

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

January 16, 2002

CITY COUNCIL INFORMATION SESSION

CALL TO ORDER

6:45 P.M. City Manager's Conference Room, 2200 Civic Center Drive, North Las Vegas, Nevada

- a. Verification
- b. Discussion of City Council Agenda
- c. Public Comment

CITY COUNCIL MEETING

CALL TO ORDER

7:03 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
Councilman Shari Buck
Councilman Robert Eliason

Excused:

Councilwoman Stephanie S. Smith

STAFF PRESENT

City Manager Kurt Fritsch	Public Works Director Jim Bell
Assistant City Manager Gregory Rose	Fire Department Training Officer James Jackson
Assistant City Manager Dan Tarwater	Detention Services Captain Dan Lake
City Attorney Sean McGowan	Acting Development Services Director Jim Stubler
City Clerk Eileen M. Sevigny	Acting Police Chief Joe Forti
Treasurer Clarence Van Horn	Deputy City Attorney Jim Lewis
Community Development Director Jacque Risner	Public Information Officer Brenda Johnson
Parks & Recreation Director Ken Albright	Assistant City Clerk Karen L. Storms

WELCOME

Mayor Michael L. Montandon

VERIFICATION

Eileen M. Sevigny, CMC
City Clerk

INVOCATION

Pastor Mel Steward
Calvary Community Assembly of God

PLEDGE OF ALLEGIANCE

Mayor Michael L. Montandon

PRESENTATION

Presentation of a donation by Mr. Bill Welter of Buffalo Wild Wings Grill and Bar to the North Las Vegas Fire Department

ACTION: TRAINING OFFICER JAMES JACKSON ACCEPTED DONATION ON BEHALF OF THE NORTH LAS VEGAS FIRE DEPARTMENT

AGENDA

1. APPROVAL OF THE REGULAR NORTH LAS VEGAS CITY COUNCIL MEETING AGENDA OF JANUARY 16, 2002.

Mike Thomas, 8398 San Ramon Drive, Las Vegas, commented the instructions regarding public comment on the agenda were different from the instructions on the City's website. City Clerk Eileen Sevigny stated the error on the website would be corrected immediately.

ACTION: APPROVED AS AMENDED; ITEM NO. 2 WITHDRAWN WITHOUT PREJUDICE; ITEM NO. 3 CONTINUED TO JULY 17, 2002; ITEM NOS. 4 & 5 CONTINUED TO FEBRUARY 20, 2002; ITEM NO. 28 CONTINUED TO MARCH 6, 2002.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

PUBLIC HEARINGS - 7:05 P.M.

2. **AMP-11-01 (TROPICAL/CLAYTON BY PARDEE); AN APPLICATION SUBMITTED BY PARDEE CONSTRUCTION COMPANY, BOSSARD DEVELOPER SERVICES (DIANA BOSSARD), REPRESENTATIVE, TO CHANGE THE COMPREHENSIVE PLAN FROM LOW DENSITY RESIDENTIAL (2 - 4.5 DU/ACRE) TO MEDIUM DENSITY RESIDENTIAL (4.5 - 10 DU/ACRE) FOR APPROXIMATELY 41.61 ACRES LOCATED AT THE SOUTHWEST CORNER OF TROPICAL PARKWAY AND CLAYTON STREET. (CONTINUED FROM JUNE 20 & AUGUST 15, NOVEMBER 21, 2001)**

ACTION: WITHDRAWN WITHOUT PREJUDICE

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

3. **AMP-15-01; AN APPLICATION SUBMITTED BY THE CITY OF NORTH LAS VEGAS TO CHANGE THE MASTER PLAN OF STREETS AND HIGHWAYS BY ADDING RAMP CONNECTIONS TO DONOVAN WAY, NORTH AND SOUTH OF CRAIG ROAD (60 FOOT RIGHT-OF-WAY) AND A MINOR REALIGNMENT OF DONOVAN WAY SOUTH OF CRAIG ROAD. (CONTINUED FROM JULY 18, 2001)**

ACTION: CONTINUED TO JULY 17, 2002

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

4. **APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY AMP-25-01 (5TH AND FARM), AN APPLICATION SUBMITTED BY ROBERT J. GRONAUER ON BEHALF OF FIFTH AND FARM LLC, PROPERTY OWNERS, TO CHANGE THE COMPREHENSIVE PLAN LAND USE DESIGNATIONS OF LOW DENSITY RESIDENTIAL AND MEDIUM HIGH DENSITY RESIDENTIAL TO MEDIUM DENSITY RESIDENTIAL FOR PROPERTY LOCATED EAST OF NORTH 5TH STREET AND APPROXIMATELY 650 FEET NORTH OF TROPICAL PARKWAY**

AND FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND EL CAMPO GRANDE AVENUE. (CONTINUED DECEMBER 5, 2001) (ASSOCIATED ITEM NO. 5; ZN-34-01 & ITEM NO. 6; VAC-16-01)

ACTION: CONTINUED TO FEBRUARY 20, 2002

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

5. **APPEAL OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-34-01 (5TH AND FARM), AN APPLICATION SUBMITTED BY ROBERT J. GRONAUER ON BEHALF OF FIFTH AND FARM LLC, PROPERTY OWNERS, TO CHANGE THE ZONING FROM R-E RANCH ESTATES AND R-2 TWO-FAMILY RESIDENTIAL DISTRICTS TO A PUD PLANNED UNIT DEVELOPMENT DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF NORTH 5TH STREET AND EL CAMPO GRANDE AVENUE. (CONTINUED DECEMBER 5, 2001) (ASSOCIATED ITEM NO. 4; AMP-25-01 & ITEM NO. 6; VAC-16-01)**

ACTION: CONTINUED TO FEBRUARY 20, 2002

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

6. **VAC-16-01 (FIFTH & FARM); AN APPLICATION SUBMITTED BY PHILIP NOURAFCHAR, REPRESENTATIVE ON BEHALF OF FIFTH & FARM LLC, PROPERTY OWNERS, TO VACATE PORTIONS OF RIGHTS-OF-WAY OF HOPE STREET BETWEEN TROPICAL PARKWAY AND CORBETT STREET; AND CORBETT STREET BETWEEN DONNA STREET AND HOPE STREET, AND ASSOCIATED PUBLIC UTILITY EASEMENTS. (ASSOCIATED ITEM NO. 4; AMP-25-01 & ITEM NO. 5; ZN-34-01)**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Jim Stubler stated the item was related to Item Nos. 4 and 5 but was consistent with any development that might be proposed for the subject parcel. Staff recommended approval of the vacation subject to one condition.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED SUBJECT TO THE FOLLOWING CONDITION:

1. That vacation of right-of-way must record concurrently with the final map for the site.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

7. **AMP-29-01 (BELTWAY/I-15, LLC); AN APPLICATION SUBMITTED BY BELTWAY I-15, LLC, PROPERTY OWNER, TO CHANGE THE COMPREHENSIVE PLAN FROM COMMUNITY COMMERCIAL TO RESORT COMMERCIAL, ON THE NORTHWEST CORNER OF INTERSTATE 15 AND THE BELTWAY (I-215).**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Jim Stubler stated at the November 14, 2001 meeting, the Planning Commission considered and unanimously recommended approval of a change to the Comprehensive Plan for the subject site. The site consisted of four parcels with a combination of Resort Commercial and Community Commercial land use designations. The applicant requested all four parcels be granted the same land use designation of Resort Commercial. Staff recommended ratification of the Planning Commission's approval of the subject amendment to the Master Plan.

Bob Gronauer, 3800 Howard Hughes Parkway, 7th Floor, Las Vegas, represented the applicant, Focus Commercial, and urged Council to follow the Planning Commission's and Staff's recommendations.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

and Eliason
NAYS: None
ABSTAIN: None

8. AMP-32-01 (ANN ROAD MULTI-FAMILY); AN APPLICATION SUBMITTED BY INSIGHT HOLDINGS ON BEHALF OF PETERSEN 1994 TRUST, ROYES J. AND GENE C. PETERSEN, PROPERTY OWNERS, TO CHANGE THE COMPREHENSIVE PLAN FROM COMMUNITY COMMERCIAL TO MEDIUM HIGH DENSITY RESIDENTIAL, EAST OF SAN MATEO STREET, APPROXIMATELY 280 FEET NORTH OF ANN ROAD. (ASSOCIATED ITEM NO. 29; ZN-55-01, ORD. NO. 1583)

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Jim Stubler stated at the meeting of November 14, 2001, the Planning Commission considered and recommended approval, by a 5-2 vote, a change to the Comprehensive Plan for the subject site from Community Commercial to Medium Density Residential. Mr. Stubler pointed out the applicant had requested Medium High Density Residential, but the Planning Commission recommended Medium Density Residential. It was recommended Council ratify the Planning Commission's approval of the subject amendment to the Master Plan.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, represented the applicant and stated they concurred with the recommendations of both Staff and the Planning Commission. He stated he had worked diligently with the Northbrook homeowners to arrive at an equitable solution. He felt the proposed plan was a far better plan than the multi-family site with 50% less commercial that was originally planned.

Mayor Montandon closed the Public Hearing.

ACTION: APPROVED TO CHANGE COMPREHENSIVE PLAN FROM COMMUNITY COMMERCIAL TO MEDIUM DENSITY RESIDENTIAL.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

29. ORDINANCE NO. 1583; 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-2 FOR PROPERTY GENERALLY LOCATED EAST OF SAN MATEO STREET, APPROXIMATELY 280 FEET NORTH OF ANN ROAD (ZN-55-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (ASSOCIATED ITEM NO. 8; AMP-32-01)

Ordinance No. 1583 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-1 TO R-2 FOR PROPERTY GENERALLY LOCATED EAST OF SAN MATEO STREET, APPROXIMATELY 280 FEET NORTH OF ANN ROAD (ZN-55-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, stated there was no established site plan for the subject site at that time.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

9. **APPEAL, SUBMITTED BY STEVEN PATEL, PROPERTY OWNER, OF THE PLANNING COMMISSION'S DECISION TO DENY A WAIVER OF THE COMMERCIAL DESIGN STANDARDS REQUIREMENT TO WAIVE CERTAIN LANDSCAPING AND SCREENING REQUIREMENTS FOR SPR-32-01 (CAMINO AL NORTE MEDICAL CENTER); IN AN OFFICE COMMERCIAL DISTRICT LOCATED AT THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD.**

Mayor Montandon opened the Public Hearing.

Acting Development Services Director Jim Stubler stated Staff recommended approval of the appeal. The 30-foot landscaping to be provided along Camino Al Norte was acceptable and when combined with the landscaping proposed along Washburn Road, it provided a consistent and effective landscaped area. Staff also supported the request to use a hedgerow of shrubs in place of decorative screen wall subject to the following condition:

Plant material and density are subject to the Director of

Development Services approval and shall provide sufficient screening upon Certificate of Occupancy to prevent vehicle light infiltration out into the adjoining public roadways.

Steven Patel, 6255 McLeod, Suite 25, Las Vegas, stated he concurred with Staff's recommendations.

Mayor Pro Tempore Robinson questioned if the shrubbery would be mature. Acting Development Services Director Stubler stated the type and density of the shrubbery would be appropriate to provide the proper coverage to filter out the light.

Councilman Eliason questioned why the Planning Commission had denied the requested waivers. Mr. Stubler stated the Planning Commission felt they would be setting a precedent by allowing the requested deviation from the design standards.

Councilman Buck stated she was pleased with the plan and commended the applicant for the design of the project.

Mayor Montandon closed the Public Hearing.

ACTION: WAIVERS APPROVED SUBJECT TO THE FOLLOWING CONDITION:

Plant material and density are subject to the Director of Development Services approval and shall provide sufficient screening upon Certificate of Occupancy to prevent vehicle light infiltration out into the adjoining public roadways.

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

CONSENT AGENDA

10. APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF DECEMBER 17, 2001.

ACTION: APPROVED AS WRITTEN

MOTION: Mayor Pro Tempore Robinson

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

11. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF DECEMBER 19, 2001.

ACTION: APPROVED AS WRITTEN

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

12. APPROVAL OF REGULAR CITY COUNCIL MEETING MINUTES OF JANUARY 2, 2002.

ACTION: APPROVED AS WRITTEN

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

13. APPROVAL OF PRIVILEGED LICENSES (Exhibit A):

	<u>BUSINESS NAME</u>	<u>LICENSE TYPE</u>	<u>ACTIVITY</u>
	<u>CHANGE OWNER - LIQUOR</u>		
1.	Hallmark Trading Co Steve J. Alexander, Pres. DBA: Hallmark Truck Center 1100 E Colton Ave North Las Vegas, Nevada	LIQUOR	Beer & Wine Off Sales Within The Truck Stop Convenience Market
		<u>Pending Final Police Investigation Completions</u> <u>Formerly: Magic Wand Truck Stop (Thomas Vowell, Pres.)</u>	

NEW - LIQUOR

2. Hidden Canyon Grocery Inc LIQUOR Beer & Wine Off Sales
Richard Zachau, Pres. Within Convenience Market
DBA: Hidden Canyon Stop-N-Go
2343 W Gowan Rd, Ste A
North Las Vegas, Nevada
Police Investigation Update Completed
PENDING FINAL BUILDING & FIRE APPROVALS

NEW - GAMING

3. Hot Shots Neighborhood Lounge Inc
Richard Zachau, Pres. GAMING (15) Slot Machines
DBA: Hidden Canyon Lounge State #12390-06
2343 W Gowan Rd, Ste B
North Las Vegas, Nevada
State Gaming Commission Approved 11/19/01
4. Robert Miodunski, Pres. GAMING (7) Slot Machines
DBA: United Coin Machine Co Slot Operator Location: Hidden Canyon Stop-N-Go
600 E Pilot Rd, Ste E
Las Vegas, Nevada
Subject to State Gaming Commission approval scheduled for final consideration on 01/24/02.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

14. **APPROVAL OF REGIONAL TRANSPORTATION COMMISSION SECOND SUPPLEMENTAL INTERLOCAL CONTRACT NO. 360B; OWENS AVENUE - I-15 TO PECOS ROAD FOR THE DESIGN AND RECONSTRUCTION OF EXISTING STREET IMPROVEMENTS ON OWENS AVENUE, I-15 TO EASTERN AVENUE (PHASE I). PHASE II APPLIES TO DESIGN AND RECONSTRUCTION OF EXISTING STREET IMPROVEMENTS ON OWENS AVENUE, EASTERN AVENUE TO PECOS ROAD. THE CITY WILL BE GRANTED AN ADDITIONAL AUTHORIZATION TO PROCEED IN THE AMOUNT OF \$1,634,000 FOR CONSTRUCTION, \$275,000 FOR CONSTRUCTION ENGINEERING, AND \$193,000 FOR DESIGN ENGINEERING AT THE TIME WRITTEN AUTHORIZATION TO PROCEED IS RECEIVED FROM THE REGIONAL**

TRANSPORTATION COMMISSION. (CNLV Contract No. C-4842)

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

15. **APPROVAL OF REGIONAL TRANSPORTATION COMMISSION INTERLOCAL CONTRACT NO. 393; INTERSTATE 15/LAMB BOULEVARD INTERCHANGE FOR IMPROVEMENTS TO INTERSTATE 15 AND THE LAMB BOULEVARD INTERCHANGE CROSSINGS CONSISTING OF COMPLETE RECONSTRUCTION OF THE EXISTING PARTIAL INTERCHANGE INTO A FULL INTERCHANGE WITH CROSSINGS OVER I-15 AND THE UNION PACIFIC RAILROAD TRACKS; RAMPS; DRAINAGE FACILITIES; LIGHTING; TRAFFIC CONTROL DEVICES; SIGNAGE AND STRIPING; AND OTHER APPURTENANCES AS MAY BE NECESSARY. TOTAL COST FOR PRELIMINARY ENGINEERING, DESIGN, CONTRACT ADMINISTRATION, SURVEYING, INSPECTION, TESTING, RIGHT-OF-WAY ENGINEERING, APPRAISALS, RIGHT-OF-WAY NEGOTIATIONS AND ACQUISITION, UTILITY RELOCATIONS, CONSTRUCTION, AND CONSTRUCTION ENGINEERING SHALL NOT EXCEED \$15,000,000. THE PROJECT MUST BE COMPLETED PRIOR TO DECEMBER 31, 2006. (CNLV Contract No. C-5066)**

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

16. **AUTHORIZATION TO STAFF TO NEGOTIATE A CONTRACT TO PROVIDE \$400,000 IN HOME INVESTMENT PARTNERSHIP ACT (HOME) AND/OR LOW INCOME HOUSING TRUST FUND (LIHTF) PROGRAM FUNDS TO THE HOUSING AUTHORITY OF THE CITY OF NORTH LAS VEGAS TO PURCHASE THIRTY (30) VACANT LOTS AND BUILD NEW SINGLE FAMILY HOMES FOR LOW TO MODERATE INCOME RESIDENTS. (CNLV Contract No. C-5067)**

ACTION: APPROVED
MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Eliason
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Buck and Eliason
NAYS: None
ABSTAIN: None

17. VAC-19-01; AN APPLICATION SUBMITTED BY HELLER DEVELOPMENT, ON BEHALF OF BRIARWOOD HOMES, LLC BY HELLER DEVELOPMENT AND FIDELITY DEVELOPMENT L.P., PROPERTY OWNERS, TO VACATE PORTIONS OF FISHER AVENUE, JEWEL SPRINGS COURT, CYPRESS FALLS COURT, CALICO SPRINGS COURT AND AMBER FALLS COURT. (SET PUBLIC HEARING FOR FEBRUARY 20, 2002)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 20, 2002
MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Eliason
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Buck and Eliason
NAYS: None
ABSTAIN: None

18. APPEAL, SUBMITTED BY GEORGE GARCIA, OF THE PLANNING COMMISSION'S DECISION TO DENY ZN-63-01 (CENTENNIAL AND NORTH 5TH STREET), AN APPLICATION SUBMITTED BY GREAT NORTH, PROPERTY OWNER, FOR A RECLASSIFICATION OF PROPERTY FROM AN R-E RANCH ESTATES DISTRICT TO A C-1 NEIGHBORHOOD COMMERCIAL DISTRICT FOR PROPERTY LOCATED AT THE NORTHEAST CORNER OF CENTENNIAL PARKWAY AND NORTH 5TH STREET. (SET PUBLIC HEARING FOR FEBRUARY 20, 2002)

ACTION: PUBLIC HEARING SET FOR FEBRUARY 20, 2002
MOTION: Mayor Pro Tempore Robinson
SECOND: Councilman Eliason
AYES: Mayor Montandon, Mayor Pro Tempore Robinson, Council Members Buck and Eliason
NAYS: None
ABSTAIN: None

BUSINESS

19. APPROVAL TO UTILIZE CITY OF HENDERSON CONTRACT NO. 101-98-99 TO PURCHASE AND INSTALL AN EMERGENCY 911 TELEPHONE SYSTEM FOR THE POLICE DEPARTMENT FROM VERIZON ENTERPRISE SALES IN THE AMOUNT OF \$268,048. (TABLED OCTOBER 17 & NOVEMBER 7, 2001)

Councilman Eliason questioned the necessity for the purchase. Acting Police Chief Joseph Forti stated the system needed to be purchased whether the communications center was relocated or not.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

20. APPROVAL TO AWARD BID NO. 1114; CENTRAL RESERVOIR REPAINTING PROJECT, INCLUDING ADDITIVE ALTERNATE #1, TO BLASTCO, INC. IN THE AMOUNT OF \$433,900 TO REMOVE AND DISPOSE OF EXISTING LEAD AND CHROMIUM BASED PAINT FROM THE EXTERIORS OF RESERVOIRS NO. 1 AND 2 AND FROM THE INTERIOR OF RESERVOIR NO. 1; REPAIR IF NECESSARY AND REPAINT BOTH RESERVOIRS LOCATED IN THE SOUTHEAST CORNER OF CITY VIEW PARK. (CNLV Contract No. C-5068)

Public Works Director Jim Bell explained the bid award was to be changed to delete the additive. The reservoirs would be painted tan in color without multi-colored designs.

ACTION: BASE BID APPROVED (NO ADDITIVE) IN THE AMOUNT OF \$399,900.

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

21. AUTHORIZATION TO THE FINANCE DIRECTOR, OR DESIGNEE, TO PAY THE

SOUTHERN NEVADA WATER AUTHORITY CONNECTION FEE, IN THE AMOUNT OF \$1,357,700, FOR THE PUBLIC GOLF COURSE TO BE LOCATED WITHIN THE NORTH VALLEY ENTERPRISES, LLC, MASTER PLANNED COMMUNITY IN THE CITY OF NORTH LAS VEGAS.

City Manager Kurt Fritsch stated this item was a part of the Development Agreement (Item No. 33 - Ordinance No. 1587). The amount was reimbursable by North Valley Enterprises, LLC.

ACTION: APPROVED

MOTION: Mayor Pro Tempore Robinson

SECOND: Mayor Montandon

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

NAYS: None

ABSTAIN: None

22. **RESOLUTION NO. 2220; A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) JUDICIAL/PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING BUILDING PROJECTS; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF. (SET PUBLIC HEARING FOR FEBRUARY 6, 2002)**

Resolution No. 2220 as introduced by the City:

A RESOLUTION OF INTENT, PROPOSING THE ISSUANCE OF, AND AUTHORIZING THE PUBLICATION OF NOTICES RELATING TO GENERAL OBLIGATION (LIMITED TAX) JUDICIAL/PUBLIC SAFETY BONDS (ADDITIONALLY SECURED BY PLEDGED REVENUES) FOR THE PURPOSE OF FINANCING BUILDING PROJECTS; PROVIDING THE MANNER, FORM AND CONTENTS OF THE NOTICES THEREOF; AUTHORIZING THE FINANCE DIRECTOR TO ARRANGE FOR THE SALE OF THE BONDS; RATIFYING ACTION HERETOFORE TAKEN NOT INCONSISTENT HERewith; PROVIDING OTHER MATTERS PROPERLY

RELATED THERETO; AND PROVIDING THE EFFECTIVE DATE HEREOF.

Mayor Montandon explained this was one step in the sale of the bonds to build the new Municipal Court Administration Building and Police Station.

ACTION: PASSED AND ADOPTED; PUBLIC HEARING SET FOR FEBRUARY 6, 2002.

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

ORDINANCES

INTRODUCTION ONLY

23. **ORDINANCE NO. 1588; 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 AMENDING CONDITIONS OF ORDINANCE NUMBER 1511 (ZN-15-01, MLK-HIGHLANDS BUSINESS PARK), FOR PROPERTY LOCATED WEST OF MARTIN LUTHER KING BOULEVARD, APPROXIMATELY 795 FEET SOUTH OF BROOKS AVENUE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR FEBRUARY 6, 2002)**

Ordinance No. 1588 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 AMENDING CONDITIONS OF ORDINANCE NUMBER 1511 (ZN-15-01, MLK-HIGHLANDS BUSINESS PARK), FOR PROPERTY LOCATED WEST OF MARTIN LUTHER KING BOULEVARD, APPROXIMATELY 795 FEET SOUTH OF BROOKS AVENUE; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR FEBRUARY 6, 2002

24. **ORDINANCE NO. 1589; 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-P FOR PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD (ZN-60-01, CAMINO AL NORTE BUSINESS PLAZA) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR FEBRUARY 6, 2002)**

Ordinance No. 1589 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-1 TO C-P FOR PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF CAMINO AL NORTE AND WASHBURN ROAD (ZN-60-01, CAMINO AL NORTE BUSINESS PLAZA) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR FEBRUARY 6, 2002

25. **ORDINANCE NO. 1590; 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 C-P FOR PROPERTY LOCATED AT 4316 N. DECATUR BOULEVARD (ZN-44-94, JOHN THOMSON) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO. (SET FINAL ACTION FOR FEBRUARY 6, 2002)**

Ordinance No. 1590 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-E TO C-P FOR PROPERTY LOCATED AT 4316 N. DECATUR BOULEVARD (ZN-44-94, JOHN THOMSON) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING

THERETO.

ACTION: INTRODUCTION ONLY; FINAL ACTION SET FOR FEBRUARY 6, 2002

ORDINANCES

FINAL ACTION

26. **ORDINANCE NO. 1579; AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF NORTH LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) STREET REFUNDING BONDS, SERIES 2002; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND PROVIDING FOR THE SALE THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; AND PROVIDING OTHER DETAILS CONCERNING THE BONDS.**

Ordinance No. 1579 as introduced by the City Manager:

AN ORDINANCE AUTHORIZING THE ISSUANCE OF THE CITY OF NORTH LAS VEGAS, NEVADA, GENERAL OBLIGATION (LIMITED TAX) STREET REFUNDING BONDS, SERIES 2002; PROVIDING THE FORM, TERMS AND CONDITIONS OF THE BONDS AND PROVIDING FOR THE SALE THEREOF; PROVIDING FOR THE LEVY AND COLLECTION OF ANNUAL GENERAL (AD VALOREM) TAXES FOR THE PAYMENT OF THE BONDS; AND PROVIDING OTHER DETAILS CONCERNING THE BONDS.

City Manager Fritsch stated this item was to allow the City to refund the bonds at a lower rate on the market if the opportunity arose. City Manager Fritsch stated the option was not being explored for action in the immediate future.

Mayor Montandon questioned if it gave the City a year window to refinance the bonds if interest rates declined. City Treasure Clarence Van Horn stated that was correct.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

27. ORDINANCE NO. 1581; 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 C-1 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND NORTH 5TH STREET (ZN-56-01, CENTENNIAL/NORTH 5TH STREET) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1581 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-E TO C-1 FOR PROPERTY GENERALLY LOCATED AT THE NORTHWEST CORNER OF CENTENNIAL PARKWAY AND NORTH 5TH STREET (ZN-56-01, CENTENNIAL/NORTH 5TH STREET) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Development Services Director Jim Stubler stated on November 28, 2001, the Planning Commission considered and unanimously recommended approval for permanent zoning of the subject application from R-E to C-1 Neighborhood Commercial for approximately 10 acres of land. Staff had recommended the Planning Commission continue the request until after City Council reviewed the Centennial Commercial Corridor Study. Staff recommended Council continue the item until the February 20, 2002 City Council meeting.

Mayor Montandon stated the Centennial Commercial Corridor Study was not yet complete but questioned if the subject corner had ever been considered for anything other than a commercial development. Mr. Stubler stated a certain amount of acreage on the subject corner had always been considered for commercial development.

George Garcia, 2501 Green Valley Parkway, Suite 108, Henderson, stated the proposed plan was in conformance with the current Comprehensive Plan as well as future plans.

Mayor Pro Tempore Robinson questioned if the Centennial Commercial Corridor Study would be reviewed at the February 20, 2002 City Council meeting. Mr. Stubler stated the item for the Amendment to the Master Plan for the Corridor Study was on the next Planning

Commission agenda and an item had been submitted to set the Public Hearing for the City Council meeting to be held February 20, 2002 contingent upon Planning Commission approval.

Mayor Montandon voiced his concern that waiting for the formalized Corridor Study would create further bureaucracy when it was determined that area was slated for commercial development.

Councilman Buck questioned if any other applications for development on that corner had been continued in the past due to the Centennial Corridor Study. Mr. Garcia stated the application in question was the first relative to any commercial development on that corner. He further added this application was the first to comply with both the current Comprehensive Plan and to the future designations as outlined in the Centennial Corridor Study. Mr. Stubler added there was another application already zoned as C-1 on the corner. Councilman Buck asked if the area in question was zoned in the Master Plan as commercial. Mr. Stubler stated it was.

Mayor Pro Tempore Robinson questioned the reasoning behind holding the application when all current and future plans indicated commercial at that corner. Mayor Montandon pointed out Staff was attempting to be consistent with all applications.

Councilman Eliason pointed out the application had been recommended for approval by the Planning Commission; it was not before Council as an appeal.

ACTION: PASSED AND ADOPTED

MOTION: Mayor Pro Tempore Robinson

SECOND: Councilman Eliason

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

NAYS: None

ABSTAIN: None

28. **ORDINANCE NO. 1582; 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 M-2 TO R-1 FOR PROPERTY GENERALLY LOCATED ON THE SOUTHWEST CORNER OF ALEXANDER ROAD AND REVERE STREET (ZN-19-00, CITY OF NORTH LAS VEGAS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

ACTION: CONTINUED TO MARCH 6, 2002.

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

Item No. 29 was heard after Item No. 8.

30. ORDINANCE NO. 1584; 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-2 FOR PROPERTY GENERALLY LOCATED AT ANN ROAD APPROXIMATELY 300 FEET WEST OF VALLEY DRIVE (ZN-53-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1584 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-1 TO R-2 FOR PROPERTY GENERALLY LOCATED AT ANN ROAD APPROXIMATELY 300 FEET WEST OF VALLEY DRIVE (ZN-53-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Development Services Director Jim Stubler explained at the meeting of November 28, 2001, the Planning Commission considered and unanimously recommended approval for permanent zoning of the subject application from R-1 Single Family Residential District to an R-2 Single Family Residential District for approximately 5.2 acres of land. The Comprehensive Plan designated the subject site as Medium Density Residential. The R-2 zoning request was consistent with that designation of Medium Density Residential. Staff recommended approval of the subject ordinance.

ACTION: PASSED AND ADOPTED.

MOTION: Councilman Buck

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

31. **ORDINANCE NO. 1585; 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 AT THE NORTHEAST CORNER OF ANN ROAD AND SAN MATEO STREET (ZN-52-01, ANN ROAD COMMERCIAL CENTER) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.**

Ordinance No. 1585 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-1 TO C-2 FOR PROPERTY GENERALLY LOCATED AT THE NORTHEAST CORNER OF ANN ROAD AND SAN MATEO STREET (ZN-52-01, ANN ROAD COMMERCIAL CENTER) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Acting Development Services Director Jim Stubler explained at the meeting of November 28, 2001, the Planning Commission considered and unanimously recommended approval for permanent zoning of the subject application from R-1 Single Family Residential District to C-2 General Commercial District for approximately 5.2 acres of land. The Comprehensive Plan had designated the subject site as Community Commercial.

Councilman Buck questioned why the application was for C-2 zoning. Mr. Stubler stated the Planning Commission recommended approval of that zoning. Councilman Buck then asked if Council could approve C-1 zoning. Mr. Stubler stated that decision was within Council's authority. City Attorney McGowan further added a less intense zoning designation could be acted upon by Council.

Councilman Eliason questioned what zoning designation the property to the west of the subject application was. Mr. Stubler stated it was a PUD designation with an underlying zoning of C-2.

ACTION: PASSED AND ADOPTED AS AMENDED; PROPERTY RECLASSIFIED TO C-1 ZONING.

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

32. ORDINANCE NO. 1586; 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-2 FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE (ZN-54-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1586 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-1 TO R-2 FOR PROPERTY GENERALLY LOCATED ON THE NORTHWEST CORNER OF ANN ROAD AND VALLEY DRIVE (ZN-54-01, INSIGHT HOLDINGS) AND PROVIDING FOR OTHER MATTERS PROPERLY RELATING THERETO.

ACTION: PASSED AND ADOPTED

MOTION: Councilman Eliason

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

33. ORDINANCE NO. 1587; AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REGARDING THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND NORTH VALLEY ENTERPRISES, L.L.C. FOR THE DEVELOPMENT OF LAND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Ordinance No. 1587 as introduced by the City Manager:

AN ORDINANCE OF THE CITY OF NORTH LAS VEGAS REGARDING THAT CERTAIN DEVELOPMENT AGREEMENT BETWEEN THE CITY OF NORTH LAS VEGAS AND NORTH VALLEY ENTERPRISES, L.L.C. FOR THE DEVELOPMENT OF LAND AND PROVIDING OTHER MATTERS PROPERLY RELATING THERETO.

Assistant City Manager Gregory Rose explained in June of 2001, Staff was directed to negotiate a development agreement with North Valley Enterprises, LLC for the purpose of identifying the terms and conditions under which the first phase of the 7,500 acres would be developed. On December 19, 2001, Council was briefed on the proposed agreement and it was subsequently introduced as an ordinance.

Dan Naef, Vice President of American Nevada Corporation, 901 North Green Valley Parkway, Henderson, stated affiliates of the American Nevada Corporation and the Del Webb Corporation joined forces to create North Valley Enterprises. North Valley Enterprises owned the 1,905 acres that was auctioned by the Bureau of Land Management on May 9, 2001. The goal of North Valley Enterprises was to develop the 1,905 acres into a master planned community. The community would include two residential villages, including an age restricted village with up to 2,600 dwelling units. This age restricted village, totaling approximately 400 acres would be developed by the Del Webb Corporation. This community would be positioned around the master planned community's golf course park and would include an 18,000 square foot recreation center. Del Webb projected to close the first home to the first resident by the end of 2002. The second village would be a family village with up to 4,900 dwelling units and would include approximately 22 subdivisions on approximately 750 acres. The entire first phase of single family detached homes consisting of eight subdivisions on approximately 250 acres was under contract with National Home Builders who would construct homes on lots ranging from 4,000 square feet to over 8,500 square feet. It was anticipated a wide range of homes would be available to the public by the second quarter of 2003. Several of the home sites would include views and direct access to the community's open space trail system and parks. In addition to the two residential villages, the master plan included approximately 100 acres of commercial land including a gaming/resort hotel, two anchored neighborhood shopping centers, the community's home finding center and other commercial uses. Furthermore, the master planned community would be home to two elementary schools, one middle school and various public facility sites including a fire station, a City public facility site, and a library site. The proposed land plan contemplated a realignment of the beltway and interchanges that would result in significant savings to the taxpayers yet still provide adequate and efficient vehicular service.

Ed Lubbers, 2500 West Sahara, Las Vegas, special counsel with regard to the

Development Agreement, read the amendments to the document into the record:

Page 1 - First paragraph - ~~2001~~ replaced with 2002.

Page 2 - Definitions - New definition added: Affected Open Space has the meaning given to it in Section 5.03. (Sections 1.03 - 1.96 renumbered accordingly.)

Page 4 - Section 1.29 strike: ~~of even date herewith~~ Add: dated January 16, 2002

Page 9 - Section 1.90 added: "State" means the State of Nevada.

Page 9 - Section 1.91 added: "State Land" has the meaning given to it in Section 3.01.

Page 11 - Section 2.04 add: and the Subsequent Approvals

Page 12 - Section 2.08 strike: ~~Developer to provide language.~~

Page 19 - Section 2.20 strike ~~maybe~~

Page 20 add: and "Landscape" in Section 7.3 (the Architectural Guidelines shall provide that the front of ~~all residential houses~~ each residential house, excluding houses in the Active Adult Village, shall be landscaped by Developer/Builder prior to _____): prior to the issuance of the Certificate of Occupancy therefor. Developer shall cause the front yard landscaping for each house in the Active Adult Village to be installed not later than 120 days following the first occupancy of that property.)

New paragraph added: With respect to the Active Adult Village, the exterior architectural elements therein will be subject to architectural review by the Director solely for the purpose of confirming compatibility with the overall architectural character of the Master Planned Community.

Page 21- Section 3.01 add: all Public Use Acreage, other than land for the State.

Page 21- Section 3.01 strike: ~~State of Nevada~~

Page 22 - Changes as follows: ~~If Developer is required to dedicate Public Use Acreage to the State of Nevada, Developer, with prior written notice to the City, but with approval on the part of the City, may eliminate, on an acre for acre basis; The City discussed with the State prior to the Auction the receipt by the State of up to twenty-five (25) acres of Public Use Acreage currently identified within the Property for a State office facility (the "State Land). Developer is attempting to negotiate with the State and has not shown any State~~

Land on the Land Use Plan by converting. Unless agreed to by the State, the State Land may be comprised of a reallocation of five (5) acres from Parcel 68, the acres included in the Affected Open Space, and acres from Parcels 64 and/or 43, as Developer shall elect.

The five (5) acres for exclusion from Parcel 68 shall be as designated by the City but, in any event, shall be contiguous and readily developable as part of the Master Planned Community. Promptly after the identification by the City of the area to be excluded from Parcel 68, and the determination by Developer of the reallocation of Public Use Acreage from parcels 64 and/or 43, Developer shall submit to the City a revised Land Use Plan showing the State Land which shall be reviewed by the Director solely to confirm compliance with the Master Studies and the applicable Code provisions. Any duty on the part of Developer to convey the State Land to the State shall be conditioned upon: (i) the agreement of the State to use the State Land only for uses that are compatible with the Master Planned Community; and (ii) the agreement of the State that it is accepting the State Land in "as is" condition, without the benefit of any infrastructure improvements.

In no event shall the City be required to accept for filing any improvement plans for Parcel 69 until the first of the following to occur:

- (a) the submittal by Developer to the City of a revised Land Use Plan that identifies all or a portion of Parcel 64 and/or the Golf Course Park to an area for residential development 69 as being State Land: or
- (b) the receipt by the City of written notice from the State, or other evidence reasonably satisfactory to the City thereof, that the State will not pursue a site on the Property under the terms set forth above.

Pam Wilcox, representing the State of Nevada, stated the State had been seeking land for future State office buildings in all of the areas being sold under the Southern Nevada Public Land Management Act. Ms. Wilcox stated she had been working with the City over the past two years and rather than having land set aside through the Recreation and Public Purposes Act, they were attempting to work through the master planning process so the land could be sold in a solid block and the State's needs would be accommodated. Ms. Wilcox stated the process had progressed well however, a letter had been sent to the City expressing concern over the previous version of the plan which did not show the portion of land set aside for the State. Ms. Wilcox stated there had been a provision added to the Development Agreement adding back in the State land in parcel 69. On January 15, 2002, a representative from the developer had contacted the State regarding acquiring the parcel of Bureau of Land Management land immediately north of the 1,900 acres on Decatur Boulevard. Ms. Wilcox stated that parcel would work very well for the State and a conceptual agreement had been reached with the developers moving toward the use of that land. Once the specifics had been determined, the City would be notified of the State's

intent.

Mr. Lubbers continued with the amendments to the Development Agreement:

Page 23 - Section 3.03 (Second paragraph), add: taking into account the uses shown on the Land Use Plan, that a police substation is will not currently be required on the Property in order to provide police protection to all of the persons and property within the Master Planned Community.

Page 25, Section 4.01 (a) Strike: ~~annual~~

Page 26, Section 4.01 (e) is amended as follows: Maintenance standards and operating requirements shall be established by Developer, ~~notwithstanding, with the City agrees to contribute~~ contributing to the maintenance costs the portion of ~~any~~ real estate taxes, ~~if any,~~ which may be assessed, collected and distributed to the City ~~to the maintenance costs.~~

~~(f) Developer shall have the right, at any time, to assign its leasehold interest and sell~~
(f) Developer shall have the right, at any time, to sell its leasehold interest in

~~(g) Ownership of the The Golf Course Park Acreage and the improvements thereon shall at all times be held owned and controlled by the City, subject to the other terms of this Section.~~

Page 27, Section 4.02 strike: ~~including, without limitation, the preferential rate structure as set forth in Section 4.01 above.~~

Page 30, Section 5.03: The Recreational Trails shall be ~~asphalt concrete~~ concrete subject to, and except as otherwise provided in the Development Standards;

Notwithstanding any provision of this Agreement to the contrary, Parcel 61, in its entirety, and that portion of Parcel 59 that is located between Parcel 20 and the Northern Beltway from Parcel 70 to Parcel 35 (the "Affected Open Space"), as shown on the Land Use Plan, are hereby eliminated, and the area covered thereby shall become a part of the contiguous Parcels. The Public Use Acreage that was included within the Affected Open Space shall be reallocated, as Developer shall elect, (i) to the State Land, (ii) to an enlargement of Parcel 64, or (iii) to a combination of (i) and (ii). Promptly after determining the reallocation of the Affected Open Space, Developer shall submit to the City a revised Land Use Plan which shall be reviewed by the Director solely to confirm compliance with the Master Studies and applicable Code provisions. That portion of Parcel 59 between Parcels 20 and 35 shall remain Open Space, but there shall be no obligation on the part of Developer to improve such Open Space with a Recreational Trail or lighting, it being understood that such Open Space shall serve predominantly as a drainage swale. Such

Open Space shall be landscaped in accordance with the Development Standards.

Page 37, Section 11.04 strike: ~~State of Nevada~~

Page 40, Section 12.02 add: Developer shall reimburse to the City all reasonable and customary (in Clark County, Nevada) third-party costs that the City incurs directly with respect to a local improvement district.

Page 40, Section 13.01 strike: ~~and Section 3.01 herein~~

Page 40, Section 14.01 amend: ~~The~~ Except as to those provisions of this Agreement which specifically provide for a longer duration, the

Page 42, Section 14.04 add: The burdens of this Agreement bind, and the benefits of this Agreement inure to, the parties' respective permitted assignee(s) and successors in interest; except, however, that this Agreement shall terminate without the execution or recordation of any further document or instrument as to any portion of the Property which has been subdivided, and with respect to which a Certificate of Occupancy (or comparable City authorization) has been issued that allows the use and occupancy of the improvements thereon for residential purposes. In addition, a tenant under a lease for any portion of the Property, which lease has a term of less than fifty (50) years, including options, shall not have the right to enforce this Agreement against the City.

Page 43, Section 14.07 strike: ~~State of Nevada~~

Page 46, Section 14.13 add: Except for those provisions, which, by their express terms, apply to multiple parcels on an aggregate basis, terms of this Agreement shall be applied, administered and enforced on a severable basis against each legally subdivided lot created from the Property. Without limiting the generality of the foregoing, a violation of this Agreement shall not subject any lot within the Property (or the owner of any such lot) to liability or any other applicable remedy except to the extent that the violation involves such lot and/or is caused by such owner. The breach of any aggregate limitation by the cumulative development of more than one lot shall be deemed a violation solely with respect to the lot(s) which development causes such limit to be exceeded.

Page 46, Section 14.14: Manner of Acting. In their respective administration of and performance under this Agreement. 14.14 Consent, Approval and Mutual Agreement. Where a matter is subject to the "mutual agreement" of the City and the Developer, the parties shall not unreasonably withhold, condition or delay such agreement [Scope of reasonableness standard under consideration.] shall each act reasonably. The aforesaid duty to act reasonably shall not, by reason of this Agreement, modify the standard of review otherwise applicable as to matters and actions not expressly covered by this Agreement

(even if such matters or actions directly relate to or impact the Property or the Master Planned Community). By way of example but not limitation, City actions that are not covered by this Agreement (and would not, by reason of this Agreement, be subject to a standard of reasonableness) would include consideration by the City of an application for the installation of the sixth or any subsequent Telecommunication Tower on the Property (which consideration has been expressly excluded from coverage of this Agreement) or the consideration by the City of an application for a special use permit for a commercial enterprise on the Property except in those circumstances in which the special use permit requirement has been expressly waived or modified by this Agreement.

Page 47, Signature Page: ~~City~~ CITY OF NORTH LAS VEGAS

Page 50, Exhibit "H" Character of Improvements For Themed Area amended: ~~The Programmable Park designated for Parcel 67 on the Land Use Plan shall be twenty (20) acres and shall serve as the signature park for The "Themed Area" shall be improved to create a sense of arrival that announces to the public that they are entering the Master Planned Community. Most of this signature park shall contain programmable amenities fairly typical of other parks within the City and similar to the amenities intended for the programmable parks on Parcels 65 and 66. However a portion of this signature park (the "Themed Area") shall be improved to create a theme for the entire Master Planned Community, establishing a unique sense of arrival that announces to the public that they are entering their "community of choice". Prior to construction of this signature park the Signature Park, Developer shall submit to the City definitive improvement plans for this signature park the Signature Park with a separate set of definitive plans for the Themed Area, which Themed Area plans shall be approved so long as they are consistent with the concepts described above and as follows:~~

1. The Themed Area shall not exceed ~~Five (5)~~ Eight (8) Acres.
2. The improvements utilized in the Themed Area shall not create ~~a high an unreasonable~~ an unreasonable maintenance responsibility on the City (after dedication), or expose the City to an increased unreasonable risk of liability (after dedication), as determined by the City in consultation with Developer and the City's outside park and recreation consultant, all acting reasonably. (The City acknowledges that a man-made lake could satisfy the standard set forth in this Paragraph 2.)
3. The Themed Area shall ~~be contain passive and non-passive elements~~ contain passive and non-passive elements and provide recreational opportunities for ~~all age groups unlike those found in other public or private parks in Southern Nevada.~~ multiple age groups.
4. ~~The entirety of The respective elements within the Themed Area shall be homogenous and linked together, resulting in an environment that promotes learning~~

~~and discovery and reflects a unique experience. linked together.~~

5. The Themed Area shall ~~carry forward~~ compliment the theme of the entire Master Planned Community.

The City agrees that improvement plans for the Themed Area would satisfy the concepts and standards set forth above provided:

- A. The improvement plans are substantially consistent with the concept plan for the Themed Area prepared by URS Corporation, dated January 4, 2002, titled "20 Acre Park Concept" (the "Concept Plan"), consisting of one page, (which is on file in the Office of the City Clerk for the City.
- B. The City has approved the improvement plans; and
- C. The City has approved the design of the lake shown thereon.

The City is not opposed to adopting an ordinance amending Section 13.12.030 of the Code to make the lake shown thereon exempt from Sections 13.12.010 and 020 of the Code and amending such other Code sections, if any, as may be necessary to allow the development of such lake, without cost or condition other than those costs and conditions that are applicable on the Effective Date to generally comparable man-made lakes that are exempt from Title 13. It is understood, however, that Developer has not, by this Agreement, agreed to improve the Themed Area in accordance with the Concept Plan. -6- That portion of the Parks Cap that can be spent on the Themed Area is One Million Three Hundred Thousand (\$1,300,00) Dollars.

Page 5 Exhibit "A" Development Standards, amended: The Recreational Trails shall be ~~asphalt concrete (excluding the desert arroyo).~~ Certain shall be lighted as described in the Development Standards.

Page 18, Section 3.7 amended: Access shall consist of a five-foot wide concrete path. ~~paved with asphalt.~~

Page 43, Add Section 4.19.26: Decorative concrete light poles will be utilized on all internal Arterial and Collector Streets (excluding Residential Collector Streets), in lieu of the City's standard galvanized light pole. The Developer shall submit a concrete light pole standard to the City for review and approval.

Page 45, Section 5.3.4 amended: Linear Parks located adjacent to Simmons Street and Elkhorn Road only will also include a minimum average of 138 1-gallon shrubs and 138 5-gallon shrubs for every 10,000 square feet of Linear Park. Linear Parks located adjacent

to all other Arterial and Collector Streets (excluding Residential Collector Streets) will also include a minimum average of ~~248~~ 193 1-gallon shrubs, and ~~27~~ 83 5-gallon shrubs for every 10,000 square feet of Linear Park. Such averages shall be calculated over a distance of 1,000 lineal feet of Linear Park. Linear Parks located adjacent to all Arterial and Collector Streets (excluding Residential Collector Streets), shall include a minimum average of 20 percent turf for every 10,000 square feet of Linear Park along each roadway. ~~Turf islands may also be incorporated into the Linear Park landscaping, however the t~~Turf islands shall have a minimum width of 5 feet.

Page 47, Section 5.4.7 amended: As presented in Exhibit 32 in the Appendix, pedestrian Emergency Access shall have a 5-foot minimum width concrete ~~or asphalt~~ path. As an alternative (as presented in Exhibits 63 and 64), one 24-foot wide emergency vehicle ingress and one 24-foot wide egress shall be provided to access the 8-foot wide ~~asphalt~~ concrete path within the Open Space, or one 24-foot wide ingress and one turn-around with a minimum diameter of 96 feet shall be provided to access the 8-foot wide ~~asphalt~~ concrete path within the Open Space.

Page 47, Section 5.5.1 amended: Recreational Trails shall have a minimum ~~asphalt~~ concrete trail width of 8 feet.

Mayor Montandon pointed out the original Master Plan of Streets and Highways indicated bridges over the top of both Valley Drive and Allen Lane. The modified land use plan presented to Council showed one street created from the alignment and convergence of both Valley Drive and Allen Lane, south of the beltway. A full interchange was planned for Simmons Street as the center point of the beltway construction. The construction of a bridge over the top of the beltway at Valley Drive and Allen Lane had not been negotiated with the County and it would not be the City's responsibility to install the street. As future traffic studies warranted, it would be required of the developer to negotiate the installation of the street and/or bridge with the County.

City Attorney Sean McGowan stated there was an additional correction to the ordinance. The second introductory paragraph was amended to read, "WHEREAS, on ~~November 5, 2001~~, January 9, 2002".

ACTION: AMENDMENTS TO ORDINANCE NO. 1587 APPROVED.

MOTION: Mayor Montandon

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

ACTION: ORDINANCE NO. 1587 PASSED AND ADOPTED AS AMENDED.

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

APPOINTMENT

34. APPOINTMENT BY COUNCILMAN ELIASON TO THE CIVIL SERVICE BOARD OF TRUSTEES FOR THE TERM ENDING JUNE 30, 2005. (TABLED DECEMBER 19, 2001)

ACTION: TABLED TO FEBRUARY 6, 2002.

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

COUNCIL ITEMS

There were no additional items.

CITY COUNCIL BOARD UPDATES

- **Las Vegas Convention & Visitors Authority**

Mayor Montandon stated there was a ribbon cutting ceremony for the grand opening of the new south hall of the Convention Center.

- **Clark County District Board of Health**

Had not met.

- **Southern Nevada Regional Planning Coalition**

Had not met.

- **Clark County Regional Transportation Commission**

Councilman Buck stated the para transit rates would be raised from \$1.00 to \$1.50.

- **Clark County Regional Flood Control District**

Mayor Montandon questioned when the flood control project located near Losee Road north of Craig Road was scheduled to begin based on the Flood Control District's Capital Improvement Plan. Public Works Director Bell believed the construction was scheduled to begin in 2006. He added the design phase would begin very soon. Mayor Montandon then asked if a private funding source were identified, could the project begin sooner with reimbursement from the District. Director Bell responded that was a possibility but the project was expected to cost approximately \$35 million.

- **North Las Vegas Housing Authority**

Mayor Pro Tempore Robinson stated the Housing Authority continued in their attempts to acquire the Thunderbird Apartments.

- **Southern Nevada Water Authority**

Councilman Buck stated the Capital Improvement Plan was adopted and would be before Council at the February 6, 2002 Council meeting. The plan would enable the Water Authority to negotiate for ownership interest in two gas power plants for a total of 250 megawatts of energy. The Water Authority also adopted the Southern Nevada Water Systems Operating Plan which covered a three year period. Based on information provided by the purveyors, the maximum daily demand for 2002 was projected to be 585 million gallons of water.

- **Colorado River Commission**

Councilman Buck stated under SB211, the Colorado River Commission was given the authority to purchase power for the Southern Nevada Water Authority's purveyors. The Commission authorized a payment of \$30,000 to Nevada Power to determine if transmission lines were available if the Commission were to purchase power elsewhere at a lower rate.

- **Nevada Development Authority**

Mayor Pro Tempore Robinson stated the proposed medical school had become a controversial issue that would be continuing for quite some time. He added the term for the Chairman of the Nevada Development Authority was extended for one year.

- **Debt Management Commission**

Mayor Montandon stated a Mesquite bond issuance was approved as well as the North Las Vegas bond issuance for the construction of the Justice Center.

CITY MANAGER'S REPORT

Assistant City Manager Dan Tarwater presented Council with an update on the status of utility billing services. Both long term and short term improvements were researched. There were several procedures being initiated to minimize the lines at City Hall for utility customers. Four temporary employees were hired to assist with counter service and to man the phone banks. Equipment had been ordered to accept credit card and check debit card payments. The automated phone system had been streamlined through Sprint. Western Union had been contracted to provide 29 pay centers through various vendors throughout the City beginning January 29, 2002. Both recreation centers and the Maintenance Operations Building would also begin accepting utility payments. Two grocery store chains had been contacted to accept utility payments. Additional customer service representatives had been instructed to open additional windows when there were more than six customers in line. Mr. Tarwater was confident these short term improvements would make a significant impact on the amount of wait time for utility billing customers. He stated Council would be briefed on proposed long term improvements.

PUBLIC FORUM

Trey Stewart, 770 Lone Mountain Road, questioned the application of the Open Meeting Law and asked for clarification on when the public could speak at City Council meetings.

Jack Fetters, 5445 Escallonia Street, Las Vegas, was concerned for the safety of motorists crossing the railroad tracks at Donovan and Mitchell Streets. He was referred to Jim Bell for further information.

Mike Thomas, 8398 San Ramon, Las Vegas, spoke of Open Meeting Law issues, arbitration issues and requested an inventory of his property from the Police Department.

ADJOURNMENT

ACTION: THE MEETING ADJOURNED AT 8:57P.M.

MOTION: Councilman Buck

SECOND: Mayor Pro Tempore Robinson

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

NAYS: None

ABSTAIN: None

APPROVED: February 6, 2002

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

Attest:

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