel to Lake Mead Boulevard.

Councilman Buck then asked how many curb cuts would be constructed and Mr. Bonar responded there would be a total of seven. He further commented the placement of the curb cuts may not conform to the intent of the ordinance but they provided at least one-half a commercial entrance for each parcel. Mr. Bell pointed out what was presented as a PUD was a concept plan and still had to go to design review. Some of the conditions required a traffic study and would most likely affect the location and number of driveways. Mr. Bell stressed by action at this meeting, Council was not approving the number or location of driveways, nor was Staff proposing this site plan was the final site plan. A final detailed plan with traffic studies and other related conditions were required and as a result of those

submittals, Staff would be better able to determine the locations of the driveways.

Shirley and Jimmy Pitts, 3126 Coran Lane, North Las Vegas, stated they had lived at their home since 1976. They had no objections to the proposed plan but requested they be allowed to maintain their home as R-E. Mayor Montandon stated that was their right and their zoning would not be challenged.

Mr. Pitts questioned whether a wall would be constructed around the development. Mr. Bell responded a six foot or eight foot wall would be constructed as part of the development. Mayor Montandon stated the height and style would be determined at the final design review stage.

Mayor Pro Tempore Robinson stated he would not support the project because of the low offer made to the Pitts for their property. He felt progress at times, was not in the best interest of the citizens.

Bob Potter, 151 West Brooks Avenue, Suite H, North Las Vegas, represented Affordable Concepts and stated he understood Mayor Pro Tempore Robinson's concerns. Affordable Concepts had maintained ownership of their parcel of property since 1966. Mr. Potter stated he had done his best to protect the interests of the Pitts and was not the individual who had made the offer to them.

Councilman Buck stated the concept came about because one property owner in the middle of the area wanted to develop their land and the concern was there would be fourteen differing projects on the thirty acres. She felt this was an adequate method to solve the problem.

ACTION: PASSED AND ADOPTED AS AMENDED

MOTION: Councilman Buck

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Councilmen Rhodes, Smith and Buck

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

41. ORDINANCE NO. 1501; AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD (ZN-07-01, LA MADRE SENIOR APARTMENTS), FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND LA MADRE WAY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1501 as introduced by the City Clerk:

AN ORDINANCE RELATED TO ZONING; AMENDING SECTION 010 OF CHAPTER 16 OF TITLE 17 OF THE NORTH LAS VEGAS MUNICIPAL CODE OF THE CITY OF NORTH LAS VEGAS BY RECLASSIFYING A CERTAIN PROPERTY THEREIN FROM R-E TO PUD (ZN-07-01, LA MADRE SENIOR APARTMENTS), FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF GOLDFIELD STREET AND LA MADRE WAY; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Development Services Director Tom Bell stated at the meeting of February 28, 2001, the Planning Commission considered and by a majority vote recommended permanent zoning of ZN-07-01. The Comprehensive Plan indicated the site was Low Density Residential and the proposed Planned Unit Development would consist of approximately 108 dwelling units for a senior housing apartment complex with a gross density of 10.96 dwelling units per acre. The PUD request complied with the criteria in the Comprehensive Plan for senior housing in areas designated as Low Density Residential on the Comprehensive Plan Land Use Plan. Mr. Bell commented an additional condition to be considered would be that the project be restricted to housing for older people as dictated by the United States Fair Housing Act.

Helen Foley, 515 South 7th Street, Las Vegas, represented the applicant, Fore Properties. She introduced the representative for the developer Deepak Sulakhe. Ms. Foley stated they support Staff's recommendations. There had been more than 1,000 senior housing units developed in the valley with the assistance of the Nevada Housing Division and from many of the local governments, they received bond cap allocations and HOME funds. There were more than 3,000 seniors on waiting lists with the various housing authorities for housing. Ms. Foley stated this pointed to a dramatic need for senior housing. In the past, Council had approved a plan to promote senior housing in North Las Vegas and as such, had adopted the requirement that senior housing could go into R-E and R-1 zoning with strict criteria. That criteria included single story units only, and that there could be no more than 11 units per acre. Ms. Foley stated the project proposed by Fore Properties met those requirements.

Ms. Foley went on to state with the impending beltway, there would be an entrance and an exit onto North Fifth Street. That would dramatically change the complexion of that area of town. It was anticipated the portion of road abutting the project would be 100 feet in width. Ms. Foley also pointed out a high school and an elementary school had recently been built in the area. She felt the area was well suited to the proposed development.

Ms. Foley stated the housing would be affordable for senior citizens. There would be a deed restriction that for the next 50 years, the project must remain senior. A recreation area would be supplied with a multi-purpose area, fitness center, game room, computer facilities as well as program directors to assist with aquatics, aerobics, and various types of health education classes. Because of the amenities offered within the complex, the units themselves were

smaller. The one bedroom units were 625 square feet and the two bedroom units were 755 square feet. A handicap accessible bus would be dedicated to use by the residents for transportation.

Ms. Foley stated there was a concern that the development was not located on two major thoroughfares. Ms. Foley pointed out the lower density lended itself to a location that was close to but not on major arterials. Ms. Foley then discussed the concern regarding traffic. She pointed out a multi-family development would generate 760 trips per week.. However, a senior complex would only generate 376 trips per week. A single family residential development would generate 450 trips weekly.

Ms. Foley was aware the Council received complaints regarding the odor from RC Farms on a regular basis. She stated there would be a disclosure in each lease agreement notifying each potential resident of the possible odor from the pig farm.

By using bond cap allocations and tax credits, the rents would be affordable for seniors on fixed incomes. The rent would be \$400 to \$600 per month.

The following residents spoke in opposition to the project, citing increased traffic, the distance to neighborhood amenities and the close proximity to two schools as reasons:

Jeff Bade, 4940 Goldfield Street, North Las Vegas
Christina Bearden, 4914 Goldfield Street, North Las Vegas
Leon Flowers, 200 East Lone Mountain Road, North Las Vegas
Jerry Lutz, 4925 Eagle Way, North Las Vegas
Emily Lopez, 200 East Lone Mountain Road, North Las Vegas
Louis G. Lopez, 200 East Lone Mountain Road, North Las Vegas
Lorna Pickett, 4995 Goldfield Street, North Las Vegas

Councilman Rhodes stated when the ordinance regarding senior housing was adopted, the intent was to ensure the use was compatible with the surrounding residential neighborhood. He had received several calls from residents in the neighborhood who were not in favor of the proposed development because it was not a compatible use.

Councilwoman Smith felt the proposal presented a viable project but the location was wrong. The neighbors did not support it, the odor from the pig farm was a concern, the lack of public transportation, as well as the location in close proximity to a high school and an elementary school presented insurmountable problems with the proposed senior development at that location.

Councilman Buck stated the proposed project fit the requirements as dictated by Council but was not compatible with the area and requested a review of the senior housing requirements. She was hopeful the project could come back to Council for approval at another location.

Ms. Foley stated requirements set forth by Council gave developers a direction in which to follow. She requested those requirements be changed formally if the intent of the Council had changed. Ms. Foley then pointed out the complexion of the area would change when the beltway was constructed and conceded it might not be the right time to propose a development such as this.

Councilman Buck quoted a standard in the senior housing plan; 'the development is located with direct access to arterial streets with 80 foot wide rights-of-way or greater as identified in the Master Plan of Streets and Highways.' Councilman Buck pointed out La Madre Way was a 60 foot wide street and the proposed development did not fit the criteria in the senior housing plan. Councilman Buck then quoted another standard in the senior housing plan, 'the development is located in close proximity to retail and other commercial centers and facilities adequate to meet the needs of the development, or the development is provided with regular and adequate transportation to such centers and facilities.' She questioned whether regular and adequate transportation requirements would be met with one van servicing the entire development.

Ms. Foley responded the van would be utilized at all times during the day to take residents to commercial facilities within the area. She also pointed out the project fronted on North 5th Street which was a major arterial.

ACTION: DENIED BASED UPON THE PROPOSED DEVELOPMENT NOT BEING ON A 100 FOOT RIGHT-OF-WAY; THE INCREASED TRAFFIC, AND THE LACK OF PROXIMITY TO RETAIL SERVICES IN THE COMMUNITY.

MOTION: Councilman Rhodes

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Councilmen Rhodes, Smith and Buck

NAYS: Mayor Pro Tempore Robinson

ABSTAIN: None

COUNCIL ITEMS

Councilman Buck requested a review of the senior housing ordinance to be heard at the May 2, 2001 City Council Information Session.

Councilman Buck then requested detailed information regarding the Buena Vista Substation and what was needed to make it fully operational. City Manager Kurt Fritsch stated Staff would begin working on full utilization of the substation and would report back to Council at the next meeting of the progress that had been made and any future plans. Councilman Rhodes requested detailed information including an action plan and fiscal impacts. Councilwoman

Smith asked if it were possible to have a joint presence with Metro in the area. Captain Finizie responded the North Las Vegas Police Department had a good working relationship with Metro and would continue to join forces with them to resolve the problems in the area.

CITY MANAGER'S REPORT

There was no report.

PUBLIC FORUM

Mike Thomas spoke of Police promotional issues and litigation related expenses.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 10:16 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Councilmen Rhodes, Smith and Buck

NAYS: None

ABSTAIN: None

APPROVED: May 2, 2001

/s/ MAYOR MICHAEL L. MONTANDON
MAYOR MICHAEL L. MONTANDON

Attest:

/s/ Eileen M. Sevigny, CMC, City Clerk
Eileen M. Sevigny, CMC, City Clerk