

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

June 6, 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. Clark County Yucca Mountain Nuclear Waste Repository Steering Committee Briefing
- d. Status Report by Nevada Power Company on the 500 kv Transmission Line Project
- e. Public Comment

CITY COUNCIL MEETING

CALL TO ORDER

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

ROLL CALL

COUNCIL PRESENT

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

Excused:

Councilman John K. Rhodes

STAFF PRESENT

City Manager Kurt Fritsch	Detention Center Chief Ken Ellingson
Assistant City Manager Gregory Rose	Police Chief Joey Tillmon
City Clerk Eileen M. Sevigny	Deputy Police Chief Ed Finizie
City Attorney Sean McGowan	Fire Chief Robert Dodge
Human Resources Director Dan Tarwater	Parks and Recreation Director Ken Albright
Finance Director Vytas Vaitkus	Redevelopment Manager Kenny Young
Administrative Services Director Eric Dabney	Deputy City Attorney Jim Lewis
Development Services Director Tom Bell	Public Information Officer Brenda Johnson
Public Works Director Jim Bell	Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

John Bear
Choctaw/Apache Tribes

PLEDGE OF ALLEGIANCE

Councilwoman Stephanie S. Smith

AGENDA

1. REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JUNE 6, 2001.

ACTION: APPROVED AS AMENDED; ITEM NOS. 3, 4, 5, & 6 CONTINUED TO JUNE 20, 2001.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 7:05 P.M.

2. RATIFICATION OF PROJECTS OF REGIONAL SIGNIFICANCE AS AN AMENDMENT TO THE SOUTHERN NEVADA REGIONAL POLICY PLAN.

Mayor Montandon opened the Public Hearing.

Development Services Director Tom Bell explained a modified version of the amendment to the Southern Nevada Regional Policy Plan was attached to the agenda item.

Greg Dale from Clarion & Associates, stated he was a consultant to the Southern Nevada Regional Planning Coalition. Mr. Dale explained Assembly Bill 493 dictated the creation of the Regional Policy Plan and also provided for projects of regional significance. The bill specifically required the Regional Planning Coalition to define projects of regional significance and then authorized the Coalition to take action with regard to those projects. The Planning Staffs from all local entities had worked diligently to provide the Coalition with a definition and a process for addressing projects of regional significance that were later approved by that body. Mr. Dale stated projects of regional significance were defined in two ways. One

definition dealt with site specific projects that were defined by threshold criteria; essentially dealing with the size of the project and the proximity to adjoining jurisdictions. The process for addressing those issues was a notice and comment process. When the determination was made that a project was of regional significance by an individual entity, notice would be sent to the adjoining jurisdiction and a fifteen day period was provided for that jurisdiction to comment on the impact along with suggestions for mitigation. At that point, it was the responsibility of the initiating jurisdiction to implement the mitigating measures they deemed appropriate.

Mr. Dale further stated the process was guided by the principle of respecting local autonomy. Nothing contained in the amendment would interfere with the local jurisdiction's ability to make decisions regarding site specific projects nor would it extend the time for consideration of individual projects. Mr. Dale pointed out site specific projects were entirely between the two jurisdictions involved and would not be heard before the Southern Nevada Regional Planning Coalition for review or approval. Mr. Dale commented the process was designed to add an element of communication that often did not exist between local jurisdictions.

Mayor Montandon stated it was a concern of the Council as to what the definition of a project of regional significance entailed and he was glad to see that issue addressed in such detail.

Mayor Montandon closed the Public Hearing.

ACTION: AMENDMENT TO THE SOUTHERN NEVADA REGIONAL POLICY PLAN RATIFIED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

3. APPEAL, SUBMITTED BY RYAN ARNOLD, OF THE PLANNING COMMISSION'S DECISION TO DENY AMP-10-01 (ANN & ALLEN PROMENADE); AN APPLICATION SUBMITTED BY SPECIALTY HOLDINGS, INC. TO CHANGE THE COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED SOUTH OF ANN ROAD, BETWEEN ALLEN LANE AND FERRELL STREET (ASSOCIATED ITEM NO. 4; ZN-10-01)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO JUNE 20, 2001

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None
ABSTAIN: None

4. **APPEAL, SUBMITTED BY RYAN ARNOLD, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-10-01 (ANN & ALLEN PROMENADE); AN APPLICATION SUBMITTED BY SPECIALTY HOLDINGS, INC. TO CHANGE THE ZONING FROM R-E RANCH ESTATES AND R-1 SINGLE FAMILY RESIDENTIAL TO C-1 NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED SOUTH OF ANN ROAD, BETWEEN ALLEN LANE AND FERRELL STREET (ASSOCIATED ITEM NO. 3; AMP-10-01)**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO JUNE 20, 2001

MOTION: Mayor Montandon
SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

5. **APPEAL, SUBMITTED BY RYAN ARNOLD, OF THE PLANNING COMMISSION'S DECISION TO DENY AMP-12-01 (ANN & COMMERCE PROMENADE); AN APPLICATION SUBMITTED BY RANCHO MIRAGE I, LLC; PERLMAN ARCHITECTS, INC. ON BEHALF OF SPECIALTY HOLDINGS, INC., JERRY GOEDEN, PRESIDENT, TO CHANGE THE COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL TO NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND COMMERCE STREET. (ASSOCIATED ITEM NO. 6; ZN-11-01)**

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO JUNE 20, 2001

MOTION: Mayor Montandon
SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

6. **APPEAL, SUBMITTED BY RYAN ARNOLD, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-11-01 (ANN & COMMERCE PROMENADE), AN**

APPLICATION SUBMITTED BY RANCHO MIRAGE I, LLC; PERLMAN ARCHITECTS, INC. ON BEHALF SPECIALTY HOLDINGS, INC., JERRY GOEDEN, PRESIDENT, TO CHANGE THE ZONING FROM R-E RANCH ESTATES TO C-1 NEIGHBORHOOD COMMERCIAL FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF ANN ROAD AND COMMERCE STREET. (ASSOCIATED ITEM NO. 5; AMP-12-01)

Mayor Montandon opened the Public Hearing.

ACTION: CONTINUED TO JUNE 20, 2001

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

CONSENT AGENDA

7. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF MAY 15, 2001.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

8. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF MAY 16, 2001.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

9. APPROVAL OF AN INTERLOCAL AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND CLARK COUNTY TO HOUSE COUNTY INMATES IN THE NORTH LAS VEGAS DETENTION CENTER AT THE RATE OF \$50.00 PER

**INMATE PER DAY TO BE EFFECTIVE MAY 5, 2001, AND EXPIRE MAY 4, 2002.
(Tabled May 2, 2001) (Contract No. C-3355)**

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

10. APPROVAL TO AMEND THE 2000-2001 STAFFING PATTERN AS FOLLOWS:

Fire Department

Transfer three (3) Classified Fire Chiefs Association Battalion Chiefs Grade CFC67 to APT 25 (Results in the elimination of a labor union)

Police Department

Administration

Reclassify one (1) Fiscal Specialist I Grade TNS 13 to Fiscal Specialist II Grade TNS 14

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

11. APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH TEMPLE PROPERTIES, 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 SIMMONS STREET IN THE AMOUNT OF 1.1% OF THE TOTAL COST, OR APPROXIMATELY \$4,639; AND WASHBURN ROAD AND SIMMONS STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST, OR APPROXIMATELY \$4,919, IN CONNECTION WITH AUTUMN CHASE. (Contract No. C-4927)

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

12. **APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH McDONALDS CORPORATION TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT ANN ROAD AND SIMMONS STREET IN THE AMOUNT OF 4.5% OF THE TOTAL COST, OR APPROXIMATELY \$22,137; TROPICAL PARKWAY AND SIMMONS STREET IN THE AMOUNT OF 1.2% OF THE TOTAL COST, OR APPROXIMATELY \$5,903; WASHBURN ROAD AND SIMMONS STREET IN THE AMOUNT OF 2.1% OF THE TOTAL COST, OR APPROXIMATELY \$10,331; AND ANN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST, OR APPROXIMATELY \$4,919, IN CONNECTION WITH McDONALDS CHEVRON. (Contract No. C-4928)**

ACTION: APPROVED

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

13. **APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH AIRCENTER NORTH, LLC, TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT CHEYENNE AVENUE AND SIMMONS STREET - IMPROVEMENTS, IN THE AMOUNT OF 21.8% OF THE TOTAL COST, OR APPROXIMATELY \$26,160; CHEYENNE AVENUE AND CLAYTON STREET IN THE AMOUNT OF 18.6% OF THE TOTAL COST, OR APPROXIMATELY \$41,573; EVANS AVENUE AND SIMMONS STREET IN THE AMOUNT OF 5.2% OF THE TOTAL COST, OR APPROXIMATELY \$37,586; AND LAKE MEAD BOULEVARD AND SIMMONS STREET IN THE AMOUNT OF 2.1% OF THE TOTAL COST, OR APPROXIMATELY \$5,186, IN CONNECTION WITH AIRCENTER NORTH. (Contract No. C-4929)**

ACTION: APPROVED

MOTION: Councilwoman Smith
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None

ABSTAIN: None

14. **APPROVAL OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT WITH BIGELOW DEVELOPMENT AEROSPACE DIVISION, LLC TO PROVIDE FOR A PORTION OF THE COST OF TRAFFIC SIGNAL AND LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS, AS EACH PHASE IS DEVELOPED AT CHEYENNE AVENUE AND CLAYTON STREET IN THE AMOUNT OF 4.7% OF THE TOTAL COST; BROOKS AVENUE AND CLAYTON STREET IN THE AMOUNT OF 4.7% OF THE TOTAL COST; BROOKS STREET AND SIMMONS STREET IN THE AMOUNT OF 1.3% OF THE TOTAL COST; AND EVANS STREET AND SIMMONS STREET IN THE AMOUNT OF 1.9% OF THE TOTAL COST, IN CONNECTION WITH BIGELOW AEROSPACE FACILITY. (Contract No. C-4930)**

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

15. **APPROVAL OF A CASH PAYMENT IN LIEU OF A TRAFFIC CONTROL IMPROVEMENT COST PARTICIPATION AGREEMENT FROM RICHARD ZACHAU AS PAYMENT FOR THEIR SHARE OF THE COST OF LIGHTING INSTALLATION, STREET NAME SIGNS, AND TRAFFIC SIGNALS AT GOWAN ROAD AND SIMMONS STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST, OR \$4,218; AND GOWAN ROAD AND CLAYTON STREET IN THE AMOUNT OF 1.0% OF THE TOTAL COST, OR \$5,313 IN CONNECTION WITH TURTLESTOP.**

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

16. **APPROVAL OF AN INTERLOCAL AGREEMENT WITH CLARK COUNTY SOCIAL SERVICE TO MAKE DETERMINATIONS OF FINANCIAL HARDSHIP REGARDING ASSESSMENT DISTRICT PAYMENTS. (Contract No. C-4931)**

ACTION: APPROVED

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

17. APPROVAL TO ACCEPT A DONATION, FROM NEVADA POWER COMPANY, OF 1.44 ACRES OF SURPLUS PROPERTY SURROUNDING THE POWER SUBSTATION AT CAREY AVENUE AND LAS VEGAS BOULEVARD.

ACTION: APPROVED

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

18. APPROVAL TO AWARD THE WARRANTY REPAIR PROGRAM, PHASE II, BID NO. 1097, TO LAS VEGAS PAVING CORPORATION IN THE AMOUNT OF \$166,233.03. (Contract No. C-4932)

ACTION: APPROVED

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

19. APPROVAL OF A PRE-TRIAL SETTLEMENT IN THE AMOUNT OF \$30,000 FOR DENNIS STEPHENSON VS. NORTH LAS VEGAS POLICE DEPARTMENT, ET AL.

ACTION: APPROVED

MOTION: Councilwoman Smith
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None

ABSTAIN: None

20. APPROVAL TO PURCHASE NETWORK FILE STORAGE HARDWARE FROM CONNECTING POINT, IN THE AMOUNT OF \$33,000, TO INCREASE THE FILE STORAGE CAPACITY ON THE CITY'S NETWORK.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

21. APPROVAL OF THE ANNUAL SUPPORT AND MAINTENANCE AGREEMENT, IN THE AMOUNT OF \$128,577 WITH ORACLE CORPORATION FOR THE FINANCIAL MANAGEMENT, HUMAN RESOURCES, PAYROLL AND DATABASE MANAGEMENT SYSTEMS, COMMENCING JUNE 1, 2001 AND EXPIRING MAY 31, 2002. (Contract No. C-4148)

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

22. RATIFICATION OF AN EXTENSION, THROUGH JUNE 2001, OF THE PROFESSIONAL SERVICES AGREEMENT WITH ROBERT HALF, INCORPORATED (RHI), IN THE AMOUNT OF \$40,716, FOR THE EXTENSION OF PERSONNEL TO SUPPORT THE CITY'S ORACLE FINANCIAL, HUMAN RESOURCES, PAYROLL AND DATABASE MANAGEMENT APPLICATIONS. (Contract No. C-4880)

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

23. APPROVAL OF AN AGREEMENT WITH THE NEVADA DEPARTMENT OF EDUCATION, SCHOOL HEALTH, SAFETY & NUTRITION TEAM, FOR THE SUMMER FOOD SERVICE PROGRAM AT THE CITY'S SUMMER CAMPS PROVIDING FOR 100% OF COSTS INCLUDING ADMINISTRATION AND STAFFING. (Contract No. C-4933)

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

24. APPROVAL OF CONSTRUCTION CONTRACT CHANGE ORDER NO. 1 WITH PACE CONTRACTING COMPANY FOR THE NORTH LAS VEGAS RECREATION CENTER PROJECT, BID NO. 1084, FOR A FEE INCREASE IN THE AMOUNT OF \$350,000 FOR THE CONSTRUCTION OF THE ENLARGED POOL, INCLUDING THE ELECTRICAL AND MECHANICAL APPURTENANCES, PERMANENT/PORTABLE SEATING, SHADE STRUCTURES, SCOREBOARD, EXTERIOR LIGHTING, POOL HEATER, LOCKER AND SHOWER FACILITIES, AND A PUBLIC ADDRESS SYSTEM. (Contract No. C-4811)

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

25. APPROVAL OF AN APPLICATION FOR WINDSOR PARK HOUSING REVITALIZATION PROJECT FUNDS IN THE AMOUNT OF \$51,050, SUBMITTED BY MR. JAMES GOODALL, WHOSE PROPERTY IS LOCATED AT 2709 LIDIA STREET IN THE WINDSOR PARK SUBDIVISION TO ASSIST IN ACQUIRING A REPLACEMENT HOME WITHIN THE NORTH LAS VEGAS CITY LIMITS.

ACTION: APPROVED

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members

Smith and Buck
NAYS: None
ABSTAIN: None

26. AUTHORIZATION TO SIGN A CERTIFICATION BY STATE OR LOCAL OFFICIAL OF PHA PLANS CONSISTENCY WITH THE CONSOLIDATED PLAN REQUESTED BY THE NORTH LAS VEGAS HOUSING AUTHORITY. (Contract No. C-4935)

ACTION: APPROVED

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

BUSINESS

27. CONSIDERATION OF, OR MODIFICATION TO THE PROPOSED AGREEMENT TO DEVELOP BETWEEN NORTH VALLEY ENTERPRISES, LLC AND THE CITY OF NORTH LAS VEGAS AS REQUIRED BY THE SUPPLEMENTAL MEMORANDUM OF UNDERSTANDING WITH THE BUREAU OF LAND MANAGEMENT IN CONNECTION WITH THE PUBLIC AUCTION OF 1,905 ACRES OF LAND LOCATED WITHIN THE INCORPORATED BOUNDARIES OF NORTH LAS VEGAS. (Contract No. C-4934)

A verbatim transcript of this discussion is attached as Exhibit A.

ACTION: APPROVED AS AMENDED

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

28. CONSIDERATION OF AN EXTENSION OF TIME FOR RESOLUTION OF INTENT NO. 1878 (ZN-20-96, PARADISE CASINO AND HOTEL); AN APPLICATION SUBMITTED BY MENDENHALL FAMILY TRUST/MILLENNIUM GAMING; MR. GOLDEN WELCH, REPRESENTATIVE ON BEHALF OF MENDENHALL FAMILY TRUST, PROPERTY OWNER TO RECLASSIFY A TRACT OF LAND GENERALLY LOCATED AT THE SOUTHWEST CORNER OF CRAIG ROAD AND LOSEE ROAD FROM AN M-2 GENERAL INDUSTRIAL DISTRICT TO AN M-3

GENERAL SERVICE COMMERCIAL DISTRICT. (TABLED MAY 16, 2001)

Development Services Director Tom Bell explained on April 11, 2001 the Planning Commission recommended approval for an extension of time for the use permit and Resolution of Intent until December 31, 2002 with additional conditions. Staff recommended approval of the requested extension of time if Council determined the applicant had fulfilled the stipulations in the settlement agreement for the project.

City Attorney Sean McGowan stated the intent of the stipulation was not clear. Because of the differing opinions about the meaning of the stipulation, City Attorney McGowan stated he was prepared to offer conditions that were specific and measurable if it were Council's desire to grant the extension of time. He further pointed out State Legislature had adopted Senate Bill 208 that gave to grandfathered locations through December of 2002 to complete projects. That piece of legislation would make the City's case harder to prove in a court should Council not grant the extension of time.

Mark Fiorentino, 3800 Howard Hughes Parkway, Las Vegas, represented the applicant and stated there was agreement on the intent of the stipulation that only projects that were intending to be completed were approved. Mr. Fiorentino stated the project was real and would be moving forward. He was in agreement to the added conditions suggested by City Attorney McGowan to further guarantee the completion of the project in accordance with City code as well as State law.

Mayor Montandon asked if Mr. Fiorentino and the applicant had reviewed the additional three conditions. Mr. Fiorentino stated they had and were in agreement with the addition of those conditions in the Resolution of Intent. Mayor Montandon then stated his concern about the location of the parking garage because it was located quite a distance from the entrance to the casino. He added Councilman Buck had since brought to his attention the original approval had included several amenities such as a bowling alley and movie theaters that were not included in the new proposal.

Councilman Buck read the Planning Commission minutes from 1996 into the record:

"The project will be built in three phases with the first phase containing 400 hotel rooms, 40,000 square feet of casino, 40,000 square feet of theater, bowling, recreation, and restaurant services, 3.5 acres of outdoor recreation park area and 2,000 parking spaces. The second phase will contain 800 hotel rooms, 20,000 square feet of casino and 1,400 parking spaces. Phase three will consist of 800 additional rooms, 40,000 square feet of casino, 2.5 acres of outdoor recreation and 1,400 parking spaces. The outdoor recreation area will consist of go-cart tracks, miniature golf and bumper boats for the use of local residents as well as hotel guests."

Councilman Buck further explained at a Planning Commission meeting in 1998, Planning Commissioner Langford asked when the project would begin and Mr. Welch responded it would begin within a two year period. Planning Commissioner Lisiewski then asked if there would be a theater and Mr. Welch responded there would be a bowling alley and a theater. Councilman Buck asked why there was such a reduction in the size and scope of the project

from the original approval at the Planning Commission. Mr. Fiorentino responded the original vision of the project had changed because of changing market conditions. A recent study had shown a project of the original magnitude at the location was not economically feasible. Mr. Fiorentino also pointed out when the project was originally presented to Council, there was concern that the project was too intense and would create too much traffic in the area. A commitment was made at that time to reduce the size and number of hotel rooms.

Councilman Buck then asked, if approved, what changes would be made to the project the next time it was heard before Council. Mr. Fiorentino stated there would be no further changes as the final development plans had been approved by the Planning Commission. The final version would include 200 hotel rooms with an entertainment venue, pool, restaurants and limited retail; similar to the Texas Station Casino. Councilman Buck understood it would be difficult to obtain a theater franchise for the site but wanted to see some of the other amenities originally promised such as the bowling alley. She stated she would not support a project that offered no amenities other than a casino.

Bill Whortman, Managing Director for Millennium Gaming, stated his organization preferred to build establishments that were for adults. He did not feel that movie theaters and bowling centers were the right kind of amenities for a casino because they attracted children. Mr. Whortman explained next to the pool area was an entertainment venue that he believed would be unique to the industry and North Las Vegas. The facility would have the ability to open into an amphitheater type setting to allow for outdoor concerts with upwards of 2,000 people attending.

Councilman Buck stated there was enough extra parking to install a bowling alley to the west of the building with a separate entrance. Mr. Whortman stated installing a separate structure would preclude the ability to expand the casino. Councilman Buck stated she was not in support of the project as presented because it differed from the originally approved concept and did not offer the amenities she was looking forward to.

Mayor Pro Tempore Robinson asked what the start date would be. Mr. Whortman expected to begin construction in approximately September 2001. Mayor Pro Tempore Robinson then asked how many jobs were expected to be created and Mr. Whortman responded approximately 1,300.

Alan Treasure, 4141 Distribution Circle, North Las Vegas, Distribution Manager for Paccar Parts stated his opposition to the project because the M-2 zoning in the area was not appropriate for a casino. The increased traffic would be detrimental to businesses in the area as well.

Joseph Hart, 6020 Beale Avenue, Nellis Air Force Base, stated the parcel was under the flight path of departing and arriving flights from Nellis. Mr. Hart requested the applicant be held to FAA regulations such as lighting on the roof as well as HUD, EPA, City and County regulations with regard to noise attenuation. Mr. Hart felt the concept of an amphitheater for live music would be affected by the air traffic noise.

Mayor Montandon stated the City's codes took the Nellis flight paths into account and would be addressed with the developers.

Councilwoman Smith stated when the item came before Council in 1998, she did not support

it. She felt it was not the right use for the land. Because it was the court's decision to allow the use at that location, it was beyond Council's ability to reverse that decision. It was not in the City's best interest to deny the request for the extension of time because the case would be taken back to Court. It was now incumbent upon the developer to meet the deadline for construction.

Mayor Pro Tempore Robinson suggested the developers meet with the businesses in the area to attempt to mitigate their concerns.

Mayor Montandon commented there were people who opposed casinos no matter what zoning they were placed in. Mayor Montandon agreed with Mr. Whortman in that casinos were not family venues.

ACTION: EXTENSION OF TIME, TO DECEMBER 31, 2002 APPROVED SUBJECT TO CONDITIONS OF APPROVAL CONTAINED IN RESOLUTION OF INTENT NO. 1878 PLUS THREE ADDITIONAL CONDITIONS AS FOLLOWS:

1. Property owner and/or an authorized representative on its behalf shall file with the City a Complete Building Permit Application and all required supplementary submissions (the "Building Permit Application") for the approved hotel/casino project on the subject property on or before the close of business on **September 13, 2001**. Applicant shall diligently respond to all City comments on the required supplementary submissions (such as the building and civil plans) to ensure building permit issuance for the approved hotel/casino project on or before the close of business ninety (90) days after submission of the Building Permit Application. The condition does not act to compel the City to issue a building permit to the applicant if the Building Permit Application does not comply with the provisions of the North Las Vegas Municipal Code.
2. Owner and/or operator shall file all necessary State of Nevada Gaming License Applications for approval to own and operate the hotel/casino project and provide the City with State Gaming Control Board Applicant Services verification of such filings on or before close of business on December 13, 2001.
3. Failure to satisfy the two above-referenced conditions will subject Owner to a hearing before the City Council for possible revocation of ZN-20-96.

MOTION: Councilwoman Smith

SECOND: Mayor Montandon

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

ABSTAIN: None

- 29. RESOLUTION NO. 2210; A RESOLUTION TO GRANT HOME INVESTMENT PARTNERSHIPS (HOME) AND/OR LOW INCOME HOUSING TRUST FUND (LIHTF) PROGRAM FUNDS, IN THE AMOUNT OF \$258,500 TO COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA TO ASSIST WITH PRE-DEVELOPMENT COSTS ASSOCIATED WITH THE OWENS SENIOR PROJECT.**

Resolution No. 2210 as introduced by the City Manager:

RESOLUTION TO GRANT HOME INVESTMENT PARTNERSHIPS ("HOME") AND/OR LOW INCOME HOUSING TRUST FUND ("LIHTF") PROGRAM FUNDS TO COMMUNITY DEVELOPMENT PROGRAMS CENTER OF NEVADA.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

ORDINANCES

INTRODUCTION ONLY

30. **ACCEPTANCE OF A PETITION FOR ANNEXATION (ANNEXATION NO. 105) SUBMITTED BY MARILYN S. REDD TRUST AND FIDELITY DEVELOPMENT LIMITED PARTNERSHIP FOR APPROXIMATELY 10 ACRES OF LAND LOCATED ON THE SOUTHWEST CORNER OF HAMMER LANE AND DORIS STREET.**

ACTION: PETITION ACCEPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

31. **ORDINANCE NO. 1497 (ANNEXATION NO. 105); AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OF PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1497 as introduced by the City Manager:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OF PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JUNE 20, 2001.

32. **ACCEPTANCE OF PETITIONS FOR ANNEXATION (ANNEXATION NO. 106) SUBMITTED BY BELTWAY I-15 LLC, JV PROPERTIES, LLC, FLF 98, LLC, GARY M. AND SAUNDRA J. JOHNSON, ET AL., NORTHERN LAND PARTNERS, LLC, JOSEPH ZAK LIVING TRUST ET AL., JOSEPH ZAK TRS., AND LOUIS V. SCHOOLER FOR APPROXIMATELY 128 NET ACRES OF LAND LOCATED IN THE GENERAL AREA OF THE SOUTHWEST CORNER OF CENTENNIAL PARKWAY AND NELLIS BOULEVARD.**

ACTION: PETITIONS ACCEPTED

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

33. **ORDINANCE NO. 1527 (ANNEXATION NO. 106); AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OF PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1497 as introduced by the City Manager:

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF NORTH LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO, AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES, AND REGULATIONS IN FORCE IN SAID CITY; OFFERING A MAP OF PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JUNE 20, 2001.

34. **ORDINANCE NO. 1510; AN ORDINANCE ESTABLISHING A PROCEDURE TO ALLOW A PERSON WHOSE PROPERTY WILL BE INCLUDED WITHIN THE BOUNDARIES OF AN IMPROVEMENT DISTRICT TO APPLY FOR A HARDSHIP DETERMINATION; PROVIDING THE DETAILS OF SUCH PROCEDURE TO BE FOLLOWED; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.**

Ordinance No. 1510 as introduced by the City Manager:

AN ORDINANCE ESTABLISHING A PROCEDURE TO ALLOW A PERSON WHOSE PROPERTY WILL BE INCLUDED WITHIN THE BOUNDARIES OF AN IMPROVEMENT DISTRICT TO APPLY FOR A HARDSHIP DETERMINATION; PROVIDING THE DETAILS OF SUCH PROCEDURE TO BE FOLLOWED; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR JUNE 20, 2001.

35. **ORDINANCE NO. 1507; AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS AMENDING ORDINANCE NO. 1456 BEING CHAPTER 2.68 OF THE NORTH LAS VEGAS MUNICIPAL CODE; ESTABLISHING NEW CIVIL SERVICE RULES AND REGULATIONS AS CHAPTER 2.68 OF THE NORTH LAS VEGAS MUNICIPAL CODE; REPEALING ORDINANCES NOS. 1220, 1227, AND 1376 TO ESTABLISH THE TERMS AND CONDITIONS OF EMPLOYMENT OF CONFIDENTIAL PERSONNEL WITHIN THE CITY AND**

AMENDING TERMS AND CONDITIONS OF RECRUITMENT; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

Ordinance No. 1507 as introduced by the City Manager:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NORTH LAS VEGAS AMENDING ORDINANCE NO. 1456 BEING CHAPTER 2.68 OF THE NORTH LAS VEGAS MUNICIPAL CODE; ESTABLISHING NEW CIVIL SERVICE RULES AND REGULATIONS AS CHAPTER 2.68 OF THE NORTH LAS VEGAS MUNICIPAL CODE; REPEALING ORDINANCE NOS. 1220, 1227, AND 1376 TO ESTABLISH THE TERMS AND CONDITIONS OF EMPLOYMENT OF CONFIDENTIAL PERSONNEL WITHIN THE CITY AND AMENDING TERMS AND CONDITIONS OF RECRUITMENT; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

36. ORDINANCE NO. 1511; 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-1 TO PUD (ZN-15-01, MLK-HIGHLAND BUSINESS PARK), FOR PROPERTY GENERALLY LOCATED WEST OF MARTIN L. KING BOULEVARD, APPROXIMATELY 795 FEET SOUTH OF BROOKS AVENUE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1511 as introduced by the City Manager:

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-1 TO PUD (ZN-15-01, MLK-HIGHLAND BUSINESS PARK), FOR PROPERTY GENERALLY LOCATED WEST OF MARTIN L. KING BOULEVARD, APPROXIMATELY 795 FEET SOUTH OF BROOKS AVENUE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Mayor Montandon questioned what the use of the property would be. Development Services Director Tom Bell stated there would be a mixture of M-2 uses as well as M-1 business park uses.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

37. ORDINANCE NO. 1512; AN ORDINANCE RELATING TO ZONING; ADDING PARAGRAPHS A THROUGH H OF SECTION 085 OF CHAPTER 20 OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH AS VEGAS TO ESTABLISH PURPOSE, USES, SPECIAL USES, ACCESSORY USES, SETBACKS, LOT WIDTH, AND AREA REQUIREMENTS, AND ADDITIONAL BUILDING AND PERFORMANCE STANDARDS FOR A NEW PSP PUBLIC/SEMI-PUBLIC ZONING DISTRICT AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1512 as introduced by the City Manager:

AN ORDINANCE RELATING TO ZONING; ADDING PARAGRAPHS A THROUGH H OF SECTION 085 OF CHAPTER 20 OF TITLE 17 OF THE MUNICIPAL CODE OF THE CITY OF NORTH AS VEGAS TO ESTABLISH PURPOSE, USES, SPECIAL USES, ACCESSORY USES, SETBACKS, LOT WIDTH, AND AREA REQUIREMENTS, AND ADDITIONAL BUILDING AND PERFORMANCE STANDARDS FOR A NEW PSP PUBLIC/SEMI-PUBLIC ZONING DISTRICT AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

City Manager Fritsch commented this ordinance was required by the BLM to provide a public zoning district on the land in the 7500 acre area to be permanently reserved for public uses.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

38. ORDINANCE NO. 1513; 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-A/CR TO R-A/PSP FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAS VEGAS BOULEVARD AND CIVIC CENTER DRIVE (ZN-14-01, CNLV-REDEVELOPMENT) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1513 as introduced by the City Manager:

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-A/CR TO R-A/PSP FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LAS VEGAS BOULEVARD AND CIVIC CENTER DRIVE (ZN-14-01, CNLV-REDEVELOPMENT) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

39. ORDINANCE NO. 1514; 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 O-L TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF VALLEY DRIVE AND ROME BOULEVARD (ZN-13-01, VALLEY & ROME) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1514 as introduced by the City Manager:

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 O-L TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHWEST CORNER OF VALLEY DRIVE AND ROME BOULEVARD (ZN-13-01, VALLEY & ROME) AND PROVIDING FOR OTHER

MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

40. ORDINANCE NO. 1516; 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 AND M-2 TO M-2 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND CIVIC CENTER DRIVE (ZN-19-97, DERMODY PROPERTIES) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1516 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 AND M-2 TO M-2 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF GOWAN ROAD AND CIVIC CENTER DRIVE (ZN-19-97, DERMODY PROPERTIES) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

41. ORDINANCE NO. 1518; 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-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET (ZN-06-94, LONE MOUNTAIN/SIMMONS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1518 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-1 FOR PROPERTY GENERALLY LOCATED AT THE SOUTHEAST CORNER OF LONE MOUNTAIN ROAD AND SIMMONS STREET (ZN-06-94, LONE MOUNTAIN/SIMMONS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

42. ADOPTION OF A BUSINESS IMPACT STATEMENT REGARDING ORDINANCE NO. 1519; AMENDING NORTH LAS VEGAS MUNICIPAL CODE CHAPTER 5.47 BEING SEXUALLY ORIENTED BUSINESSES - BUSINESS LICENSING.

ACTION: MOTION ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Smith and Buck

NAYS: None

ABSTAIN: None

43. ORDINANCE NO. 1519; AN ORDINANCE TO AMEND ORDINANCE 1351, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 47 OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR CLARIFICATION OF THE REQUIREMENT THAT ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS ARE REQUIRED TO POSSESS A SEXUALLY ORIENTED BUSINESS LICENSE; PROVIDING FOR CLARIFICATION OF THE NATURE OF LEGAL NONCONFORMING USES; PROVIDING FOR CLARIFICATION OF THE AMORTIZATION PERIOD FOR LEGAL NONCONFORMING USES; PROVIDING FOR CLARIFICATION OF PROCEDURE FOR ACCEPTANCE, REJECTION OR DENIAL OF LICENSE APPLICATION.

Ordinance No. 1519 as introduced by the City Clerk:

AN ORDINANCE TO AMEND ORDINANCE 1351, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 47 OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR NEW DEFINITIONS; PROVIDING FOR CLARIFICATION OF THE REQUIREMENT THAT ALL SEXUALLY ORIENTED BUSINESS ESTABLISHMENTS ARE REQUIRED TO POSSESS A SEXUALLY ORIENTED BUSINESS LICENSE; PROVIDING FOR CLARIFICATION OF THE NATURE OF LEGAL NONCONFORMING USES; PROVIDING FOR CLARIFICATION OF THE AMORTIZATION PERIOD FOR LEGAL NONCONFORMING USES; PROVIDING FOR CLARIFICATION OF PROCEDURE FOR ACCEPTANCE, REJECTION OR DENIAL OF LICENSE APPLICATION.

Deputy City Attorney Jim Lewis explained interested parties came to the City requesting advice regarding the Sexually Oriented Business Code and how it related to the liquor license and zoning codes. In reviewing those codes, it was determined there were ambiguities that required refining and clarification.

Councilman Buck requested an amendment to 5.47.020 Q - to include "or any other object or body part for physical contact."

Terry Gordon, 3960 Howard Hughes Parkway #850, Las Vegas, asked for a clarification as to whether the intent of the ordinance was to grandfather some existing locations as well as to prohibit new liquor licenses in relation to sexually oriented businesses. Deputy City Attorney Lewis stated the ordinance would not prohibit a new adult business from being established in North Las Vegas, however, the establishment must be in an M-2 zoning district and full nudity would not be allowed.

Mr. Gordon then asked if the ordinance would prohibit a nudist colony or resort related establishment. Deputy City Attorney Lewis stated at that time, that type of use was not permitted in the City. Mr. Gordon then questioned if a book store with other related items was permitted. Deputy City Attorney Lewis responded adult novelty businesses, where 51% or more of its stock and trade were sexually oriented items, were allowed in M-2 zoning districts.

Allen Litchenstein, 3315 Russell Road, #222, Las Vegas, stated he was not representing any party at that time but was making independent comments. Mr. Litchenstein commended Deputy City Attorney Lewis for his diligent efforts to cleaning up the ordinance which did contain some constitutional violations.

Mr. Litchenstein commented the City's use of the term 'Privileged License' was in violation of a ruling by the Supreme Court. Meaning, there was no discretion on the part of the City as to whether the use would be allowed or not allowed; it was a right allowed by the First Amendment to the Constitution. Mr. Litchenstein urged Council to clean up some of the language contained in the ordinance to be in compliance First Amendment rights.

City Attorney Sean McGowan stated he would be willing to meet with Mr. Litchenstein to address his concerns regarding certain areas of the ordinance.

Councilwoman Smith questioned the difference between the Council's right to determine the zoning and placement of housing and commercial uses, but not adult businesses. She felt

nothing was a guaranteed right but Council had the discretion to follow the rules they had set in determining the most appropriate uses for a specific area. Mr. Litchenstein stated those types of businesses were Constitutionally protected under First Amendment rights and special rules had been applied by the United States Supreme Court as well as the Ninth Circuit Court.

Deputy City Attorney Lewis asked for the opportunity to meet with Mr. Litchenstein to address his concerns while reviewing case law.

Gregory Garman, Gordon & Silver, 3760 Howard Hughes Parkway, Las Vegas, represented Dr. Simon Stertz, the interested party who initiated the revisions to the sexually oriented business ordinances. Dr. Stertz was interested in purchasing a property that would be affected by those ordinances and there was a deadline for closing on the purchase of the property. One of the aspects in closing the deal was to improve the present City code which was clearly unconstitutional. The proposed ordinance was a vast improvement over the present code. Given the pressing nature of the issue facing his client, Mr. Garman urged Council to approve the ordinance as is, then make the necessary changes at a later date. Deputy City Attorney Lewis stated he was confident the changes to the ordinance was constitutional and minor changes could be approved at a later date.

Councilman Buck questioned why Mr. Litchenstein waited until such a late date to make his comments and felt it was prudent to go forward with the ordinance and make changes later as necessary. Mr. Litchenstein stated he was not available earlier and was not aware of the proposed changes to the ordinance until the day before the meeting.

ACTION: APPROVED

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

ACTION: RESCIND PREVIOUS VOTE

MOTION: Mayor Montandon

SECOND: Councilwoman Smith

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

ACTION: AMENDMENTS APPROVED

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

ACTION: ORDINANCE NO. 1519 PASSED AND ADOPTED AS AMENDED.

MOTION: Mayor Montandon
SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

44. ORDINANCE NO. 1520; AN ORDINANCE TO AMEND A PORTION OF ORDINANCE 1236, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 26, SECTION 510, OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING CLARIFICATION THAT THOSE CERTAIN GRANDFATHERED ESTABLISHMENTS MAY CONTINUE TO SERVE ALCOHOL AND OFFER NUDE AND/OR TOPLESS EXOTIC DANCING.

Ordinance No. 1520 as introduced by the City Clerk:

AN ORDINANCE TO AMEND A PORTION OF ORDINANCE 1236, PRESENTLY CODIFIED IN TITLE 5, CHAPTER 26, SECTION 510, OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING CLARIFICATION THAT THOSE CERTAIN GRANDFATHERED ESTABLISHMENTS MAY CONTINUE TO SERVE ALCOHOL AND OFFER NUDE AND/OR TOPLESS EXOTIC DANCING.

Deputy City Attorney Jim Lewis explained the ordinance was presented to Council to clarify some ambiguity in the previous ordinance with regard to grandfathered uses, specifically the Palomino Club and the Satin Saddle.

Allen Lichenstein, 3315 Russell Road, #222, Las Vegas, felt the ordinance changes gave the two establishments a monopoly over the uses for the next eighteen years.

ACTION: AMENDMENTS APPROVED

MOTION: Mayor Pro Tempore Robinson
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

ACTION: ORDINANCE PASSED AND ADOPTED AS AMENDED

MOTION: Mayor Montandon
SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

45. ORDINANCE NO. 1521; AN ORDINANCE TO AMEND ORDINANCE 1164, PRESENTLY CODIFIED IN TITLE 17, CHAPTER 24, SECTION 190, OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR DELETION OF PROVISIONS DUPLICATIVE OF PROVISIONS AT NLVMC CHAPTER 5.47; PROVIDING FOR CLARIFICATION OF LANGUAGE WITH REGARD TO ZONE DISTRICT AND PROXIMITY REQUIREMENTS.

Ordinance No. 1521 as introduced by the City Clerk:

AN ORDINANCE TO AMEND ORDINANCE 1164, PRESENTLY CODIFIED IN TITLE 17, CHAPTER 24, SECTION 190, OF THE NORTH LAS VEGAS MUNICIPAL CODE; PROVIDING FOR DELETION OF PROVISIONS DUPLICATIVE OF PROVISIONS AT NLVMC CHAPTER 5.47; PROVIDING FOR CLARIFICATION OF LANGUAGE WITH REGARD TO ZONE DISTRICT AND PROXIMITY REQUIREMENTS.

Deputy City Attorney Jim Lewis stated this ordinance was to place the same language in the zoning code as was in the previous two ordinances affecting the business licensing sections.

Allen Litchenstein, 3315 Russell Road, #222, Las Vegas, questioned whether the City had prepared a study as to how much space would be available under the zoning scheme for adult businesses. Deputy City Attorney Lewis stated such a study had not been prepared. Mr. Litchenstein asked for an estimate of how much space would be available in M-2 zoning for adult businesses. Deputy City Attorney Lewis stated Mr. Litchenstein could have a zoning map to determine approximate places where the uses would be allowed.

Terry Gordon, 3960 Howard Hughes Parkway #850, Las Vegas, commended the efforts of City Attorney McGowan and Deputy City Attorney Lewis for creating one of the most constitutional standards in the country for adult oriented businesses.

ACTION: AMENDMENTS APPROVED

MOTION: Mayor Montandon
SECOND: Mayor Pro Tempore Robinson
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None
ABSTAIN: None

ACTION: ORDINANCE PASSED AND ADOPTED AS AMENDED

MOTION: Mayor Pro Tempore Robinson
SECOND: Mayor Montandon
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck
NAYS: None
ABSTAIN: None

46. ORDINANCE NO. 1526; 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 R-1 FOR PROPERTY GENERALLY LOCATED NORTH OF WASHBURN ROAD, APPROXIMATELY 100 FEET EAST OF SCOTT ROBINSON BOULEVARD (ZN-67-98, ARROYO GRANDE UNIT 5) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1526 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 R-1 FOR PROPERTY GENERALLY LOCATED NORTH OF WASHBURN ROAD, APPROXIMATELY 100 FEET EAST OF SCOTT ROBINSON BOULEVARD (ZN-67-98, ARROYO GRANDE UNIT 5) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

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

WORK CARD APPEAL

47. REQUEST TO APPEAR, SUBMITTED BY RALF BERREY, TO APPEAL THE DENIAL OF HIS GAMING WORK PERMIT.

ACTION: TABLED TO JUNE 20, 2001.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None

ABSTAIN: None

COUNCIL ITEMS

Councilwoman Smith thanked all involved for making the first International Taste of North Las Vegas a big success.

CITY MANAGER'S REPORT

There was no report.

PUBLIC FORUM

Edna Bright asked for assistance regarding harassment by her neighbors.

Edward Hayes spoke of the need for traffic calming devices on Bangle Street. Public Works Director Jim Bell responded the Traffic Division was conducting a study and would notify Mr. Hayes of the results.

Dorothy Walker requested an update of the Windsor Park property owned by Ronald Anderson that was recently approved for foreclosure proceedings. Mayor Montandon informed Ms. Walker foreclosure proceedings had been initiated.

Ms. Walker then asked when restroom facilities would be installed at Theron Goynes Park. Mayor Montandon responded there was additional land adjacent to the park that was originally slated to be a fire station. Subsequently, Fire Station 55 was placed elsewhere and the Director of Parks and Recreation Ken Albright was researching the possibility of installing a skateboard park and other ideas for the use of that land. When that expansion occurred, those restroom facilities would be installed.

Mike Winne applauded the efforts put forth for the International Taste of North Las Vegas and asked that some of those successful concepts be applied to other programs.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 9:20 P.M.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members
Smith and Buck

NAYS: None
ABSTAIN: None

APPROVED: JULY 5, 2001

/s/ Michael L. Montandon
Mayor Michael L. Montandon

Attest:

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